

Amend SB 328 on third reading by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. 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 registered professional nurse;
- (4) a licensed vocational nurse; or
- (5) a licensed or certified emergency medical technician-intermediate or emergency medical technician-paramedic authorized to take a blood specimen under Subsection (c).

(b) A [~~The~~] blood specimen must be taken according to recognized medical procedures. A [~~in a sanitary place.~~

[(b) The] person or the employer of a person who takes a [~~the~~] blood specimen [~~under this chapter, or the hospital where the blood specimen is taken,~~] is not liable for damages arising from the taking of the blood specimen pursuant to a search warrant, or at the request or order of a [~~the~~] peace officer [~~to take the blood specimen~~] as provided by this chapter, if the blood specimen was taken according to recognized medical procedures. This subsection does not relieve a person from liability for negligence in the taking of a blood specimen.

(c) A licensed or certified emergency medical technician-intermediate or emergency medical technician-paramedic may take a blood specimen only if authorized by the medical director for the entity that employs the technician-intermediate or technician-paramedic. The specimen must be taken according to a protocol developed by the medical director that provides direction to the technician-intermediate or technician-paramedic for the taking of a blood specimen at the request of a peace officer. In this subsection, "medical director" means a licensed physician who

supervises the provision of emergency medical services by a public or private entity that:

(1) provides those services; and

(2) employs one or more licensed or certified emergency medical technician-intermediates or emergency medical technician-paramedics [section, "qualified technician" does not include emergency medical services personnel].

(d) A protocol developed under Subsection (c) may address whether an emergency medical technician-intermediate or emergency medical technician-paramedic engaged in the performance of official duties may refuse to:

(1) go to the location of a person from whom a peace officer requests or orders the taking of a blood specimen solely for the purpose of taking that blood specimen;

(2) take a blood specimen if the technician-intermediate or technician-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 patient care or other official duties; or

(3) provide the equipment or supplies necessary to take a blood specimen.

(e) If a licensed or certified emergency medical technician-intermediate or emergency medical technician-paramedic takes a blood specimen at the request or order of a peace officer, a peace officer must observe the taking of the specimen and must immediately take possession of the specimen for purposes of establishing a chain of custody.