



EXHIBIT: 7 **SB 1557**
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SUBMITTED BY: Cushwa

Oregon District Attorneys Association

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SB 1557

Chair Prozanski and Members of the Senate Judiciary Committee,

First and foremost, ODAA supports efforts to reduce the illicit use of controlled substances by minors; however, we have some concerns about this bill.

- **Possession by consumption has both proof and resource issues.**
 - **Lack of in-the-field confirmation.**
 - Possession by consumption of controlled substances cannot be tested or confirmed instantly in the field. This differs from alcohol, which can be tested in the field by use of a portable breath test.
 - **Need to collect urine.**
 - In order to confirm that the person has consumed a controlled substance, an officer would need to collect a urine sample.
 - As a practical issue, this is problematic because, since the bill designates this offense as a violation, the person would not be arrested and taken to a jail where the officer could collect a urine sample. Therefore, any collection would have to occur in the field, creating issues around gathering the sample.
 - **Increase work load for the crime lab.**
 - At a time when the crime lab is already overburdened (for example, the Springfield Lab currently has about a 5-6 month backlog on urine testing), it would not be a wise allocation of this scarce resource away from testing for crimes like DUII.
 - **Controlled substances are different than alcohol.**
 - Presumably, the age of 21 was chosen because it is the legal drinking age, but that is the problem. When a person turns 21, he/she can legally drink, yet it is still illegal to partake of illicit controlled substances.
 - While the courts would not likely find it to be an equal protection issue, we should not treat two age groups disparately in this instance. If possession by consumption is illegal, the law should not treat a 20-year old differently than a 22-year old.

We appreciate the sponsor's desire to address this important issue; however the bill in its current form is not the appropriate solution.

Elizabeth Cushwa, Executive Director

Christie Wanner, ODAA Coordinator