

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 22-0963.01 Chelsea Princell x4335

HOUSE BILL 22-1321

HOUSE SPONSORSHIP

McKean and Roberts,

SENATE SPONSORSHIP

Pettersen and Woodward,

House Committees
Judiciary

Senate Committees

A BILL FOR AN ACT

101 CONCERNING A STUDY OF DEVICES THAT ARE BASED ON FDA-CLEARED
102 TECHNOLOGY CAPABLE OF SELF-ASSESSING IMPAIRMENT OF
103 MOTORISTS TO DETECT THE PRESENCE OF DRUGS OTHER THAN
104 ALCOHOL DURING ROADSIDE SOBRIETY INVESTIGATIONS, AND,
105 IN CONNECTION 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 establishes a study to investigate FDA-cleared devices that are capable of assessing cognitive and physical impairment of motorists

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

to detect the presence of drugs other than alcohol during roadside sobriety investigations.

The bill requires the Colorado department of transportation (department) to issue a request for proposal for a study and report to be conducted and completed not later than June 1, 2023. The department shall submit and present a final report with the findings of the study at the joint transportation committee's "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing and to the Colorado task force on drunk and impaired driving. The bill sets requirements and standards for the study.

The study repeals July 1, 2024.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 42-4-1308 as
3 follows:

4 **42-4-1308. Study of FDA-cleared devices assessing drug**
5 **impairment of motorists - report - definitions - repeal.** (1) AS USED IN
6 THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 (a) "FDA-CLEARED TECHNOLOGY" MEANS A TECHNOLOGY OR
8 DEVICE THAT WAS CREATED AS A DEVELOPMENT OF A PREVIOUS
9 TECHNOLOGY OR DEVICE THAT WAS CLEARED BY THE FEDERAL FOOD AND
10 DRUG ADMINISTRATION AND THAT HAS BEEN USED FOR AT LEAST FIVE
11 YEARS IN A MEDICAL OR SCIENCE FIELD.

12 (b) "FIELD STUDY" MEANS A RESEARCH ACTIVITY THAT OCCURS
13 OUTSIDE OF AN OFFICE OR LABORATORY SETTING FOR AT LEAST A PORTION
14 OF THE STUDY'S DURATION.

15 (2) ON OR BEFORE JUNE 1, 2022, THE COLORADO DEPARTMENT OF
16 TRANSPORTATION SHALL ISSUE A REQUEST FOR PROPOSAL FOR A STUDY
17 AND REPORT TO BE CONDUCTED AND COMPLETED NOT LATER THAN JUNE
18 1, 2023. THE COLORADO DEPARTMENT OF TRANSPORTATION SHALL
19 SUBMIT AND PRESENT A FINAL REPORT AT THE JOINT TRANSPORTATION

1 COMMITTEE'S "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE,
2 AND TRANSPARENT (SMART) GOVERNMENT ACT" HEARING PURSUANT
3 TO SECTION 2-7-203 AND TO THE COLORADO TASK FORCE ON DRUNK AND
4 IMPAIRED DRIVING CREATED IN SECTION 42-4-1306. THE STUDY SHALL
5 INVESTIGATE AND EVALUATE THE VIABILITY OF DEVICES THAT ARE BASED
6 ON FDA-CLEARED TECHNOLOGY AND ARE CAPABLE OF ASSESSING
7 COGNITIVE AND PHYSICAL IMPAIRMENT OF MOTORISTS TO DETECT THE
8 PRESENCE OF DRUGS OTHER THAN ALCOHOL DURING ROADSIDE SOBRIETY
9 INVESTIGATIONS.

10 (3) THE REQUEST FOR PROPOSAL MUST INCLUDE, AT A MINIMUM:

11 (a) THE INTENDED STUDY METHODOLOGY;

12 (b) THE PERFORMANCE OF A FIELD STUDY TO EXAMINE THE
13 VIABILITY OF THE DEVICES;

14 (c) THE RECRUITMENT OF AT LEAST ONE HUNDRED PARTICIPANTS;

15 AND

16 (d) A DATA COMPARISON BETWEEN BLOOD SAMPLES AND TEST
17 RESULTS FROM THE DEVICES FOR EACH STUDY PARTICIPANT. FOR THE
18 PURPOSE OF THE COMPARATIVE ANALYSES, THE BLOOD SAMPLES MUST BE
19 COLLECTED AT LEAST THREE DIFFERENT TIMES DURING THE FIELD STUDY.

20 (4) THE REPORT SUBMITTED TO THE GENERAL ASSEMBLY
21 PURSUANT TO THIS SECTION MUST INCLUDE LEGISLATIVE
22 RECOMMENDATIONS CONCERNING A PILOT PROGRAM TO FURTHER
23 ANALYZE THE DEVICES.

24 (5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2024.

25 **SECTION 2. Appropriation.** For the 2022-23 state fiscal year,
26 \$751,649.17 is appropriated to the department of transportation. This
27 appropriation is from the general fund. To implement this act, the

1 department may use this appropriation for consulting and administration
2 purposes related to the impairment device study.

3 **SECTION 3. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, or safety.