

By: Corte

H.B. No. 14

Substitute the following for H.B. No. 14:

By: Jackson

C.S.H.B. No. 14

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 chemist;

16 (4) a registered professional nurse;

17 (5) a licensed vocational nurse; or

18 (6) a licensed or certified emergency medical
19 technician-paramedic or a licensed paramedic.

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

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

5 (c) A licensed or certified emergency medical
6 technician-paramedic or a licensed paramedic who is not present at
7 the location of the person from whom a peace officer requests or
8 orders the taking of a blood specimen may not be required to go to
9 that location solely for that purpose. A licensed or certified
10 emergency medical technician-paramedic or a licensed paramedic who
11 is engaged in the performance of official duties is not required to
12 take a blood specimen if the technician-paramedic or paramedic
13 reasonably believes that complying with the peace officer's request
14 or order to take the specimen would impair or interfere with the
15 performance of those duties [~~In this section, "qualified~~
16 ~~technician" does not include emergency medical services~~
17 ~~personnel~~].

18 SECTION 2. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2005.