

DETERMINING DRUG OR CONTROLLED DANGEROUS SUBSTANCE
CONTENT OF THE PERSON'S BLOOD, THE SPECIMEN OF BLOOD SHALL BE
TAKEN WITHIN 2 3 HOURS AFTER THE PERSON ACCUSED IS
APPREHENDED.

10-304.

(a) (1) In this section the following words have the meanings indicated.

(2) "Qualified medical person" means any person permitted by law ~~OR BY REGULATION OF THE SECRETARY OF HEALTH AND MENTAL HYGIENE OR THE SECRETARY'S DESIGNEE~~ to withdraw blood from humans.

(3) "Qualified person" means a person who has received training in the use of the equipment in a training program approved by the toxicologist under the Postmortem Examiners Commission and who is either a police officer, a police employee, [or] an employee of the office of the Chief Medical Examiner, ~~OR A PERSON AUTHORIZED BY THE TOXICOLOGIST UNDER THE POSTMORTEM EXAMINERS COMMISSION.~~

(b) The test of breath shall be administered by a qualified person with equipment approved by the toxicologist under the Postmortem Examiners Commission at the direction of a police officer. The officer arresting the individual may not administer the test of breath.

(c) (1) (i) The blood shall be obtained by a qualified medical person using equipment approved by the toxicologist under the Postmortem Examiners Commission acting at the request of a police officer.

(ii) A certified statement by the qualified medical person who obtained the blood shall be prima facie evidence of that person's qualifications and that the blood was obtained in compliance with this section.

~~(iii) The certified statement is admissible in evidence without the necessity of the qualified medical person appearing in court.~~

(III) 1. A CERTIFIED STATEMENT THAT COMPLIES WITH THE REQUIREMENTS OF THIS PARAGRAPH IS ADMISSIBLE AS SUBSTANTIVE EVIDENCE WITHOUT THE PRESENCE OR TESTIMONY OF THE QUALIFIED MEDICAL PERSON WHO OBTAINED THE BLOOD.

2. IF THE STATE DECIDES TO OFFER THE CERTIFIED STATEMENT WITHOUT THE TESTIMONY OF THE QUALIFIED MEDICAL PERSON, THE STATE SHALL, AT LEAST 30 DAYS BEFORE TRIAL, NOTIFY THE DEFENDANT OR THE DEFENDANT'S ATTORNEY IN WRITING OF THE STATE'S INTENTION AND DELIVER TO THE DEFENDANT OR THE DEFENDANT'S ATTORNEY A COPY OF THE CERTIFIED STATEMENT TO BE OFFERED.

3. IF THE DISTRICT COURT IS DEPRIVED OF JURISDICTION UNDER CIRCUMSTANCES IN WHICH A DEFENDANT IS