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**AG Balderas Announces Emergency Room Technicians Can Draw Blood for DWI Investigations after NM Supreme Court Upholds NM Court of Appeals Decision**

ALBUQUERQUE, NM— Today, Attorney General Hector Balderas announced that the New Mexico Supreme Court determined a hospital emergency department technician, also licensed as an EMT, with training and experience in drawing blood, is statutorily authorized to draw blood for the purposes of DWI investigations.

In one of at least six cases on appeal that arose under very similar fact patterns, an emergency department technician employed by a hospital and also licensed as an EMT performed a blood draw test on a DWI suspect at San Juan Regional Medical Center in Farmington for the purpose of a DWI investigation. The defendant, Brian Adams, argued in the district court that the technician did not qualify to draw blood under a statute that provides “[o]nly a physician, licensed professional or practical nurse or laboratory technician or technologist employed by a hospital or physician shall withdraw blood from any person in the performance of a blood alcohol test.” The district court agreed and barred the prosecution from using the blood test results at trial.

The State appealed to the New Mexico Court of Appeals, arguing that in light of the medical professional’s employment, training, and experience, and the Legislature’s statutory objective to combat driving while under the influence, the Court should deem the individual authorized to draw blood under the relevant statute. The Court of Appeals agreed, and reversed the district court. Adams then sought review by the New Mexico Supreme Court, which affirmed the holding of the Court of Appeals. The Supreme Court held that, despite not literally working in a “laboratory”, such individuals are qualified to draw blood as a “laboratory technician” under the statute so long as they were employed to draw blood by a hospital or physician and have adequate training and experience.

“This opinion codifies the common-sense notion that experienced EMTs are qualified to draw blood of suspected drunk drivers,” said Attorney General Balderas. “I am pleased by the Supreme Court’s decision which achieves the Legislature’s intent to allow for valid blood draws to be used as evidence in DWI investigations and prosecutions.”

This case was prosecuted by the Eleventh Judicial District Attorney’s Office. John Kloss of the Criminal Appeals Division of the New Mexico Office of the Attorney General represented the State on appeal.

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