

**Senate File 505 - Introduced**

SENATE FILE 505

BY DAWSON

**A BILL FOR**

1 An Act relating to the admissibility of the results of an  
2 analysis of a person's blood, breath, or urine in criminal  
3 and administrative proceedings.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 321J.15A Evidence in any action —  
2 medical treatment.

3 1. Notwithstanding section 622.10 or any other provision  
4 of law to the contrary, the results of an analysis of a  
5 specimen of a person's blood, breath, or urine collected for  
6 the purpose of rendering medical treatment by a licensed  
7 physician, licensed physician assistant as defined in section  
8 148C.1, medical technologist, or registered nurse from a person  
9 who operated a motor vehicle, motorboat, or sailboat and was  
10 involved in an accident or collision and who was transported  
11 to a medical facility within or outside this state for such  
12 medical treatment shall be admissible in a criminal proceeding  
13 for a violation of section 321J.2, 462A.14, 707.6A, or 707.8,  
14 subsection 4 or 9, to prove the alcohol concentration, or  
15 the presence of a controlled substance or other drugs, or a  
16 combination of such substances, in the person's blood, breath,  
17 or urine at the time of the accident or collision. The results  
18 of the analysis of the specimen shall be admissible regardless  
19 of whether a peace officer requested the person to submit to  
20 a test as provided in section 321J.6 or the person refused a  
21 chemical test, provided that all of the following apply:

22 a. Probable cause existed that the blood, breath, or urine  
23 collected and analyzed would produce evidence of intoxication.

24 b. The method used to collect the specimen was reasonable.

25 2. A licensed physician, licensed physician assistant as  
26 defined in section 148C.1, medical technologist, or registered  
27 nurse who performs a chemical test to analyze the alcohol  
28 concentration of, or the presence of a controlled substance or  
29 other drugs in, a person's blood, breath, or urine to provide  
30 medical treatment for the person who operated a motor vehicle,  
31 motorboat, or sailboat and was involved in an accident or  
32 collision shall disclose the results of the analysis to all of  
33 the following:

34 a. A prosecuting attorney who requests the results of the  
35 analysis of a specimen of the person's blood, breath, or urine

1 for use in a criminal proceeding.

2     *b.* A prosecuting attorney in another state who requests the  
3 results of the analysis of a specimen of the person's blood,  
4 breath, or urine for use in a criminal proceeding for operating  
5 while intoxicated, or a law of the other state similar to this  
6 chapter or section 462A.14, or motor vehicle homicide under the  
7 laws of the other state. This paragraph shall only apply if  
8 the other state requires a similar disclosure by a person in  
9 the other state to a prosecuting attorney in Iowa who requests  
10 the results of an analysis of a specimen of a person's blood,  
11 breath, or urine for use in a criminal proceeding.

12     3. The results of an analysis of a specimen of a person's  
13 blood, breath, or urine are admissible as evidence regardless  
14 of the time when the related medical records were prepared or  
15 the specimen was collected.

16     4. *a.* Provisions of law pertaining to the confidentiality  
17 of medical records and medical treatment do not apply to the  
18 results of an analysis of a person's blood, breath, or urine  
19 under the provisions of this section for criminal proceedings  
20 as specified in subsection 1.

21     *b.* A person shall not be liable for civil damages for  
22 disclosing or using the results of an analysis of a specimen  
23 of a person's blood, breath, or urine as evidence under this  
24 section or as a result of a person's testimony made available  
25 under this section.

26     5. *a.* An employee of a medical laboratory located within  
27 or outside this state is presumed to be qualified to analyze  
28 and identify a person's blood, breath, or urine when done by  
29 the employee in the normal course of employment at the medical  
30 laboratory, provided that the laboratory is accredited at the  
31 time of the analysis with the agency of the state in which the  
32 laboratory is located.

33     *b.* A report, including a copy of a report or other  
34 findings, of an employee of a medical laboratory shall be  
35 received as evidence, subject to a relevancy determination,

1 in any proceeding in the same manner and with the same force  
2 and effect as if the employee of the medical laboratory who  
3 completed the requested analysis, comparison, or identification  
4 of a person's blood, breath, or urine was present to testify.

5 (1) A person may request that an employee of a medical  
6 facility be present to testify as a witness for the state,  
7 including a state agency or department, at a criminal trial,  
8 administrative hearing, or related proceeding, by notifying  
9 the county attorney, or in the case of an administrative  
10 proceeding, the agency or department, at least ten days before  
11 the date of the criminal trial, administrative hearing, or  
12 related proceeding.

13 (2) A person in any other civil proceeding may request an  
14 employee to testify in person by subpoena.

15 Sec. 2. Section 462A.14, subsection 8, unnumbered paragraph  
16 1, Code 2021, is amended to read as follows:

17 In any prosecution under [this section](#), evidence of the  
18 results of analysis of a specimen of the defendant's blood,  
19 breath, or urine is admissible upon proof of a proper  
20 foundation. The results of an analysis of the defendant's  
21 blood, breath, or urine are admissible for prosecutions under  
22 this section if collected and analyzed pursuant to section  
23 321J.15A.

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with  
26 the explanation's substance by the members of the general assembly.

27 This bill authorizes the results of an analysis of a person's  
28 blood, breath, or urine (specimen) to be used as evidence in a  
29 criminal proceeding for operating a motor vehicle, motorboat,  
30 or sailboat while intoxicated (OWI), homicide or serious injury  
31 by vehicle involving OWI, and unintentional termination of a  
32 human pregnancy as a result of injury by vehicle involving OWI.  
33 The specimen must be collected for the purpose of rendering  
34 medical treatment. The specimen must be collected by a  
35 licensed physician, licensed physician assistant, medical

1 technologist, or registered nurse (medical professional).

2 The test results are admissible in a criminal proceeding  
3 when a specimen is collected from a person who operated a  
4 motor vehicle, motorboat, or sailboat and was involved in an  
5 accident or collision and who is transported to a medical  
6 facility within or outside Iowa. Regardless of whether a peace  
7 officer requested the person to submit to a test as provided in  
8 Code section 321J.6 or the person refused a chemical test, the  
9 bill authorizes the admissibility of the evidence if probable  
10 cause existed that the specimen would produce evidence of  
11 intoxication and the method used to collect the specimen sample  
12 was reasonable.

13 The bill requires a medical professional to disclose  
14 the results of an analysis of a specimen to a prosecuting  
15 attorney in Iowa who requests the results for use in a criminal  
16 proceeding and to a prosecuting attorney in another state under  
17 certain circumstances set forth in the bill.

18 The bill authorizes the use of the results as evidence  
19 regardless of the time when the related medical records were  
20 prepared or the specimen was collected.

21 The bill makes inapplicable any confidentiality provisions  
22 pertaining to medical records and medical treatment related to  
23 the analysis of chemical tests performed. The bill limits the  
24 liability of a person for civil damages who discloses or uses  
25 the results of analysis of a specimen as evidence.

26 The bill specifies that for the purpose of providing  
27 foundation for evidence, an employee of a medical laboratory  
28 is presumed to be qualified to analyze and identify a specimen  
29 when done by the employee in the normal course of employment at  
30 the medical laboratory, if the laboratory is accredited at the  
31 time of the analysis.

32 The bill authorizes a report or other findings of an employee  
33 of a medical laboratory to be received as evidence in any  
34 proceeding in place of in-person testimony. However, a person  
35 may request that an employee of a medical facility be present

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1 to testify by notifying the county attorney, or in the case  
2 of an administrative proceeding, the agency or department, at  
3 least 10 days prior to the proceeding. A person in any other  
4 civil proceeding may request an employee to testify in person  
5 by subpoena.