AN ACT

ENTITLED, An Act to revise certain provisions pertaining to the withdrawal of blood to determine alcohol content.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 32-12A-45 be amended to read as follows:

32-12A-45. Only a physician, laboratory technician, registered nurse, physician's assistant, phlebotomist, licensed practical nurse, medical technician, medical technologist, or other person authorized pursuant to certification, license, or training may withdraw blood for the purpose of determining the alcoholic content therein for the purposes of this chapter. This limitation does not apply to the taking of a breath or other bodily substance specimen. No such authorized person, acting on the presumption of consent, and no hospital employing such person, may be held liable to pay damages to the party from whom the blood sample is withdrawn, if the withdrawal is administered with usual and ordinary care.

Section 2. That § 32-23-14 be amended to read as follows:

32-23-14. Only a physician, laboratory technician, registered nurse, physician's assistant, phlebotomist, licensed practical nurse, medical technician, medical technologist, or other person authorized pursuant to a certification, license, or training may withdraw blood for the purpose of determining the alcoholic content therein. This limitation does not apply to the taking of a breath or other bodily substance specimen. Such authorized persons, acting on the presumption of consent in § 32-23-10, and any hospital or facility employing such persons, are not liable and may not be held to pay damages to the party from whom the blood sample is withdrawn, if the withdrawal is administered with usual and ordinary care. No person authorized to withdraw blood under this section may be required or forced to withdraw blood for the purposes outlined in this chapter, unless required pursuant to a written agreement.

An Act to revise certain provisions pertaining to the withdrawal of blood to determine alcohol content.

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I certify that the attached Act originated in the

SENATE as Bill No. 148

_____
Secretary of the Senate

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President of the Senate

Attest:

_____
Secretary of the Senate

_____
Speaker of the House

Attest:

_____
Chief Clerk

Senate Bill No. 148
File No. ____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20___

_____
Governor

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STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____ , 20___
at _____ o'clock __ M.

_____
Secretary of State

By _____
Asst. Secretary of State