



Oregon

Kate Brown, Governor

Governor's Advisory Committee on DUII

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TO: House Judiciary Committee

FROM: Chuck Hayes, Chairman
Governor's Advisory Committee on DUII

SUBJECT: Support for HB 3170

INTRODUCTION

HB 3170 addresses a long-time disparity in Oregon's Implied Consent statute language (ORS 813.095) by equalizing the administrative penalties for refusing to provide a blood sample in the investigation of a DUII crime with the same as the penalties for refusing to provide a breath or urine sample. Breath and blood tests are scientifically accepted standards for quantifying the presence of alcohol. Urine identifies the past use of drugs but generally does not correlate to impairment. For drugs (and in particular, marijuana), a blood test provides the most accurate results for detecting impairing substances affecting a person at the time of arrest.

DISCUSSION

With Oregon's recent legalization of marijuana, the issue of impaired driving related to cannabis (Marijuana) has become a very important and much debated issue. Currently, cannabis is the second most detected intoxicating substance detected by the Oregon State Police Crime Laboratory during a DUII investigation. However, the presence of cannabinoids in a person's urine sample is only revealed through a non-impairing metabolite, carboxy THC. This is significant because carboxy THC only shows prior marijuana exposure and the detection time can be well past the window of intoxication and impairment. Worldwide research has established that the most accurate correlation to cannabis impairment is best determined with the presence of the impairing compound Delta-9-Tetrahydrocannabinol (Delta-9-THC), which can be detected through blood toxicology.

HB 3170 moves blood to the same level of importance as breath and urine in a DUII investigation. It also helps establish the same administrative penalties for a refusing to provide a blood sample as part of a DUI-Drug investigation and identical to a person arrested for DUII-alcohol. Currently, there are no administrative penalties for refusing to provide a blood sample in an investigation for DUII. Yet a person impaired from alcohol who refuses a breath test under Implied Consent can lose their driving privileges automatically for one year, per Oregon's implied consent laws.

SUMMARY

The Governor’s Advisory Committee on DUII has studied and analyzed the multitude of challenges presented to impaired driving with the legalization of recreational marijuana. HB 3170 is one of the very first steps in recognizing those challenges and the differences that exist between a system built largely around alcohol that is now being asked to accommodate marijuana. HB 3170 is a fair and timely answer for one of the problems that our state will be addressing in the coming years.

The GAC on DUII respectfully requests that the House Judiciary Committee pass HB 3170, and to encourage further conversation on how to improve public safety as it relates to DUII.