

CHAPTER 591

H.B. No. 2456

AN ACT

relating to the taking of blood specimens of driving-while-intoxicated suspects upon the request or order of a peace officer.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 3(c), Chapter 434, Acts of the 61st Legislature, Regular Session, 1969 (Article 67011-5, Vernon's Texas Civil Statutes), is amended to read as follows:

(c) When a person gives a specimen of blood at the request or order of a peace officer under the provisions of this Act, only a physician, qualified technician, chemist, registered professional nurse, or licensed vocational nurse ~~[under the supervision or direction of a licensed physician]~~ may withdraw a blood specimen for the purpose of determining the alcohol concentration or presence of a controlled substance or drug therein. *The sample must be taken in a sanitary place inspected on a periodic basis by the county in which the sample is taken.* ~~[The sample must be taken by a physician or in a physician's office or a hospital licensed by the Texas Department of Health. This limitation shall not apply to the taking of specimens of breath, urine, or bodily substances other than blood.]~~ The person drawing the blood specimen at the request or order of a peace officer under the provisions of this Act, or the hospital where that person is taken for the purpose of securing the blood specimen, shall not be held liable for damages arising from the request or order of the peace officer to take the blood specimen as provided herein, provided the blood specimen was withdrawn according to recognized medical procedures, and provided further that the foregoing shall not relieve any such person from liability for negligence in the withdrawing of any blood specimen. Breath specimens taken at the request or order of a peace officer must be taken and analysis made under such conditions as may be prescribed by the Texas Department of Public Safety, and by such persons as the Texas Department of Public Safety has certified to be qualified.

SECTION 2. The change in the law made by this Act applies only to offenses that occurred on or after the effective date of this Act. Those offenses that occurred before the effective date of this Act are covered by the law in effect when those offenses occurred, and the former law is continued in effect for this purpose.

SECTION 3. This Act takes effect September 1, 1987.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 8, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 2456 on June 1, 1987, by a non-record vote. Passed by the Senate, with amendments, on May 30, 1987, by a viva-voce vote.

Approved June 18, 1987.

Effective Sept. 1, 1987.