



AAA Mid-Atlantic's Testimony in SUPPORT of SB 309 Drugged Driving - Oral Fluid Tests - Pilot Program

Sponsors: Senators Kagan and West

- AAA Mid-Atlantic supports **SB 309**, which would establish a pilot program to examine the testing of oral fluid samples by certain police officers to assist in determining whether an individual is operating a motor vehicle while impaired by a controlled dangerous substance; authorizing a police officer in a participating jurisdiction who has reasonable grounds to believe that an individual is or has been driving or attempting to drive a motor vehicle while impaired by a controlled dangerous substance to request the individual to provide an oral fluid sample.
- If the officer has reasonable grounds to believe that an individual is or has been driving or attempting to drive a motor vehicle while impaired by a controlled dangerous substance, this bill authorizes a police officer certified as a drug recognition expert to request a driver submit to a laboratory-based drug test with oral fluid collection devices.
- AAA Mid-Atlantic and other highway safety advocates believe that substance-impaired driving is an issue of national traffic-safety concern, and a growing body of evidence suggests driving under the influence of drugs other than alcohol is becoming an increasing threat to motorists.
- A growing number of cities, police departments, and state traffic safety offices are using the oral fluid testing method as an evidentiary tool in driving under the influence (DUID) cases. Oral fluid testing is designed to detect that a drug is present in the vehicle operator's system. The collection of oral fluid is faster, is not as invasive as blood collection and can be done without transporting the driver to a facility to have their blood drawn. SB 309 specifies that testing should be completed within 15 minutes of the sample being collected.
- While all states prohibit driving under the influence of drugs, there's significant variation in the minimum acceptable levels of marijuana or its traces in a driver's system. Sixteen states forbid any presence of prohibited drugs, while six others have specific limits for marijuana, according to the Governors Highway Safety Association.
- AAA supports efforts to improve the state of knowledge on drug-impaired driving, including drug testing of fatally-injured drivers, more accurate reporting of drug impairment in crashes, and the development of standard protocols or procedures for forensic toxicology laboratories supporting DUID investigations.
- AAA recommends the development and dissemination of evidence-based best practices for the expanded use of oral fluid drug screening devices, including model specifications, and a conforming products list. Results of oral fluid drug screening should be used to build physical evidence for a substance-impaired driving charge. Impairment should not be determined solely on test results.
- **SB 309** will empower the law enforcement agencies participating in the pilot program to establish an oral fluid testing pilot program. If enacted and signed into law, SB 309 would take effect October 1, 2020. AAA supports **SB 309**, and we respectfully urge the Committee to render a favorable report.

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