

Assembly Bill No. 599

Passed the Assembly September 2, 2009

Chief Clerk of the Assembly

Passed the Senate August 31, 2009

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2009, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 100702 and 100703 of the Health and Safety Code, relating to laboratories.

LEGISLATIVE COUNSEL'S DIGEST

AB 599, Hall. Forensic blood alcohol testing laboratories.

Under existing law, the State Department of Public Health regulates laboratories engaged in the performance of forensic alcohol analysis tests by or for law enforcement agencies on blood, urine, tissue, or breath for the purpose of determining the concentration of ethyl alcohol in persons involved in traffic accidents or in traffic violations. Existing law requires these laboratories to comply with American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) guidelines for proficiency testing.

This bill would provide that, until the effective date of specified regulatory changes, accreditation in the forensic alcohol analysis discipline or subdiscipline by the ASCLD/LAB is sufficient to comply with the proficiency testing requirements.

Under existing law, the department is required to establish a review committee to review the 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 and to submit a summary of revisions to the California Health and Human Services Agency.

This bill would require the review committee to submit its report by December 31, 2010.

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

SECTION 1. Section 100702 of the Health and Safety Code is amended to read:

100702. (a) All laboratories that are subject to the requirements of Section 100700 shall follow the American Society of Crime Laboratory Directors/Laboratory Accreditation Board

(ASCLD/LAB) guidelines for proficiency testing. The required proficiency test shall be obtained from any ASCLD/LAB approved test provider.

(b) Each laboratory shall participate annually in an external proficiency test for alcohol analysis.

(c) Each examiner shall successfully complete at least one proficiency test annually.

(d) Each laboratory shall have a procedure in writing that describes a review of proficiency test results, and, if applicable, the corrective action taken when proficiency test results are inconsistent with expected test results.

(e) Prior to the effective date of the revisions to the regulations made pursuant to Section 100703 that are adopted and take effect after January 1, 2010, for laboratories accredited in the forensic alcohol analysis discipline or subdiscipline by the ASCLD/LAB, compliance with the standards of that accrediting body shall satisfy the requirements of this section.

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 Health Services.

(c) The review committee shall meet at least once in each five-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. The review committee shall submit a summary of revisions to the California Health and Human Services Agency by December 31, 2010.

(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 the 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).

Approved _____, 2009

Governor