HOUSE FILE 2136
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 550)
(SUCCESSOR TO HSB 149)

(As Amended and Passed by the House February 20, 2024)
[= New Language by the House

A BILL FOR

An Act relating to medical personnel authorized to withdraw a specimen of blood from a person suspected of operating while intoxicated.

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

Section 1. Section 321J.11, subsection 1, Code 2024, is amended to read as follows:

1. Only a licensed physician, licensed physician assistant ~~as defined in section 148C.1~~, emergency medical technician if authorized by the technician's designated medical director, emergency medical technician-paramedic if authorized by the technician-paramedic's designated medical director, medical technologist, ~~or~~ registered nurse, licensed practical nurse, medical laboratory technician, phlebotomist, laboratory assistant, or other qualified person acting at the request of a peace officer, may withdraw a specimen of blood for the purpose of determining the alcohol concentration or the presence of a controlled substance or other drugs. [A person who withdraws a specimen of blood in accordance with this subsection shall act reasonably, in good faith, and in accordance with standard medical procedures and applicable occupational safety and health standards while withdrawing the specimen of blood.] However, any peace officer, using devices and methods approved by the commissioner of public safety, may take a specimen of a person's breath or urine for the purpose of determining the alcohol concentration, or may take a specimen of a person's urine for the purpose of determining the presence of a controlled substance or other drugs. Except in cases of negligence while withdrawing a specimen of blood, a person authorized to withdraw a specimen of blood under this subsection who acts reasonably, in good faith, and in accordance with standard medical procedures [and applicable occupational safety and health standards], shall not be liable in any civil or criminal action for the withdrawal of the specimen. Only new equipment kept under strictly sanitary and sterile conditions shall be used for drawing blood.