

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, 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 medical
8 personnel, in his or her good faith medical judgment, believes such procedure would endanger the
9 life or health of the person in custody. Blood may be withdrawn only by such medical personnel,
10 but such restriction shall not apply to the taking of a breath test, a saliva specimen, or a urine
11 specimen. In withdrawing blood for the purpose of determining the alcohol content thereof, only a
12 previously unused and sterile needle and sterile vessel shall be utilized and the withdrawal shall
13 otherwise be in strict accord with accepted medical practices. Upon the request of the person who is
14 tested, full information concerning the test taken at the direction of the law enforcement officer shall
15 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, unless such medical personnel or emergency medical technician has contracted
19 with law enforcement for the purpose of performing the duties required by this section.
20 Notwithstanding the provisions of section 577.031, no hospital or such medical personnel shall be
21 civilly liable for complying with the provisions of this section."; and
22

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

Action Taken _____ Date _____