

2022 Regular Session

HOUSE BILL NO. 825

BY REPRESENTATIVE GREGORY MILLER

DWI: Provides relative to licensed practical nurses who administer chemical tests for intoxication

1   AN ACT

2 To repeal R.S. 32:664(D) and 666(D), relative to chemical tests for intoxication; to provide

3         relative to the authority of certain persons to withdraw blood and administer such

4         tests; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6         Section 1. R.S. 32:664(D) and 666(D) are hereby repealed in their entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 825 Engrossed   2022 Regular Session   Gregory Miller

**Abstract:** Removes the requirement that a licensed practical nurse shall only withdraw blood pursuant to a subpoena or court order.

Present law (R.S. 32:644) provides for persons who are authorized to withdraw blood for the purpose of determining the alcoholic content or presence of any abused or illegal controlled dangerous substances in a person who has submitted to a blood test at the request of a law enforcement officer.

Proposed law retains present law.

Present law provides that a licensed practical nurse shall only withdraw blood as provided by present law, pursuant to a subpoena or court order.

Proposed law repeals present law.

Present law (R.S. 32:666) provides that a person may not refuse to submit to a chemical test or tests if he has refused to submit to such test or tests on two previous and separate occasions of any previous violation of present law (R.S. 14:98, 98.6) or in any case where a fatality has occurred or a person has sustained serious bodily injury in a crash involving a motor vehicle, aircraft, watercraft, vessel, or other means of conveyance.

Proposed law retains present law.

Proposed law provides that a physician, physician assistant, registered nurse, licensed practical nurse, emergency medical technician, chemist, nurse practitioner, or other qualified technician shall perform a chemical test in accordance with present law (R.S. 32:664) when directed to do so by a law enforcement officer.

Proposed law retains present law.

Present law provides that a licensed practical nurse shall only withdraw blood as provided by present law, pursuant to a subpoena or court order.

Proposed law repeals present law.

(Repeals R.S. 32:664(D) and 666(D))