

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0996.01 Richard Sweetman x4333

HOUSE BILL 14-1340

HOUSE SPONSORSHIP

Gerou, Duran, May

SENATE SPONSORSHIP

Lambert, Hodge, Steadman

House Committees
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE STATE TOXICOLOGY LABORATORY, AND, IN
102 CONNECTION THEREWITH, MAKING AN APPROPRIATION.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Joint Budget Committee. On or before July 1, 2015, and thereafter, the Colorado bureau of investigation (bureau) shall operate a state toxicology laboratory for the purpose of assisting law enforcement agencies in executing their duties, including but not limited to the enforcement of laws pertaining to driving under the influence of alcohol

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

or drugs.

The bureau is authorized to impose a fee for performing the work of the laboratory. The amount of the fee shall not exceed the total amount of direct and indirect costs incurred by the bureau in performing the work of the laboratory. The bureau shall transmit all moneys collected as fees to the state treasurer, who shall credit the same to the state toxicology laboratory fund, which is created in the bill.

Under existing law, the general assembly makes an annual appropriation out of the moneys in the law enforcement assistance fund to the department of public health and environment (department) in an amount sufficient to pay for the costs of laboratory services and implied consent specialists. The bill requires a portion of this annual appropriation to go to the department to pay for the costs of evidential breath alcohol testing and a portion to go to the bureau to pay for the costs of toxicology laboratory services, including any education needs associated with such services.

Under existing law, the state board of health promulgates administrative regulations for the certification of laboratories to ensure that the collection and testing of samples is performed in a competent manner. The bill states that these regulations may include waiving specific certification requirements for laboratories that are accredited by the American board of forensic toxicology or the international standards organization.

The bill makes an appropriation.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 24-33.5-428 as
3 follows:

4 **24-33.5-428. State toxicology laboratory - fund.** (1) ON OR
5 BEFORE JULY 1, 2015, AND THEREAFTER, THE BUREAU SHALL OPERATE A
6 STATE TOXICOLOGY LABORATORY FOR THE PURPOSE OF ASSISTING LAW
7 ENFORCEMENT AGENCIES IN EXECUTING THEIR DUTIES, INCLUDING BUT
8 NOT LIMITED TO THE ENFORCEMENT OF LAWS PERTAINING TO DRIVING
9 UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.

10 (2) (a) THE BUREAU IS AUTHORIZED TO IMPOSE A FEE FOR
11 PERFORMING THE WORK OF THE LABORATORY PURSUANT TO THIS SECTION.

1 THE AMOUNT OF THE FEE SHALL NOT EXCEED THE TOTAL AMOUNT OF
2 DIRECT AND INDIRECT COSTS INCURRED BY THE BUREAU IN PERFORMING
3 THE WORK OF THE LABORATORY. THE BUREAU SHALL TRANSMIT ALL
4 MONEYS COLLECTED PURSUANT TO THIS SUBSECTION (2) TO THE STATE
5 TREASURER, WHO SHALL CREDIT THE SAME TO THE STATE TOXICOLOGY
6 LABORATORY FUND, REFERRED TO IN THIS SECTION AS THE "FUND", WHICH
7 FUND IS HEREBY CREATED.

8 (b) THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL
9 APPROPRIATION BY THE GENERAL ASSEMBLY TO THE BUREAU TO PAY THE
10 DIRECT AND INDIRECT COSTS ASSOCIATED WITH PERFORMING THE WORK
11 OF THE LABORATORY PURSUANT TO THIS SECTION. THE STATE TREASURER
12 MAY INVEST ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE
13 OF THIS SECTION AS PROVIDED BY LAW. THE STATE TREASURER SHALL
14 CREDIT ANY INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND
15 INVESTMENT OF MONEYS IN THE FUND TO THE FUND.

16 (c) ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING
17 IN THE FUND AT THE END OF A FISCAL YEAR REMAIN IN THE FUND AND
18 SHALL NOT BE CREDITED TO ANY OTHER FUND.

19 **SECTION 2.** In Colorado Revised Statutes, 43-4-402, **amend** (2)
20 (a); and **repeal** (3) and (4) as follows:

21 **43-4-402. Source of revenues - allocation of moneys.**

22 (2) (a) The general assembly shall make an annual appropriation out of
23 the moneys in the fund to the department of public health and
24 environment in an amount sufficient to pay for the costs of ~~laboratory~~
25 ~~services~~ EVIDENTIAL BREATH ALCOHOL TESTING, INCLUDING ANY
26 EDUCATION NEEDS ASSOCIATED WITH SUCH TESTING, and implied consent
27 specialists, which costs were previously paid out of the highway users tax

1 fund. THE GENERAL ASSEMBLY SHALL ALSO MAKE AN ANNUAL
2 APPROPRIATION OUT OF THE MONEYS IN THE FUND TO THE COLORADO
3 BUREAU OF INVESTIGATION TO PAY FOR THE COSTS OF TOXICOLOGY
4 LABORATORY SERVICES, INCLUDING ANY EDUCATION NEEDS ASSOCIATED
5 WITH SUCH SERVICES. Of the moneys remaining in the fund, eighty
6 percent shall be deposited in a special drunken driving account within the
7 fund, which account is hereby created, and shall be available
8 immediately, without further appropriation, for allocation by the
9 transportation commission to the office of transportation safety, which
10 shall allocate such moneys in accordance with the provisions of section
11 43-4-404 (1) and (2). The remaining twenty percent shall be appropriated
12 by the general assembly to the unit in the department of human services
13 that administers behavioral health programs and services, including those
14 related to mental health and substance abuse, which shall use such
15 moneys for the purposes stated in section 43-4-404 (3). The office of
16 transportation safety and the unit in the department of human services that
17 administers behavioral health programs and services, including those
18 related to mental health and substance abuse, may use such amounts from
19 the moneys allocated or appropriated to them by this subsection (2) as
20 may be necessary for the purpose of paying the costs incurred by the
21 office and unit in administering the programs established pursuant to this
22 part 4; except that neither the office of transportation safety nor said unit
23 may use for such purpose an amount which exceeds eight percent of the
24 moneys allocated or appropriated.

25 (3) ~~Notwithstanding any provision of this section to the contrary,~~
26 ~~on June 30, 2010, the state treasurer shall transfer the balance of moneys~~
27 ~~in the fund to the general fund.~~

1 (4) (a) ~~Notwithstanding any provision of this section to the~~
2 ~~contrary, on June 30, 2011, the state treasurer shall transfer the balance~~
3 ~~of moneys in the fund to the general fund.~~

4 (b) ~~Notwithstanding any provision of this section to the contrary,~~
5 ~~on June 30, 2012, the state treasurer shall transfer the balance of moneys~~
6 ~~in the fund to the general fund.~~

7 **SECTION 3.** In Colorado Revised Statutes, 42-4-1304, **amend**
8 (4) (a) as follows:

9 **42-4-1304. Samples of blood or other bodily substance - duties**
10 **of department of public health and environment.** (4) The state board
11 of health shall establish and promulgate such administrative regulations
12 and procedures as are necessary to ensure that collection and testing of
13 samples is accomplished to the fullest extent. Such regulations and
14 procedures shall include but not be limited to the following:

15 (a) The certification of laboratories to ensure that the collection
16 and testing of samples is performed in a competent manner, WHICH MAY
17 INCLUDE WAIVING SPECIFIC CERTIFICATION REQUIREMENTS FOR
18 LABORATORIES THAT ARE ACCREDITED BY THE AMERICAN BOARD OF
19 FORENSIC TOXICOLOGY, THE INTERNATIONAL STANDARDS ORGANIZATION,
20 OR A SUCCESSOR TO EITHER ORGANIZATION; and

21 **SECTION 4. Appropriation.** (1) In addition to any other
22 appropriation, there is hereby appropriated, out of any moneys in the
23 general fund not otherwise appropriated, to the department of public
24 safety, for the fiscal year beginning July 1, 2014, the sum of \$1,100,000
25 or so much thereof as may be necessary, for allocation to the Colorado
26 bureau of investigation for initial equipment expenses of the toxicology
27 laboratory.

1 (2) In addition to any other appropriation, there is hereby
2 appropriated, out of any moneys in the state toxicology laboratory fund
3 created in section 24-33.5-428 (2) (a), Colorado Revised Statutes, not
4 otherwise appropriated, to the department of public safety, for the fiscal
5 year beginning July 1, 2014, the sum of \$2,089,776 and 15.5 FTE, or so
6 much thereof as may be necessary, for expenses related to the state
7 toxicology laboratory.

8 **SECTION 5. Safety clause.** The general assembly hereby finds,
9 determines, and declares that this act is necessary for the immediate
10 preservation of the public peace, health, and safety.