

ASSEMBLY BILL

No. 2425

Introduced by Assembly Member Quirk

February 21, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2425, as introduced, 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 Health Care Services 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 law requires the State Department of Health Care Services 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 review committee to submit a summary of those revisions to the California Health and Human Services Agency and authorizes the agency to disapprove of one or more of those revisions within 90 days of receiving them.

This bill would instead require the California Health and Human Services Agency to approve of those revisions within 90 days of

receiving them from the review committee. This bill would make an additional conforming change to existing law.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. Section 100703 of the Health and Safety Code
2 is amended to read:

3 100703. (a) On or before July 1, 2005, the department shall
4 establish a review committee.

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

- 7 (1) Prosecuting attorneys.
- 8 (2) Law enforcement agencies.
- 9 (3) Defense attorneys.
- 10 (4) Coroners, pathologists, or medical examiners.
- 11 (5) Criminalists.
- 12 (6) Toxicologists.
- 13 (7) Crime laboratory directors.
- 14 (8) The State Department of Health *Care* Services.

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

19 (d) The review committee shall evaluate Group 8 (commencing
20 with Section 1215) of Subchapter 1 of Chapter 2 of Division 1 of
21 Title 17 of the California Code of Regulations and determine
22 revisions that will limit those regulations to those that the review
23 committee determines are reasonably necessary to ensure the
24 competence of the laboratories and employees to prepare, analyze,
25 and report the results of the tests and comply with applicable laws.
26 The review committee shall submit a summary of revisions to the
27 California Health and Human Services Agency.

28 (e) Within 90 days of receiving the review committee's
29 revisions, the California Health and Human Services Agency ~~may~~
30 ~~disapprove of one or more of the revisions~~ *shall approve those*
31 *revisions.*

32 (f) ~~(1) Except as provided in paragraph (2), the~~ *The* department
33 shall adopt regulations pursuant to this section that shall incorporate

1 the review committee's revisions. Nothing in this section shall be
2 construed as exempting the regulations from the requirements of
3 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division
4 3 of Title 2 of the Government Code.

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