

§2524. Administration of tests

1. Persons qualified to draw blood for blood tests. Only a physician, licensed physician assistant, registered nurse or person whose occupational license or training allows that person to draw blood samples may draw a specimen of blood for the purpose of determining the blood-alcohol level or the presence of a drug or drug metabolite.

[PL 2019, c. 627, Pt. B, §8 (AMD).]

2. Laboratories qualified to analyze blood for blood tests. A laboratory conducting an analysis of blood-alcohol level or the presence of a drug or drug metabolite must either be certified by the Department of Health and Human Services or be licensed to do so under the laws of this State or any other state and also certified by the United States Department of Health and Human Services under the federal Clinical Laboratory Improvement Amendments of 1988, 42 United States Code, Section 263a (2018).

[PL 2019, c. 368, §3 (AMD).]

3. Persons qualified to operate and analyze breath tests. A person certified by the Maine Criminal Justice Academy as qualified to operate an approved self-contained, breath-alcohol testing apparatus may operate an apparatus to collect and analyze a sample specimen of breath.

[PL 1993, c. 683, Pt. A, §2 (NEW); PL 1993, c. 683, Pt. B, §5 (AFF).]

4. Chemical tests on blood and urine specimens. A sample specimen of blood or urine may be submitted to the Department of Health and Human Services or to a laboratory qualified pursuant to subsection 2 for the purpose of conducting chemical tests to determine alcohol level or the presence of a drug or drug metabolite.

[PL 2019, c. 368, §4 (AMD).]

5. Equipment for taking specimens. For purposes of this section, collection kits having a stamp of approval affixed by the Department of Health and Human Services may be used to take a sample specimen of blood or urine. A sample specimen of blood or urine may also be taken in any collection tube of the type normally used in a laboratory qualified pursuant to subsection 2. The fact that a laboratory qualified pursuant to subsection 2 supplied the collection tube is prima facie evidence that the collection tube is the type of tube normally used in such a laboratory. Alternatively, a self-contained, breath-alcohol testing apparatus if reasonably available may be used to determine the alcohol level.

Approved breath-alcohol testing apparatus must have a stamp of approval affixed by the Department of Health and Human Services after periodic testing. That stamp is valid for no more than one year.

[PL 2019, c. 368, §5 (AMD).]

6. Procedures for operation and testing of testing apparatus. The Department of Health and Human Services shall establish, by rule, the procedures for the operation and testing of testing apparatus used in laboratories certified by the Department of Health and Human Services.

[PL 2019, c. 368, §6 (AMD).]

SECTION HISTORY

PL 1993, c. 683, §A2 (NEW). PL 1993, c. 683, §B5 (AFF). PL 1999, c. 32, §1 (AMD). PL 2003, c. 689, §B6 (REV). PL 2009, c. 447, §§70, 71 (AMD). PL 2013, c. 459, §11 (AMD). PL 2019, c. 368, §§3-6 (AMD). PL 2019, c. 627, Pt. B, §8 (AMD).

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