

CHERYL C. KAGAN
Legislative District 17
Montgomery County

Vice Chair
Education, Health, and
Environmental Affairs Committee

Joint Audit Committee
Joint Committee on Federal Relations



Miller Senate Office Building
11 Bladen Street, Suite 2 West
Annapolis, Maryland 21401
301-858-3134 · 410-841-3134
800-492-7122 Ext. 3134
Fax 301-858-3665 · 410-841-3665
Cheryl.Kagan@senate.state.md.us

THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

SB684: Vehicle Laws - Drugged Driving - Oral Fluid Tests

Judicial Proceedings Committee

Thursday, March 3, 2022 | 1pm

Maryland Department of Transportation's (MDOT) driver-safety program, [Zero Deaths Maryland](#), reports that in the past five years, nearly 800 citizens have died due to impaired drivers. This amounts to almost one-third of all traffic fatalities in our state. The [Rocky Mountain High Intensity Drug Trafficking Area's September 2021 Report](#) shows that from the time cannabis was legalized in 2013 through 2020, "traffic deaths where drivers tested positive for marijuana increased 138% while all Colorado traffic deaths increased 29%." The [California Office of Traffic Safety also reports](#) that in 2018, "42% of all drivers killed in motor vehicle crashes... tested positive for legal and/or illegal drugs." **These rates are alarming.**

All 50 states have laws in place for DUI arrests. Officers are able to use breathalyzers and field sobriety tests to assess the levels of alcohol in an individual's bloodstream. In order to address a potential issue before it becomes harmful to those on our roadways, [SB684](#) would implement the same framework for roadside DUI-Drugs oral fluid testing.

As of 2021, there are 103 known cannabis dispensaries across Maryland, making this extremely prevalent. As legislation moves through the General Assembly to legalize cannabis, we must take action to keep our roads safe. Passing laws to update available technology just as we did by expanding access to telehealth and strengthening our Open Meetings Act to require live streamed meetings will add another measurement tool for officers to make decisions when making arrests. These tests are accurate and usually confirmed by a second laboratory exam.

This is not a new bill. I introduced this initiative as a pilot program in 2016 and 2017, and then brought it back in 2020, where [SB309](#) passed the Senate (42-3). In 2020, there were 12 states with legislation similar to what I am proposing. An [NCSL report from 2021](#) shows that there are now **24 states that have statutes allowing their roadside officers to use oral fluid testing**. The frontrunners of incorporating this testing have a timeline that follows:

- 2018: Alabama became the first state to establish a permanent oral fluid testing program after running a successful two-year pilot;
- 2019: Michigan expanded its one-year county roadside drug testing pilot program to a statewide pilot. In 95% of cases, results were reconfirmed by a second lab; and
- 2020: Indiana began using roadside screening around the state to build probable cause and determine whether or not to call for a Drug Recognition Expert.

**We must be proactive, not reactive, in addressing impaired driving.
I urge a favorable report on SB684.**