

WILLIAM DONALD SCHAEFER, Governor

(I) IDENTIFY THE TECHNICIAN OR ANALYST AS A "QUALIFIED PERSON", AS DEFINED IN § 10-304 OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE; AND

~~(ii) STATE THAT THE BLOOD TEST WAS PERFORMED WITH EQUIPMENT APPROVED BY THE TOXICOLOGIST UNDER THE POSTMORTEM EXAMINERS COMMISSION BY A LABORATORY THAT HOLDS A PERMIT ISSUED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, AND~~

~~(iii)~~ (II) STATE THAT THE RESULT OF THE BLOOD TEST IS AS STATED IN THE REPORT.

(G) (1) THE RESULTS OF A BLOOD TEST THAT COMPLIES WITH THE REQUIREMENTS OF SUBSECTION (F) OF THIS SECTION ARE ADMISSIBLE AS SUBSTANTIVE EVIDENCE WITHOUT THE PRESENCE OR TESTIMONY OF THE TECHNICIAN WHO ADMINISTERED THE BLOOD TEST.

(2) IF A PARTY DECIDES TO OFFER THE RESULTS OF A BLOOD TEST WITHOUT THE TESTIMONY OF THE TECHNICIAN, THE PARTY, AT LEAST 20 DAYS BEFORE TRIAL, SHALL NOTIFY THE ALLEGED FATHER OR HIS ATTORNEY IN WRITING OF THE PARTY'S INTENTION AND DELIVER TO THE ALLEGED FATHER OR HIS ATTORNEY A COPY OF THE RESULTS OF THE BLOOD TESTS TO BE OFFERED.

(3) (I) IF THE ALLEGED FATHER DESIRES THE TECHNICIAN TO BE PRESENT AND TESTIFY AT TRIAL, THE ALLEGED FATHER SHALL NOTIFY THE COURT AND THE OPPOSING PARTY IN WRITING NO LATER THAN 10 DAYS BEFORE TRIAL.

(II) IF SUCH TIMELY AND PROPER NOTICE IS GIVEN, THE RESULTS OF THE BLOOD TEST ARE INADMISSIBLE WITHOUT THE TESTIMONY OF THE TECHNICIAN.

(4) FAILURE TO GIVE TIMELY AND PROPER NOTICE CONSTITUTES A WAIVER OF THE ALLEGED FATHER'S RIGHT TO THE PRESENCE AND TESTIMONY OF THE TECHNICIAN.

[(f)] (H) If any individual fails to submit to a blood test ordered by the court, that refusal, properly introduced in evidence:

(1) shall be disclosed to the court and jury; and

(2) may be commented on by the court or by counsel.

[(g)] (I) (1) Unless indigent, the party who requests a blood test or who secures the appearance in court of the laboratory technician who made the test is responsible for the cost of the test and the costs associated with the court appearance. However, if the requesting party prevails in the proceeding, the court shall assess the cost of the blood test or the costs associated with the court appearance against the other parties to the proceeding.