

April 13, 2009

H 1497. SPECTRAL FLUORESCENCE SIGNATURE DRUG ANALYSIS. Filed 4/9/09. *TO PROVIDE THAT THE RESULTS OF A SPECTRAL FLORESCENCE SIGNATURE ANALYSIS WITH REGARD AS TO WHETHER A SUBSTANCE IS A DRUG ARE ADMISSIBLE IN EVIDENCE IN COURT, TO REQUIRE A PERMIT TO CONDUCT A SPECTRAL FLORESCENCE SIGNATURE ANALYSIS, AND TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH AND ADMINISTER A PERMIT PROGRAM FOR THE PRACTICE OF SPECTRAL FLORESCENCE SIGNATURE ANALYSIS.*

Adds new GS 90-95.8, providing that in a prosecution under Article 5 of GS Chapter 90, results of a spectral florescence signature analysis are admissible to identify a disputed substance as one of the controlled substances specified in the act if (1) the analysis is performed pursuant to Department of Health and Human Services (DHHS) rules and (2) the person performing the analysis had a permit issued by DHHS authorizing the person to use the type of instrument employed. The analysis results are not admissible if the defendant objects and demonstrates that preventive maintenance procedures required by DHHS regulations had not been performed on the instrument used within the prescribed time limits.

Requires the court to take judicial notice of the rules of DHHS, lists of those issued permits to perform the analysis, DHHS preventive maintenance records, whether the analyst possessed a valid permit when the analysis was performed, and whether required maintenance had been performed on the instrument in accordance with DHHS rules.

Adds new Article 42 to GS Chapter 90 (1) requiring that anyone conducting a spectral fluorescence signature analysis first apply for and receive a permit from DHHS, (2) requiring DHHS to establish a permitting program, and (3) authorizing a law enforcement agency to contract with a vendor of an approved instrument to perform preventive maintenance on the instruments used for spectral florescence signature analysis. Effective October 1, 2009.

Intro. by R. Warren.

GS 90

May 13, 2009

H 1497. SPECTRAL FLORESCENCE SIGNATURE DRUG ANALYSIS. Filed 4/9/09. House committee substitute makes the following changes to 1st edition. Amends proposed new GS 90-641(a) by adding provision allowing the Department of Health and Human Services to charge an applicant for spectral florescence signature analysis permit a fee of up to \$100 to determine if the applicant meets the requirement to obtain the permit.