

## **BILL ANALYSIS**

H.B. 434  
By: Riddle  
Homeland Security & Public Safety  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, only a physician, qualified technician, chemist, registered nurse, or licensed vocational nurse is authorized to take a blood specimen at the request or order of a peace officer for purposes of intoxication-related offenses. Satisfying this requirement involves transporting the individual suspected of committing the offense to a facility, such as hospital, which demands additional time and resources. In an effort to minimize the time and costs spent on blood draws under these circumstances, H.B. 434 revises the list of persons who are authorized to take a blood specimen at a peace officer's request or order.

### **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. 434 amends the Transportation Code to authorize a licensed or certified emergency medical technician-intermediate or emergency medical technician-paramedic to take a blood specimen at a peace officer's request or order under statutory provisions regarding the implied consent of a person arrested for certain intoxication-related offenses to submit to the taking of a specimen. The bill conditions that authority on the authorization by the medical director for the entity that employs the technician-intermediate or technician-paramedic.

H.B. 434 requires the taking of the specimen to be 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 a peace officer's request or order. The bill authorizes such a developed protocol to address whether a technician-intermediate or technician-paramedic engaged in the performance of official duties is entitled to 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 refuse 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 provision of patient care or the performance of other official duties; or to refuse to provide the equipment or supplies necessary to take a blood specimen. The bill requires a peace officer to observe the taking of the specimen by a licensed or certified emergency medical technician-intermediate or emergency medical technician-paramedic at a peace officer's request or order and to immediately take possession of the specimen for purposes of establishing a chain of custody.

H.B. 434 removes a chemist from the persons authorized to take a blood specimen at a peace officer's request or order for purposes of implied consent.

### **EFFECTIVE DATE**

September 1, 2013.