

**REVENUE:** Revenue statement issued

**FISCAL:** Fiscal statement issued

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	8 - 0 - 1
<b>Yeas:</b>	Barton, Garrett, Hicks, Krieger, Olson, Tomei, Williamson, Barker
<b>Nays:</b>	0
<b>Exc.:</b>	Cameron
<b>Prepared By:</b>	Mike Schmidt, Counsel
<b>Meeting Dates:</b>	2/4, 3/25, 4/11

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**WHAT THE MEASURE DOES:** Expands definition of intoxicant in Driving Under the Influences of Intoxicants (DUII) statute to include Amitriptyline, Cyclobenzaprine, Diphenhydramine, Dextromethorphan, and Tramadol. Modifies various laws that previously used phrase “alcohol, inhalants or controlled substances” to word “intoxicant” in order to be consistent with change in law. Adds an affirmative defense to DUII for taking Amitriptyline, Cyclobenzaprine, Diphenhydramine, Dextromethorphan, and Tramadol as prescribed or recommended, but which have an unforeseeable reaction that impairs person’s ability to operate motor vehicle safely. Sunsets law after four years.

**ISSUES DISCUSSED:**

- People are impaired by substances other than alcohol and controlled substances, which are just as dangerous when driving under their influence

**EFFECT OF COMMITTEE AMENDMENT:** Adds Amitriptyline, Cyclobenzaprine, Diphenhydramine, Dextromethorphan, and Tramadol to the definition of intoxicants. Mandates that those five drugs have to be pleaded with specificity when prosecuting attorney indicts under that theory. Sunsets law after four years.

**BACKGROUND:** Previously an intoxicant, as defined by ORS 813.010, was limited to alcohol, controlled substances, and inhalants. Recognizing that there are substances not on the controlled substance list that people consume, and that make it unsafe to operate a motor vehicle, this bill broadens the definition of intoxicants in order to deter people from driving while under the influence of anything that may impair their ability to operate a motor vehicle safely. This bill takes into account that sometimes drugs taken as prescribed may have unpredictable results that could impair a person’s ability to drive, and makes raising that factual scenario an affirmative defense to the crime of DUII.