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## SENATE BILL NO. 832

Offered January 14, 2015

Prefiled January 5, 2015

A BILL to amend the Code of Virginia by adding a section numbered 19.2-53.1, relating to taking of blood samples pursuant to search warrant; immunity.

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Patron—Edwards

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Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:****1. That the Code of Virginia is amended by adding a section numbered 19.2-53.1 as follows:****§ 19.2-53.1. Qualifications and liability of persons authorized to take blood samples; procedure for taking samples.**

Only a physician, registered nurse, licensed practical nurse, phlebotomist, graduate laboratory technician, or a technician or nurse designated by order of a circuit court acting upon the recommendation of a licensed physician, using soap and water, polyvinylpyrrolidone iodine, pvp iodine, povidone iodine, or benzalkonium chloride to cleanse the part of the body from which the blood is taken and using instruments sterilized by the accepted steam sterilizer or some other sterilizer that will not affect the accuracy of the test, or using chemically clean sterile disposable syringes, shall withdraw blood pursuant to a search warrant. It is a Class 3 misdemeanor to reuse single-use-only needles or syringes. No civil liability shall attach to any person authorized to withdraw blood as a result of the act of withdrawing blood pursuant to a search warrant issued in accordance with § 19.2-53 from any person submitting thereto, provided the blood was withdrawn according to recognized medical procedures. However, the person shall not be relieved from liability for negligence in the withdrawing of any blood sample.

No person who is the subject of a search warrant requiring the taking of a blood sample shall be required to execute in favor of any person or corporation a waiver or release of liability in connection with the withdrawal of blood and as a condition precedent to the withdrawal of blood as provided for in this section.

INTRODUCED

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