Caution:

This consultation draft is intended to facilitate dialogue concerning its contents. Should the decision be made to proceed with the proposal, the comments received during consultation will be considered during the final preparation of the regulation. The content, structure, form and wording of the consultation draft are subject to change as a result of the consultation process and as a result of review, editing and correction by the Office of Legislative Counsel.

CONSULTATION DRAFT

ONTARIO REGULATION

to be made under the

FORENSIC LABORATORIES ACT, 2018

TESTS, ACCREDITING BODIES, STANDARDS AND INFORMATION

Interpretation

1. In this Regulation,

"approved screening device" has the same meaning as in section 320.11 of the *Criminal Code* (Canada).

Tests

2. The following categories of tests are prescribed for the purposes of subsection 2 (1) of the Act:

1. Forensic toxicology tests that detect or identify the presence of alcohol, drugs or poisons in human biological samples, other than an analysis or test that is conducted with an approved screening device.

2. Forensic biology tests that identify human bodily substances, or compare human DNA profiles, to determine associations between items, places and people.

3. Drug analysis or profiling tests to identify or quantitate drugs or other controlled substances.

Accrediting bodies

3. Every signatory to the International Laboratory Accreditation Cooperation Mutual Recognition Arrangement is prescribed as an accrediting body for the purposes of subsection 2 (2) of the Act.

Prescribed general standard

4. (1) For the purposes of clause 2 (2) (a) of the Act, a laboratory is accredited to a prescribed general standard if it is accredited by an accrediting body for complying with,

(a) International Standard ISO/IEC 17025 — General Requirement for the Competence of Testing and Calibration Laboratories, dated November 2017, as it may be amended from time to time; and

(b) any portions of International Laboratory Accreditation Cooperation standard ILAC G19 — Modules in a Forensic Science Process, dated August 2014, as it may be amended from time to time, that the accrediting body determines to be applicable.

(2) Clause (1) (a) does not apply to a laboratory that,

(a) is a laboratory within the meaning of the *Laboratory and Specimen Collection Centre Licensing Act*; and

(b) is accredited by an accrediting body for complying with International Standard ISO 15189 — Medical laboratories — Requirements for Quality and Competence, dated November 2012, as it may be amended from time to time.

Information to be provided

5. (1) For the purposes of subsection 3 (2) of the Act, the following information is prescribed as information that must be provided whenever test results in respect of a test referred to in clause 3 (1) (a) of the Act are provided from a laboratory:

1. A statement that the test was conducted for a forensic purpose.

2. The International Organization for Standardization standard to which the laboratory was accredited for the test conducted on the date the test was completed.

3. A statement describing what the test is designed to analyze.

(2) For the purposes of subsection 3 (2) of the Act, the following information is prescribed as information that must be provided whenever test results referred to in clause 3 (1) (b) of the Act are provided from a laboratory:

1. A statement that the test was conducted for a medical purpose.

2. The International Organization for Standardization standard to which the laboratory was accredited for the test conducted on the date the test was completed.

Commencement

6. [Commencement]