

Senate Amendment 3326

Amendment Text

PAG LIN

1 1 Amend [Senate File 329](#) as follows:
1 2 #1. Page 13, by inserting after line 1 the
1 3 following:
1 4 "Sec. _____. Section [622.10](#), unnumbered paragraph 1,
1 5 Code 1997, is amended to read as follows:
1 6 A practicing attorney, counselor, physician,
1 7 surgeon, physician assistant, mental health
1 8 professional, or the stenographer or confidential
1 9 clerk of any such person, who obtains information by
1 10 reason of the person's employment, or a member of the
1 11 clergy shall not be allowed, in giving testimony, to
1 12 disclose any confidential communication properly
1 13 entrusted to the person in the person's professional
1 14 capacity, and necessary and proper to enable the
1 15 person to discharge the functions of the person's
1 16 office according to the usual course of practice or
1 17 discipline. The prohibition does not apply to cases
1 18 where the person in whose favor the prohibition is
1 19 made waives the rights conferred; nor does the
1 20 prohibition apply to physicians or surgeons,
1 21 physician's assistants, mental health professionals,
1 22 or to the stenographer or confidential clerk of any
1 23 physicians or surgeons, physician's assistants, or
1 24 mental health professionals, in a civil action in
1 25 which the condition of the person in whose favor the
1 26 prohibition is made is an element or factor of the
1 27 claim or defense of the person or of any party
1 28 claiming through or under the person. The prohibition
1 29 also does not apply to cases in which the
1 30 communication pertains to chemical test results of
1 31 specimens of a person's blood, breath, or urine which
1 32 are obtained under chapter 321J. The evidence is
1 33 admissible upon trial of the action only as it relates
1 34 to the condition alleged."
1 35 #2. Title page, line 4, by inserting after the
1 36 word "state" the following: "use of chemical test
1 37 results,".
1 38 #3. By numbering and renumbering and changing
1 39 internal references as necessary.
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1 41
1 42 _____
1 43 TOM [FLYNN](#)
1 44 [SF 329.502](#) 77
1 45 lh/jw/28