

By: Corte

H.B. No. 259

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

(1) a physician;

(2) a qualified technician;

(3) a chemist;

(4) a registered professional nurse;

(5) a licensed vocational nurse; or

(6) a licensed or certified emergency medical technician-paramedic or a licensed paramedic, except that a peace officer may not request or order a technician-paramedic or paramedic to:

(A) travel to a location solely to take a blood specimen; or

(B) take a blood specimen when the

1 technician-paramedic or paramedic reasonably believes that  
2 complying with the request or order would interfere with the  
3 treatment or transportation of a patient.

4 (b) A [The] blood specimen must be taken according to  
5 recognized medical procedures [in a sanitary place]. [(b)] The  
6 person who takes a [the] blood specimen under this chapter, or the  
7 facility [hospital] where a [the] blood specimen is taken, is not  
8 liable for damages arising from the request or order of the peace  
9 officer to take the blood specimen as provided by this chapter if  
10 the blood specimen was taken according to recognized medical  
11 procedures. This subsection does not relieve a person from  
12 liability for negligence in the taking of a blood specimen.

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

15 SECTION 2. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect September 1, 2007.