

House File 2136 - Reprinted

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)

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:

1 Section 1. Section 321J.11, subsection 1, Code 2024, 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 if
5 authorized by the technician's designated medical director,
6 emergency medical technician-paramedic if authorized by the
7 technician-paramedic's designated medical director, medical
8 technologist, or registered nurse, licensed practical nurse,
9 medical laboratory technician, phlebotomist, laboratory
10 assistant, or other qualified person acting at the request
11 of a peace officer, may withdraw a specimen of blood for
12 the purpose of determining the alcohol concentration or
13 the presence of a controlled substance or other drugs. A
14 person who withdraws a specimen of blood in accordance with
15 this subsection shall act reasonably, in good faith, and in
16 accordance with standard medical procedures and applicable
17 occupational safety and health standards while withdrawing the
18 specimen of blood. However, any peace officer, using devices
19 and methods approved by the commissioner of public safety,
20 may take a specimen of a person's breath or urine for the
21 purpose of determining the alcohol concentration, or may take
22 a specimen of a person's urine for the purpose of determining
23 the presence of a controlled substance or other drugs. Except
24 in cases of negligence while withdrawing a specimen of blood,
25 a person authorized to withdraw a specimen of blood under
26 this subsection who acts reasonably, in good faith, and in
27 accordance with standard medical procedures and applicable
28 occupational safety and health standards, shall not be liable
29 in any civil or criminal action for the withdrawal of the
30 specimen. Only new equipment kept under strictly sanitary and
31 sterile conditions shall be used for drawing blood.