

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

**SESSION LAW 2003-95  
SENATE BILL 449**

AN ACT TO CLARIFY ADMISSIBLE EVIDENCE THAT THE PERSON  
WITHDRAWING BLOOD IN AN IMPAIRED DRIVING CASE IS A LICENSED  
PHYSICIAN, NURSE, OR AN OTHERWISE QUALIFIED PERSON.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 20-139.1(c) reads as rewritten:

"(c) **Withdrawal of Blood for Chemical Analysis.** – When a blood test is specified as the type of chemical analysis by the charging officer, only a physician, registered nurse, or other qualified person may withdraw the blood sample. If the person withdrawing the blood requests written confirmation of the charging officer's request for the withdrawal of blood, the officer shall furnish it before blood is withdrawn. When blood is withdrawn pursuant to a charging officer's request, neither the person withdrawing the blood nor any hospital, laboratory, or other institution, person, firm, or corporation employing that person, or contracting for the service of withdrawing blood, may be held criminally or civilly liable by reason of withdrawing that blood, except that there is no immunity from liability for negligent acts or omissions.

Evidence regarding the qualifications of the person who withdrew the blood sample may be provided at trial by testimony of the charging officer or by an affidavit of the person who withdrew the blood sample and shall be sufficient to constitute prima facie evidence regarding the person's qualifications."

**SECTION 2.** This act becomes effective December 1, 2003.

In the General Assembly read three times and ratified this the 20<sup>th</sup> day of May, 2003.

s/ Beverly E. Perdue  
President of the Senate

s/ James B. Black  
Speaker of the House of Representatives

s/ Michael F. Easley  
Governor

Approved 5:03 p.m. this 30<sup>th</sup> day of May, 2003