

State of South Dakota

EIGHTY-FIFTH SESSION
LEGISLATIVE ASSEMBLY, 2010

754R0589

SENATE BILL NO. 148

Introduced by: Senators Tieszen, Abdallah, Gillespie, and Gray and Representatives Cutler, Engels, and Hunt

1 FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to the withdrawal of
2 blood to determine alcohol content.

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

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

5 32-12A-45. Only a physician, laboratory technician, registered nurse, physician's assistant,
6 phlebotomist, ~~expanded role~~ licensed practical nurse, medical technician, ~~or~~ medical
7 technologist, or other person authorized pursuant to certification, license, or training may
8 withdraw blood for the purpose of determining the alcoholic content therein for the purposes
9 of this chapter. This limitation does not apply to the taking of a breath or other bodily substance
10 specimen. No such authorized person, acting on the presumption of consent, and no hospital
11 employing such person, may be held liable to pay damages to the party from whom the blood
12 sample is withdrawn, if the withdrawal is administered with usual and ordinary care.

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

14 32-23-14. Only a physician, laboratory technician, registered nurse, physician's assistant,
15 phlebotomist, ~~expanded role~~ licensed practical nurse, medical technician, ~~or~~ medical



1 technologist, or other person authorized pursuant to a certification, license, or training may
2 withdraw blood for the purpose of determining the alcoholic content therein. This limitation
3 does not apply to the taking of a breath or other bodily substance specimen. Such authorized
4 persons, acting on the presumption of consent in § 32-23-10, and any hospital or facility
5 employing such persons, are not liable and may not be held to pay damages to the party from
6 whom the blood sample is withdrawn, if the withdrawal is administered with usual and ordinary
7 care. No person authorized to withdraw blood under this section may be required or forced to
8 withdraw blood for the purposes outlined in this chapter, unless required pursuant to a written
9 agreement.