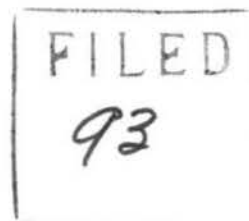


January 12, 1971

Answered by Letter - Klaffenbach
OPINION LETTER NO. 93



Honorable E. J. Cantrell
State Representative
Thirty-third District
306 Capitol Building
Jefferson City, Missouri 65101

Dear Mr. Cantrell:

This letter is in answer to your opinion request in which you inquire as follows:

"Does a member of the State Patrol or any Police Officer in the state of Missouri have authority to order a doctor, nurse, or technician who might be employed in an emergency room to which is brought a driver of a motor vehicle who is suspected of being intoxicated, to draw a blood sample from such person for the purpose of making a determination of the alcohol content in the blood."

We have examined the Missouri statutes and find no provision authorizing the Highway Patrol or any police officer to order physicians or other medical personnel to draw blood samples. We are therefore of the view that they have no such authority.

Very truly yours,

JOHN C. DANFORTH
Attorney General