

CHAPTER 157

(House Bill 851)

AN ACT to repeal Section 100 of Article 35 of the Annotated Code of Maryland (1968 Supplement), title "Evidence," subtitle "Chemical Tests for Intoxication," and to enact new Section 100 in lieu thereof to stand in place of the Section so repealed, to provide a chemical test of a defendant's breath, blood, urine, or other bodily substance for the purpose of determining the alcoholic content of his blood in any criminal prosecution for a violation of the laws concerning driving or attempting to drive a motor vehicle while under the influence of intoxicating liquor, and driving or attempting to drive a motor vehicle while his driving ability is impaired by the consumption of alcohol, establishing the evidential effect of such tests and relating generally to evidence and motor vehicles in this State.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That Section 100 of Article 35 of the Annotated Code of Maryland (1968 Supplement), title "Evidence," subtitle "Chemical Tests for Intoxication," be and it is hereby repealed, and that new Section 100 be enacted in lieu thereof to stand in place of the Section so repealed, and to read as follows:

100.

(a) *In any criminal prosecution for a violation of Section 206 of Article 66½ of this Code (1957 Edition, as amended from time to time) or for a violation of any other law of this State concerning a person who is under the influence of intoxicating liquor driving or attempting to drive any vehicle as specified in the other laws, the person may be given a chemical test of his breath, blood or urine or other bodily substance for the purpose of determining the alcoholic content of his blood; provided, that the specimen of blood, breath or urine must have been taken within two hours after the person being prosecuted was first apprehended by the arresting officer; and that the test is administered by qualified personnel with equipment approved by the toxicologist of the office of the chief medical examiner of the Department of Post-Mortem Examiners at the direction of a police officer having reasonable grounds to believe the person to have been driving while under the influence of intoxicating liquor OR WHILE HIS ABILITY IS IMPAIRED BY THE CONSUMPTION OF INTOXICATING LIQUOR. Qualified personnel means a physician, or a police officer who has received training in the use of the equipment in a training program approved by the toxicologist of the office of the chief medical examiner of the Department of Post-Mortem Examiners. In any summary proceeding or criminal proceeding for which the defendant is charged ~~or~~ with driving a motor vehicle while under the influence of intoxicating liquor, or while his ability is ~~unimpaired~~ IMPAIRED by the consumption of alcohol, the amount of alcohol in the defendant's blood, as shown by a chemical analysis as set forth in this section, which was conducted with equipment approved by the toxicologist of the office of the chief medical examiner of the Department of Post-Mortem Examiners, and operated by such qualified personnel, shall be admissible in evidence and shall give rise to the following presumptions:*