

46--A

2009-2010 Regular Sessions

I N   S E N A T E

(PREFILED)

January 7, 2009

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Introduced by Sens. FUSCHILLO, DeFRANCISCO, HANNON, C. JOHNSON, O. JOHNSON, LARKIN, MORAHAN, NOZZOLIO, ONORATO, VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to persons authorized to withdraw blood

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subparagraph 1 of paragraph (a) of subdivision 4 of section  
2     1194 of the vehicle and traffic law, as amended by chapter 406 of the  
3     laws of 1988, is amended to read as follows:  
4     (1) At the request of a police officer, the following persons may  
5     withdraw blood for the purpose of determining the alcoholic or drug  
6     content therein: [(i)] a physician[,]; a registered professional nurse  
7     [or]; A LICENSED PRACTICAL NURSE; A NURSE PRACTITIONER; a registered  
8     physician's assistant; [or (ii) under the supervision and at the direc-  
9     tion of a physician:] a medical laboratory technician or medical tech-  
10    nologist as classified by civil service; a phlebotomist; an advanced  
11    emergency medical technician as certified by the department of health;  
12    [or] a medical laboratory technician or medical technologist employed by  
13    a clinical laboratory approved under title five of article five of the  
14    public health law; OR OTHER PERSON DULY LICENSED BY THE STATE WHO BY  
15    CONDITION OF HIS OR HER LICENSE IS QUALIFIED TO WITHDRAW BLOOD IN THE  
16    STATE. This limitation shall not apply to the taking of a urine, saliva  
17    or breath specimen.  
18    S 2. This act shall take effect on the first of November next succeed-  
19    ing the date on which it shall have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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