



State of Tennessee
PUBLIC CHAPTER NO. 666

HOUSE BILL NO. 2858

By Representative Maggart

Substituted for: Senate Bill No. 2787

By Senators Kelsey, Overbey

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 10, relative to tests for alcoholic or drug content of blood.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-406(a)(2), is amended by deleting the subsection in its entirety and by substituting instead the following:

(2)

(A) The following persons who, acting at the written request of a law enforcement officer, withdraw blood from a person for the purpose of conducting either or both tests, shall not incur any civil or criminal liability as a result of the withdrawing of the blood, except for any damages that may result from the negligence of the person so withdrawing:

(i) Any physician;

(ii) Registered nurse;

(iii) Licensed practical nurse;

(iv) Clinical laboratory technician;

(v) Licensed paramedic;

(vi) Licensed emergency medical technician approved to establish intravenous catheters;

(vii) Technologist; or

(viii) A trained phlebotomist who is operating under a hospital protocol, has completed phlebotomy training through an educational entity providing such training, or has been properly trained by a current or former employer to draw blood.

(B) Neither shall the hospital nor other employer of the health care professionals listed in this subdivision (a)(2) incur any civil or criminal liability as a result of the act of withdrawing blood from any person, except for negligence.

SECTION 2. Tennessee Code Annotated, Section 55-10-410(a), is amended by deleting the subsection in its entirety and by substituting instead the following:

(a) The procurement of a sample of a person's blood for the purpose of conducting a test to determine the alcohol content, drug content, or both, of the blood as provided by §§ 55-10-405 — 55-10-412, to be considered valid under §§ 55-10-405 — 55-10-412, shall be performed by a:

(1) Registered nurse;

(2) Licensed practical nurse;

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(3) Clinical laboratory technologist;

(4) Clinical laboratory technician;

(5) Licensed emergency medical technician;

(6) Licensed paramedic;

(7) Licensed emergency medical technician, notwithstanding any other provision of law to the contrary, who is approved to establish intravenous catheters;

(8) Technologist;

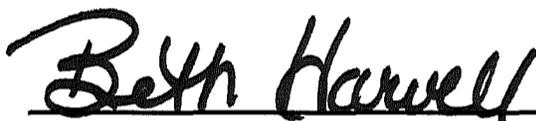
(9) Trained phlebotomist who is operating under a hospital protocol, has completed phlebotomy training through an educational entity providing such training, or has been properly trained by a current or former employer to draw blood; or

(10) Person acting at the direction of a medical examiner or other physician holding an unlimited license to practice medicine in Tennessee under procedures established by the department of health.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

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PASSED: MARCH 19, 2012



BETH HARWELL, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 4th day of April 2012



BILL HASLAM, GOVERNOR