

BILL ANALYSIS

C.S.H.B. 14
By: Corte
Law Enforcement
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, only physicians, qualified technicians, chemists, registered nurses, or licensed vocational nurses are authorized to draw a blood sample for an investigation of a charge of driving while intoxicated (DWI). This precludes emergency medical technician-paramedics (EMTs) from drawing a blood sample. A person's level of intoxication can be more precisely measured the closer to the time of an accident a blood sample is drawn.

C.S.H.B. 14 authorizes an EMT or licensed paramedic to draw a blood sample for a DWI investigation. This is intended to facilitate the prosecution for offenses of driving while intoxicated by providing more accurate results of blood-alcohol content tests. The bill also provides that an EMT or paramedic may not be required to go to a location solely for the purpose of taking a specimen.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 14 amends Section 724.017, Transportation Code, as follows:

- Amends subsection (a) to include a licensed or certified emergency medical technician-paramedic and a licensed paramedic on the list of persons who are authorized to take a blood specimen at the request or order of a peace officer under this chapter.
- Amends subsection (b) to require that a blood specimen be taken according to recognized medical procedures and to provide that the facility where a specimen is taken is not liable for damages arising from the request of a peace officer to take a blood specimen as provided by this chapter if the specimen was taken according to recognized medical procedures.
- Adds subsection (c) to provide that a licensed or certified EMT or a licensed paramedic who is not present at the location of the person from whom a peace officer requests or orders the taking of a blood specimen may not be required to go to that location solely for that purpose. Provides that a licensed or certified EMT or a licensed paramedic who is engaged in the performance of official duties is not required to take a blood specimen if the EMT or paramedic reasonably believes that complying with the peace officer's request or order to take the specimen would impair or interfere with the performance of those duties.
- Makes conforming and non-substantive changes.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary votes, the Act takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 14 amends Section 724.017(c) to the Transportation Code to provide that a licensed or certified EMT or a licensed paramedic who is not present at the location of the person from
C.S.H.B. 14 79(R)

whom a peace officer requests or orders the taking of a blood specimen may not be required to go to that location solely for that purpose and to provide that a licensed or certified EMT or a licensed paramedic who is engaged in the performance of official duties is not required to take a blood specimen if the EMT or paramedic reasonably believes that complying with the peace officer's request or order to take the specimen would impair or interfere with the performance of those duties. House Bill 14 does not make this change.