

HB 808- Drug Impaired Driving- Oral Fluid Tests- Pilot Program

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Drug Impaired Driving is an Increasing Threat to Public Safety

- In Maryland drug impaired driving has become more prevalent due to increased prescription drug abuse and increased use of cannabis. Identifying drug impaired drivers is critical to improving traffic safety.
- In Maryland during 2017, there were 188 fatalities due to crashes involving a drunk or drugged drivers and over 3,200 persons were injured.

Driving While Impaired by Drugs or Alcohol

| | Dist. Court | Circuit Court |
|------|-------------|---------------|
| 2017 | 4,280 | 649 |
| 2018 | 4,501 | 661 |
| 2019 | 5,787 | 1,258 |

Driving While Impaired by CDS

| | Dist. Court | Circuit Court |
|------|-------------|---------------|
| 2017 | 2,241 | 335 |
| 2018 | 2,341 | 416 |
| 2019 | 3,257 | 702 |

The Problem

- Maryland police officers do not have instruments available for roadside use to detect drug impaired driving.
- They also must rely on drug recognition experts (DRE), but there are not enough available to assist all roadside stops.

HB 808

- Establishes a pilot program for oral fluid testing by DRE officers and is available in all jurisdictions that volunteer to participate;
- Sets minimum criteria for the screening instruments to improve accuracy;
- It is voluntary and all individuals will be advised that neither providing the sample nor refusing the sample shall prevent or require a subsequent blood test;
- The results of the oral fluid test may not be used as the only guide for the a police officer in deciding whether to file charges or used as evidence in any court action and no evidence may be used in any civil action;
- The pilot is for two years with a data report submitted to the General Assembly for use between October 1, 2020 through September 30, 2022.

Oral Fluid Testing

- Data shows that certain drugs tested in oral fluid are well correlated with positive results from the same drug when tested in blood;
- Collecting oral fluid on the roadside from a driver is easy quick and non-invasive and there is limited risk of adulteration and collection can occur on the scene, close to the time the driver is operating the vehicle thereby lending credibility to the test results;
- A pilot program is necessary to help refine handling policies, procedures, equipment and supply management, program training, improving overall confidence in the accuracy, sensitivity and specificity of results;
- It is necessary to start a pilot program now so Maryland can begin to gather invaluable information to help combat increasing impaired driving statistics.

Studying the use of Technology to Combat impaired Driving is Needed

- Many states are in the process of using oral fluids or performing pilot programs so they have data to inform for future drugged driving policies. See fiscal note for link to Michigan report.
- Maryland has not yet implemented a pilot program for the use of oral fluids.