

By: Aycock

H.B. No. 1305

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to civil liability of hospitals or persons drawing blood  
3 pursuant to a search warrant.

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

5 SECTION 1. Section 724.017(b), Transportation Code, is  
6 amended to read as follows:

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

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, 2009.