

## SB225 INTRODUCED



1 SB225  
2 2JXYPII-1  
3 By Senator Givhan  
4 RFD: Judiciary  
5 First Read: 05-Mar-25



SYNOPSIS:

Under existing law, a law enforcement officer may request that a physician, registered nurse, paramedic, phlebotomist, or other qualified person draw blood at the direction of a law enforcement officer in relation to an allegation that an individual was driving while under the influence.

This bill would authorize qualified individuals to refuse to draw blood at the direction of a law enforcement officer in certain circumstances.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to traffic offenses; to amend Section 32-5A-194, Code of Alabama 1975, to further provide for the drawing of blood in relation to certain traffic offenses.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 32-5A-194, Code of Alabama 1975, is amended to read as follows:

"§32-5A-194

(a) Upon the trial of any civil, criminal, or quasi-criminal action or proceeding arising out of acts



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alleged to have been committed by any ~~person~~ individual while driving or in actual physical control of a vehicle while under the influence, evidence of the amount of alcohol, controlled substance, or other impairing substance in ~~a person's~~ an individual's blood at the alleged time, as determined by a chemical analysis of the ~~person's~~ individual's blood, breath, oral fluid, or other bodily substance, or any combination thereof, shall be admissible. Where a chemical test or tests are made, the following provisions shall apply:

(1) Chemical analyses of the ~~person's~~ individual's blood, breath, oral fluid, or other bodily substance to be considered valid shall have been performed according to methods approved by the Department of Forensic Sciences and by an individual possessing a valid permit issued by the Department of Forensic Sciences. The court trying the case may take judicial notice of the methods approved by the Department of Forensic Sciences. The Department of Forensic Sciences may approve satisfactory techniques or methods to ascertain the qualifications and competence of individuals to conduct the analyses and to issue permits which shall be subject to termination or revocation at the discretion of the Department of Forensic Sciences. The Department of Forensic Sciences shall approve permits required in this section only for employees of state, county, municipal, and federal law enforcement agencies, and for laboratory personnel employed by the Department of Forensic Sciences.

(2) When ~~a person~~ an individual shall submit to a blood test at the direction of a law enforcement officer pursuant to



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Section 32-5-192, only a physician, a registered nurse, a paramedic, a phlebotomist, or other qualified ~~person~~ individual may withdraw blood for the purpose of determining the alcoholic content or the presence of other impairing substances. This limitation shall not apply to the taking of breath or oral fluid. Except as provided by court order, any qualified individual may refuse to draw blood pursuant to a request from a law enforcement officer made pursuant to Section 32-5-192.

(3) The ~~person~~ individual tested may at his or her own expense have a physician, qualified technician, registered nurse, or other qualified ~~person~~ individual of his or her own choosing administer a chemical test or tests in addition to any administered at the discretion of a law enforcement officer. The failure or inability to obtain an additional test by ~~a person~~ an individual shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

(4) Upon the written request of the ~~person~~ individual who shall submit to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or her or his or her attorney.

(5) Percent by weight of alcohol in the blood shall be based upon grams of alcohol per 100 cubic centimeters of blood or grams of alcohol per 210 liters of breath.

(b) Upon the trial of any civil, criminal, or quasi-criminal action or proceeding arising out of acts



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alleged to have been committed by any ~~person~~ individual while driving or in actual physical control of a vehicle while under the influence of alcohol, the amount of alcohol in the ~~person's~~ individual's blood at the time alleged as shown by chemical analysis of the ~~person's~~ individual's blood or breath shall give rise to all of the following presumptions:

(1) If there were at that time 0.05 percent or less by weight of alcohol in the ~~person's~~ individual's blood, it shall be presumed that the ~~person~~ individual was not under the influence of alcohol unless the ~~person~~ individual was operating a motor vehicle in performance of his or her duties as a school bus driver or day care driver at that time or was under ~~the age of~~ 21 years of age at that time.

(2) If there were at the time in excess of 0.05 percent but less than 0.08 percent by weight of alcohol in the ~~person's~~ individual's blood, this fact shall not give rise to any presumption that the ~~person~~ individual was or was not under the influence of alcohol, but this fact may be considered with other competent evidence in determining whether the ~~person~~ individual was under the influence of alcohol unless the ~~person~~ individual was operating a motor vehicle in performance of his or her duties as a school bus driver or day care driver at that time or was under ~~the age of~~ 21 years of age at that time.

(3) If there were at that time 0.08 percent or more by weight of alcohol in the ~~person's~~ individual's blood, or greater than ~~.02~~ 0.02 percent if the ~~person~~ individual was operating a motor vehicle in performance of his or her duties



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as a school bus driver or day care driver at that time or was under ~~the age of~~ 21 years of age at that time, it shall be presumed that the ~~person~~ individual was under the influence of alcohol.

(4) Nothing in this section shall be construed as limiting the introduction of any other competent evidence relating to the question of whether the ~~person~~ individual was under the influence of alcohol.

(c) If ~~a person~~ an individual under arrest refuses to submit to a chemical test or tests pursuant to Section 32-5-192, evidence of refusal shall be admissible in any civil, criminal, or quasi-criminal action or proceeding arising out of acts alleged to have been committed while the ~~person~~ individual was driving or in actual physical control of a motor vehicle while under the influence.

(d) No physician, registered nurse, phlebotomist, paramedic, duly licensed chemical laboratory technologist or clinical laboratory technician, fire department, rescue squad, private ambulance company, or medical facility shall incur any civil or criminal liability as a result of the proper administering of a blood test when requested in writing by a law enforcement officer to administer such a test."

Section 2. This act shall become effective on October 1, 2025.