

**NOTE: The governor signed this measure on 4/18/2014.**

# An Act

HOUSE BILL 14-1340

BY REPRESENTATIVE(S) Gerou, Duran, May, Court, Fischer, Garcia, Gardner, Ginal, Hullinghorst, Labuda, Pettersen, Rosenthal, Vigil, Williams, Young;  
also SENATOR(S) Lambert, Hodge, Steadman, Aguilar, Heath, King, Newell, Nicholson, Schwartz, Todd, Zenzinger.

CONCERNING THE STATE TOXICOLOGY LABORATORY, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, **add** 24-33.5-428 as follows:

**24-33.5-428. State toxicology laboratory - fund.** (1) ON OR BEFORE JULY 1, 2015, AND THEREAFTER, THE BUREAU SHALL OPERATE A STATE TOXICOLOGY LABORATORY FOR THE PURPOSE OF ASSISTING LAW ENFORCEMENT AGENCIES IN EXECUTING THEIR DUTIES, INCLUDING BUT NOT LIMITED TO THE ENFORCEMENT OF LAWS PERTAINING TO DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.

(2) (a) THE BUREAU IS AUTHORIZED TO IMPOSE A FEE FOR PERFORMING THE WORK OF THE LABORATORY PURSUANT TO THIS SECTION.

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

THE AMOUNT OF THE FEE SHALL NOT EXCEED THE TOTAL AMOUNT OF DIRECT AND INDIRECT COSTS INCURRED BY THE BUREAU IN PERFORMING THE WORK OF THE LABORATORY. THE BUREAU SHALL TRANSMIT ALL MONEYS COLLECTED PURSUANT TO THIS SUBSECTION (2) TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE STATE TOXICOLOGY LABORATORY FUND, REFERRED TO IN THIS SECTION AS THE "FUND", WHICH FUND IS HEREBY CREATED.

(b) THE MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE BUREAU TO PAY THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH PERFORMING THE WORK OF THE LABORATORY PURSUANT TO THIS SECTION. THE STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS SECTION AS PROVIDED BY LAW. THE STATE TREASURER SHALL CREDIT ANY INTEREST AND INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEYS IN THE FUND TO THE FUND.

(c) ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR REMAIN IN THE FUND AND SHALL NOT BE CREDITED TO ANY OTHER FUND.

**SECTION 2.** In Colorado Revised Statutes, 43-4-402, **amend** (2) (a); and **repeal** (3) and (4) as follows:

**43-4-402. Source of revenues - allocation of moneys.** (2) (a) The general assembly shall make an annual appropriation out of the moneys in the fund to the department of public health and environment in an amount sufficient to pay for the costs of ~~laboratory services~~ EVIDENTIAL BREATH ALCOHOL TESTING, INCLUDING ANY EDUCATION NEEDS ASSOCIATED WITH SUCH TESTING, and implied consent specialists, which costs were previously paid out of the highway users tax fund. THE GENERAL ASSEMBLY SHALL ALSO MAKE AN ANNUAL APPROPRIATION OUT OF THE MONEYS IN THE FUND TO THE COLORADO BUREAU OF INVESTIGATION TO PAY FOR THE COSTS OF TOXICOLOGY LABORATORY SERVICES, INCLUDING ANY EDUCATION NEEDS ASSOCIATED WITH SUCH SERVICES. Of the moneys remaining in the fund, eighty percent shall be deposited in a special drunken driving account within the fund, which account is hereby created, and shall be available immediately, without further appropriation, for allocation by the transportation commission to the office of transportation safety, which shall allocate such moneys in accordance with the provisions of section 43-4-404

(1) and (2). The remaining twenty percent shall be appropriated by the general assembly to the unit in the department of human services that administers behavioral health programs and services, including those related to mental health and substance abuse, which shall use such moneys for the purposes stated in section 43-4-404 (3). The office of transportation safety and the unit in the department of human services that administers behavioral health programs and services, including those related to mental health and substance abuse, may use such amounts from the moneys allocated or appropriated to them by this subsection (2) as may be necessary for the purpose of paying the costs incurred by the office and unit in administering the programs established pursuant to this part 4; except that neither the office of transportation safety nor said unit may use for such purpose an amount which exceeds eight percent of the moneys allocated or appropriated.

~~(3) Notwithstanding any provision of this section to the contrary, on June 30, 2010, the state treasurer shall transfer the balance of moneys in the fund to the general fund.~~

~~(4)(a) Notwithstanding any provision of this section to the contrary, on June 30, 2011, the state treasurer shall transfer the balance of moneys in the fund to the general fund.~~

~~(b) Notwithstanding any provision of this section to the contrary, on June 30, 2012, the state treasurer shall transfer the balance of moneys in the fund to the general fund.~~

**SECTION 3.** In Colorado Revised Statutes, 42-4-1304, **amend** (4) (a) as follows:

**42-4-1304. Samples of blood or other bodily substance - duties of department of public health and environment.** (4) The state board of health shall establish and promulgate such administrative regulations and procedures as are necessary to ensure that collection and testing of samples is accomplished to the fullest extent. Such regulations and procedures shall include but not be limited to the following:

(a) The certification of laboratories to ensure that the collection and testing of samples is performed in a competent manner, WHICH MAY INCLUDE WAIVING SPECIFIC CERTIFICATION REQUIREMENTS FOR

LABORATORIES THAT ARE ACCREDITED BY THE AMERICAN BOARD OF FORENSIC TOXICOLOGY, THE INTERNATIONAL STANDARDS ORGANIZATION, OR A SUCCESSOR TO EITHER ORGANIZATION; and

**SECTION 4. Appropriation.** In addition to any other appropriation, there is hereby appropriated, to the department of public safety, for the fiscal year beginning July 1, 2014, the sum of \$1,796,592 and 5.2 FTE, or so much thereof as may be necessary, for allocation to Colorado bureau of investigation for expenses of the toxicology laboratory related to the implementation of this act. Of said sum, \$1,100,000 is from the general fund, and \$696,592 is from the state toxicology laboratory fund created in section 24-33.5-428 (2) (a), Colorado Revised Statutes.

**SECTION 5. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

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Mark Ferrandino  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Morgan Carroll  
PRESIDENT OF  
THE SENATE

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Marilyn Eddins  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

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Cindi L. Markwell  
SECRETARY OF  
THE SENATE

APPROVED \_\_\_\_\_

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John W. Hickenlooper  
GOVERNOR OF THE STATE OF COLORADO