

Introduced: 3/11/77  
Referred: Judiciary

1 IN THE HOUSE

BY MILES

2 HOUSE BILL NO. 341 am S

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to liability of health care providers."

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

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

9 Sec. 09.65.095. LIABILITY FOR ADMINISTRATION OF BLOOD TEST. (a)

10 No civil or criminal action arising out of battery may be brought  
11 against a health care provider for the act of taking a blood sample if  
12 the sample is taken

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

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

17 (b) As used in this section,

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

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

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

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