

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 SENATE BILL 1456

By: Bergstrom

6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2021, Section 759, as last amended by Section 14,
9 Chapter 330, O.S.L. 2025 (47 O.S. Supp. 2025, Section
10 759), which relates to the Board of Tests for Alcohol
and Drug Influence; extending sunset date; updating
statutory language; providing an effective date; and
declaring an emergency.

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

14 SECTION 1. AMENDATORY 47 O.S. 2021, Section 759, as last
15 amended by Section 14, Chapter 330, O.S.L. 2025 (47 O.S. Supp. 2025,
16 Section 759), is amended to read as follows:

17 Section 759. A. There is hereby re-created, to continue until
18 ~~July 1, 2026~~ July 1, 2036, in accordance with the provisions of the
19 Oklahoma Sunset Law, the Board of Tests for Alcohol and Drug
20 Influence to be composed of the following members beginning July 1,
21 2015:

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

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

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

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

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

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

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

12 8. One person selected by the Oklahoma Association of Chiefs of
13 Police.

14 Members shall serve without pay other than reimbursement of
15 necessary and actual expenses as provided in the State Travel
16 Reimbursement Act. Each member shall receive an appointment in
17 writing which shall become a permanent part of the records of the
18 Board. The chair and ~~vice-chair~~ vice chair shall be elected from
19 the membership of the Board every two (2) years. The Board is
20 authorized to appoint a State Director of Tests for Alcohol and Drug
21 Influence and other employees, including, but not limited to,
22 persons to conduct training and provide administrative assistance as
23 necessary for the performance of its functions, subject to available
24 funding and authorized full-time equivalent employee limitations.

1 The Board may expend appropriated funds for purposes consistent with
2 Sections 751 through 761 of this title and Sections 301 through 308
3 of Title 3 of the Oklahoma Statutes. The Legislature shall
4 appropriate funds to the Department of Public Safety for the support
5 of the Board of Tests For Alcohol and Drug Influence and its
6 employees, if any. Upon the transfer of any employees from the
7 Alcohol Drug Countermeasures Unit of the Department of Public Safety
8 to the Board of Tests For Alcohol and Drug Influence on July 1,
9 2003, all funds of the Unit unit appropriated and budgeted shall be
10 transferred to the Board, and may be budgeted and expended to
11 support the functions and personnel of the Board.

12 B. The Board is authorized to prescribe uniform standards and
13 conditions for, and to approve satisfactory methods, procedures,
14 techniques, devices, equipment, and records for, tests and analyses
15 and to prescribe and approve the requisite education and training
16 for the performance of tests or analyses of breath to determine the
17 breath alcohol concentration. The Board shall establish standards
18 for and ascertain the qualifications and competence of individuals
19 to administer tests and analyses of breath to determine the breath
20 alcohol concentration, and to issue permits to individuals which
21 shall be subject to suspension or revocation at the discretion of
22 the Board. The Board is authorized to prescribe uniform standards,
23 conditions, methods, procedures, techniques, devices, equipment, and
24 records for the collection, handling, retention, storage,
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1 preservation, and delivery of specimens of blood, breath, saliva, and urine obtained for the purpose of determining the alcohol concentration thereof or the presence or concentration of any other intoxicating substance therein. The Board may take such other actions as may be reasonably necessary or appropriate to effectuate the purposes of Sections 751 through 761 of this title and Sections 701 through 308 of Title 3 of the Oklahoma Statutes, and may adopt, amend, and repeal such other rules consistent with this chapter as the Board shall determine proper. The Board is authorized to delegate authority granted in this section to the State Director of Tests as it deems appropriate.

C. The Board shall promulgate rules adopting uniform standards and conditions and rules approving devices, equipment, methods, procedures, techniques, and records for screening tests administered for the purpose of determining the presence or concentration of alcohol or any other intoxicating substance in a person's blood, breath, saliva, or urine. Such screening tests shall be performed in compliance with the rules adopted by the Board of Tests for Alcohol and Drug Influence. For purposes of this subsection, "screening test" means the use of devices, equipment, methods, procedures, techniques, and records by law enforcement officers at roadside to assist in the development of probable cause.

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

1 E. There is hereby created in the State Treasury a revolving
2 fund for the Board of Tests for Alcohol and Drug Influence to be
3 designated the "Board of Tests for Alcohol and Drug Influence
4 Revolving Fund". The fund shall be a continuing fund, not subject
5 to fiscal year limitations, and shall consist of monies received
6 pursuant to the provisions of subsection D of this section and any
7 funds previously deposited in the Board of Tests for Alcohol and
8 Drug Influence Revolving Fund. All monies accruing to the credit of
9 the fund are hereby appropriated and may be budgeted and expended by
10 the Board of Tests for Alcohol and Drug Influence for operating
11 expenses of the Board. Expenditures from the funds shall be made
12 upon warrants issued by the State Treasurer against claims filed as
13 prescribed by law with the Director of the Office of Management and
14 Enterprise Services for approval and payment.

15 SECTION 2. This act shall become effective July 1, 2026.

16 SECTION 3. It being immediately necessary for the preservation
17 of the public peace, health, or safety, an emergency is hereby
18 declared to exist, by reason whereof this act shall take effect and
19 be in full force from and after its passage and approval.

20 60-2-2796

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