

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1597

By: Shaw

AS INTRODUCED

An Act relating to toxicology testing laboratories; amending 47 O.S. 2011, Section 759, as last amended by Section 1, Chapter 125, O.S.L. 2015 (47 O.S. Supp. 2019, Section 759), which relates to Board of Tests for Alcohol and Drug Influence; modifying entities; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 759, as last amended by Section 1, Chapter 125, O.S.L. 2015 (47 O.S. Supp. 2019, Section 759), is amended to read as follows:

Section 759. A. There is hereby re-created, to continue until July 1, 2022, in accordance with the provisions of the Oklahoma Sunset Law, the Board of Tests for Alcohol and Drug Influence to be composed of the following members beginning July 1, 2015:

1. The Dean of the Oklahoma State University College of Osteopathic Medicine, or a designee;

2. The Dean of the University of Oklahoma College of Medicine, or a designee;

3. The Commissioner of Public Safety, or a designee;

1 4. The Director of the Oklahoma State Bureau of Investigation,
2 or a designee;

3 5. The State Commissioner of Health, or a designee;

4 6. The Director of the Council on Law Enforcement Education and
5 Training, or a designee;

6 7. One certified peace officer who is a member of a local law
7 enforcement agency selected by the Oklahoma Sheriffs and Peace
8 Officers Association; and

9 8. One person selected by the Oklahoma Association of Chiefs of
10 Police.

11 Members shall serve without pay other than reimbursement of
12 necessary and actual expenses as provided in the State Travel
13 Reimbursement Act. Each member shall receive an appointment in
14 writing which shall become a permanent part of the records of the
15 Board. The chair and vice-chair shall be elected from the
16 membership of the Board every two (2) years. The Board is
17 authorized to appoint a State Director of Tests for Alcohol and Drug
18 Influence and other employees, including, but not limited to,
19 persons to conduct training and provide administrative assistance as
20 necessary for the performance of its functions, subject to available
21 funding and authorized full-time equivalent employee limitations.
22 The Board may expend appropriated funds for purposes consistent with
23 Sections 751 through 761 of this title and Sections 301 through 308
24 of Title 3 of the Oklahoma Statutes. The Legislature shall

1 appropriate funds to the Department of Public Safety for the support
2 of the ~~Board of Tests For Alcohol and Drug Influence~~ Board of Tests
3 for Alcohol and Drug Influence and its employees, if any. Upon the
4 transfer of any employees from the Alcohol Drug Countermeasures Unit
5 of the Department of Public Safety to the ~~Board of Tests For Alcohol~~
6 ~~and Drug Influence~~ Board of Tests for Alcohol and Drug Influence on
7 July 1, 2003, all funds of the Unit appropriated and budgeted shall
8 be transferred to the Board, and may be budgeted and expended to
9 support the functions and personnel of the Board.

10 B. Collection and analysis of a person's blood, breath, saliva
11 or urine, to be considered valid and admissible in evidence, whether
12 performed by or at the direction of a law enforcement officer or at
13 the request of the tested person, shall have been performed in
14 compliance with the rules adopted by the Board of Tests for Alcohol
15 and Drug Influence and by an individual possessing a valid permit
16 issued by the Board for this purpose or shall have been performed by
17 a laboratory accredited in Toxicology by ~~the American Society of~~
18 ~~Crime Laboratory Directors/Laboratory Accreditation Board~~
19 ~~(ASCLD/LAB)~~ an accrediting body as described in Section 150.37 of
20 Title 74 of the Oklahoma Statutes or accredited by the American
21 Board of Forensic Toxicology (ABFT).

22 C. The Board of Tests for Alcohol and Drug Influence is
23 authorized to approve laboratories for the analysis, provided by the
24 provisions of this title, of specimens of blood, breath, saliva and

1 urine, and to administer a program for regular monitoring of such
2 laboratories. The Board is authorized to prescribe uniform
3 standards and conditions for, and to approve satisfactory methods,
4 procedures, techniques, devices, equipment and records for tests and
5 analyses and to prescribe and approve the requisite education and
6 training for the performance of such tests and analyses. The Board
7 shall establish standards for and ascertain the qualifications and
8 competence of individuals to administer and conduct such tests and
9 analyses, and to issue permits to laboratories and to individuals
10 which shall be subject to suspension or revocation at the discretion
11 of the Board. The Board is authorized to prescribe uniform
12 standards, conditions, methods, procedures, techniques, devices,
13 equipment and records for the collection, handling, retention,
14 storage, preservation and delivery of specimens of blood, breath,
15 saliva and urine obtained for the purpose of determining the alcohol
16 concentration thereof or the presence or concentration of any other
17 intoxicating substance therein. The Board may take such other
18 actions as may be reasonably necessary or appropriate to effectuate
19 the purposes of Sections 751 through 761 of this title and Sections
20 301 through 308 of Title 3 of the Oklahoma Statutes, and may adopt,
21 amend and repeal such other rules consistent with this chapter as
22 the Board shall determine proper. Laboratories accredited in
23 Toxicology by ~~the American Society of Crime Laboratory~~
24 ~~Directors/Laboratory Accreditation Board (ASCLD/LAB)~~ an accrediting

1 body as described in Section 150.37 of Title 74 of the Oklahoma
2 Statutes or accredited by the American Board of Forensic Toxicology
3 (ABFT) are exempt from the provisions of this subsection.

4 D. The Board shall promulgate rules adopting uniform standards
5 and conditions and rules approving devices, equipment, methods,
6 procedures, techniques, and records for screening tests administered
7 for the purpose of determining the presence or concentration of
8 alcohol or any other intoxicating substance in a person's blood,
9 breath, saliva or urine. Such screening tests shall be performed in
10 compliance with the rules adopted by the Board of Tests for Alcohol
11 and Drug Influence.

12 E. The Board may set rules and charge appropriate fees for
13 operations incidental to its required duties and responsibilities.

14 F. There is hereby created in the State Treasury a revolving
15 fund for the Board of Tests for Alcohol and Drug Influence to be
16 designated the "Board of Tests for Alcohol and Drug Influence
17 Revolving Fund". The fund shall be a continuing fund, not subject
18 to fiscal year limitations, and shall consist of monies received
19 pursuant to the provisions of subsection E of this section and any
20 funds previously deposited in the Board of Tests for Alcohol and
21 Drug Influence Revolving Fund. All monies accruing to the credit of
22 the fund are hereby appropriated and may be budgeted and expended by
23 the Board of Tests for Alcohol and Drug Influence for operating
24 expenses of the Board. Expenditures from the funds shall be made

1 upon warrants issued by the State Treasurer against claims filed as
2 prescribed by law with the Director of the Office of Management and
3 Enterprise Services for approval and payment.

4 G. The provisions of subsections B and C of this section shall
5 be retroactive.

6 SECTION 2. This act shall become effective November 1, 2020.

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