

By: Riddle

H.B. No. 1141

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the persons authorized to draw a blood specimen from a
3 vehicle operator to test for alcohol concentration or other
4 intoxicating substances.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 724.017, Transportation Code, is amended
7 to read as follows:

8 Sec. 724.017. TAKING OF BLOOD SPECIMEN. (a) Only the
9 following [~~a physician, qualified technician, chemist, registered~~
10 ~~professional nurse, or licensed vocational nurse~~] may take a blood
11 specimen at the request or order of a peace officer under this
12 chapter:

- 13 (1) a physician;
14 (2) a qualified technician;
15 (3) a registered professional nurse;
16 (4) a licensed vocational nurse; or
17 (5) a licensed or certified emergency medical
18 technician-intermediate or emergency medical
19 technician-paramedic.

20 (b) A [~~The~~] blood specimen must be taken according to
21 recognized medical procedures [~~in a sanitary place~~]. [~~(b)~~] The
22 person who takes a [~~the~~] blood specimen under this chapter, or a
23 [~~the~~] hospital where a [~~the~~] blood specimen is taken, is not liable
24 for damages arising from the request or order of the peace officer

1 to take the blood specimen as provided by this chapter if the blood
2 specimen was taken according to recognized medical procedures.
3 This subsection does not relieve a person from liability for
4 negligence in the taking of a blood specimen.

5 ~~[(c) In this section, "qualified technician" does not include~~
6 ~~emergency medical services personnel.]~~

7 SECTION 2. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2003.