

By: Riddle

H.B. No. 80

A BILL TO BE ENTITLED

1 AN ACT

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 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 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, 2005.