

Regular Session, 2014

HOUSE BILL NO. 331

BY REPRESENTATIVE LOPINTO

1 AN ACT

2 To amend and reenact R.S. 32:664(A) and (B) and 666(A)(1)(a)(i) and to enact R.S.
3 32:664(D) and 666(D), relative to chemical tests for intoxication; to authorize certain
4 persons to withdraw blood and administer such tests; to provide for exceptions; and
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:664(A) and (B) and 666(A)(1)(a)(i) are hereby amended and
8 reenacted and R.S. 32:664(D) and 666(D) are hereby enacted to read as follows:

9 §664. Persons ~~qualified to make~~ authorized to administer test

10 A. When a person submits to a blood test at the request of a law enforcement
11 officer under the provisions of this Part, only a physician, physician assistant,
12 registered nurse, licensed practical nurse, emergency medical technician, chemist,
13 nurse practitioner, or other qualified technician may withdraw blood for the purpose
14 of determining the alcoholic content or presence of any abused or illegal controlled
15 dangerous substances therein. No law enforcement officer who is not otherwise
16 qualified as a physician, physician assistant, registered nurse, licensed practical
17 nurse, emergency medical technician, chemist, nurse practitioner, or other qualified
18 technician may withdraw blood for the purpose of determining, or of having
19 determined, the alcoholic content or presence of any abused or illegal controlled
20 dangerous substances therein. This limitation shall not apply to the taking of breath
21 specimens. Only procedures approved and promulgated by the Department of Public
22 Safety and Corrections may be used in the analysis of blood, urine, breath, or other
23 bodily substance.

1 B. After submitting to the chemical test, the person tested may have a
2 physician, physician assistant, chemist, registered nurse, licensed practical nurse,
3 emergency medical technician, nurse practitioner, or other qualified technician of his
4 own choosing administer a chemical test or tests in addition to any administered at
5 the direction of a law enforcement officer. The cost of any such additional test shall
6 be at the expense of the tested person. After being advised of this right as provided
7 in R.S. 32:661(C), he shall be given the opportunity to telephone and request a
8 qualified person to administer such test. The failure or inability of the person to
9 obtain an additional test shall not preclude the admission of evidence relating to the
10 test or tests taken at the direction of a law enforcement officer, unless ~~said~~ the person
11 was denied rights guaranteed to him by law.

12 * * *

13 D. Notwithstanding the provisions of R.S. 37:961 et seq, a licensed practical
14 nurse shall only withdraw blood as provided by Subsections A and B of this Section,
15 pursuant to a subpoena or court order.

16 * * *

17 §666. Refusal to submit to chemical test; submission to chemical tests; exception;
18 effects of

19 A.(1)(a)(i) When a law enforcement officer has probable cause to believe
20 that a person has violated R.S. 14:98, 98.1, or any other law or ordinance that
21 prohibits operating a vehicle while intoxicated, that person may not refuse to submit
22 to a chemical test or tests if he has refused to submit to such test or tests on two
23 previous and separate occasions of any previous such violation or in any case
24 wherein a fatality has occurred or a person has sustained serious bodily injury in a
25 crash involving a motor vehicle, aircraft, watercraft, vessel, or other means of
26 conveyance. Serious bodily injury means bodily injury which involves
27 unconsciousness, protracted and obvious disfigurement, or protracted loss or
28 impairment of the function of a bodily member, organ, or mental faculty, or a
29 substantial risk of death. The law enforcement officer shall direct that a chemical
30 test or tests be conducted of a person's blood, urine, or other bodily substance, or

1 perform a chemical test of such person's breath, for the purpose of determining the
 2 alcoholic content of his blood and the presence of any abused substance or controlled
 3 substance as set forth in R.S. 40:964 in his blood in such circumstances. The officer
 4 may direct a person to submit to a breath test, and if indicated, an additional blood
 5 test for the purpose of testing for the presence of alcohol, abused substances, and
 6 controlled dangerous substances. A refusal of any such test or tests shall result in the
 7 suspension of driving privileges as provided by the provisions of this Part. A
 8 physician, physician assistant, registered nurse, licensed practical nurse, emergency
 9 medical technician, chemist, nurse practitioner, or other qualified technician shall
 10 perform a chemical test in accordance with the provisions of R.S. 32:664 when
 11 directed to do so by a law enforcement officer.

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13 D. Notwithstanding the provisions of R.S. 37:961 et seq, a licensed practical
 14 nurse shall only withdraw blood as provided by Item (A)(1)(a)(i) of this Section,
 15 pursuant to a subpoena or court order.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____