

Blood and Urine Testing of Drivers Apparently Under the Influence of Drugs

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Functional Sub group Clinical/ Patient Services - Pathology

Summary Procedure for taking blood or urine samples for drug testing purposes from arrested drivers.

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Applies to Area Health Services/Chief Executive Governed Statutory Health Corporation, Board Governed Statutory Health Corporations, Affiliated Health Organisations, NSW Ambulance Service, Private Hospitals and Day Procedure Centres, Public Hospitals

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Director-General

Compliance with this policy directive is mandatory.

CIRCULAR

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Contact	Mr R Dash

**BLOOD AND URINE TESTING OF DRIVERS
APPARENTLY UNDER THE INFLUENCE OF DRUGS**

The Motor Traffic Act 1909 has been amended, with effect from 1 December 1927 to provide for testing of blood and urine of drivers whose driving gives reasonable cause for belief that they are under the influence of alcohol or other drugs, but whose breath test indicates that they do not have a prescribed concentration of alcohol in their blood. This circular sets out the requirements in such cases.

A motor vehicle driver who appears to be under the influence of alcohol or another drug, but whose breath test for alcohol is negative, may be arrested by a member of the police force and taken to a hospital for blood and urine sampling for the purpose of analysis for the presence of drugs likely to impair driving ability.

Where an arrested driver is brought by a member of the police force to a hospital for blood and urine sampling for drug testing purposes, the samples must be taken as soon as practicable and in any case not more than 2 hours after the event which led to the arrest.

The samples are required to be taken by a medical practitioner or a person acting under the supervision or direction of a medical practitioner. Sampling is deemed to have been performed by the medical practitioner. The medical practitioner taking or supervising or directing the taking of the samples is protected against civil or criminal liability for anything properly and necessarily done in taking the samples in conformity with the Act.

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In accordance with the provisions incorporated in the Accounts and Audit Determination, the Board of Directors, Chief Executive Officers and their equivalents, within a public health organisation, shall be held responsible for ensuring the observance of Departmental policy (including circulars and procedure manuals) as issued by the Minister and the Director-General of the Department of Health.

Each sample must be divided into 2 parts, of which:

- one part is to be handed to the driver or someone acting for the driver;
- one part is to be handed to the member of the police force for forwarding to the Government Analyst.

A medical certificate must be filled out by the medical practitioner who performed or supervised or directed the performance of the sampling. Medical certificate forms are provided in quadruplicate on special carbonless paper. After the certificate is completed, the fourth (pink) copy should be detached and given to the driver or person acting on behalf of the driver. The other three (white, yellow and blue) copies should be kept intact and handed to the member of the police force.

An approved sampling kit for blood and urine testing for the presence of drugs must be used for collecting samples and recording the necessary details. Each kit contains all equipment needed for sampling, packaging and identification of samples and certification by the medical practitioner. Full instructions are included in each kit.

Approved kits are available in cartons of 2 kits from the Government Supply Department. Orders should specify:

Drug driving sampling kit (cartons of 2)
Item No. 841 620

One carton will be supplied and invoiced to each public hospital. Orders for additional supplies should be submitted in the usual way.

Orders may be submitted to the Government Supply Department by facsimile (Fax (02) 360 19911).

No charge is to be raised for collection of blood and urine samples for drug analysis under the Motor Traffic Act 1909.

R.D. McGREGOR,
Secretary.