



MADD Oregon
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TO: House Judiciary Committee

FROM: Cate Duke Programs Manager, MADD Oregon

RE: HOUSE BILL 2316 – SUPPORT

Dear Chair Kropf and Members of the Committee:

I am writing to you today to urge you to support of HB 2316 which expands the definition of DUII to include any drug that adversely affects a person's physical or mental faculties to a noticeable or perceptible degree. MADD acknowledges that while alcohol is often the most prevalent impairing substance found in DUII cases, drugs other than alcohol are also resulting in traffic deaths and serious injuries on our roadways. Under current Oregon law, a driver cannot be charged with DUII if their impairment is caused by a non-controlled substance or over-the-counter drug (OTC), regardless of how impaired they might be by those substances.

Two areas of particular concern are the increasing abuse or misuse of OTC drugs, and the use of non-controlled impairing substances, such as synthetic cannabinoids or opioids. As quickly as these synthetic substances are scheduled, makers of these substances will change a single molecule resulting in a new, and now unscheduled, impairing substance. The other primary area of concern is the loophole created for cases where there are both controlled and non-controlled substances in a person's system. These drivers can beat the DUII charge by asserting their impairment was due to the non-controlled substance. This allows an offender to violate the law without the DUII penalty, and without receiving substance use treatment or counseling which could help prevent them from driving impaired in the future.

Data obtained from the Oregon State Police Crime Laboratory shows that between January 1, 2019, and January 2023, they received 10,634 requests for toxicology analysis, with most of those being from crashes or DUII arrests. Of those, 47 of the top 100 drugs detected were non-controlled substances, yet many are considered potentially impairing drugs. In looking at all the drugs analyzed during this period, 69 percent were non-controlled. It is clear that this is a significant problem on our roadways.

Driving under the influence of any drug or substance that impairs one's ability to drive can result in needless traffic deaths and injuries. The inability to charge a driver who is impaired by an OTC or non-controlled substance with DUII puts Oregon lives at risk. Oregon is now one of only three states in the nation whose statutes do not include an any impairing substance definition. Please help protect the lives of those citizens who travel on our roadways. Mothers Against Drunk Driving urges you to support HB 2316.

Thank you.