

(a) The type of test administered to the defendant TO DETERMINE ALCOHOL CONCENTRATION shall be the ~~-{chemical}-~~ test of breath except that the ~~-{chemical}-~~ test of blood shall be the type of test administered if:

(1) The defendant is unconscious or otherwise incapable of refusing to take a ~~-{chemical}-~~ test for alcohol OR DRUGS OR BOTH;

(2) Injuries to the defendant require removal of the defendant to a medical facility; or

(3) The equipment for administering the ~~-{chemical}-~~ test of breath is not available.

~~{B}--IN--ADDITION--TO--THE--BREATH-TEST-TO-DETERMINE-ALCOHOL CONCENTRATION, THE TEST TO DETERMINE DRUG CONTENT ADMINISTERED TO THE DEFENDANT MAY BE THE TESTS OF BLOOD, URINE, AND OTHER BODY FLUIDS.~~

~~-{b}-~~ (c) Any person who is dead, unconscious, or otherwise in a condition rendering him incapable of test refusal shall be deemed not to have withdrawn consent.

10-306.

(a) (1) Subject to the provisions of paragraph (2) of this subsection, in any criminal trial in which [intoxication due to the consumption of alcohol, being under the influence of alcohol, or the violation of an alcohol restriction] A VIOLATION OF § 16-113(A)(2) OR § 21-902 OF THE TRANSPORTATION ARTICLE, OR A VIOLATION OF ARTICLE 27, § 388 OR § 388A OF THE CODE[, ] is an issue, a copy of a report of the results of a ~~-{chemical}-~~ test of breath ~~-{or}-~~ blood ~~-~~ OR URINE OR OTHER BODY FLUIDS signed by the technician or analyst who performed the test, is admissible as substantive evidence without the presence or testimony of the technician or analyst who performed the test.

(2) To be admissible under paragraph (1) of this subsection, the report must:

(i) Identify the technician or analyst as a "qualified person", as defined in Section 10-304 of the Courts and Judicial Proceedings Article;

(ii) State that the test was performed with equipment approved by the toxicologist under the Postmortem Examiners Commission at the direction of a police officer; and

(iii) State that the result of the test is as stated in the report.