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By: Senator Boozer	
Introduced and read first time: January 19, 1998	
Assigned to: Judicial Proceedings	
Committee Report: Favorable	
Senate action: Adopted	
Read second time: March 17, 1998	
	CHAPTER

1 AN ACT concerning

2 Drunk Driving - Alcohol Concentration - Blood Test

- 3 FOR the purpose of authorizing the administration of a blood test to determine
- 4 alcohol concentration if a person qualified to administer a breath test is not
- 5 available; and generally relating to drunk driving and the administration of a
- 6 blood test to determine alcohol concentration.
- 7 BY repealing and reenacting, without amendments,
- 8 Article Courts and Judicial Proceedings
- 9 Section 10-304(a)(3)
- 10 Annotated Code of Maryland
- 11 (1995 Replacement Volume and 1997 Supplement)
- 12 BY repealing and reenacting, with amendments,
- 13 Article Courts and Judicial Proceedings
- 14 Section 10-305
- 15 Annotated Code of Maryland
- 16 (1995 Replacement Volume and 1997 Supplement)
- 17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
- 18 MARYLAND, That the Laws of Maryland read as follows:

1 Article - Courts and Judicial Proceedings

- 2 10-304.
- 3 (a) "Qualified person" means a person who has received training in the
- 4 use of the equipment in a training program approved by the toxicologist under the
- 5 Postmortem Examiners Commission and who is either a police officer, a police
- 6 employee, an employee of the office of the Chief Medical Examiner, or a person
- 7 authorized by the toxicologist under the Postmortem Examiners Commission.
- 8 10-305.
- 9 (a) The type of test administered to the defendant to determine alcohol
- 10 concentration shall be the test of breath except that the test of blood shall be the type
- 11 of test administered if:
- 12 (1) The defendant is unconscious or otherwise incapable of refusing to
- 13 take a test to determine alcohol concentration;
- 14 (2) Injuries to the defendant require removal of the defendant to a
- 15 medical facility; or
- 16 (3) The QUALIFIED PERSON AS DEFINED IN § 10-304 OF THIS SUBTITLE
- 17 OR equipment for administering the test of breath is not available.
- 18 (b) The type of specimen obtained from the defendant for the purpose of a test
- 19 or tests to determine drug or controlled dangerous substance content shall be a blood
- 20 specimen.
- 21 (c) Any person who is dead, unconscious, or otherwise in a condition rendering
- 22 him incapable of test refusal shall be deemed not to have withdrawn consent.
- 23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 24 October 1, 1998.