

SECOND REGULAR SESSION

HOUSE BILL NO. 2413

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHROER.

6344H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 577.029, RSMo, and to enact in lieu thereof one new section relating to blood withdrawals by medical personnel for the purpose of determining alcohol content.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 577.029, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 577.029, to read as follows:

577.029. **1.** A licensed physician, registered nurse, phlebotomist, or trained medical technician, acting at the request and direction of the law enforcement officer **under section 577.020**, shall withdraw blood for the purpose of determining the alcohol content of the blood, unless such medical personnel, in his or her good faith medical judgment, believes such procedure would endanger the life or health of the person in custody. Blood may be withdrawn only by such medical personnel, but such restriction shall not apply to the taking of a breath test, a saliva specimen, or a urine specimen. In withdrawing blood for the purpose of determining the alcohol content thereof, only a previously unused and sterile needle and sterile vessel shall be utilized and the withdrawal shall otherwise be in strict accord with accepted medical practices. Upon the request of the person who is tested, full information concerning the test taken at the direction of the law enforcement officer shall be made available to him or her. **No hospital, as defined in section 197.020, or medical personnel employed by or practicing in a hospital or employed as an emergency medical technician, as defined in section 190.100, shall be required to withdraw blood or assist in withdrawing blood:**

(1) If consent to medical treatment from the person to be tested has not been obtained, unless a warrant has been issued that allows for such withdrawal of blood;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **(2) If such withdrawal or assistance could reasonably expose the hospital or**
18 **medical personnel to civil or criminal liability; or**

19 **(3) If such withdrawal or assistance could subject the hospital or medical personnel**
20 **to an adverse action by any governmental body or any accrediting body.**

21 **2. No medical personnel employed by or practicing in a hospital or employed as an**
22 **emergency medical technician shall be arrested or charged with an offense for failure to**
23 **comply with this section. Notwithstanding the provisions of section 577.031, no hospital**
24 **or medical personnel shall be civilly liable for complying with the provisions of this section.**

✓