

Drivers Impaired by Non Controlled Substances



HOUSE JUDICIARY COMMITTEE
MARCH 2, 2017

DESCHUTES COUNTY



- February 22, 2016
- Driver swerved across the center lane on Highway 97
- Crashed into a car with a mom, dad who is a firefighter and 5yo and flipped their car over
- Admitted to taking 6 different prescription medications
- Observations: lethargic, slurred speech, constricted pupils, staggered around while trying to walk, difficulty concentrating
- Urine only contained non-controlled substances



LANE COUNTY



- May 2, 2016
- Citizen saw driving earlier – weaving between lanes causing all traffic to stop to avoid crash
- Continued to drive erratically then missed a turn and crashed into a fence
- Observations: unable to stand, staggering, sprawled on the hood of car
- Prescribed non-controlled medication and admitted to taking 4 pills instead of the one prescribed
- Urine tested positive for 6 non-controlled substances

JACKSON COUNTY



- December 11, 2015
- Observed drifting from side to side on Table Rock Road
- Crossed over center divider and then drifted over fog line several times
- Varied speeds – at one point 15 in a 45
- Observations: slurred speech, confused throughout, performed very poorly on field sobriety tests, vital signs far outside average range (ie, pulse blood pressure)
- Urine tested positive for Benadryl, Nyquil, and Dextromethorphan, all non-controlled substances

CLACKAMAS COUNTY



- May 26, 2016
- Concerned citizen called in a driver who was seen stumbling around Walmart and getting into his car
- The driver was seen abruptly cutting across lanes of traffic forcing three cars to take evasive moves as the car traveled onto the I-205 freeway on-ramp
- Observations: extremely slurred speech, could not keep eyes open, could not stand upright without support, performed very poorly on field sobriety tests almost falling many times, passed out on the way to the station, green leafy substance all over driver seat and center console and package of synthetic cannabinoid in his pocket labeled “Mad Pitbulls”
- Crime lab could not testify that the synthetic cannabinoid is a controlled substance due to chemical structure

Analytical Report

Refer to the report issued on December 14, 2016 by OSP Forensic Scientist Edgardo Basaca for additional findings.

Described below is a summary of the analytical results and/or conclusions of the undersigned analyst concerning the referenced exhibit(s) submitted by your agency and received sealed on June 7, 2016, via Rita Swanson:

<u>EXHIBIT #</u>	<u>AGENCY #</u>	<u>DESCRIPTION</u>	<u>FINDINGS</u>
2	1/2	Dry green and brown plant material. (Net weight 3.90 ± 0.02 grams) ¹ Contained in a plastic and foil pouch labeled as "Mad Pitbulls Aromatic Therapy"	5-Fluoro ADB, or isomer thereof. 5-Fluoro MN-18, or isomer thereof. MMB2201, or isomer thereof.

5-Fluoro ADB or chemical name: N-[[1-(5-fluoropentyl)-1H-indazol-3-yl]carbonyl]-3-methyl-D-valine, methyl ester.

5-Fluoro MN-18 or chemical name: 1-(5-fluoropentyl)-N-1-naphthalenyl-1H-indazole-3-carboxamide.

MMB2201 or chemical name: methyl (1-(5-fluoropentyl)-1H-indole-3-carbonyl)-L-valinate.

5-Fluoro ADB, 5-Fluoro MN-18, and MMB2201 are not included in the specific chemical structures controlled under the Oregon Board of Pharmacy (Oregon Administrative Rule 855-080-0021), but is possibly controlled as a cannabinoid receptor agonist under Clause 3 of that rule. The Oregon State Police Forensic Services Division does not determine cannabinoid receptor agonist activity."

MARION COUNTY



- May 23, 2016
- A driver was seen driving the wrong way down a one way road
- Sitting on the passenger seat was an open bottle of cough suppressant containing dextromethorphan
- When asked about the bottle, the driver admitted to drinking the entire bottle
- Observations: slurred speech, extremely slow movements, confused about where he was coming from and where he was going. He displayed obvious impairment on the field sobriety tests
- During an inventory of the car, officers found more empty bottles of cough syrup and some that were partially empty in the center console and back seat in addition to cooking sherry
- The driver later admitted he consumes two bottles a day
- BAC - .00

Impairment With Controlled and Non Controlled Substances Loophole



WASHINGTON COUNTY



- October 25, 2016
- Driver drove off the road and crashed his dump truck into a car on the shoulder of the road
- Citizens told officer there was “something wrong” with the driver
- Observations: lethargic, confused throughout, stumbling multiple times while trying to walk, unable to complete field sobriety tests
- Urine tested positive for Ambien, Flexeril (a non-controlled muscle relaxant), and 3 other non-controlled substances



Action
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