

AMENDED IN SENATE AUGUST 5, 2014

AMENDED IN SENATE JULY 1, 2014

AMENDED IN ASSEMBLY APRIL 8, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2425

Introduced by Assembly Member Quirk

February 21, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

AB 2425, as amended, 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 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 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.~~ Existing law requires the department to adopt regulations to incorporate the review committee’s revisions.

This bill would exempt laboratories that are accredited in forensic alcohol analysis by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board ~~or another accrediting agency approved by the review committee~~ from the existing State Department of Public Health regulations described above that conflict with more stringent specified requirements that are established by the accrediting agency, until the date when the department adopts regulations that incorporate the review committee’s revisions. 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. ~~The bill would instead authorize the California Health and Human Services agency to disapprove of one or more of the review committee’s revisions within 30 days of receiving them.~~

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 100700 of the Health and Safety Code
- 2 is amended to read:
- 3 100700. (a) (1) Except as provided in paragraph (2),
- 4 laboratories engaged in the performance of forensic alcohol
- 5 analysis tests by or for law enforcement agencies on blood, urine,
- 6 tissue, or breath for the purposes of determining the concentration
- 7 of ethyl alcohol in persons involved in traffic accidents or in traffic
- 8 violations shall comply with Group 8 (commencing with Section
- 9 1215) of Subchapter 1 of Chapter 2 of Division 1 of Title 17 of
- 10 the California Code of Regulations, as they exist on December 31,
- 11 2004, until the date when those regulations are revised pursuant
- 12 to Section 100703.
- 13 (2) (A) Laboratories that are accredited in forensic alcohol
- 14 analysis by the American Society of Crime Laboratory

1 ~~Directors/Laboratory Accreditation Board or another accrediting~~
2 ~~agency approved by the review committee established pursuant to~~
3 ~~Section 100703~~ are exempt from the requirements in Group 8
4 (commencing with Section 1215) of Subchapter 1 of Chapter 2 of
5 Division 1 of Title 17 of the California Code of Regulations, as
6 they exist on January 1, 2015, that conflict with requirements
7 established by the accrediting agency, as determined by the review
8 committee, when the accrediting agency requirements are:

- 9 (i) More stringent recordkeeping requirements.
- 10 (ii) Higher proficiency testing standards.
- 11 (iii) Higher number of site visits and onsite inspections.
- 12 (iv) More comprehensive training programs.
- 13 (v) More current coursework.

14 (B) The exemption identified in subparagraph (A) shall remain
15 in effect until the date when the department adopts regulations that
16 incorporate the review committee's revisions pursuant to Section
17 100703.

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

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

22 100703. (a) On or before July 1, 2005, the department shall
23 establish a review committee.

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

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

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

38 (d) The review committee shall evaluate Group 8 (commencing
39 with Section 1215) of Subchapter 1 of Chapter 2 of Division 1 of
40 Title 17 of the California Code of Regulations and determine

1 revisions that will limit those regulations to those that the review
2 committee determines are reasonably necessary to ensure the
3 competence of the laboratories and employees to prepare, analyze,
4 and report the results of the tests and comply with applicable laws.
5 In determining revisions, the review committee shall also take into
6 consideration the advancement and development of scientific
7 processes, including the reporting of results with an estimated
8 uncertainty measurement. The review committee shall submit a
9 summary of revisions to the California Health and Human Services
10 Agency.

11 (e) Within ~~30~~ 90 days of receiving the review committee's
12 revisions, the California Health and Human Services Agency may
13 disapprove of one or more of those revisions.

14 (f) (1) Except as provided in paragraph (2), the department
15 shall adopt regulations pursuant to this section that shall incorporate
16 the review committee's revisions. Nothing in this section shall be
17 construed as exempting the regulations from the requirements of
18 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division
19 3 of Title 2 of the Government Code.

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