

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

SENATE BILL 525

By: Senator J. Petty
By: Representative Pearce

For An Act To Be Entitled

AN ACT CONCERNING VENOUS BLOOD DRAWS IN CONNECTION WITH A CRIMINAL OFFENSE; TO ESTABLISH REQUIREMENTS AND RESTRICTIONS FOR WHO CAN PERFORM VENOUS BLOOD DRAWS AT THE REQUEST OF A LAW ENFORCEMENT OFFICER UNDER CERTAIN CIRCUMSTANCES; TO CLARIFY THE CIRCUMSTANCES FOR SUBJECTS TO REQUEST A SECOND TEST UNDER CERTAIN CONDITIONS; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING VENOUS BLOOD DRAWS IN CONNECTION WITH A CRIMINAL OFFENSE; TO ESTABLISH REQUIREMENTS AND RESTRICTIONS FOR WHO CAN PERFORM VENOUS BLOOD DRAWS; AND TO CLARIFY CIRCUMSTANCES FOR A SECOND TEST UNDER CERTAIN CONDITIONS.

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

SECTION 1. Arkansas Code § 5-65-204(c), concerning requests for venous blood draws in connection with a criminal offense, is amended to read as follows:

(c)(1) Blood may be drawn by a person who is licensed, certified, or otherwise authorized by law to perform venous blood draws when a:

(A) ~~person~~ Person consents to the procedure;

(B) Blood sample is taken at the request of a law enforcement officer based on exigent circumstances; or



~~(C) when a warrant~~ Warrant or court order has been issued to take a sample of the person's blood.

~~(2) When a blood sample is taken at the request of a law enforcement officer based on exigent circumstances, the blood may only be drawn by a physician or a licensed nurse.~~

~~(3) The limitations under subdivisions (c)(1) and (2)~~ subdivision (c)(1) of this section do not apply to the taking of a breath, saliva, or urine specimen.

SECTION 2. Arkansas Code § 5-65-204(d), concerning the rights of an individual concerning venous blood draws in connection with a criminal offense, is amended to add an additional subdivision to read as follows:

(4) An additional test that is requested under subdivision (d)(1) of this section is not subject to the limitations stated under subdivision (b)(1)(A) of this section if the additional test is performed at a medical facility licensed by the department.