



Oregon

Kate Brown, Governor

Governor's Advisory Committee on Driving
Under the Influence of Intoxicants
4040 Fairview Industrial Drive SE MS # 3
Salem, OR 97302-1142
Phone: (503) 986-4188
Fax: (503) 986-3143

May 1, 2021

To: Senate Judiciary Committee
From: Governor's Advisory Committee on DUII
Re: Support for HB 3140

Dear Chair Prozanski and Members of the Committee:

In November, Oregon voters legalized psilocybin (often known as psychedelic mushrooms) for use in therapeutic settings. Psilocybin is a federally scheduled hallucinogenic drug, but its legalization in Oregon causes some issues with its Impaired Driving statutes. Those statutes say that the charge of a DUII can only be applied to cases where "intoxicating liquor, controlled substances, inhalants, and cannabis" are used. Cannabis was only recently added to the statutes as it is also a controlled substance, but legalized in Oregon. By specifically listing psilocybin, HB 3140 covers any impaired driving crimes that may occur, post-legalization, similar to what was done with cannabis.

While psilocybin is not a particularly common drug found in drug-impaired driving cases, when compared to cannabis, stimulants and opioids, it is a growing concern. From 2015-2018, there were no cases in Oregon where psilocybin was detected by the Oregon State Police Toxicology Lab. In 2019, the lab detected psilocybin in five impaired driving cases. In 2020, it detected six. Currently in 2021, there are already two psilocybin cases.

Oregon does not have an "Any Impairing Substance" law, unlike 35 other states. This means that DUII crimes are restricted to a small list of substances that must occasionally be statutorily updated, as a result from both legalization and from molecular chemistry itself, as impairing drugs are constantly being altered to avoid being considered 'scheduled' like synthetic cannabinoids and other designer drugs.

On April 28th, HB3140 passed the House unanimously with broad bipartisan support and understanding of the issue.

The Governor's Advisory Committee on DUII thanks you for your consideration of this important technical statutory fix. We appreciate your ongoing partnership in preventing fatal crashes and injuries that result from impaired driving.

Best regards,

Chuck Hayes
Chair, Governor's Advisory Committee on DUII