

83R552 GCB-D

By: Riddle

H.B. No. 434

A BILL TO BE ENTITLED
AN ACT

relating to the persons authorized to take a blood specimen from a vehicle operator to test for alcohol concentration or other intoxicating substances.

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

SECTION 1. The heading to Section 724.017, Transportation Code, is amended to read as follows:

Sec. 724.017. TAKING OF BLOOD SPECIMEN.

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

(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).

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

(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 or order 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 [In this section, "qualified technician" - does not include emergency medical services personnel].

(c-1) 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 is entitled to 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 provision of patient care or the performance of other official duties; or

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

(c-2) 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:

- (1) observe the taking of the specimen; and
- (2) immediately take possession of the specimen for

purposes of establishing a chain of custody.

SECTION 3. This Act takes effect September 1, 2013.