

IF FACILITIES OR EQUIPMENT ARE NOT AVAILABLE FOR SUCH TEST THEN NONE SHALL BE GIVEN, AND THIS FACT SHALL NOT CREATE ANY INFERENCE OR PRESUMPTION CONCERNING EITHER HIS GUILT OR INNOCENCE BY REASON OF HIS INABILITY TO TAKE A TEST, NOR SHALL THE FACT OF HIS INABILITY TO TAKE SUCH A TEST BE ADMISSIBLE IN EVIDENCE AT HIS TRIAL, NOR SHALL THIS FACT BE CONSIDERED A REFUSAL TO TAKE A TEST UNDER SECTION 92A OF THIS ARTICLE.

(d) *Only a physician, or qualified medical personnel, acting at the request of a police officer, or a person acting at the request of a physician, can withdraw blood for the purpose of determining the alcoholic content therein. This limitation does not apply to the taking of a breath test or a urine specimen.*

(e) *The person tested shall be permitted to have a physician of his own choosing administer a chemical test in addition to the one administered at the direction of the police officer.*

(f) *Upon the request of the person who was tested, the results of the test will be made available to him before trial by an official certificate which shall be admissible in evidence.*

(g) *For the purpose of establishing that the test was administered with equipment approved by the toxicologist of the office of the chief medical examiner of the Department of Post-Mortem Examiners, as required by subsection (a) of this section, a statement signed by the toxicologist certifying that the equipment used in the test has been approved by him shall be prima facie evidence of the approval and the statement shall be admissible in evidence without the necessity of the toxicologist personally appearing in court. This section shall not preclude the right to introduce any other competent evidence bearing upon the date of the certificate or change in the equipment since the date of the certificate.*

SEC. 2. *And be it further enacted, That this Act shall take effect July 1, 1969.*

Approved April 23, 1969.

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CHAPTER 158

(House Bill 852)

AN ACT to add new Section 92A to Article 66½ of the Annotated Code of Maryland (1967 Replacement Volume, 1968 Cumulative Supplement), title "Motor Vehicles," subtitle "Administration—Registration—Titling," to follow immediately after Section 92 thereof; and to add new Section 104A to the same Article to follow immediately after Section 104 thereof; ~~to repeal and re-enact, with amendments, Section 114A(a) of the same Article, subtitle "Point System," and to repeal Section 206 of the same Article, subtitle "Operating Vehicles upon Highways," and to enact new Section 206 to stand in the place and stead of the Section so repealed; to provide as a condition to obtaining or renewing a~~