

1 ENGROSSED HOUSE  
2 BILL NO. 2218

By: Faught of the House

3 and

4 Aldridge of the Senate

5  
6  
7 An Act relating to sunset; amending 47 O.S. 2011,  
8 Section 759, which relates to the Board of Tests for  
9 Alcohol and Drug Influence; re-creating the Board;  
10 and modifying the termination date.

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

12 SECTION 1. AMENDATORY 47 O.S. 2011, Section 759, is  
13 amended to read as follows:

14 Section 759. A. There is hereby re-created, to continue until  
15 July 1, ~~2012~~ 2015, in accordance with the provisions of the Oklahoma  
16 Sunset Law, the Board of Tests for Alcohol and Drug Influence to be  
17 composed of the Dean of the University of Oklahoma College of  
18 Medicine, or the Dean's designee who shall receive an appointment in  
19 writing, as Chairman, and the Commissioner of Public Safety or a  
20 designee, the Director of the Oklahoma State Bureau of Investigation  
21 or a designee, the State Commissioner of Health or a designee, the  
22 Director of the Council on Law Enforcement Education and Training or  
23 a designee, one certified peace officer who is a member of a local  
24 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 July 1, 2003, all funds of the Unit appropriated  
22 and budgeted shall be transferred to the Board, and may be budgeted  
23 and expended to support the functions and personnel of the Board.

24

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

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

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

17 D. The Board may set rules and charge appropriate fees for  
18 operations incidental to its required duties and responsibilities.

19 E. There is hereby created in the State Treasury a revolving  
20 fund for the Board of Tests for Alcohol and Drug Influence to be  
21 designated the "Board of Tests for Alcohol and Drug Influence  
22 Revolving Fund". The fund shall be a continuing fund, not subject  
23 to fiscal year limitations, and shall consist of monies received  
24 pursuant to the provisions of subsection D of this section and any

1 funds previously deposited in the Board of Tests for Alcohol and  
2 Drug Influence Revolving Fund. All monies accruing to the credit of  
3 the fund are hereby appropriated and may be budgeted and expended by  
4 the Board of Tests for Alcohol and Drug Influence for operating  
5 expenses of the Board. Expenditures from the funds shall be made  
6 upon warrants issued by the State Treasurer against claims filed as  
7 prescribed by law with the Director of the Office of State Finance  
8 for approval and payment.

9 Passed the House of Representatives the 28th day of February,  
10 2012.

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

\_\_\_\_\_  
Presiding Officer of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Presiding Officer of the Senate