



Oregon

Kate Brown, Governor

Oregon Transportation Safety Committee

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To: House Judiciary Committee

From: Oregon Transportation Safety Committee

Re: Support for HB2613

Dear Chairman Barker and Members of the House Judiciary Committee:

The Oregon Transportation Safety Committee (OTSC) recently voted unanimously to support HB2613, a bill that would add non-controlled impairing substances to the statutory definition of intoxicants for the purposes of Oregon DUII laws. Additionally, the -1 amendment to this bill would also provide a reasonably accommodating affirmative defense for unanticipated reactions if a person was taking a prescription or over-the-counter medication according to directions on the package and/or instructions from a prescribing doctor or pharmacist. This bill would address a loophole currently found in Oregon's DUII statutes for impairing substances that are not specifically "intoxicating liquor, inhalants or controlled substances". The loophole includes impairing and abused (yet non-controlled) substances such as dextromethorphan, synthetic cannabinoids and many designer drugs yet to be scheduled.

The OTSC has been made aware of amendments that are being proposed by both the Oregon Trucking Associations and the Oregon Criminal Defense Lawyers Association that would undo many of the protections in Oregon's current DUII statutes. The effects of these amendments are summarized below:

1. It would alter the current definition of impairment from "a noticeable and perceptible degree" to an undefined "substantially."
2. It would exempt unscheduled synthetic cannabinoids and designer drugs by eliminating ORS 475.005(13)(c) and the definition of "drug" as it relates to DUII.
3. It would provide an affirmative defense against DUII if a person simply claims they were "unaware" that using a combination of drugs, or a combination of drugs and alcohol would "substantially" impair them.

The OTSC finds these amendments proposed by the OTA and the OCDLA to be a diluting and negative effect on Oregon's DUII statutes and risks the lives and safety of the public. We unanimously oppose their introduction or adoption, and respectfully urge the committee to support the original intent and language of HB2613 and the -1 affirmative defense amendment as introduced. Thank you for your time and consideration in this matter, and if the OTSC can provide any assistance or information in the future, we are happy to be a partner and resource in the efforts to reduce fatal and injury crashes in Oregon.

Cordially,

Victor Hoffer, Chair
Oregon Transportation Safety Committee