

vessels while under the influence of drugs, controlled dangerous substances, or alcohol.

BY repealing and reenacting, with amendments,

Article - Courts and Judicial Proceedings

Section 10-308

Annotated Code of Maryland

(1998 Replacement Volume)

BY repealing and reenacting, with amendments,

Article - Natural Resources

Section 8-738

Annotated Code of Maryland

(1990 Replacement Volume and 1998 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

**Article - Courts and Judicial Proceedings**

10-308.

(a) The evidence of the analysis does not limit the introduction of other evidence bearing upon whether the defendant was intoxicated or whether the defendant was driving while under the influence of alcohol, while so far under the influence of any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a vehicle safely, or while under the influence of a controlled dangerous substance.

(b) The results of a test or tests to determine the drug or controlled dangerous substance content of a person's blood:

(1) Are admissible as evidence in a criminal trial only in a prosecution [under] FOR A VIOLATION OF § 21-902 of the Transportation Article, § 8-738 OF THE NATURAL RESOURCES ARTICLE, or [a violation of] Article 27, § 388, § 388A, or § 388B of the Code and only if other admissible evidence is introduced that creates an inference that the person was ~~driving~~:

(I) DRIVING or attempting to drive while so far under the influence of any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person could not drive a vehicle safely, or while under the influence of a controlled dangerous substance; OR

(II) OPERATING OR ATTEMPTING TO OPERATE A VESSEL WHILE THE PERSON WAS SO FAR UNDER THE INFLUENCE OF ANY DRUG, ANY COMBINATION OF DRUGS, OR A COMBINATION OF ONE OR MORE DRUGS AND ALCOHOL THAT THE PERSON COULD NOT OPERATE A VESSEL SAFELY, OR WHILE UNDER THE INFLUENCE OF A CONTROLLED DANGEROUS SUBSTANCE; and