

**DRIVING UNDER THE INFLUENCE TESTING**

**AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jefferson S. Burton**

Senate Sponsor: Derrin R. Owens

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

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

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

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

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*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~~ **and**  
48a **pursuant to a warrant or with the consent of the individual** ~~and~~ :

49 (a) a person authorized to draw blood under Subsection (1)(a); ~~and~~

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

51 ~~and~~ **or** ~~and~~

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