

SECOND REGULAR SESSION

HOUSE BILL NO. 2089

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DONNELLY (Sponsor), WITTE, SWINGER, JOHNSON (90),
SKAGGS, BURNETT, BRINGER AND PAGE (Co-sponsors).

Read 1st time March 30, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5679L.01I

AN ACT

To repeal section 577.029, RSMo, and to enact in lieu thereof one new section relating to
chemical blood alcohol tests.

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Section A. Section 577.029, RSMo, is repealed and one new section enacted in lieu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

577.029. A licensed physician, registered nurse, or trained medical technician at the
2 place of his **or her** employment, acting at the request and direction of the law enforcement
3 officer, shall withdraw blood for the purpose of determining the alcohol content of the blood,
4 unless such medical personnel, in his **or her** good faith medical judgment, believes such
5 procedure would endanger the life or health of the person in custody. Blood may be withdrawn
6 only by such medical personnel, but such restriction shall not apply to the taking of a breath test,
7 a saliva specimen, or a urine specimen. In withdrawing blood for the purpose of determining the
8 alcohol content thereof, only a previously unused and sterile needle and sterile vessel shall be
9 utilized and the withdrawal shall otherwise be in strict accord with accepted medical practices.
10 [A nonalcoholic antiseptic shall be used for cleansing the skin prior to venapuncture.] Upon the
11 request of the person who is tested, full information concerning the test taken at the direction of
12 the law enforcement officer shall be made available to him **or her**.

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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.