

SB 1189

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THE STATE SENATE  
Tuesday, February 17, 2004

Senate Bill No. 1189  
As Amended

SENATE BILL NO. 1189 - By: WILKERSON of the Senate and BRADDOCK of the House.

[ forensic laboratories - Board of Tests for Alcohol and Drug Influence - permitting certain tests - emergency ]

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 47 O.S. 2001, Section 759, as amended by Section 12, Chapter 461, O.S.L. 2003 (47 O.S. Supp. 2003, Section 759), is amended to read as follows:

Section 759. A. There is hereby re-created, to continue until July 1, 2006, in accordance with the provisions of the Oklahoma Sunset Law, ~~Section 3901 et seq. of Title 74 of the Oklahoma Statutes,~~ the Board of Tests for Alcohol and Drug Influence to be composed of the Dean of the University of Oklahoma College of Medicine, or the Dean's designee who shall receive an appointment in writing, as Chairman, and the Commissioner of Public Safety or a designee, the Director of the Oklahoma State Bureau of Investigation or a designee, the State Commissioner of Health or a designee, the Director of the Council on Law Enforcement Education and Training or a designee, one certified peace officer who is a member of a local law enforcement agency selected by the Oklahoma Sheriffs and Peace

1 Officers Association and one person selected by the Oklahoma  
2 Association of Chiefs of Police, as members, to serve without pay  
3 other than reimbursement of necessary and actual expenses as  
4 provided in the State Travel Reimbursement Act, ~~Section 500.1 et~~  
5 ~~seq. of Title 74 of the Oklahoma Statutes.~~ Each designee shall  
6 receive an appointment in writing which shall become a permanent  
7 part of the records of the Board. The Board is authorized to  
8 appoint a State Director of Tests for Alcohol and Drug Influence, an  
9 Administrative Assistant to the Board, and other employees,  
10 including but not limited to persons to conduct training and provide  
11 administrative assistance as necessary for the performance of its  
12 functions, subject to available funding and authorized full-time\_  
13 equivalent employee limitations. The Board may expend appropriated  
14 funds for purposes consistent with Sections 751 through 761 of this  
15 title and Sections 301 through 308 of Title 3 of the Oklahoma  
16 Statutes. The Legislature shall appropriate funds to the Department  
17 of Public Safety for the support of the Board of Tests For Alcohol  
18 and Drug Influence and its employees, if any. Upon the transfer of  
19 any employees from the Alcohol Drug Countermeasures Unit of the  
20 Department of Public Safety to the Board of Tests For Alcohol and  
21 Drug Influence on the effective date of this act all funds of the  
22 Unit appropriated and budgeted shall be transferred to the Board,

1 and may be budgeted and expended to support the functions and  
2 personnel of the Board.

3 B. Collection and analysis of a person's blood, breath, saliva  
4 or urine, to be considered valid and admissible in evidence, whether  
5 performed by or at the direction of a law enforcement officer or at  
6 the request of the tested person, shall have been performed in  
7 compliance with the rules adopted by the Board of Tests for Alcohol  
8 and Drug Influence and by an individual possessing a valid permit  
9 issued by the Board for this purpose, by a laboratory accredited in  
10 toxicology by the American Society of Crime Laboratory  
11 Directors/Laboratory Accreditation Board (ASCLD/LAB), or by a  
12 laboratory accredited by the American Board of Forensic Toxicology  
13 (ABFT).

14 C. The Board of Tests for Alcohol and Drug Influence is  
15 authorized to approve laboratories for the analysis, provided by the  
16 provisions of this title, of specimens of blood, breath, saliva and  
17 urine, and to administer a program for regular monitoring of such  
18 laboratories. The Board is authorized to prescribe uniform  
19 standards and conditions for, and to approve satisfactory methods,  
20 procedures, techniques, devices, equipment and records for tests and  
21 analyses and to prescribe and approve the requisite education and  
22 training for the performance of such tests and analyses. The Board  
23 shall establish standards for and ascertain the qualifications and

1 competence of individuals to administer and conduct such tests and  
2 analyses, and to issue permits to laboratories and to individuals  
3 which shall be subject to suspension or revocation at the discretion  
4 of the Board. The Board is authorized to prescribe uniform  
5 standards, conditions, methods, procedures, techniques, devices,  
6 equipment and records for the collection, handling, retention,  
7 storage, preservation and delivery of specimens of blood, breath,  
8 saliva and urine obtained for the purpose of determining the alcohol  
9 concentration thereof or the presence and concentration of any other  
10 intoxicating substance therein. The Board may take such other  
11 actions as may be reasonably necessary or appropriate to effectuate  
12 the purposes of Sections 751 through 761 of this title and Sections  
13 301 through 308 of Title 3 of the Oklahoma Statutes, and may adopt,  
14 amend and repeal such other rules consistent with this chapter as  
15 the Board shall determine proper. Laboratories accredited in  
16 toxicology by the American Society of Crime Laboratory  
17 Directors/Laboratory Accreditation Board (ASCLD/LAB) or accredited  
18 by the American Board of Forensic Toxicology (ABFT) are exempt from  
19 the provisions of this section.

20 SECTION 2. It being immediately necessary for the preservation  
21 of the public peace, health and safety, an emergency is hereby  
22 declared to exist, by reason whereof this act shall take effect and  
23 be in full force from and after its passage and approval.

1 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-11-04 - DO  
2 PASS, As Amended and Coauthored.