

UPDATED INFORMATIVE DIGEST

FORENSIC ALCOHOL TESTING LABORATORIES

CALIFORNIA CODE OF REGULATIONS, TITLE 17

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 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 The 1986 regulations are outdated and inconsistent with California law, current health advisories, and modern instrumentation and technology.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 rewritten where applicable.