

Assembly Bill No. 2425

CHAPTER 570

An act to amend Sections 100700 and 100703 of the Health and Safety Code, relating to laboratories.

[Approved by Governor September 25, 2014. Filed with
Secretary of State September 25, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2425, Quirk. Laboratories: review committee.

Existing law requires laboratories engaging in the performance of forensic alcohol analysis tests by or for law enforcement agencies on blood, urine, tissue, or breath for the purposes of determining the concentration of ethyl alcohol in persons involved in traffic accidents or in traffic violations to comply with various existing State Department of Public Health regulations regarding the inspection of laboratories, collection and handling of samples, methods of analysis, and laboratory records, until the time those regulations are revised, as specified. Existing regulations require each forensic alcohol laboratory to establish the concentration of each lot of secondary alcohol standards it uses, whether prepared or acquired, by an oxidimetric method that employs a primary standard. Existing regulations require analytical results to be reported to the 2nd decimal place. Existing law requires the State Department of Public Health to establish a review committee, which is required to meet at least once in each 5-year period after its initial meeting, or within 60 days of receipt of a request by the department or a member of the review committee, to evaluate and determine revisions to relevant department regulations. Existing law requires the department to adopt regulations to incorporate the review committee's revisions.

This bill would prohibit laboratories that are accredited in forensic alcohol analysis by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board from being required to establish the concentration of each lot of secondary alcohol standards it uses, whether prepared or acquired, by an oxidimetric method that employs a primary standard, and would specify that those laboratories are not limited to reporting analytical results to the 2nd decimal place. The bill would instead require the review committee to meet at least once in each 3-year period after its initial meeting and would require the review committee, in determining revisions, to take into consideration the advancement and development of scientific processes, including the reporting of results with an estimated uncertainty measurement.

This bill would make an additional conforming change to existing law.

The people of the State of California do enact as follows:

SECTION 1. Section 100700 of the Health and Safety Code is amended to read:

100700. (a) (1) Except as provided in paragraph (2), laboratories engaged in the performance of forensic alcohol analysis tests by or for law enforcement agencies on blood, urine, tissue, or breath for the purposes of determining the concentration of ethyl alcohol in persons involved in traffic accidents or in traffic violations shall comply with Group 8 (commencing with Section 1215) of Subchapter 1 of Chapter 2 of Division 1 of Title 17 of the California Code of Regulations, as they exist on December 31, 2004, until the date when those regulations are revised pursuant to Section 100703.

(2) (A) Laboratories that are accredited in forensic alcohol analysis by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board shall not be required to establish the concentration of each lot of secondary alcohol standards it uses, whether prepared or acquired, by an oxidimetric method that employs a primary standard.

(B) Laboratories that are accredited in forensic alcohol analysis by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board are not limited to reporting analytical results to the second decimal place.

(b) Notwithstanding subdivision (a), the department shall not require laboratories to be licensed.

SEC. 2. Section 100703 of the Health and Safety Code is amended to read:

100703. (a) On or before July 1, 2005, the department shall establish a review committee.

(b) The review committee shall have eight members, including one person representing each of the following:

- (1) Prosecuting attorneys.
- (2) Law enforcement agencies.
- (3) Defense attorneys.
- (4) Coroners, pathologists, or medical examiners.
- (5) Criminalists.
- (6) Toxicologists.
- (7) Crime laboratory directors.
- (8) The State Department of Public Health.

(c) The review committee shall meet at least once in each three-year period after its initial meeting, or within 60 days of receipt of a request by the department or a member of the review committee.

(d) The review committee shall evaluate Group 8 (commencing with Section 1215) of Subchapter 1 of Chapter 2 of Division 1 of Title 17 of the California Code of Regulations and determine revisions that will limit those regulations to those that the review committee determines are reasonably necessary to ensure the competence of the laboratories and employees to prepare, analyze, and report the results of the tests and comply with applicable laws. In determining revisions, the review committee shall also

take into consideration the advancement and development of scientific processes, including the reporting of results with an estimated uncertainty measurement. The review committee shall submit a summary of revisions to the California Health and Human Services Agency.

(e) Within 90 days of receiving the review committee's revisions, the California Health and Human Services Agency may disapprove of one or more of those revisions.

(f) (1) Except as provided in paragraph (2), the department shall adopt regulations pursuant to this section that shall incorporate the review committee's revisions. Nothing in this section shall be construed as exempting the regulations from the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(2) The department shall not adopt regulations to incorporate any review committee revisions that were disapproved under subdivision (e).