

HB 3140 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 3/16, 4/13

WHAT THE MEASURE DOES:

Provides that a person driving a vehicle while under the influence of psilocybin is guilty of Driving Under the Influence of Intoxicants (DUII). Updates statutes referencing DUII to include psilocybin. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Provisions of Measure 109 (2020)
- Intoxicating effects of psilocybin
- Similar issue caused by marijuana legalization

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Under current Oregon law, a person is guilty of Driving Under the Influence of Intoxicants (DUII) if the person drives a vehicle while under the influence of an intoxicating liquor, cannabis, a controlled substance, or an inhalant (ORS 813.010(1)(b)). Prior to the passage of Measure 109 in 2020, psilocybin was considered a controlled substance and a person driving under the influence of psilocybin would have been guilty of DUII. However, Measure 109 specifically excludes psilocybin from the definition of "controlled substance" and therefore a person can no longer be guilty of DUII if they are driving under the influence of psilocybin, so long as they are using psilocybin in compliance with the provisions of Measure 109.

House Bill 3140 provides that a person is guilty of DUII if the person drives a vehicle while under the influence of psilocybin.