

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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
Appropriations

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 devices capable of assessing drug**
5 **impairment of motorists - report - definition - repeal.** (1) AS USED IN
6 THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "FIELD STUDY"
7 MEANS A RESEARCH ACTIVITY THAT OCCURS OUTSIDE OF AN OFFICE OR
8 LABORATORY SETTING FOR AT LEAST A PORTION OF THE STUDY'S
9 DURATION.

10 

11 (2) ON OR BEFORE JUNE 1, 2022, THE COLORADO DEPARTMENT OF
12 TRANSPORTATION SHALL ISSUE A REQUEST FOR PROPOSAL FOR A STUDY
13 AND REPORT TO BE CONDUCTED AND COMPLETED NOT LATER THAN JUNE
14 1, 2023. THE COLORADO DEPARTMENT OF TRANSPORTATION SHALL
15 SUBMIT AND PRESENT A FINAL REPORT AT THE JOINT TRANSPORTATION
16 COMMITTEE'S "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE,
17 AND TRANSPARENT (SMART) GOVERNMENT ACT" HEARING PURSUANT
18 TO SECTION 2-7-203 AND TO THE COLORADO TASK FORCE ON DRUNK AND
19 IMPAIRED DRIVING CREATED IN SECTION 42-4-1306. THE STUDY SHALL

1 INVESTIGATE AND EVALUATE THE VIABILITY OF DEVICES THAT [REDACTED] ARE
2 CAPABLE OF ASSESSING COGNITIVE AND PHYSICAL IMPAIRMENT OF
3 MOTORISTS TO DETECT THE PRESENCE OF DRUGS OTHER THAN ALCOHOL
4 DURING ROADSIDE SOBRIETY INVESTIGATIONS.

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

6 (a) THE INTENDED STUDY METHODOLOGY;

7 (b) THE PERFORMANCE OF A FIELD STUDY TO EXAMINE THE
8 VIABILITY OF THE DEVICES;

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

10 AND

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

15 (4) THE REPORT SUBMITTED TO THE GENERAL ASSEMBLY
16 PURSUANT TO THIS SECTION MUST INCLUDE LEGISLATIVE
17 RECOMMENDATIONS CONCERNING A PILOT PROGRAM TO FURTHER
18 ANALYZE THE DEVICES.

19 (5) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2024.

20 **SECTION 2. Appropriation.** For the 2022-23 state fiscal year,
21 \$751,649 is appropriated to the department of transportation. This
22 appropriation is from the marijuana tax cash fund created in section
23 39-28.8-501(1), C.R.S. To implement this act, the department may use
24 this appropriation for [REDACTED] the impairment device study.

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