



**Colorado  
Legislative  
Council  
Staff**

**SB16-132**

**FINAL  
FISCAL NOTE**

**FISCAL IMPACT:**  State  Local  Statutory Public Entity  Conditional  No Fiscal Impact

**Drafting Number:** LLS 16-1027  
**Prime Sponsor(s):** Sen. Cooke  
Rep. Foote

**Date:** July 19, 2016  
**Bill Status:** Signed into Law  
**Fiscal Analyst:** Amanda Hayden (303-866-4918)

**BILL TOPIC:** BLOOD ALCOHOL CONTENT TEST RESULTS NOT PUBLIC INFORMATION

Fiscal Impact Summary	FY 2016-2017	FY 2017-2018
State Revenue	Minimal decrease.	
State Expenditures	Minimal workload decrease.	
TABOR Impact		Minimal decrease.
<b>Appropriation Required:</b> None.		
<b>Future Year Impacts:</b> Ongoing minimal decrease in state revenue and workload.		

**Summary of Legislation**

The bill requires the Colorado Department of Public Health and Environment (CDPHE) to keep all personal identifying information related to blood alcohol content (BAC) test results confidential. The test results that CDPHE stores in their database may only be released to:

- the individual who is the subject of the test;
- his or her attorney;
- a named party in a civil or criminal case to which the test results are directly related;
- a prosecuting attorney, law enforcement officer, state agency, or state and local public official legally authorized to use such information to carry out his or her duties; or
- any party who obtains an order in a pending civil or criminal case if the court finds the party has shown good cause to have the information.

CDPHE may release non-personal identifying information from the database.

**State Revenue**

This bill reduces state cash fund revenue in the CDPHE by a minimal amount. CDPHE may charge an individual for the actual costs associated with a records request, including for BAC test records. Under the bill, these records would be confidential and CDPHE would deny these requests. As a result, the CDPHE may experience a reduction in revenue. Any decrease in revenue is expected to be minimal.

**TABOR Impact**

This bill reduces state cash fund revenue from fees, which reduces the amount required to be refunded under TABOR. TABOR refunds are paid out of the General Fund. No TABOR impact is expected in FY 2016-17.

**State Expenditures**

This bill reduces workload for CDPHE and the Department of Law. Currently, whenever someone other than the parties named above request an individual's records, the CDPHE must file paperwork with the Attorney General's Office in the Department of Law in order to deny the request for confidentiality reasons. Under the bill, CDPHE will be able to deny these requests outright. The change in workload for both agencies is expected to be minimal and requires no change in appropriations.

**Effective Date**

The bill was signed into law by the Governor on June 6, 2016, and takes effect August 10, 2016, assuming no referendum petition is filed.

**State and Local Government Contacts**

District Attorneys  
Judicial

Information Technology  
Public Health and Environment