

HB 3140 STAFF MEASURE SUMMARY

Carrier: Sen. Prozanski

**Senate Committee On Judiciary and Ballot Measure 110
Implementation**

Action Date: 05/20/21

Action: Do pass.

Vote: 4-3-0-0

Yeas: 4 - Dembrow, Gelser, Manning Jr, Prozanski

Nays: 3 - Heard, Linthicum, Thatcher

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Michael Lantz, Counsel

Meeting Dates: 5/10, 5/20

WHAT THE MEASURE DOES:

Provides that a person driving a vehicle while under the influence of psilocybin has committed the crime of Driving Under the Influence of Intoxicants (DUII). Updates statutes referencing DUII or intoxicants within the vehicle code to include psilocybin. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Current legal status of psilocybin
- Changes made by Measure 109 (2020)
- Use of drug recognition experts during traffic stops

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Under current Oregon law, a person has committed the crime 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)). Similar provisions exist for boating activities (ORS 830.325 and 830.365) and snowmobiling (ORS 821.250). 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 has committed DUII if the person drives a vehicle while under the influence of psilocybin and updates other statutes in the vehicle code referencing DUII or intoxicants to include psilocybin.