

February 27, 2023

Honorable Rep. Andrew Murr,

1100 Capitol Avenue

Capitol Office Room E1.308 Austin, TX 78768

Dear Representative Andrew Murr,

The Texas Association of Crime Laboratory Directors and the Houston Forensic Science Center, the crime laboratory serving the City of Houston's police department, seek the intent and possible amendment to Article 38.51 of HB 178, as the current bill language would cause major implications for our lab and labs across the state.

Proposal: Amendment to Texas House Bill 178 Article 38.51.

Section 1. Amend Article 38.51 of the Government Code by similar language as follows:

If evidence that may be a controlled substance is submitted to a laboratory for testing and it is reasonably possible that the substance is or contains fentanyl, a test must be performed following validated laboratory procedures and sampling protocols to determine whether the substance is or contains fentanyl. For large samples of controlled substances, where individual testing of each pill in the sample would be time-consuming, labor-intensive, and financially burdensome, one pill from several different groups within the sample may be tested to represent the entire sample. The laboratory shall ensure that the sample is representative and that the pill selected for testing is randomly chosen from each group.

Explanation:

The proposed amendment seeks to clarify the testing requirements for controlled substances suspected to contain fentanyl, specifically for large samples of pills. In such cases, requiring individual testing of each pill in the sample would be impractical and resource-intensive, leading to increased time, labor, and financial burden. Instead, the amendment allows for the testing of one pill from several different groups within the sample, chosen randomly, to represent the entire sample. This would ensure that the sample is still tested for fentanyl, while reducing the burden on laboratories and preserving resources.



TACLD

Texas Association of
Crime Laboratory
Directors



HOUSTON FORENSIC

SCIENCE CENTER

500 Jefferson Street, 13th Floor

Houston, Texas 77002

(713) 929-6760

Overall, the proposed amendment would help to clarify the testing requirements for controlled substances suspected to contain fentanyl, while still ensuring accurate and reliable testing practices.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Stout". The signature is fluid and cursive, with the first name "Peter" and last name "Stout" clearly distinguishable.

Peter Stout, Ph.D., F-ABFT

CEO and president, Houston Forensic Science Center

President, Texas Association of Crime Laboratory Directors