

derived from Art. 35, §100(a). Style and language are changed in subdividing this long subsection.

SEC. 10-304. PERSON ADMINISTERING THE TEST.

(A) DEFINITION.

"QUALIFIED PERSON" MEANS A PHYSICIAN, A POLICE OFFICER, OR A POLICE EMPLOYEE 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 POSTMORTEM EXAMINERS.

(B) BREATH AND URINE TEST.

THE CHEMICAL TEST OF BREATH OR URINE SHALL BE ADMINISTERED BY A QUALIFIED PERSON WITH EQUIPMENT APPROVED BY THE TOXICOLOGIST OF THE OFFICE OF THE CHIEF MEDICAL EXAMINER OF THE DEPARTMENT OF POSTMORTEM EXAMINERS AT THE DIRECTION OF A POLICE OFFICER MAKING THE CHARGE THAT THE PERSON WAS DRIVING WHILE UNDER THE INFLUENCE OF OR IMPAIRED BY THE CONSUMPTION OF INTOXICATING LIQUOR.

(C) BLOOD TEST.

THE CHEMICAL TEST OF BLOOD MAY BE ADMINISTERED ONLY BY A PHYSICIAN OR QUALIFIED MEDICAL PERSON, ACTING AT THE REQUEST OF A POLICE OFFICER OR A PHYSICIAN.

(D) PHYSICIAN OF ACCUSED CHOOSING.

THE PERSON TESTED IS 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.

(E) PROOF OF APPROVED EQUIPMENT.

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 POSTMORTEM EXAMINERS, 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 IS ADMISSIBLE IN EVIDENCE WITHOUT THE NECESSITY OF THE TOXICOLOGIST PERSONALLY APPEARING IN