



# Oregon

Kate Brown, Governor

## Governor's Advisory Committee on DUII

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**DATE:** February 2, 2016

**TO:** Joint Committee on Marijuana Legalization

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

**SUBJECT:** House Bill 4014 and -1 Amendments

### **Introduction:**

House Bill 4014 and Sections 51 and 53 of the -1 amendments allows offenders on probation and parole for a marijuana-related crime who also possess an OMMP card to continue using marijuana in statutorily established substance abuse treatment programs that require sobriety. Treatment programs requiring sobriety can derive from crimes such as DUII, DUII Diversion or DUII-related Criminally Negligent Homicide, Manslaughter or Assault, including times when marijuana was the impairing substance involved in the crime.

### **Background:**

DUII Diversion participants and those DUII offenders in treatment programs as a condition of their probation or parole are required to remain abstinent from alcohol and drugs with the exception of prescribed medications, taken as directed by a doctor, regardless of the offender's OMMP status, unless otherwise directed by the supervising judge. Marijuana is not a prescription, nor does a doctor supervise manner, method, dosage or other conditions of use, beyond a cursory visit when an OMMP client pays for their card. Sobriety is a key component of any effective treatment program for substance abuse.

### **Summary:**

Marijuana is not a prescribed medication and has no doctor supervision attached to it. Unlike with prescription medications with dosage, frequency, manner, or instructions, treatment programs have no means to monitor marijuana to determine a medically appropriate levels. With prescribed medications, treatment programs can monitor the number of pills taken and drug levels in urine. Treatment programs regularly communicate with the prescribing doctor and coordinate the usage of prescribed medications. Once a doctor makes the OMMP recommendation and collects their fee, there is usually no further follow up or communication with that patient. Treating marijuana like a prescription medication for conditions of a substance abuse program – especially for those treatment programs resulting from a DUII arrest or incarceration – is extremely problematic. Marijuana is the second most commonly found drug of abuse in DUII crimes.

Clients who are under the influence of any intoxicant are difficult to treat effectively and many times are disruptive to those who are remaining abstinent while in treatment. However, there is an option available for anyone who legitimately needs to use medical marijuana to petition the court for permission. Courts have approved the use of medical marijuana for veterans with PTSD or those with cancer. In many cases, there are alternatives such as Marinol, a prescription medical cannabinoid. Marinol can be accurately monitored in coordination with the treatment provider, the doctor and the supervising court. Therefore, the Governor's Advisory Committee on DUII respectfully requests that appropriate amendments to Sections 51 and 53 be adopted that protect the integrity and effectiveness of substance abuse treatment programs.