

BILL ANALYSIS

H.B. 1406
By: Riddle
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently, only physicians, qualified technicians, chemists, registered nurses, or licensed vocational nurses are authorized to take a blood specimen from an individual at the request or order of a peace officer for DWI investigations. However, this may require transporting the individual to a hospital, requiring additional time and money.

In an effort to address this issue, H.B. 1406 adds a licensed or certified emergency medical technician-intermediate or emergency medical technician-paramedic to the list of persons who are authorized to take a blood specimen at the request or order of a peace officer and removes from the list a chemist.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1406 amends the Transportation Code to add a licensed or certified emergency medical technician-intermediate or emergency medical technician-paramedic to the list of persons authorized to take a blood specimen at the request or order of a peace officer under provisions of law relating to the implied consent of a person arrested for certain offenses to submit to the taking of a specimen and to remove from that list a chemist. The bill authorizes such a technician-intermediate or technician-paramedic to take a blood specimen only if authorized by the medical director for the entity that employs the technician-intermediate or technician-paramedic. The bill requires that the specimen 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. The bill authorizes the protocol to address whether a technician-intermediate or technician-paramedic engaged in the performance of official duties may refuse to 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; to 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 to provide the equipment or supplies necessary to take a blood specimen. The bill requires a peace officer, if a technician-intermediate or technician-paramedic takes a blood specimen at the request or order of the officer, to observe the taking of the specimen and immediately take possession of the specimen for purposes of establishing a chain of custody.

H.B. 1406 defines "medical director" and removes a provision providing for the meaning of "qualified technician."

EFFECTIVE DATE

September 1, 2011.