

HOUSE AMENDMENTS TO HOUSE BILL 3085

By COMMITTEE ON JUDICIARY

April 20

1 Delete lines 4 through 26 of the printed bill and insert:

2 “**SECTION 1.** ORS 676.260 is amended to read:

3 “676.260. (1) *[If a health care provider who is providing medical care in]* A health care facility
4 **that provides medical care** immediately after a motor vehicle accident to a person reasonably be-
5 lieved to be the operator of a motor vehicle involved in the accident[,] **shall notify any law**
6 **enforcement officer who is at the health care facility and is acting in an official capacity in**
7 **relation to the motor vehicle accident if the health care facility** becomes aware, as a result of
8 any blood test, **urine test or other diagnostic test** performed in the course of that treatment,
9 that:

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

13 “(b) **The person’s blood or urine contains a controlled substance, as defined in ORS**
14 **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
20 test, **urine test or other diagnostic test.**

21 “[~~(2)~~] (3) [*The notice shall*] **A notice required under this section must** consist of:

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

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

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

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

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