

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 18.2-268.2 of the Code of Virginia, relating to implied consent to a*
3 *chemical test to determine the drug or alcohol content of blood.*

4 [H 1428]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 18.2-268.2 of the Code of Virginia is amended and reenacted as follows:**8 § 18.2-268.2. Implied consent to post-arrest chemical test to determine drug or alcohol content of
9 blood.

10 A. Any person, whether licensed by Virginia or not, who operates a motor vehicle upon a highway,
11 as defined in § 46.2-100, in this Commonwealth shall be deemed thereby, as a condition of such
12 operation, to have consented to have samples of his blood, breath, or both blood and breath taken for a
13 chemical test to determine the alcohol, drug, or both alcohol and drug content of his blood, if he is
14 arrested for violation of § 18.2-266 or § 18.2-266.1 or of a similar ordinance within two hours of the
15 alleged offense.

16 B. Any person so arrested for a violation of § 18.2-266 (i) or (ii) or both, or § 18.2-266.1 or of a
17 similar ordinance shall submit to a breath test. If the breath test is unavailable or the person is
18 physically unable to submit to the breath test, a blood test shall be given. The accused shall, prior to
19 administration of the test, be advised by the person administering the test that he has the right to
20 observe the process of analysis and to see the blood-alcohol reading on the equipment used to perform
21 the breath test. If the equipment automatically produces a written printout of the breath test result, the
22 printout, or a copy, shall be given to the accused.

23 C. A person, after having been arrested for a violation of § 18.2-266 (iii) or (iv) or § 18.2-266.1 or
24 of a similar ordinance, may be required to submit to a blood test to determine the drug or both drug and
25 alcohol content of his blood. When a person, after having been arrested for a violation of § 18.2-266 (i)
26 or (ii) or both, submits to a breath test in accordance with subsection B of this section or refuses to take
27 or is incapable of taking such a breath test, he may be required to submit to tests to determine the drug
28 or both drug and alcohol content of his blood if the law-enforcement officer has reasonable cause to
29 believe the person was driving under the influence of any drug or combination of drugs, or the
30 combined influence of alcohol and drugs.

31 **2. That an emergency exists and this act is in force from its passage.**

ENROLLED

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