

Senate Judiciary Committee

Jennifer Horgan 271-3092

SB 20, relative to liquid chromatograph tests for intoxication.

Hearing Date: January 24, 2017

Time Opened: 9:23 a.m.

Time Closed: 9:34 a.m.

Members of the Committee Present: Senators Carson, Lasky, French, Gannon and Hennessey

Members of the Committee Absent : None

Bill Analysis : This bill authorizes the use of liquid chromatograph tests as evidence of intoxication under certain fish and game, motor vehicle, and aeronautics laws.

This bill was requested by the department of safety.

Sponsors :
Sen. D'Allesandro

Who supports the bill: Senator D'Allesandro; Timothy Pifer, Department of Safety

Who opposes the bill: No one.

Summary of testimony presented in support :

Senator D'Allesandro

- This is a request from the Department of Safety's Forensic Laboratory
- The purpose is to allow the lab to use the latest technology to check for intoxication levels.
- There are two types of chromatographs that analyze intoxication, liquid and gas
- Initially, there was only gas testing and therefore, all of the statutes specifically reference gas.
- In recent years, a new liquid test has come on the scene, but the Department cannot use it in certain cases because the statutes reference gas.
- The lab already has liquid equipment that is used for other purposes, so there would be no cost to the state.
- Senator Lasky asked if this would allow for both liquid and gas testing.
 - Yes.

Timothy Pifer (Department of Safety) (provided written testimony)

- Gas chromatography/mass spectrometer (GC/MS) was considered the gold standard for decades in determining drug levels in biological specimen.
- Liquid chromatography is similar to GC/MS in terms of process, but it requires no derivatization and the whole process is much quicker.
- With multiple classes of drugs showing up, it is important to become more efficient.
- The lab currently has two liquid chromatographs in order to conduct tests in Department of Corrections' cases, which are not covered by the same statutes.

- This is not replacing the GC/MS, it is simply allowing the Department to use both
- The lab currently has six GC/MS.
- Senator Lasky asked if the gas can still be used or has it become obsolete.
 - The GC/MS are not going away and can still be used. The liquid chromatographs would allow the Department to supplement their efforts and be more efficient.
- Senator Carson asked if it would be helpful to use both processes simultaneously.
 - It would be helpful, as the Department could do a screen test with the liquid and then do more complex tests with the GC/MS.
- Senator Gannon asked if the GC/MS is going to be phased out.
 - At some point most equipment reaches obsolescence, and would expect that as the current GC/MS wear down and become obsolete, the Department would replace them with the liquid chromatographs.
- Senator Gannon asked if an attorney would be able to raise a claim of obsolete technology being used if the Department tested with the GC/MS.
 - Both methods are validated through peer review as being a gold standard and therefore the Department could stand by that in trial.

Summary of testimony presented in opposition :

None

Future Action: Ought to Pass

JCH

Date Hearing Report completed: January 24, 2017