

Senate Engrossed

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-eighth Legislature  
First Regular Session  
2007

CHAPTER 19

# **SENATE BILL 1015**

AN ACT

AMENDING TITLE 28, CHAPTER 4, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-1390; RELATING TO DRIVING UNDER THE INFLUENCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 28, chapter 4, article 3, Arizona Revised Statutes,  
3 is amended by adding section 28-1390, to read:

4 28-1390. Emergency personnel; law enforcement

5 A. NOTWITHSTANDING ANY OTHER LAW, IF A LAW ENFORCEMENT OFFICER  
6 REASONABLY BELIEVES THAT A PERSON MAY HAVE VIOLATED SECTION 28-1381, 28-1382  
7 OR 28-1383, THE LAW ENFORCEMENT OFFICER MAY REQUEST EMERGENCY DEPARTMENT  
8 PERSONNEL OF A HEALTH CARE INSTITUTION AS DEFINED IN SECTION 36-401 TO  
9 PROVIDE TO THE LAW ENFORCEMENT OFFICER A COPY OF ANY WRITTEN OR ELECTRONIC  
10 REPORT OF THE PERSON'S BLOOD ALCOHOL CONCENTRATION.

11 B. BEFORE REQUESTING THE INFORMATION REQUIRED BY SUBSECTION A OF THIS  
12 SECTION, A LAW ENFORCEMENT OFFICER SHALL OBTAIN PERMISSION FROM THE EMERGENCY  
13 DEPARTMENT DIRECTOR OR THE DIRECTOR'S DESIGNEE TO SPEAK WITH THE PERSONNEL.  
14 THE PERMISSION SHALL NOT BE REFUSED, BUT MAY BE DELAYED IF, IN THE OPINION OF  
15 THE EMERGENCY DEPARTMENT DIRECTOR OR THE DIRECTOR'S DESIGNEE, TAKING THE  
16 PERSONNEL AWAY FROM PATIENT CARE DUTIES COULD CAUSE PATIENT HARM.

17 C. IF A LAW ENFORCEMENT OFFICER MAKES A REQUEST OF EMERGENCY  
18 DEPARTMENT PERSONNEL PURSUANT TO SUBSECTION A OF THIS SECTION, THE PERSONNEL  
19 SHALL COMPLY WITH THE REQUEST. EMERGENCY DEPARTMENT PERSONNEL ARE NOT  
20 REQUIRED TO DETERMINE WHETHER A LAW ENFORCEMENT OFFICER HAS A REASONABLE  
21 BELIEF THAT A PERSON MAY HAVE VIOLATED SECTION 28-1381, 28-1382 OR 28-1383  
22 WHEN COMPLYING WITH THE REQUEST IN SUBSECTION A OF THIS SECTION.

23 D. EMERGENCY DEPARTMENT PERSONNEL DO NOT INCUR ANY CIVIL LIABILITY AS  
24 A RESULT OF COMPLYING WITH THIS SECTION UNLESS THE PERSONNEL, WHILE  
25 PERFORMING THE ACTIVITY, ACT WITH GROSS NEGLIGENCE.

APPROVED BY THE GOVERNOR APRIL 10, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 11, 2007.

Passed the House April 2, 20 07,

by the following vote: 52 Ayes,

0 Nays, 8 Not Voting

Speaker of the House

Chief Clerk of the House

Passed the Senate February 19, 20 07,

by the following vote: 25 Ayes,

3 Nays, 2 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

4th day of April, 2007

at 1:43 o'clock P. M.

Secretary to the Governor

Approved this 10 day of

April, 2007,

at 4:50 o'clock 7. M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 11 day of April, 2007,

at 9:04 o'clock A. M.

Secretary of State

S.B. 1015