WEST VIRGINIA CODE: §17C-25-5

§17C-25-5. How blood test administered; additional test at option of person tested; use of test results; certain immunity from liability incident to administering test.

Only a doctor of medicine or a doctor of osteopathy, a registered nurse, or trained medical technician at the place of his or her employment, acting at the request and direction of the law-enforcement officer, may withdraw blood for the purpose of determining the alcoholic concentration of the blood. These limitations shall not apply to the taking of a breath test or a urine specimen. In withdrawing blood for the purpose of determining its alcoholic concentration, only a previously unused and sterile needle and sterile vessel may be used, and the withdrawal shall otherwise be in strict accord with accepted medical practices. A nonalcoholic antiseptic shall be used for cleansing the skin prior to venipuncture. The person tested may, at his or her own expense, have a doctor of medicine or a doctor of osteopathy, registered nurse, or trained medical technician of his or her own choosing, at the place of his or her employment, administer a chemical test in addition to the test administered at the direction of the law-enforcement officer. Upon the request of the person who is tested, full information concerning the test taken at the direction of the law-enforcement officer shall be made available to him or her. A person who administers any test upon the request of a law-enforcement officer, a hospital in or with which the person is employed or is otherwise associated or in which the test is administered and any other person, firm, or corporation by whom or with which that person is employed or is in any way associated, is not in any way criminally liable for the administration of the test or civilly liable in damages to the person tested unless for gross negligence or willful or wanton injury.

WV Legislature