

1 **DRIVING UNDER THE INFLUENCE TESTING**

2 **AMENDMENTS**

3 2023 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Jefferson S. Burton**

6 Senate Sponsor: Derrin R. Owens

8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions related to immunity from civil or criminal liability arising
11 from drawing a blood sample from a person whom a peace officer has reason to believe
12 is driving under the influence.

13 **Highlighted Provisions:**

14 This bill:

15 ▶ extends to a law enforcement agency immunity to civil and criminal liability arising
16 from drawing a blood sample from a person whom a peace officer has reason to
17 believe is driving under the influence if the blood draw is performed in a secure area
18 within a law enforcement facility and in accordance with standard medical practice.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 None

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **41-6a-523**, as last amended by Laws of Utah 2019, Chapter 349

27 *Be it enacted by the Legislature of the state of Utah:*

28 Section 1. Section **41-6a-523** is amended to read:

29 **41-6a-523. Persons authorized to draw blood -- Immunity from liability.**

30 (1) (a) Only the following, acting at the request of a peace officer, may draw blood to
31 determine its alcohol or drug content:

- 32 (i) a physician;
- 33 (ii) a physician assistant;
- 34 (iii) a registered nurse;
- 35 (iv) a licensed practical nurse;
- 36 (v) a paramedic;
- 37 (vi) as provided in Subsection (1)(b), emergency medical service personnel other than
38 paramedics; or

39 (vii) a person with a valid permit issued by the Department of Health and Human
40 Services under Section 26-1-30.

41 (b) The Department of Health and Human Services may designate by rule, in
42 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, which emergency
43 medical service personnel, as defined in Section 26-8a-102, are authorized to draw blood under
44 Subsection (1)(a)(vi), based on the type of license under Section 26-8a-302.

45 (c) Subsection (1)(a) does not apply to taking a urine, breath, or oral fluid specimen.

46 (2) The following are immune from civil or criminal liability arising from drawing a
47 blood sample from a person whom a peace officer has reason to believe is driving in violation
48 of this chapter, if the sample is drawn in accordance with standard medical practice, and
49 pursuant to a warrant or with the consent of the individual:

50 (a) a person authorized to draw blood under Subsection (1)(a); [~~and~~]

51 (b) if the blood is drawn at a hospital or other medical facility, the medical facility[-];

52 or

53 (c) if the blood is drawn at a law enforcement facility in a secure area not accessible by
54 the public, the law enforcement agency.