

Regular Session, 2014

HOUSE BILL NO. 331

BY REPRESENTATIVE LOPINTO

DWI: Authorizes licensed practical nurses to administer chemical tests for intoxication

1 AN ACT

2 To amend and reenact R.S. 32:664(A) and (B) and 666(A)(1)(a)(i), relative to chemical tests
3 for intoxication; to authorize 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(A) and (B) and 666(A)(1)(a)(i) are hereby amended and
7 reenacted to read as follows:

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

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

1 Safety and Corrections may be used in the analysis of blood, urine, breath, or other
2 bodily substance.

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

14 * * *

15 §666. Refusal to submit to chemical test; submission to chemical tests; exception;
16 effects of

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

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

11 * * *

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)]

Lopinto

HB No. 331

Abstract: Authorizes licensed practical nurses to withdraw blood and administer chemical tests to determine the alcohol content or presence of certain substances in a person's blood.

Present law authorizes the following persons to withdraw blood and administer chemical tests to determine the blood alcohol content or the presence of abused or illegal substances: physicians, physician assistants, registered nurses, emergency medical technicians, chemists, nurse practitioners, or other qualified technicians.

Proposed law retains present law and authorizes licensed practical nurses to withdraw blood and administer such tests.

(Amends R.S. 32:664(A) and (B) and 666(A)(1)(a)(i))