

California State Senate

SENATOR
BOB HUFF

TWENTY-NINTH SENATE DISTRICT



SB 1462 DRUGGED DRIVING TESTS (HUFF, LACKEY, GATTO)

SUMMARY

The alarming increase in drugged drivers is clearly a threat to public safety. Currently, law enforcement lacks a roadside screening device which can detect drugs in a motorist's system – similar to field breathalyzers to detect alcohol.

This bill, allows law enforcement officers to use oral fluid drug screening tests when there is probable cause that a driver is impaired and the driver has failed sobriety field tests.

THE ISSUE

Drugged driving is a serious public health and safety problem that is under-reported, under-enforced, and under-recognized. ***We lack the same kind of deterrents for drugged driving as we do for drunk driving, yet highway safety hazards and fatalities are increasing with widespread prescription and illicit drug abuse across all demographics.***

The National Highway Traffic Safety Administration 2014 found the number of drivers with the presence of drugs in their systems has been dramatically increasing:

- From 16.3% of drivers on weekend nights in 2007 –to 20% in 2014
- In California alone, drivers killed in crashes who tested positive for drugs increased from 27.8% in 2009 to 39.6% in 2013
- The NHTSA estimates that more than a half million Americans are injured in DUI-D crashes each year, and that DUI-D collisions cost the U.S. economy more than \$60 billion annually.

Acute cannabis consumption nearly doubles the risk of a collision resulting in serious injury or death; this increase was most evident for studies of high quality, case-controlled studies and studies of fatal collisions. As drug abuse increases among all demographics it is critical that the state act now to provide tools to identify impaired, drugged drivers.

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THE SOLUTION

New oral fluid technology allows portable roadside screening for numerous types of drugs and is easy to administer by officers, providing results in minutes.

This technology allows officers to receive critical information in their evaluation of impaired driving incident, though an oral fluid drug screening test, officers can produce more meaningful impairment assessments and get drivers under the influence off the road.

Police departments in Bakersfield, Fullerton, Los Angeles and Sacramento tested oral swabs during 2013 and 2014, with assistance from the California Office of Traffic Safety and the National Highway Traffic Safety Administration.

Oral swabs do not replace blood tests, which deliver more conclusive detail about the exact concentration of legal and illegal substances in a person's blood. However, oral swabs are the only way to quickly and accurately test for the presence of several types of drugs in a motorist's system.

The program has been so successful in England and Wales that it is being expanded to Ireland and the use of the kits will be phased in nationwide beginning in 2016.

WHAT THIS BILL DOES SPECIFICALLY

SB 1462 will allow law enforcement to use oral fluid roadside tests as a screening device to detect drivers with drugs in their system when there is probable cause that an officer suspects suspicious or reckless driving and the driver has already failed field sobriety tests.

The bill does not prescribe a "per se" legal limit as California has done for blood alcohol content measured by alcohol breathalyzers. Law enforcement will still be required to prove a driver was impaired based off of field sobriety tests, blood or urine tests and other additional evidence. A positive oral fluid test will simply confirm to the officer that a drug is present in the driver's system.

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