S T A T E O F N E W Y O R K

46--A

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

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:

Section 1. Subparagraph 1 of paragraph (a) of subdivision 4 of section 1194 of the vehicle and traffic law, as amended by chapter 406 of the laws of 1988, is amended to read as follows:

(1) At the request of a police officer, the following persons may withdraw blood for the purpose of determining the alcoholic or drug content therein: [(i)] a physician[,]; a registered professional nurse [or]; A LICENSED PRACTICAL NURSE; A NURSE PRACTITIONER; a registered physician's assistant; [or (ii) under the supervision and at the direction of a physician:] a medical laboratory technician or medical technologist as classified by civil service; a phlebotomist; an advanced emergency medical technician as certified by the department of health; [or] a medical laboratory technician or medical technologist employed by a clinical laboratory approved under title five of article five of the public health law; OR OTHER PERSON DULY LICENSED BY THE STATE WHO BY CONDITION OF HIS OR HER LICENSE IS QUALIFIED TO WITHDRAW BLOOD IN THE STATE. This limitation shall not apply to the taking of a urine, saliva or breath specimen.

S 2. This act shall take effect on the first of November next succeeding 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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