



To: Members of the House Judiciary Committee

From: Robert Hayes
Oregon Association Chiefs of Police

Date: April 1, 2015

Re: Testimony in Opposition to HB 2025

Chair Barker and members of the committee. My name is Robert Hayes and I am employed as a Patrol Sergeant with the Albany Police Department and I am here today on behalf of the Oregon Association Chiefs of Police in opposition to HB 2025. I am a certified Drug Recognition Expert and a Drug Recognition Expert Instructor. I am also a Crash Reconstructionist and was certified as a Crash Reconstructionist in 2005. In my 23 years as a police officer I have conducted numerous investigations in regards to motor vehicle crashes and impaired driving. I also teach part time at the Department of Public Standards and Training (DPSST). The classes I instruct are related to Impaired Driving and Crash Investigation. I am also the Chair for the State of Oregon, DUII Multi-Disciplinary Training Task Force. This Task Force provides training to all disciplines throughout the state in regards to Impaired Driving.

Marijuana is a substance that by its very nature impairs the person who is using it. That is why it is a crime to drive under the influence of marijuana as it is a crime to drive under the influence of any impairing controlled substance. In addition, it is well known that marijuana can become addicting as is the case with most impairing substances. Colorado and Washington have seen a significant increase in people who are receiving treatment for marijuana dependency since the legalization of marijuana and Oregon will be no exception. In fact, Measure 91 allocated a large percentage of the proceeds from recreational marijuana sales to go towards treatment. The fact that a person holds a medical marijuana card does not protect them from the potential to abuse marijuana and ultimately the need to seek treatment to address this abuse.

Colorado has a similar medical marijuana program that has been active since 2000. From 2001-2008, Colorado had about 4819 medical marijuana cardholders. After medical marijuana centers were opened in 2009, there 41,039 card holders, an increase of 751% in just one year according to the Colorado Department of Public Health and Environment. In November 2012, recreational marijuana became legal, and by December of 2012, there were 108,526 card holders. By December of 2014, there were 115, 467 medical marijuana card holders in Colorado. Based on an examination of the applications, it was determined that six percent (6%) of the cardholders had conditions that warranted the use of marijuana to alleviate the symptoms of a debilitating medical condition, such as various cancers, seizures, glaucoma and others. The remaining ninety-four percent (94%) of the other Colorado participants were found to have "non-specific pain" symptoms and were suspected to be largely recreational marijuana users taking advantage of the poor controls. There has been no evidence to suggest that Oregon's numbers would be any different.

Both Colorado and Washington have seen a huge increase in marijuana related DUIIs since the legalization of recreational marijuana. By way of example, DUIIs involving marijuana doubled in the City of Denver from 2013-2014. There is little doubt that Oregon will also see an increase in marijuana related DUIIs and therefore an increase in those on diversion.

What is most concerning about this bill is that a person can receive a DUII for driving under the influence of marijuana and then continue to use the substance that was the source of their offense. In addition, it says nothing about someone obtaining their card after diversion has begun simply to allow them to continue using marijuana. As others who will testify, this will defeat the purpose of determining what substance abuse issues the person has, to successfully treat the person, and to make sure the person does not continue to drive impaired. The safety for the citizens of Oregon depends on this.

The passing of this bill will not accomplish our goal of safer highways and decrease the number of crashes and impaired drivers on our roadways. Both the DUII Multi-Disciplinary Training Task Force and the Oregon Association of Chiefs of Police ask for you not to pass House Bill 2025.