

MAR 11 2005
Place On Calendar

HOUSE FILE 726
BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HSB 24)

Passed House, Date 3-22-05 Passed Senate, Date 4-12-05
Vote: Ayes 98 Nays 0 Vote: Ayes 50 Nays 0
Approved 4-22-05

A BILL FOR

1 An Act allowing a physician assistant and an advanced registered
2 nurse practitioner to certify an alleged intoxicated driver's
3 incapacitated state for purposes of chemical testing.

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

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HF 726

1 Section 1. Section 321J.7, Code 2005, is amended to read
2 as follows:

3 321J.7 DEAD OR UNCONSCIOUS PERSONS.

4 A person who is dead, unconscious, or otherwise in a
5 condition rendering the person incapable of consent or refusal
6 is deemed not to have withdrawn the consent provided by
7 section 321J.6, and the test may be given if a licensed
8 physician, physician assistant, or advanced registered nurse
9 practitioner certifies in advance of the test that the person
10 is ~~dead~~, unconscious, or otherwise in a condition rendering
11 that person incapable of consent or refusal. If the
12 certification is oral, a written certification shall be
13 completed by the physician, physician assistant, or advanced
14 registered nurse practitioner within a reasonable time of the
15 test.

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EXPLANATION

17 This bill allows a physician assistant or an advanced
18 registered nurse practitioner to certify a person's
19 unconscious state or other incapacitated condition, for
20 purposes of chemical testing of a person suspected of driving
21 while intoxicated.

22 The bill provides that a physician assistant or an advanced
23 registered nurse practitioner may certify that a person
24 suspected of driving while intoxicated is unconscious or
25 otherwise in a condition rendering that person incapable of
26 consent or refusal. The bill further provides that if the
27 certification is oral, a written certification shall be
28 completed by the physician assistant or advanced registered
29 nurse practitioner within a reasonable time of the test.
30 Current law limits the certification under these circumstances
31 to a licensed physician.

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Eichhorn, chair
Sands
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726 HSB 24
PUBLIC SAFETY

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

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act allowing an advanced registered nurse practitioner to
2 certify an alleged intoxicated driver's death or other
3 incapacitated state for purposes of chemical testing and to
4 administer a chemical test of bodily fluids, without a
5 warrant, to a person suspected of driving while intoxicated.

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

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S.F. _____ H.F. _____

1 Section 1. Section 321J.7, Code 2005, is amended to read
2 as follows:

3 321J.7 DEAD OR UNCONSCIOUS PERSONS.

4 A person who is dead, unconscious, or otherwise in a
5 condition rendering the person incapable of consent or refusal
6 is deemed not to have withdrawn the consent provided by
7 section 321J.6, and the test may be given if a licensed
8 physician or advanced registered nurse practitioner certifies
9 in advance of the test that the person is dead, unconscious,
10 or otherwise in a condition rendering that person incapable of
11 consent or refusal. If the certification is oral, a written
12 certification shall be completed by the physician or advanced
13 registered nurse practitioner within a reasonable time of the
14 test.

15 Sec. 2. Section 321J.11, unnumbered paragraph 1, Code
16 2005, is amended to read as follows:

17 Only a licensed physician, licensed physician assistant as
18 defined in section 148C.1, medical technologist, advanced
19 registered nurse practitioner, or registered nurse, acting at
20 the request of a peace officer, may withdraw a specimen of
21 blood for the purpose of determining the alcohol concentration
22 or the presence of a controlled substance or other drugs.
23 However, any peace officer, using devices and methods approved
24 by the commissioner of public safety, may take a specimen of a
25 person's breath or urine for the purpose of determining the
26 alcohol concentration, or may take a specimen of a person's
27 urine for the purpose of determining the presence of a
28 controlled substance or other drugs. Only new equipment kept
29 under strictly sanitary and sterile conditions shall be used
30 for drawing blood.

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EXPLANATION

32 This bill allows an advanced registered nurse practitioner
33 to certify a person's death, unconscious state, or other
34 incapacitated condition, for purposes of chemical testing and
35 to administer a chemical test of bodily fluids, without a

1 warrant, to a person suspected of driving while intoxicated.

2 The bill provides that an advanced registered nurse
3 practitioner may certify that a person suspected of driving
4 while intoxicated is dead, unconscious, or otherwise in a
5 condition rendering that person incapable of consent or
6 refusal. The bill further provides that if the certification
7 is oral, a written certification shall be completed by the
8 advanced registered nurse practitioner within a reasonable
9 time of the test. Current law limits the certification under
10 these circumstances to a licensed physician.

11 The bill further provides that an advanced registered nurse
12 practitioner, acting at the request of a peace officer, may
13 withdraw a specimen of blood for the purpose of determining
14 the alcohol concentration or the presence of a controlled
15 substance or other drugs.

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registered nurse practitioner within a reasonable time of the test.

HOUSE FILE 726

AN ACT

ALLOWING A PHYSICIAN ASSISTANT AND AN ADVANCED REGISTERED NURSE PRACTITIONER TO CERTIFY AN ALLEGED INTOXICATED DRIVER'S INCAPACITATED STATE FOR PURPOSES OF CHEMICAL TESTING.

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

Section 1. Section 321J.7, Code 2005, is amended to read as follows:

321J.7 DEAD OR UNCONSCIOUS PERSONS.

A person who is dead, unconscious, or otherwise in a condition rendering the person incapable of consent or refusal is deemed not to have withdrawn the consent provided by section 321J.6, and the test may be given if a licensed physician, physician assistant, or advanced registered nurse practitioner certifies in advance of the test that the person is dead, unconscious, or otherwise in a condition rendering that person incapable of consent or refusal. If the certification is oral, a written certification shall be completed by the physician, physician assistant, or advanced

CHRISTOPHER C. RANTS
Speaker of the House

JOHN P. KIBBIE
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 726, Eighty-first General Assembly.

MARGARET THOMSON
Chief Clerk of the House

Approved 4/22, 2005

THOMAS J. VILSACK
Governor