



# Legislative Council Staff

## Research Note

Version: Final

Date: 10/19/2016

### Bill Number

**Senate Bill 16-132**

### Sponsors

**Senator Cooke**  
**Representative Foote**

### Short Title

***Blood Alcohol Content Test  
Results Not Public Information***

### Research Analyst

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### Status

This research note reflects the final version of the bill, which was signed by the Governor on June 6, 2016, and became law on August 10, 2016.

### Summary

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 or 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.

### Background

Under Section 42-4-1301 (6)(c), C.R.S., CDPHE establishes minimum standards for certification and approval of entities and processes used for alcohol and drug testing, and collects information during the certification process. CDPHE has promulgated rules to regulate the certification and approval process.

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## Senate Action

**Senate Judiciary Committee (February 29, 2016).** At the hearing, the committee received testimony in support of the bill from representatives of CDPHE, and heard testimony in opposition to the bill from a representative of the Colorado Criminal Defense Bar. The committee adopted amendment L.001, and referred the bill, as amended, to the Senate Committee of the Whole.

Amendment L.001 identifies the CDPHE database as containing information regarding the results of tests of persons' "breath alcohol content" instead of "BAC and drug content."

**Senate second reading (March 8, 2016).** The Senate Committee of the Whole adopted the Senate Judiciary Committee report and adopted amendment L.003. The Committee of the Whole passed the bill on second reading.

Amendment L.003 clarifies that personal identifying information in the CDPHE database is not public information; permits CDPHE to release such information to prosecuting attorneys, law enforcement officers, state agencies, or state and local officials authorized to use such information; and permits CDPHE to release non-personal identifying information in accordance with provisions of Colorado law relating to open records.

**Senate third reading (March 9, 2016).** The Senate passed the bill on third reading.

**Senate consideration of House amendments (April 28, 2016).** The Senate concurred with the House amendments and repassed the bill.

## House Action

**House Judiciary Committee (April 5 and April 21, 2016).** At its April 5 hearing, the committee received testimony in support of the bill from a representative of the Colorado Bar Association. A private person provided neutral testimony to the committee. At the April 21 meeting, the committee adopted amendment L.006, and referred the bill, as amended, to the House Committee of the Whole.

Amendment L.006 permits CDPHE to release personal identifying information to parties in a pending civil or criminal case who obtain an order from the court. A court may issue the order if it finds good cause for the parties to have the information.

**House second reading (April 25, 2016).** The House Committee of the Whole adopted the House Judiciary Committee report, and passed the bill on second reading.

**House third reading (April 26, 2016).** The House passed the bill on third reading.

## Relevant Research

Colorado Department of Public Health and Environment, Testing for Alcohol and Other Drugs Regulation, 5 CCR 1005-2 (2013): <http://tinyurl.com/zs3p9mz> (pdf).