

This Document can be made available
in alternative formats upon request

State of Minnesota

Printed
Page No. **432**

HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **2881**

February 11, 2010

Authored by Kath, Simon, Morrow, Hilstrom and Olin

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight

March 4, 2010

Committee Recommendation and Adoption of Report:

To Pass and re-referred to the Committee on Civil Justice

March 15, 2010

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act
1.2 relating to public safety; authorizing certain qualified persons with medical
1.3 training or supervision to take blood samples from DWI offenders; providing
1.4 legal immunity; amending Minnesota Statutes 2008, section 169A.51,
1.5 subdivision 7.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2008, section 169A.51, subdivision 7, is amended to
1.8 read:

1.9 Subd. 7. **Requirements for conducting tests; liability.** (a) Only a physician,
1.10 medical technician, emergency medical technician-paramedic, registered nurse, medical
1.11 technologist, medical laboratory technician, phlebotomist, ~~or~~ laboratory assistant, or
1.12 other qualified person acting at the request of a peace officer may withdraw blood for the
1.13 purpose of determining the presence of alcohol, a controlled substance or its metabolite,
1.14 or a hazardous substance. This limitation does not apply to the taking of a breath or
1.15 urine sample.

1.16 (b) The person tested has the right to have someone of the person's own choosing
1.17 administer a chemical test or tests in addition to any administered at the direction of a
1.18 peace officer; provided, that the additional test sample on behalf of the person is obtained
1.19 at the place where the person is in custody, after the test administered at the direction of a
1.20 peace officer, and at no expense to the state. The failure or inability to obtain an additional
1.21 test or tests by a person does not preclude the admission in evidence of the test taken at
1.22 the direction of a peace officer unless the additional test was prevented or denied by the
1.23 peace officer.

1.24 (c) The physician, medical technician, emergency medical technician-paramedic,
1.25 medical technologist, medical laboratory technician, laboratory assistant, phlebotomist, ~~or~~

2.1 registered nurse, or other qualified person drawing blood at the request of a peace officer
2.2 for the purpose of determining the concentration of alcohol, a controlled substance or its
2.3 metabolite, or a hazardous substance is in no manner liable in any civil or criminal action
2.4 except for negligence in drawing the blood. The person administering a breath test must
2.5 be fully trained in the administration of breath tests pursuant to training given by the
2.6 commissioner of public safety.

2.7 (d) For purposes of this subdivision, "qualified person" means medical personnel
2.8 trained in a licensed hospital or educational institution to withdraw blood.

2.9 **EFFECTIVE DATE.** This section is effective July 1, 2010.