

- 1 (3) Controlled substance testing accuracy.
- 2 (4) Identifying new or novel substances.
- 3 (5) Drug organization investigations.
- 4 (6) Cost-effectiveness.

5 **SECTION 2.** Program Requirements. – The pilot program required by this act shall
6 do, at a minimum, all of the following:

- 7 (1) Provide participating law enforcement agencies with drug-detection devices
8 meeting the requirements set forth in this subdivision to use in place of
9 color-based field drug tests for detecting suspected controlled substances.
10 Drug-detection devices provided under the pilot program shall meet all of the
11 following requirements:
 - 12 a. Be portable or field-deployable.
 - 13 b. Does not use, depend on, or interpret any visible color change or
14 visually observed chemical reaction as the primary basis for controlled
15 substance identification, such as reagent pouches, spot tests, test strips,
16 crystal or precipitate formation, and technology-assisted interpretation
17 of a color reaction. Drug-detection device indicators such as indicator
18 lights or interface colors are not disqualifying under this
19 sub-subdivision.
 - 20 c. Shall generate and electronically retain a digital analytical signature of
21 the sample sufficient for independent audit and program evaluation.
 - 22 d. Shall compare the analytical signature to an updatable electronic
23 reference library to generate an objective identification result, and
24 shall indicate "no match/unknown," or an equivalent indicator, when
25 no acceptable match is found.
 - 26 e. Shall include a reference library that is capable of being updated on a
27 recurring basis to incorporate new and emerging controlled
28 substances.
 - 29 f. Shall record, at a minimum, the result, the associated analytical
30 signature, the date and time, and a device identifier.
 - 31 g. Shall support evaluator access to test records and underlying
32 signatures sufficient for independent audit and program evaluation.
- 33 (2) Use both quantitative and qualitative methods to address all of the following
34 research questions related to use of a drug-detection device provided under
35 the pilot program:
 - 36 a. Does access to a drug-detection device change drug enforcement and
37 case processing outcomes, including arrests and charges, case time
38 lines, dispositions, and sentences?
 - 39 b. Do "no controlled substance" (NCS) outcomes, such as lab-confirmed
40 negatives, change after implementation?
 - 41 c. How does the technology affect officer workload, safety practices,
42 evidentiary workflows, and the work of prosecutors and defense
43 counsel?
 - 44 d. Do impacts differ by race or ethnicity, geography, or offense type?
 - 45 e. Any other questions determined relevant by the Collaboratory.
- 46 (3) Leverage available data from State agencies deemed relevant by the
47 Collaboratory to track case-level outcomes across jurisdictions over time.
- 48 (4) Measure (i) drug enforcement and case processing outcomes, including arrest
49 and charging activity, case resolution time lines, and case dispositions and (ii)
50 forensic laboratory system impacts, including effects on submission volume,
51 processing time lines, and confirmation outcomes.

1 (5) Employ appropriate quantitative methods to compare outcomes in pilot
2 program jurisdictions to comparable non-pilot program jurisdictions before
3 and after deployment of the drug-detection devices, using research designs
4 adequate to support causal inference to the extent feasible given available
5 data. The specific methods, including selection of comparison groups and
6 outcome measures, shall be determined by the Collaboratory.

7 (6) Conduct qualitative inquiry in pilot program sites using methods appropriate
8 to the research questions, which may include interviews, focus groups, and
9 workflow observations. Participants may include law enforcement personnel,
10 prosecutors, defense counsel, and other stakeholders the Collaboratory
11 determines have relevant experience. The Collaboratory shall determine the
12 specific qualitative design, participant selection, and inquiry domains.

13 **SECTION 3.** Use of Third Parties. – In establishing and implementing the pilot
14 program required under Section 1 of this act, the Collaboratory shall consult with persons or
15 entities the Collaboratory deems to be subject matter experts in drug detection, law enforcement,
16 and public policy. Additionally, the Collaboratory may collaborate with any person or entity that
17 the Collaboratory deems appropriate to assist in establishing and implementing the pilot program
18 required by this act. Any person or entity utilized by the Collaboratory under the authority set
19 forth in this section shall have the same access to data and cooperation provided to the
20 Collaboratory under Section 4 of this act.

21 **SECTION 4.** Data Access and Cooperation. – State agencies that maintain data
22 determined by the Collaboratory to be relevant to the pilot program required by this act, including
23 the Administrative Office of the Courts and the North Carolina State Crime Laboratory, shall
24 make available to the Collaboratory such data as the Collaboratory deems may be reasonably
25 necessary to conduct the pilot program, to the extent permitted by applicable State and federal
26 law and subject to appropriate privacy protections and data use agreements. A State agency that
27 is requested to provide assistance to the Collaboratory in performing its duties shall assist the
28 Collaboratory, to the extent the assistance provided by the State agency is consistent with its
29 duties under the law. As a condition of participation in the pilot program, participating law
30 enforcement agencies shall cooperate with the Collaboratory in the conduct of the pilot program,
31 including by making relevant personnel available for interview and providing access to
32 operational documents and records related to the pilot program. Nothing in this section shall
33 require the disclosure of information that would compromise an ongoing investigation, reveal a
34 confidential informant, or is otherwise confidential or privileged under State or federal law.

35 **SECTION 5.** Participating Law Enforcement Agencies. – The Collaboratory shall
36 select the law enforcement agencies who will participate in the pilot program required by this
37 act. The Collaboratory shall ensure that the law enforcement agencies it selects are representative
38 of law enforcement throughout the State, including agencies from rural and urban areas of the
39 State and agencies that would allow for analysis of data from the I-85 and I-95 drug-trafficking
40 corridors.

41 **SECTION 6.** Reports. – The Collaboratory shall provide all of the following reports
42 to the Joint Legislative Oversight Committee on Justice and Public Safety and the Fiscal Research
43 Division:

44 (1) Beginning three months from the effective date of this act, and every three
45 months thereafter, an interim report providing updates on the establishment
46 and implementation of the pilot program required by this act.

47 (2) By no later than two years from the date the Collaboratory receives the funds
48 appropriated in Section 7 of this act, a final report detailing the findings of the
49 pilot program and any data deemed relevant by the Collaboratory.

50 **SECTION 7.** Appropriation. – There is appropriated from the General Fund to the
51 Collaboratory the sum of one million seven hundred fifty thousand dollars (\$1,750,000) in

1 nonrecurring funds for the 2026-2027 fiscal year to be used for costs related to the development
2 and implementation of the pilot program required by this act, including purchasing equipment
3 and adding any additional staffing. Notwithstanding any provision of law to the contrary, any
4 funds remaining unspent or unencumbered at the end of the 2026-2027 fiscal year shall not revert
5 but shall remain available to spend until the pilot program expires.

6 **SECTION 8.** Definition and Construction. – For purposes of this act, the term
7 "drug-detection device" means a device designed to detect the presence of controlled substances
8 and not impairment of nor consumption by a person. Nothing in this act shall be construed as
9 altering or otherwise affecting (i) the standard of proof required for arrest or conviction under
10 current law or (ii) the types of drug tests currently admissible in a court of law.

11 **SECTION 9.** Effective Date and Expiration. – Section 7 of this act becomes effective
12 July 1, 2026. The remainder of this act is effective when it becomes law. The pilot program
13 required by this act shall expire on the earlier of the date the final report required under Section
14 6 of this act is provided or December 1, 2028.