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

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2009-2010 Regular Sessions

I N A S S E M B L Y

May 29, 2009

Introduced by M. of A. WEISENBERG, COLTON, MAGNARELLI, BACALLES, FINCH, FIELDS, GABRYSZAK, McKEVITT, DelMONTE, BURLING, TOBACCO, CROUCH, KOON, CASTRO, HOOPER, MAISEL, SCHIMEL, COOK, SPANO, JAFFEE, BARRON, ENGLEBRIGHT, ZEBROWSKI -- Multi-Sponsored by -- M. of A. BARCLAY, BOYLAND, CONTE, CORWIN, DUPREY, ERRIGO, GALEF, GLICK, HEVESI, JOHN, JORDAN, KOLB, McDONOUGH, McENENY, MILLMAN, O'MARA, PAULIN, PERRY, PHEFFER, REILLY, SALADINO, SAYWARD, SWEENEY, TEDISCO, THIELE, TITONE, TOWNSEND -- read once and referred to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law, in relation to testing 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 registered [physician's] PHYSICIAN assistant, A CERTIFIED NURSE PRACTITIONER, OR AN ADVANCED EMERGENCY MEDICAL TECHNICIAN AS CERTIFIED BY THE DEPARTMENT OF HEALTH; or (ii) under the supervision and at the direction of a physician, REGISTERED PHYSICIAN ASSISTANT OR CERTIFIED NURSE PRACTITIONER ACTING WITHIN HIS OR HER LAWFUL SCOPE OF PRACTICE, OR UPON THE EXPRESS CONSENT OF THE PERSON EIGHTEEN YEARS OF AGE OR OLDER FROM WHOM SUCH BLOOD IS TO BE WITHDRAWN: a [medical] CLINICAL laboratory technician or [medical] CLINICAL LABORATORY technologist [as classified

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

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by civil service] LICENSED PURSUANT TO ARTICLE ONE HUNDRED SIXTY-FIVE OF THE EDUCATION LAW; 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. This limitation shall not apply to the taking of a urine, saliva or breath specimen.

S 2. This act shall take effect immediately.