

1 H.250

2 Introduced by Representative LaLonde of South Burlington

3 Referred to Committee on

4 Date:

5 Subject: Crimes; DUI; blood testing

6 Statement of purpose of bill as introduced: This bill proposes to clarify a law
7 enforcement officer's ability to obtain a blood sample during a DUI
8 investigation. Specifically, the bill clarifies that a law enforcement officer may
9 obtain a driver's blood sample when reasonable grounds exist to suspect that
10 the driver is under the combined influence of alcohol and a drug.

11 An act relating to obtaining a blood sample during a DUI investigation

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 23 V.S.A. § 1202 is amended to read:

14 § 1202. CONSENT TO TAKING OF TESTS TO DETERMINE BLOOD

15 ALCOHOL CONTENT OR PRESENCE OF OTHER DRUG

16 (a)(1) Implied consent. Every person who operates, attempts to operate, or
17 is in actual physical control of any vehicle on a highway in this State is deemed
18 to have given consent to an evidentiary test of that person's breath for the
19 purpose of determining the person's alcohol concentration or the presence of

1 other drug in the blood. The test shall be administered at the direction of a law
2 enforcement officer.

3 (2) Blood test. If breath testing equipment is not reasonably available or
4 if the officer has reason to believe that the person is unable to give a sufficient
5 sample of breath for testing or if the law enforcement officer has reasonable
6 grounds to believe that the person is under the influence of a drug other than
7 alcohol, or under the combined influence of alcohol and a drug, the person is
8 deemed to have given consent to the taking of an evidentiary sample of blood.
9 If in the officer's opinion the person is incapable of decision or unconscious or
10 dead, it is deemed that the person's consent is given and a sample of blood
11 shall be taken. A blood test sought pursuant to this subdivision (2) shall be
12 obtained pursuant to subsection (f) of this section.

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14 Sec. 2. EFFECTIVE DATE

15 This act shall take effect on July 1, 2023.