

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 25-0371.01 Jacob Baus x2173

HOUSE BILL 25-1183

HOUSE SPONSORSHIP

Gilchrist and Bacon, Carter, Espenozza, Mabrey, Zokaie

SENATE SPONSORSHIP

Ball and Daugherty,

House Committees

Judiciary
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF A WORKING GROUP TO STUDY THE USE**
102 **OF COLORIMETRIC FIELD DRUG TESTS, AND, IN CONNECTION**
103 **THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill creates a working group to make findings and recommendations concerning the use of colorimetric field drug tests in the various stages of criminal proceedings and carceral settings. The bill specifies the working group's membership and appointing authority, as applicable. The working group is required to:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
Amended 2nd Reading
April 15, 2025

- Make findings concerning the prevalence of the administration of colorimetric field drug tests in Colorado and the potential harms that result from such administration;
- Make findings and recommendations for legislation or policy solutions for alternatives to administering colorimetric field drug tests, administering the tests for presumptive purposes only, and how to prevent future harms resulting from administering such tests; and
- On or before December 1, 2025, submit a report of its findings and recommendations to the judiciary committees of the house of representatives and the senate.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds that:

4 (a) Each year, over 750,000 people in the United States are
5 arrested for drug possession based upon colorimetric field drug test
6 results;

7 (b) A colorimetric field drug test is a small plastic pouch that
8 contains a chemical reagent that reacts with aspects of certain compounds
9 that are often found in drugs. The test is administered by placing a
10 suspected controlled substance in the chemicals in the pouch to see if the
11 chemical reagent changes to a specific color.

12 (c) Colorimetric field drug test results are presumptive tests that
13 should be confirmed by further laboratory testing as these presumptive
14 tests identify only aspects of a chemical compound, many of
15 which are shared by both controlled substances and common household
16 items including sugar, sugar substitutes, items containing sugar or sugar
17 substitutes, soap, coffee, nutritional supplements, and over-the-counter
18 medications.

19 (d) A recent study published by the Quattrone Center for the Fair

1 Administration of Justice at the University of Pennsylvania Carey Law
2 School states:

3 (I) Presumptive field drug tests, like the colorimetric field drug
4 test, "[are] one of the largest, if not the largest, known contributing factor
5 to wrongful arrests and convictions in the United States";

6 (II) Approximately "[thirty thousand] arrests each year involve
7 people who do not possess illegal substances but who are nonetheless
8 falsely implicated by color-based presumptive tests"; and

9 (III) "On a per capita basis, Black Americans experience these
10 erroneous drug arrests at a rate [three times] higher than White
11 Americans";

12 (e) Vendors of colorimetric field drug tests caution that the tests
13 are recommended only for presumptive purposes absent confirmation
14 from a crime lab that uses more advanced testing methods;

15 (f) People regularly plead guilty to drug possession offenses
16 absent confirmation from a crime lab that uses more advanced testing
17 methods. A plea may be made to avoid prolonged detention while
18 awaiting advanced testing results from a crime lab. Consequently, the
19 plea and its collateral consequences burden the person indefinitely, based
20 on the error-prone colorimetric field drug test.

21 (g) Colorimetric field drug tests are also used in a variety of other
22 settings in Colorado, including correctional systems, possibly resulting in
23 unfair disciplinary sanctions. The extent of use in these settings is
24 unknown.

25 (2) Therefore, the general assembly declares that convening a
26 working group to make findings and recommendations concerning the use
27 of colorimetric field drug tests is necessary to improve judicial system

1 outcomes, including preventing wrongful convictions, coercive plea
2 agreements, and negative correctional outcomes.

3 **SECTION 2.** In Colorado Revised Statutes, **add** part 24 to article
4 2 of title 2 as follows:

5 PART 24

6 COLORIMETRIC FIELD DRUG TEST

7 WORKING GROUP

8 **2-2-2401. Colorimetric field drug test working group -**
9 **creation - members - duties - report - repeal.**

10 (1) (a) NOTWITHSTANDING SECTION 2-3-303.3, THERE IS CREATED THE
11 WORKING GROUP TO MAKE FINDINGS AND RECOMMENDATIONS
12 CONCERNING THE USE OF COLORIMETRIC FIELD DRUG TESTS IN THE
13 VARIOUS STAGES OF CRIMINAL PROCEEDINGS AND IN CARCERAL SETTINGS.

14 (b) (I) (A) ON OR BEFORE SEPTEMBER 1, 2025, THE DIRECTOR OF
15 THE LEGISLATIVE COUNCIL SHALL USE A REQUEST FOR PROPOSAL PROCESS
16 TO CONTRACT WITH AND DESIGNATE A NONPROFIT ORGANIZATION TO
17 PROVIDE STAFFING AND FACILITATE THE PERFORMANCE OF THE WORKING
18 GROUP'S DUTIES PURSUANT TO THIS PART 24, SUBJECT TO THE APPROVAL
19 OF THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL.

20 (B) THE DUTIES REQUIRED IN THIS PART 24 ARE CONTINGENT ON
21 AWARDED A CONTRACT AND DESIGNATING A NONPROFIT ORGANIZATION
22 PURSUANT TO THIS SUBSECTION (1)(b). IF A CONTRACT IS NOT AWARDED
23 AND A NONPROFIT ORGANIZATION IS NOT DESIGNATED TO PROVIDE
24 STAFFING AND FACILITATE THE PERFORMANCE OF THE WORKING GROUP'S
25 DUTIES REQUIRED PURSUANT TO THIS PART 24, THEN NONE OF THE
26 PROVISIONS OF THIS PART 24 ARE REQUIRED TO OCCUR.

27 (II) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT NO

1 GENERAL FUND MONEY BE APPROPRIATED FOR A CONTRACT WITH THE
2 NONPROFIT ORGANIZATION FOR THE NONPROFIT ORGANIZATION TO
3 PROVIDE STAFFING AND FACILITATE THE PERFORMANCE OF THE WORKING
4 GROUP'S DUTIES PURSUANT TO THIS PART 24. THE NONPROFIT
5 ORGANIZATION IS SOLELY RESPONSIBLE FOR THE COSTS OF PROVIDING THE
6 CONTRACTED SERVICES, PROVIDING STAFFING, AND FACILITATING THE
7 PERFORMANCE OF THE WORKING GROUP'S DUTIES PURSUANT TO THIS PART
8 24. THE NONPROFIT ORGANIZATION MAY ACCEPT MONETARY OR IN-KIND
9 GIFTS, GRANTS, AND DONATIONS TO DEFRAY THE COSTS OF PROVIDING THE
10 CONTRACTED SERVICES, PROVIDING STAFFING, AND FACILITATING THE
11 PERFORMANCE OF THE WORKING GROUP'S DUTIES PURSUANT TO THIS PART
12 24.

13 (2) (a) THE WORKING GROUP CONSISTS OF:

14 (I) ONE MEMBER OF THE MAJORITY PARTY OF THE HOUSE OF
15 REPRESENTATIVES, APPOINTED BY THE SPEAKER OF THE HOUSE OF
16 REPRESENTATIVES, WHO SHALL SERVE AS CHAIR;

17 (II) ONE MEMBER OF THE MINORITY PARTY OF THE SENATE,
18 APPOINTED BY THE PRESIDENT OF THE SENATE, WHO SHALL SERVE AS
19 VICE-CHAIR;

20 (III) ONE MEMBER OF THE HOUSE OF REPRESENTATIVES,
21 APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;

22 (IV) THE ATTORNEY GENERAL OR THEIR DESIGNEE;

23 (V) THE DIRECTOR OF THE COLORADO BUREAU OF INVESTIGATION
24 OR THEIR DESIGNEE;

25 (VI) ONE MEMBER WHO REPRESENTS AN ORGANIZATION THAT
26 WORKS TO EXONERATE PEOPLE WHO WERE WRONGFULLY CONVICTED,
27 APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES;

- 1 (VII) THE STATE PUBLIC DEFENDER OR THEIR DESIGNEE;
- 2 (VIII) ONE MEMBER WHO REPRESENTS THE COLORADO CRIMINAL
3 DEFENSE BAR, APPOINTED BY THE SPEAKER OF THE HOUSE OF
4 REPRESENTATIVES;
- 5 (IX) ONE MEMBER WHO REPRESENTS THE ALTERNATE DEFENSE
6 COUNSEL, APPOINTED BY THE SPEAKER OF THE HOUSE OF
7 REPRESENTATIVES;
- 8 (X) THE EXECUTIVE DIRECTOR OF THE COLORADO DISTRICT
9 ATTORNEYS' COUNCIL OR THEIR DESIGNEE;
- 10 (XI) THE PRESIDENT OF THE COUNTY SHERIFFS OF COLORADO OR
11 THEIR DESIGNEE;
- 12 (XII) THE PRESIDENT OF THE COLORADO ASSOCIATION OF CHIEFS
13 OF POLICE OR THEIR DESIGNEE;
- 14 (XIII) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
15 CORRECTIONS OR THEIR DESIGNEE;
- 16
- 17 (XIV) ONE MEMBER WHO IS AN INSTRUCTOR AT AN INSTITUTION
18 OF HIGHER EDUCATION IN COLORADO AND HAS EXPERT KNOWLEDGE OF,
19 AND RESEARCH EXPERIENCE WITH, FORENSIC SCIENCE, APPOINTED BY THE
20 PRESIDENT OF THE SENATE;
- 21 (XV) ONE MEMBER WHO IS A PERSON WHO WAS IMPACTED BY A
22 FALSE POSITIVE TEST RESULT FROM THE USE OF A COLORIMETRIC FIELD
23 DRUG TEST, OR THEIR DESIGNEE, APPOINTED BY THE SPEAKER OF THE
24 HOUSE OF REPRESENTATIVES; AND
- 25 (XVI) ONE MEMBER WHO IS A NATIONAL EXPERT ON WRONGFUL
26 CONVICTIONS CAUSED BY THE USE OF COLORIMETRIC FIELD DRUG TESTS,
27 APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

1 (b) THE APPOINTING AUTHORITY SHALL MAKE APPOINTMENTS TO
2 THE WORKING GROUP NO LATER THAN JULY 1, 2025.

3 (c) BEGINNING IN JULY OF 2025, THE WORKING GROUP SHALL MEET
4 THREE TIMES USING AUDIO-VISUAL COMMUNICATION TECHNOLOGY AND
5 SHALL COMPLETE ITS DUTIES NO LATER THAN DECEMBER 1, 2025.

6 (d) MEMBERS SERVE AT THE PLEASURE OF THEIR RESPECTIVE
7 APPOINTING AUTHORITIES. IF A VACANCY OCCURS, THE APPROPRIATE
8 APPOINTING AUTHORITY SHALL PROMPTLY APPOINT A NEW MEMBER WHO
9 SATISFIES THE MEMBERSHIP REQUIREMENT OF THE VACATED SEAT.

10 (e) MEMBERS SERVE WITHOUT COMPENSATION BUT MAY BE
11 REIMBURSED FOR EXPENSES DIRECTLY RELATING TO THEIR SERVICE TO THE
12 WORKING GROUP.

13 [REDACTED]

14 (3) THE WORKING GROUP SHALL MAKE:

15 (a) FINDINGS CONCERNING THE PREVALENCE AND CIRCUMSTANCES
16 WHEN COLORIMETRIC FIELD DRUG TESTS ARE USED IN THE VARIOUS
17 STAGES OF CRIMINAL PROCEEDINGS AND IN CARCERAL SETTINGS;

18 (b) FINDINGS CONCERNING THE POTENTIAL HARMS THAT RESULT
19 FROM USING COLORIMETRIC FIELD DRUG TESTS IN THE VARIOUS STAGES OF
20 CRIMINAL PROCEEDINGS AND IN CARCERAL SETTINGS, INCLUDING THE
21 POTENTIAL FOR UNJUST PRETRIAL DETENTION, COERCIVE GUILTY PLEAS,
22 AND WRONGFUL CONVICTIONS;

23 (c) FINDINGS AND RECOMMENDATIONS FOR LEGISLATION OR
24 POLICY SOLUTIONS TO ELIMINATE HARMS FROM THE USE OF COLORIMETRIC
25 FIELD DRUG TESTS IN THE VARIOUS STAGES OF CRIMINAL PROCEEDINGS
26 AND IN CARCERAL SETTINGS; AND

27 (d) FINDINGS AND RECOMMENDATIONS FOR LEGISLATION OR

1 ALTERNATIVE POLICY SOLUTIONS CONCERNING USING COLORIMETRIC
2 FIELD DRUG TESTS FOR PRESUMPTIVE PURPOSES ONLY IN THE VARIOUS
3 STAGES OF CRIMINAL PROCEEDINGS AND IN CARCERAL SETTINGS,
4 INCLUDING COLLATERAL CONSEQUENCES, IN ORDER TO PREVENT FUTURE
5 HARMS.

6 (4) THE WORKING GROUP SHALL NOT RECOMMEND BILL DRAFTS AS
7 PART OF ITS RECOMMENDATIONS.

8 (5) THE WORKING GROUP MAY COLLABORATE WITH ANY PERSON
9 OR ENTITY THAT THE WORKING GROUP DEEMS APPROPRIATE TO ASSIST THE
10 WORKING GROUP IN PERFORMING ITS DUTIES PURSUANT TO THIS SECTION.
11 A STATE ENTITY THAT IS REQUESTED TO PROVIDE ASSISTANCE TO THE
12 WORKING GROUP IN PERFORMING ITS DUTIES SHALL ASSIST THE WORKING
13 GROUP, TO THE EXTENT THE ASSISTANCE PROVIDED BY THE STATE ENTITY
14 IS CONSISTENT WITH THE STATE ENTITY'S DUTIES AND LAW. AT A
15 MINIMUM, THE STATE ENTITY MUST PROVIDE TO THE WORKING GROUP,
16 UPON REQUEST, ANY EXISTING INFORMATION REGARDING THE
17 PREVALENCE AND CIRCUMSTANCES WHEN COLORIMETRIC FIELD DRUG
18 TESTS ARE USED AND ANY EXISTING POLICIES CONCERNING THE USE OF
19 COLORIMETRIC FIELD DRUG TESTS.

20 (6) ON OR BEFORE DECEMBER 1, 2025, THE WORKING GROUP
21 SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE JUDICIARY
22 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE, OR ANY
23 SUCCESSOR COMMITTEES. AT A MINIMUM, THE REPORT MUST INCLUDE THE
24 WORKING GROUP'S FINDINGS AND RECOMMENDATIONS REQUIRED
25 PURSUANT TO SUBSECTION (3) OF THIS SECTION.

26 (7) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2026.

27 **SECTION 3. Appropriation.** (1) For the 2025-26 state fiscal

1 year, \$1,008 is appropriated to the legislative department. This
2 appropriation is from the general fund. To implement this act, the
3 department may use this appropriation for the general assembly.

4 **SECTION 4. Safety clause.** The general assembly finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, or safety or for appropriations for
7 the support and maintenance of the departments of the state and state
8 institutions.