

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

SENATE BILL 525

5 By: Senator J. Petty  
6 By: Representative Pearce  
7

## For An Act To Be Entitled

9 AN ACT CONCERNING VENOUS BLOOD DRAWS IN CONNECTION  
10 WITH A CRIMINAL OFFENSE; TO ESTABLISH REQUIREMENTS  
11 AND RESTRICTIONS FOR WHO CAN PERFORM VENOUS BLOOD  
12 DRAWS AT THE REQUEST OF A LAW ENFORCEMENT OFFICER  
13 UNDER CERTAIN CIRCUMSTANCES; TO CLARIFY THE  
14 CIRCUMSTANCES FOR SUBJECTS TO REQUEST A SECOND TEST  
15 UNDER CERTAIN CONDITIONS; AND FOR OTHER PURPOSES.  
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## Subtitle

18 CONCERNING VENOUS BLOOD DRAWS IN  
19 CONNECTION WITH A CRIMINAL OFFENSE; TO  
20 ESTABLISH REQUIREMENTS AND RESTRICTIONS  
21 FOR WHO CAN PERFORM VENOUS BLOOD DRAWS;  
22 AND TO CLARIFY CIRCUMSTANCES FOR A SECOND  
23 TEST UNDER CERTAIN CONDITIONS.  
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27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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29 SECTION 1. Arkansas Code § 5-65-204(c), concerning requests for venous  
30 blood draws in connection with a criminal offense, is amended to read as  
31 follows:

32 (c)(1) Blood may be drawn by a person who is licensed, certified, or  
33 otherwise authorized by law to perform venous blood draws when a:

34 (A) person ~~person~~ consents to the procedure;

35 (B) Blood sample is taken at the request of a law  
36 enforcement officer based on exigent circumstances; or



1                    ~~(C)~~ Warrant or court order has been issued  
2 to take a sample of the person’s blood.

3                    ~~(2) When a blood sample is taken at the request of a law~~  
4 ~~enforcement officer based on exigent circumstances, the blood may only be~~  
5 ~~drawn by a physician or a licensed nurse.~~

6                    ~~(3)~~ The limitations under ~~subdivisions (c)(1) and (2)~~  
7 subdivision (c)(1) of this section do not apply to the taking of a breath,  
8 saliva, or urine specimen.

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10                    SECTION 2. Arkansas Code § 5-65-204(d), concerning the rights of an  
11 individual concerning venous blood draws in connection with a criminal  
12 offense, is amended to add an additional subdivision to read as follows:

13                    (4) An additional test that is requested under subdivision  
14 (d)(1) of this section is not subject to the limitations stated under  
15 subdivision (b)(1)(A) of this section if the additional test is performed at  
16 a medical facility licensed by the department.

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