

2016 Regular Session

HOUSE BILL NO. 639

BY REPRESENTATIVE RICHARD

CRIMINAL/PROCEDURE: Provides for blood testing of caretaker when infant death occurs

1 AN ACT

2 To enact R.S. 14:403.8.1, relative to caretakers; to require a blood test for caretakers after
3 an infant death; to authorize certain healthcare providers to withdraw blood; to
4 provide for definitions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:403.8.1 is hereby enacted to read as follows:

7 §403.8.1. Death of an infant; blood test required

8 A. In any case of the death of an infant while in the custody of a caretaker,
9 the person, regardless of age, who accepted the responsibility to act as a caretaker for
10 the infant shall submit to a blood test, upon request of an appropriate authority, for
11 the purpose of determining the alcoholic content or presence of any abused or illegal
12 controlled dangerous substances therein.

13 B. When a person submits to a blood test pursuant to the provisions of this
14 Section, only a physician, physician assistant, registered nurse, licensed practical
15 nurse, emergency medical technician, chemist, nurse practitioner, or other qualified
16 technician may withdraw blood for the purpose of determining the alcoholic content
17 or presence of any abused or illegal controlled dangerous substances therein.

18 C. For purposes of this Section:

19 (1) "Appropriate authority" shall include any of the following:

20 (a) A state or local law enforcement agency.

- 1 (b) The coroner of the parish in which the infant's body is located.
- 2 (2) "Caretaker" means any person who, at the time of the infant's death, has
- 3 physical custody of the infant.
- 4 (3) "Infant" means a child under the age of one year.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 639 Original

2016 Regular Session

Richard

Abstract: Requires a caretaker to submit to a blood test when an infant dies while in the person's physical custody.

Proposed law requires, in any case of the death of an infant while in the custody of a caretaker, the person, regardless of age, who accepted the responsibility to act as a caretaker for the infant to submit to a blood test, upon request of a state or local law enforcement agency or the coroner of the parish in which the infant's body is located, for the purpose of determining the alcoholic content or presence of any abused or illegal controlled dangerous substances therein.

Proposed law authorizes the following persons to withdraw blood for the required blood test: a physician, physician assistant, registered nurse, licensed practical nurse, emergency medical technician, chemist, nurse practitioner, or other qualified technician.

(Adds R.S. 14:403.8.1)