

RCW 46.61.5062 Driving under the influence—Oral fluid roadside test. (Effective January 1, 2026.) (1) Any law enforcement agency utilizing oral fluid roadside information as part of the enforcement of driving under the influence laws must ensure the following:

(a) The oral fluid test instrument or instruments to be used are valid and reliable;

(b) Any peace officer who may administer an oral fluid test is properly trained in the administration of the test;

(c) Prior to administering the test, the administering peace officer advises the subject of the following information:

(i) The test is voluntary, and does not constitute compliance with the implied consent requirement of RCW 46.20.308;

(ii) Test results may not be used against the person in a court of law; and

(iii) Submission to the test is not an alternative to any evidentiary breath or blood test; and

(d) The law enforcement agency establishes policies to protect personally identifying information from unnecessary and improper dissemination including, but not limited to:

(i) Destruction of biological samples from oral fluid tests as soon as practicable after collection of test results; and

(ii) Prohibitions against entering DNA samples or results from such tests into any database.

(2) Any law enforcement agency administering an oral fluid roadside test as authorized in this section or RCW 9.94A.661 is strictly liable for (a) any failure to destroy biological samples from such tests within 24 hours or (b) unlawful entry of DNA samples or results from such tests into any database. [2024 c 306 s 33.]

Effective date—2024 c 306: See note following RCW 9.94A.661.