

**Article – State Personnel and Pensions**

**SUBTITLE 6. STATE SUBSTANCE ABUSE POLICY.**

3-601.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) "EMPLOYEE" MEANS AN INDIVIDUAL WHO IS SUBJECT TO THE STATE SUBSTANCE ABUSE POLICY.

(3) "PROBATION BEFORE JUDGMENT" MEANS AN ENTRY OF PROBATION BY A COURT IN ACCORDANCE WITH ARTICLE 27, § 641 OF THE CODE.

(4) "STATE SUBSTANCE ABUSE POLICY" MEANS THE POLICY AGAINST SUBSTANCE ABUSE IN STATE GOVERNMENT, AS SET OUT IN EXECUTIVE ORDER NUMBER .01.01.1991.16 AND ANY SUBSEQUENT EXECUTIVE ORDER.

(B) THIS SUBTITLE MAY NOT BE CONSTRUED TO ELIMINATE OR ALTER IN ANY WAY ANY REQUIREMENT OF AN EMPLOYEE TO REPORT TO AN APPOINTING AUTHORITY AN OFFENSE, CONVICTION, OR PROBATION BEFORE JUDGMENT UNDER THE STATE SUBSTANCE ABUSE POLICY.

(C) AN APPOINTING AUTHORITY:

(1) MAY NOT CONSIDER PROBATION BEFORE JUDGMENT FOR AN OFFENSE TO BE A CONVICTION FOR PURPOSES OF THE STATE SUBSTANCE ABUSE POLICY; AND

(2) MAY IMPOSE APPROPRIATE DISCIPLINARY ACTION, UP TO AND INCLUDING TERMINATION, AGAINST AN EMPLOYEE IF THE APPOINTING AUTHORITY CAN DEMONSTRATE A RELATIONSHIP BETWEEN THE OFFENSE FOR WHICH THE EMPLOYEE WAS GRANTED PROBATION BEFORE JUDGMENT AND THE EMPLOYEE'S JOB RESPONSIBILITIES.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1995.

Approved May 25, 1995.

---

**CHAPTER 626**

**(House Bill 530)**

AN ACT concerning

**Chesapeake Bay Critical Areas ~~Area – Development~~ ~~Bank Credits~~ Marinas – Water Quality Protection**

FOR the purpose of allowing an applicant seeking project approval for marina