Feb 20, 2017

Asm. Reggie Jones-Sawyer
Assembly Public Safety Committee
Sacramento CA 95814

Opposition to AB 6 (Oral fluid testing for DUI suspects)

Dear Chairman Jones-Sawyer:

We recommend that the committee not approve AB 6, which would authorize a “preliminary oral fluid screening test” of drivers being investigated for DUI offenses VC 23152-3.

Oral fluid testing is a new technology whose relation to driving impairment has never been demonstrated in scientific studies. Studies have shown that oral fluid has a similar detection profile as blood, with THC peaking shortly after smoking, then tailing off over a lengthy period as long as several days, but with no clear relation to driving impairment. It is scientifically unlikely that such a relation will be found, since THC’s psychoactive effects are caused at specific receptor sites in the brain, which are isolated by the blood-brain barrier from other drug reservoirs in oral fluid, blood, breath or urine. In this respect, cannabis and most other drugs differ from alcohol, which uniquely perfuses the body in such a way that blood and brain levels are similar.

Laboratory studies have repeatedly shown that oral fluid tests can detect THC, the active component in marijuana, for periods extending well beyond the 2-6 hour window in which impairing effects occur; see table below.

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<th>Study</th>
<th>Longest Detection</th>
<th>Average Detection</th>
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Detection times of this length bear no meaningful relation to driving impairment. They are no more useful than would be a test saying whether drivers had an alcoholic beverage in the last few hours or days.

While such problems might be mitigated by establishing a high cutoff level for THC, AB 6 specifies no cutoff levels or performance standards of any kind for oral fluid tests. A recent study of the DrugWipe 5A oral fluid test found it performed unacceptably for cannabis, with only 29% sensitivity and 53% accuracy.

Significantly, oral fluid tests have been shown to be largely insensitive to THC administered orally in brownies and Marinol®. This is important because oral preparations are a common cause of accidental overdosing and provide stronger, more impairing doses of THC than smoked marijuana.

The state has already allocated funding to the California Center for Medicinal Cannabis Research for a study on driving performance and oral fluid, breath, and blood testing for marijuana. The legislature should hold off until such studies are complete before considering new roadside chemical tests for marijuana or other drugs.

Sincerely,

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