

House Study Bill 171 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON PUBLIC
SAFETY BILL BY CHAIRPERSON
VONDRAN)

A BILL FOR

1 An Act relating to medical personnel authorized to withdraw a
2 specimen of blood from a person suspected of operating while
3 intoxicated.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 321J.11, subsection 1, Code 2025, is
2 amended to read as follows:

3 1. Only a licensed physician, licensed physician assistant
4 ~~as defined in section 148C.1, emergency medical technician~~
5 if authorized by the technician's designated medical
6 director, emergency medical technician-paramedic if authorized
7 by the technician-paramedic's designated medical director,
8 medical technologist, ~~or~~ registered nurse, licensed practical
9 nurse, medical laboratory technician, phlebotomist, laboratory
10 assistant, or other qualified person, acting at the request of
11 a peace officer, may withdraw a specimen of blood for the purpose
12 of determining the alcohol concentration or the presence of a
13 controlled substance or other drugs. A person who withdraws
14 a specimen of blood in accordance with this subsection shall
15 act reasonably, in good faith, and in accordance with standard
16 medical procedures and applicable occupational safety and health
17 standards while withdrawing the specimen of blood. However,
18 any peace officer, using devices and methods approved by the
19 commissioner of public safety, may take a specimen of a person's
20 breath or urine for the purpose of determining the alcohol
21 concentration, or may take a specimen of a person's urine for
22 the purpose of determining the presence of a controlled substance
23 or other drugs. Except in cases of negligence while withdrawing
24 a specimen of blood, a person authorized to withdraw a specimen
25 of blood under this subsection who acts reasonably, in good
26 faith, and in accordance with standard medical procedures and
27 applicable occupational safety and health standards, shall not be
28 liable in any civil or criminal action for the withdrawal of the
29 specimen. Only new equipment kept under strictly sanitary and
30 sterile conditions shall be used for drawing blood.

31 EXPLANATION

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

34 Under current law, when a person is suspected of operating
35 a motor vehicle in violation of Code chapter 321J (operating

1 while intoxicated), only a licensed physician, licensed physician
2 assistant, medical technologist, or registered nurse, who is
3 acting at the request of a peace officer, may withdraw a specimen
4 of blood for the purpose of determining the alcohol concentration
5 or the presence of a controlled substance or other drugs.

6 This bill expands the list of persons authorized to withdraw
7 a specimen of blood. Under the bill, an emergency medical
8 technician if authorized by the technician's designated medical
9 director, emergency medical technician-paramedic if authorized by
10 the technician-paramedic's designated medical director, licensed
11 practical nurse, medical laboratory technician, phlebotomist,
12 laboratory assistant, and other qualified persons are also
13 authorized to withdraw a specimen of blood at the request of
14 a peace officer. The bill requires a person who withdraws
15 a specimen of blood to act reasonably, in good faith, and
16 in accordance with standard medical procedures and applicable
17 occupational safety and health standards.

18 The bill shields all authorized persons from civil and
19 criminal liability for the withdrawal of a specimen of blood,
20 except in cases of negligence, so long as the person acts in
21 compliance with the bill.