

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

ORIGINAL DATE 02/04/11

SPONSOR SPAC LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Blood Tests for Intoxication and Drugs SB 3/SPACS

ANALYST Daly

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>	NFI	NFI	NFI			

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Attorney General's Office (AGO)

Department of Public Safety (DPS)

### SUMMARY

#### Synopsis of Bill

The Senate Public Affairs Committee substitute for Senate Bill 3 proposes an amendment to current law relating to arrests under the Motor Vehicle Code and the Boating while Intoxicated Act to:

- 1) Expand those who can take blood tests to add emergency medical technicians and certified phlebotomists ( while deleting laboratory technicians); and
- 2) Expand and clarify the type of authorized blood tests that can be taken ("chemical blood tests") to include testing for drugs other than alcohol.

### SIGNIFICANT ISSUES

The AGO points to society's increasing use of drugs other than alcohol as requiring the expansion of authorized blood testing to include other drugs. The AGO also suggests that the deletion of laboratory technicians from the list of persons authorized to conduct blood draws may have a limiting effect on enforcement efforts. DPS notes that this bill will increase the availability of necessary testing in rural areas throughout the state.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

The AGO urges adoption of this bill to allow for full prosecution of intoxicated boaters, based on several boating accidents in which serious injuries or deaths occurred where testing for drugs other than alcohol did not occur and defendants were not held fully accountable.

MD/svb