

By: Riddle, Laubenberg

H.B. No. 1406

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the persons authorized to take 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. The heading to Section 724.017, Transportation
7 Code, is amended to read as follows:

8 Sec. 724.017. TAKING OF BLOOD SPECIMEN.

9 SECTION 2. Section 724.017, Transportation Code, is amended
10 by amending Subsections (a) and (c) and adding Subsections (a-1),
11 (c-1), and (c-2) to read as follows:

12 (a) Only the following [~~a physician, qualified technician,~~
13 ~~chemist, registered professional nurse, or licensed vocational~~
14 ~~nurse~~] may take a blood specimen at the request or order of a peace
15 officer under this chapter:

16 (1) a physician;

17 (2) a qualified technician;

18 (3) a registered professional nurse;

19 (4) a licensed vocational nurse; or

20 (5) a licensed or certified emergency medical
21 technician-intermediate or emergency medical technician-paramedic
22 authorized to take a blood specimen under Subsection (c).

23 (a-1) The blood specimen must be taken in a sanitary place.

24 (c) A licensed or certified emergency medical

1 technician-intermediate or emergency medical technician-paramedic
2 may take a blood specimen only if authorized by the medical director
3 for the entity that employs the technician-intermediate or
4 technician-paramedic. The specimen must be taken according to a
5 protocol developed by the medical director that provides direction
6 to the technician-intermediate or technician-paramedic for the
7 taking of a blood specimen at the request of a peace officer. In
8 this subsection, "medical director" means a licensed physician who
9 supervises the provision of emergency medical services by a public
10 or private entity that:

- 11 (1) provides those services; and
12 (2) employs one or more licensed or certified
13 emergency medical technician-intermediates or emergency medical
14 technician-paramedics [In this section, "qualified technician"
15 does not include emergency medical services personnel].

16 (c-1) A protocol developed under Subsection (c) may address
17 whether an emergency medical technician-intermediate or emergency
18 medical technician-paramedic engaged in the performance of
19 official duties may refuse to:

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

23 (2) take a blood specimen if the
24 technician-intermediate or technician-paramedic reasonably
25 believes that complying with the peace officer's request or order
26 to take the specimen would impair or interfere with the performance
27 of patient care or other official duties; or

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

3 (c-2) If a licensed or certified emergency medical
4 technician-intermediate or emergency medical technician-paramedic
5 takes a blood specimen at the request or order of a peace officer, a
6 peace officer must:

7 (1) observe the taking of the specimen; and

8 (2) immediately take possession of the specimen for
9 purposes of establishing a chain of custody.

10 SECTION 3. This Act takes September 1, 2011.