



# LAWS OF ALASKA

1977

Source

HB 341 am S

Chapter No.

80

## AN ACT

Relating to liability of health care providers.

### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

\* Section 1. AS 09.65 is amended by adding a new section to read:

Sec. 09.65.095. LIABILITY FOR ADMINISTRATION OF BLOOD TEST. (a) No civil or criminal action arising out of battery may be brought against a health care provider for the act of taking a blood sample if the sample is taken

(1) at the request of a police officer when the arresting officer has a search warrant or court order authorizing the taking of the blood sample; and

(2) without the use of excessive or unreasonable force.

(b) As used in this section,

(1) "health care provider" means a nurse licensed under AS 08.68, a physician licensed under AS 08.64, and a person certified by a hospital as competent to take blood samples;

(2) "hospital" means a hospital as defined in AS 18.20.130(1), including a governmentally owned or operated hospital.

(c) Nothing in this section shall be construed to prohibit recovery of damages incident to the improper or negligent withdrawal of blood.

Approved by the Governor: June 3, 1977  
Actual Effective Date: September 1, 1977