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FILE

MEMORANDUM

TO: State's Attorneys and Law Enforcement Officers
FROM: Attorney General Wayne Stenehjem
DATE: September 14, 2005
RE: Controlled Substance Testing

The last session of the Legislature enacted two laws of interest to law enforcement officials:

- Section 19-03.1-22.3 of the North Dakota Century Code was amended to make the ingestion of a controlled substance a Class A misdemeanor unless the individual has a valid prescription for the substance.
- Under Section 19-03.1-46 of the North Dakota Century Code the court is required to order random drug testing as a condition of bail for individuals accused of a felony violation of the Controlled Substances Act (NDCC 19-03.4).

Since enactment of these statutes, the ND Crime Laboratory has received numerous phone calls inquiring how to proceed with collecting and testing of samples under these new laws. Because the Crime Lab did not receive additional funding to collect and analyze these samples, we suggest the following procedures:

Collecting and screening urine samples:

The State Procurement Office has a contract for Drug Testing Kits (026-193) with Varian, Inc. The tests can individually screen for amphetamines, cannabinoids, cocaine and opiates. The drug testing kits are called One-Step On-Site. Drug testing kits to screen for multiple drug classes at one time are also available through Varian, Inc. Kits are available at a cost \$67.50 per case (50 units).

Varian, Inc.
2700 Mitchell Dr.
Walnut Creek, CA 94598
Representative: Beverly Williamson
Phone: (800) 737-9667 Ext. 3

State's Attorneys and Law Enforcement Officers
September 14, 2005
Ingestion of Controlled Substances Testing

Confirmation of a positive screening test:

You may want to consider screening the sample and if you get a positive result, you can send it to a private laboratory for confirmation. Of, if you do not want to bother with the screening test, you can send the sample directly to the lab listed below. Costs for these tests range from \$5.00 (for a five-panel test) to \$7.50 (for a ten-panel test).

Redwood Toxicology Laboratory, Inc.
3650 Westwind Blvd
Santa Rosa, CA 95403
Phone: (800) 255-2159
Email: rtl@redwoodtoxicology.com
www.redwoodtoxicology.com

Redwood indicates it has a 24-hour turn-around time on samples from the time of receipt.

Unfortunately, due to the workload and budget of the Crime Laboratory, we could not even approach the cost or turn-around time claimed by these private facilities. Enclosed are the particulars of these two entities that have been provided to my office.

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NOTE: Please **do not** use the Urine Collection Kits supplied by the Crime Laboratory - Toxicology Section for the collecting and testing of ingestion samples because those are to be used for DUI cases pursuant to grant requirements.
