

H.612

Introduced by Representatives Potter of Clarendon, Bancroft of Westford,
Bissonnette of Winooski, Carr of Brandon, Cupoli of Rutland
City, Fagan of Rutland City, Harrison of Chittenden, Helm of
Fair Haven, Howard of Rutland City, Nolan of Morristown, and
Shaw of Pittsford

Referred to Committee on

Date:

Subject: Motor vehicles; operating under the influence of alcohol or drugs

Statement of purpose of bill as introduced: This bill proposes to permit a
driver's refusal to take a blood alcohol test to be introduced as evidence in a
criminal proceeding and to require emergency room health care providers to
notify law enforcement if a patient who has been in a motor vehicle accident
has drugs in his or her blood or appears to be impaired by alcohol or drugs.

An act relating to driving under the influence of alcohol or drugs

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 23 V.S.A. § 1202 is amended to read:

§ 1202. CONSENT TO TAKING OF TESTS TO DETERMINE BLOOD
ALCOHOL CONTENT OR PRESENCE OF OTHER DRUG

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1 (b) A refusal to take a breath or blood test may be introduced as evidence
2 in a criminal proceeding.

3 * * *

4 Sec. 2. 23 V.S.A. § 1203b is amended to read:

5 § 1203b. DUTY TO REPORT BLOOD TEST RESULTS

6 (a) Notwithstanding any law or court rule to the contrary, if a health care
7 provider who is providing health services to a person in the emergency room of
8 a health care facility as a result of a motor vehicle accident becomes aware as a
9 result of any blood test performed in the health care facility that the person's
10 blood alcohol level meets or exceeds the level prohibited by law, or that the
11 person has illegal drugs in his or her blood, or that the person appears to be
12 impaired by alcohol or drugs, the health care provider shall report that fact, as
13 soon as is reasonably possible, to a law enforcement agency having jurisdiction
14 over the location where the accident occurred.

15 (b) Any person who in good faith reports the results of a blood test
16 pursuant to the provisions of subsection (a) of this section shall be immune
17 from any civil or criminal liability which might otherwise be incurred or
18 imposed as a result of making a report.

19 (c) Any person who violates subsection (a) of this section shall be fined not
20 more than \$500.00.

1 (d) A report made under this section, the fact that a report was made, and
2 the results of the blood test which required the report shall not be admissible in
3 any criminal case without the consent of the person whose blood was tested.

4 (e) A report made under the provisions of this section shall not be
5 considered a waiver of the patient's privilege.

6 (f) As used in this section:

7 (1) "Health care facility" shall ~~be defined~~ have the same meaning as
8 ~~provided~~ in 18 V.S.A. § 9432(8).

9 (2) "Health care provider" shall ~~be defined~~ have the same meaning as
10 ~~provided~~ in 18 V.S.A. § 9432(9).

11 (3) "Health services" shall ~~be defined~~ have the same meaning as
12 ~~provided~~ in 18 V.S.A. § 9432(10).

13 (g) Health care facilities have a responsibility to ensure that all health care
14 providers who work in the health care facility and may provide health care to a
15 person injured as a result of a motor vehicle accident are aware of their
16 responsibilities under this section. Every health care facility that provides
17 health care to persons injured as a result of motor vehicle accidents shall:

18 (1) adopt a policy that implements this section;

19 (2) provide a copy of the policy to all health care providers who work in
20 the health care facility who may provide health care to a person as a result of a
21 motor vehicle accident; and

1 (3) conduct an educational and training program within one month of
2 the effective date of this section for all such health care providers currently
3 working at the facility and, for all such health care providers hired thereafter,
4 within one month of their employment.

5 Sec. 3. EFFECTIVE DATE

6 This act shall take effect on passage.