



Oral Fluid Roadside Testing Pilot Project Authorized

The Office of Traffic Safety is seeking legislative approval to conduct a pilot project to test roadside testing devices used by law enforcement to determine driver impairment due to drug use. A secondary purpose will be to obtain additional data that will help to better understand the scope of drug impaired driving on Minnesota Roads.

Description:

Several manufactures currently have oral fluid testing instruments available that can be used by trained law enforcement at a roadside stop to determine the presence of various categories of controlled substances. The use of these instruments is not currently authorized under Minnesota law. This pilot project would allow law enforcement personnel and the BCA laboratory to asses the accuracy and efficacy of these instruments. This process would be similar to the one utilized to certify the currently used alcohol detecting preliminary breath testing units.

Proposed changes:

Amend Minn. Stat. 169A.41 to authorize the pilot project by adding an Oral Fluid testing protocol that can be used in the normal course of duties by law enforcement. During the assessment phase, the voluntary sample results would not be admissible in any court and would be used solely for the purpose of instrument validation and drugged driving data collection.

Goal:

To test and certify oral fluid roadside testing instruments that can assist law enforcement in determining impairment by substances other than alcohol. Once certified, these devices could be used in the same way that the currently authorized preliminary breath testing instruments are used to determine alcohol impairment.

Further explanation:

Drugged impaired driving continues to increase on Minnesota roads at an alarming rate. Some areas are now reporting upwards of 60% of impaired driving arrests are for drug impaired offenses. Arrests for drug impaired driving and poly drug use have increased approximately 90% over the past two to three years. Other than a highly trained law enforcement Drug Recognition Evaluator (less than 300 statewide) law enforcement officers must evaluate a potentially drug impaired driver based solely on their observations of the suspected drug impaired individual. The addition of the oral fluid testing instrument would add a critical tool that could validate or invalidate an officers observations and the appropriate public safety response.