

B-Engrossed
House Bill 3085

Ordered by the Senate June 13
Including House Amendments dated April 20 and Senate Amendments
dated June 13

Sponsored by Representative BARKER

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires health care facility to notify law enforcement if facility becomes aware as result of blood test[, *urine test or other diagnostic test*] that patient who was operating motor vehicle in accident has controlled substance in blood.

A BILL FOR AN ACT

1
2 Relating to duties of health care providers; amending ORS 676.260.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 676.260 is amended to read:

5 676.260. (1) [*If a health care provider who is providing medical care in*] A health care facility **that**
6 **provides medical care** immediately after a motor vehicle accident to a person reasonably believed
7 to be the operator of a motor vehicle involved in the accident[,] **shall notify any law enforcement**
8 **officer who is at the health care facility and is acting in an official capacity in relation to the**
9 **motor vehicle accident if the health care facility** becomes aware, as a result of any blood test
10 performed in the course of that treatment, that:

11 (a) The person's blood alcohol level meets or exceeds the percent specified in ORS 813.010[, *the*
12 *health care provider must notify any law enforcement officer who is at the health care facility and is*
13 *acting in an official capacity in relation to the motor vehicle accident.*]; **or**

14 (b) **The person's blood contains a controlled substance, as defined in ORS 475.005.**

15 (2) **If a health care facility is required to notify a law enforcement officer of test results**
16 **under subsection (1) of this section and** no law enforcement officer is present in an official ca-
17 pacity at the health care facility, the health care facility [*must*] **shall** notify a law enforcement
18 agency in the county in which the accident occurred, or an Oregon State Police dispatch center,
19 as soon as possible but no more than 72 hours after becoming aware of the results of the blood test.

20 [(2)] (3) [*The notice shall*] **A notice required under this section must** consist of:

21 (a) The name of the person being treated[.];

22 (b) The blood alcohol level **and name and level of any controlled substance** disclosed by the
23 test; and

24 (c) The date and time of the administration of the test.

25 [(3)] (4) [*Nothing contained in*] ORS 40.225 to 40.295 [*affects*] **do not affect** the requirement to
26 provide notice imposed by this section, and the health care [*provider*] **facility** shall not be consid-
27 ered to have breached any duty under ORS 40.225 to 40.295 owed to the person about whom the

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 notice is made.

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