

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	8 - 0 - 2
<b>Yeas:</b>	Garrett, Olson, Schaufler, Tomei, Wand, Whisnant, Barker, Krieger
<b>Nays:</b>	0
<b>Exc.:</b>	Hicks, Nolan
<b>Prepared By:</b>	Aaron Knott, Counsel
<b>Meeting Dates:</b>	2/28, 4/11

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**WHAT THE MEASURE DOES:** Requires health care provider or facility to notify law enforcement if a blood or urine test reveals presence of controlled substance in patient who was operating a motor vehicle involved in an accident.

**ISSUES DISCUSSED:**

- Possible reluctance of injured drivers to seek medical care due to concerns about disclosure of the presence of controlled substance
- Additional tests or inquiries required as a consequence of House Bill 3085 A
- Mandatory reporting requirements in current ORS 676.260 for blood
- Controlled substances likely to be detected under this statute
- Possible inclusion of urine in the purview of the bill

**EFFECT OF COMMITTEE AMENDMENT:** Adds urine as a testing subject; modifies who is required to report the presence of the controlled substance.

**BACKGROUND:** Present ORS 676.260 requires a health care provider to notify law enforcement if the provider becomes aware of a blood test indicating the presence of alcohol in a patient who was operating a motor vehicle involved in an accident. It has not been construed to require health care providers to conduct blood tests if they were not otherwise going to do so.

House Bill 3085 A expands this requirement to cover the results of toxicology screens of blood and urine which are routinely performed during the intake process to determine a course of treatment for an individual who has suffered trauma as the result of a motor vehicle accident. A toxicology screen given in this setting is designed to detect the presence of substances which may have a reactive or cumulative effect with emergency medical treatments and can produce potentially life threatening complications if overlooked. Such a toxicology screen is generally not comprehensive and will not detect all substances listed in ORS 475.005. House Bill 3085 A also requires the health care facility rather than the health care provider to make the notification to law enforcement when the facility becomes aware of the presence of alcohol or controlled substances present in any diagnostic test result.