

VIRGINIA ACTS OF ASSEMBLY -- 2002 SESSION

CHAPTER 749

An Act to amend the Code of Virginia by adding a section numbered 19.2-187.02, relating to admissibility of hospital-taken blood alcohol tests in DUI trials.

[S 355]

Approved April 7, 2002

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 19.2-187.02 as follows:

§ 19.2-187.02. Admissibility of written results of blood alcohol tests conducted in the regular course of providing emergency medical treatment.

A. Notwithstanding any other provision of law, the written results of blood alcohol tests conducted upon persons receiving medical treatment in a hospital emergency room are admissible in evidence as a business records exception to the hearsay rule in prosecutions for any violation of § 18.2-266 (driving while intoxicated) or a substantially similar local ordinance, § 18.2-36.1 (involuntary manslaughter resulting from driving while intoxicated), § 18.2-51.4 (maiming resulting from driving while intoxicated), or § 46.2-341.24 (driving a commercial vehicle while intoxicated).

B. The provisions of law pertaining to confidentiality of medical records and medical treatment shall not be applicable to blood alcohol tests performed under the provisions of this section in prosecutions as specified in subsection A. No person who is involved in taking blood or conducting blood alcohol tests shall be liable for civil damages for breach of confidentiality or unauthorized release of medical records because of the evidentiary use of blood alcohol test results under this section, or as a result of that person's testimony given pursuant to this section.