

Forensic Alcohol Laboratories Relevant H&S Code Sections

| Old Statutes | New Statutes |
|---|---|
| <p>§ 100700. The department shall adopt and publish regulations to be used in approving and governing the operation of <u>laboratories engaging in the performance of tests referred to in Sections 100710 and 100715</u>, including the qualifications of the employees who perform the tests, that it determines are reasonably necessary to ensure the competence of the laboratories and employees to prepare, analyze, and report the results of the tests.</p> | <p>§ 100700. (a) <u>Laboratories engaged in the performance of forensic alcohol analysis tests by or for law enforcement agencies on blood, urine, tissue, or breath for the purposes of determining the concentration of ethyl alcohol in persons involved in traffic accidents or in traffic violations</u> shall comply with Group 8 (commencing with Section 1215) of Subchapter 1 of Chapter 2 of Division 1 of Title 17 of the California Code of Regulations, as they exist on December 31, 2004, until the time when those regulations are revised pursuant to Section 100703.</p> |
| <p>§ 100710. The testing by or for law enforcement agencies of blood, urine, or tissue for the purposes of determining the concentration of ethyl alcohol in the blood of persons involved in traffic accidents or in traffic violations shall be performed only by a laboratory approved and licensed by the director for the performance of these tests.</p> | <p>§ 100701. All laboratories that are subject to the requirements of Section 100700 shall ensure that <u>breath alcohol instruments and calibrating devices</u> used in testing are listed in the conforming products list in the Federal Register by the National Highway Traffic Safety Administration of the United States Department of Transportation.</p> |
| <p>§ 100715. The testing of breath samples by or for law enforcement agencies for purposes of determining the concentration of ethyl alcohol in the blood of persons involved in traffic accidents or in traffic violations shall be performed in accordance with regulations adopted by the department.</p> <p>The regulations shall establish the <u>procedures to be used by law enforcement agencies in administering breath tests</u> for the purposes of determining the concentration of ethyl alcohol in a person's blood. The regulations shall be adopted and published in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.</p> | <p>§ 100703.</p> <p>(d) The review committee shall evaluate Group 8 (commencing with Section 1215) of Subchapter 1 of Chapter 2 of Division 1 of Title 17 of the California Code of Regulations and determine revisions that will limit those regulations to those that the review committee determines are reasonably necessary to ensure the competence of the laboratories and employees to prepare, analyze, and report the results of the tests and comply with applicable laws.</p> <p>(f)(1) Except as provided in paragraph (2), the department shall adopt regulations pursuant to this section that shall incorporate the review committee's revisions...</p> |