

Department of Legislative Services
Maryland General Assembly
2012 Session

FISCAL AND POLICY NOTE

House Bill 1294 (Delegate Anderson)
Health and Government Operations and
Judiciary

Health - Forensic Laboratories - Regulation

This bill specifies that a forensic laboratory for which a license has been issued must be inspected at least every two years. The bill also requires the Secretary of Health and Mental Hygiene to authorize a nonprofit accreditation body to inspect and (as a condition of licensure) accredit a forensic laboratory. In addition, the bill directs the Forensic Laboratory Advisory Committee to advise the Secretary on specified matters related to the implementation of the bill.

Fiscal Summary

State Effect: Because the Department of State Police advises that its Forensic Sciences Division is already in compliance with the bill's requirements, the bill is not expected to materially affect State finances or operations.

Local Effect: Assuming that most or all local laboratories are already in substantial compliance with the bill's requirements, the bill is not expected to significantly affect local government finances or operations.

Small Business Effect: Potential meaningful increase in expenditures for any privately owned small business forensic laboratory that is unaccredited.

Analysis

Bill Summary/Current Law: Under current law, "forensic laboratory" means a facility, entity, or site that offers or performs forensic analysis (*i.e.*, a medical, chemical, toxicologic, firearms, or other expert examination or test performed on physical evidence

for the purpose of determining the connection of the evidence to a criminal act). “Forensic laboratory” includes a laboratory owned or operated by the State, a county or municipal corporation in the State, or another governmental entity. However, “forensic laboratory” does not include a forensic laboratory operated by the federal government or a laboratory licensed or certified by the Maryland Department of Agriculture.

Chapter 147 of 2007 required the Secretary of Health and Mental Hygiene to adopt regulations that set standards and requirements for forensic laboratories. In addition, to assure compliance with these standards and requirements, the Secretary must conduct (1) an inspection of each forensic laboratory for which a license to operate is sought; and (2) an inspection of each forensic laboratory for which a license has been issued.

The bill specifies that a forensic laboratory for which a license has been issued must be inspected at least every two years. In addition, the bill requires the Secretary to authorize a nonprofit accreditation body (that has obtained signatory status with the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement) to conduct the required inspections. The bill also requires a forensic laboratory to obtain accreditation from a State-approved nonprofit accreditation body before applying for a license. The Secretary must approve a nonprofit accreditation body to perform such accreditation in the State.

Chapter 147 also established the Forensic Laboratory Advisory Committee to advise the Secretary on matters relating to the implementation of specified provisions of law related to forensic laboratories. The bill specifies that the committee must advise the Secretary on (1) the review and approval of forensic laboratory accreditation bodies and proficiency testing program providers, applications for licensure, and requests for letters of exception and waivers from licensure requirements; and (2) the review and monitoring of proficiency testing program results, complaint investigations, and forensic laboratory accreditation actions and deficiency statement responses.

Background: The Department of Health and Mental Hygiene has not yet adopted the regulations required by Chapter 147. However, the department has advised that it is in the process of adopting the regulations and has issued temporary licenses to forensic laboratories pending the adoption.

Local Fiscal Effect: Although Baltimore County (which advises that it is already accredited) has suggested that some local laboratories may incur additional costs under the bill due to increased inspections, no other county or municipal corporation that provided information to Legislative Services anticipated any such costs under the bill. Furthermore, Montgomery County specifically advised that it is already in compliance with the bill. Thus, assuming that most or all local laboratories are already in substantial

compliance with the bill's requirements, the bill is not expected to significantly affect local government finances or operations.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): City of Bowie; Baltimore, Carroll, Cecil, Harford, Montgomery, and St. Mary's counties; Department of Health and Mental Hygiene; Department of State Police; Department of Public Safety and Correctional Services; Department of Legislative Services

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