

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 870, Page 49,
2 Section 353.110, Line 88, by inserting after all of said section and line the following:

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4 "577.029. 1. A licensed physician, registered nurse, phlebotomist, or trained medical
5 technician, acting at the request and direction of the law enforcement officer under section 577.020,
6 [shall] may, with the consent of the patient or a warrant issued by a court of competent jurisdiction,
7 withdraw blood for the purpose of determining the alcohol content of the blood~~[, unless such~~
8 ~~medical personnel, in his or her good faith medical judgment, believes such procedure would~~
9 ~~endanger the life or health]~~ of the person in custody. Blood may be withdrawn only by such
10 medical personnel, but such restriction shall not apply to the taking of a breath test, a saliva
11 specimen, or a urine specimen. In withdrawing blood for the purpose of determining the alcohol
12 content thereof, only a previously unused and sterile needle and sterile vessel shall be utilized and
13 the withdrawal shall otherwise be in strict accord with accepted medical practices. Upon the request
14 of the person who is tested, full information concerning the test taken at the direction of the law
15 enforcement officer shall be made available to him or her.

16 2. No medical personnel employed by or practicing in a hospital or employed as an
17 emergency medical technician shall be arrested or charged with an offense for failure to comply
18 with this section. Notwithstanding the provisions of section 577.031, no hospital or medical
19 personnel shall be civilly liable for complying with the provisions of this section."; and
20

21 Further amend said bill by amending the title, enacting clause, and intersectional references
22 accordingly.

Action Taken _____ Date _____