

Department of Legislative Services
Maryland General Assembly
2020 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1445
Judiciary

(Delegate Mosby, *et al.*)

Controlled Dangerous Substance Testing - Correctional Services and Medical
Laboratories

This bill prohibits a laboratory, physician, or any other person from revealing the use of a legal nonprescription drug or a medically prescribed drug in the course of obtaining information for, or as a result of, conducting parole, probation, or mandatory supervision-related controlled dangerous substance (CDS) testing for an authorized correctional official or probation officer. The use of a medically prescribed drug may be revealed if the individual being tested is unable to establish that the drug was medically prescribed. If any of this prohibited information is revealed to an authorized correctional official or probation officer, that official or officer is prohibited from using it.

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State finances or operations.

Local Effect: The bill is not anticipated to materially affect local government finances or operations.

Small Business Effect: None.

Analysis

Current Law/Background: Section 17-214 of the Health-General Article, which governs job-related alcohol and CDS testing, prohibits a laboratory, physician, or any other person from revealing to an employer information about the use of a legal nonprescription drug, excluding alcohol, or the use of a medically prescribed drug, unless the person being tested is unable to establish that the drug was medically prescribed.

This prohibition does not apply to the extent that it prevents a person from complying with the federal Commercial Motor Vehicle Safety Act of 1986 and federal Motor Carrier Safety Regulations. The prohibition also does not apply if, prior to the administration of a preliminary screening for CDS, the test operator notifies the applicant that if the preliminary test is positive, the applicant may voluntarily disclose and provide documentation to the operator that the applicant is taking a legally prescribed medication.

Probation, Parole, and Release on Mandatory Supervision

Probation is a disposition that allows an offender to remain in the community, frequently requiring compliance with certain standards and special conditions of supervision imposed by the court. A court has broad authority to impose reasonable conditions to fit each case. Drug testing is a typical condition of probation.

In general, parole is a discretionary and conditional release from imprisonment determined after a hearing for an inmate who is eligible to be considered for parole. If parole is granted, the inmate is allowed to serve the remainder of the sentence in the community, subject to the terms and conditions specified in a written parole order.

Release on mandatory supervision is a conditional release from confinement. An individual on mandatory supervision is subject to (1) all laws, rules, regulations, and conditions that apply to parolees and (2) any special conditions established by a parole commissioner.

Additional Information

Prior Introductions: None.

Designated Cross File: None.

Information Source(s): Maryland Department of Health; Department of Public Safety and Correctional Services; Department of Legislative Services

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af/jc

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