FOURTH SUPPLEMENTAL STATEMENT OF

REASONS FORENSIC ALCOHOL LABORATORIES

CALIFORNIA CODE OF REGULATIONS, TITLE 17

4th 15-Day Notice

SUMMARY OF PROPOSAL

Senate Bill 1623, Chapter 337 (statutes of 2004), created section 100703 of the California Health and Safety Code, which removed the State Department of Public Health's (Department's) authority to license forensic alcohol testing laboratories. The legislation required the Department to establish a review committee (the Forensic Alcohol Review Committee; FARC) to 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.

FARC has the mandate to revise those regulations to ensure the competence of laboratories that perform forensic alcohol testing. The revisions to the regulations must ensure the proper performance of the employees in testing, analyzing, and reporting the results of the tests and ensure those laboratories and employees comply with applicable laws.

The purpose of this proposal is to amend the regulations governing the requirements laboratories are held to when performing forensic alcohol testing. Those laboratories provide key information used in prosecutions for driving under the influence of alcohol, particularly when there have been traffic accidents.

The amendments update the regulations to reflect changes in the Health and Safety Code. The 1986 regulations are outdated and inconsistent with California law, current health advisories, and modern instrumentation and technology. Therefore, the regulations needed to be reviewed in their entirety, and re-written where applicable.

This 4th 15-Day public availability period makes the final text for Forensic Alcohol Testing Laboratories, DPH-05-012 available for public review and comment. The final regulation text is denoted in single underline to accurately indicate additions to, and single strikeout to accurately indicate deletions from the California Code of Regulations. No changes to previously noticed text have been made.