

General Scheme Road Traffic Bill 2015: Roadside Testing for Drugs in Drivers

Written Introductory Statement of Denis Cusack,

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For the Joint Oireachtas Committee on Transport and Communications

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On behalf of the Medical Bureau of Road Safety, I thank the Chairman and members of the Committee for the kind invitation to present to and assist the Committee in its pre-legislative scrutiny of the ***General Scheme: Road Traffic Bill 2015***.

Driving under the influence of drugs remains a significant problem in Ireland. The Road Safety Strategy 2013-2020 includes actions to address this forensically, legally and medically. The Medical Bureau of Road Safety (MBRS) is the national, independent, statutory forensic body with responsibility for testing for intoxicants in Ireland and with a designated role in implementing these actions.

The MBRS "***Report on Roadside Drug Testing and Equipment and Related Matters***" published in 2012 is a study on all aspects of roadside drug testing, including reference to and analysis of any equipment currently in use or anticipated to be used to carry out such tests. The report considers the current definition of a "drug" and current drug analysis procedure under the Road Traffic Acts. As part of the evidence base for driving under the influence of drugs (DUID) the prevalence of drug taking in the general population, in the driver population, in suspected drugs driving population and the toxicology data for drivers in fatal crashes are presented and reviewed, including the MBRS study "***Driving Under the Influence of Drugs in Ireland: Results of a Nationwide Survey 2000-2001***". International data and reports are also considered to inform the relevant bodies as to drugs that could and should be targeted for testing into the future. The studies indicate that cannabis and benzodiazepines are currently the most prevalent drugs in driving under the influence of drugs cases followed by the opiates, methadone and cocaine.

The effects of individual drugs on driving and the relationship between impairment and measurement of those drugs in the human body are examined in the report. The methods of detection of DUID by means of roadside impairment testing and with particular emphasis on roadside drug testing in oral fluid are reviewed to include medical, practical and scientific considerations. The consequential confirmatory laboratory testing for drug detection in body fluids including oral fluid in the future is explored.

Previous international studies (particularly the "***DRUID Report***" of 2011) and the current status of roadside drug testing in the international literature by way of extended studies are presented and support the introduction of roadside chemical drug testing (RCDT) devices but also acknowledge certain limitations. The introduction of roadside drug testing devices is a far more complex and complicated initiative than was the case for roadside breath alcohol testing.

A number of currently available roadside drug testing devices were considered and reviewed to inform this report regarding the operation of such devices, their storage and operation conditions, the scientific criteria on which they are based and also the countries which are currently using the devices or propose to use them in the near future.

The practices for DUID roadside testing in 13 other countries were surveyed and are reviewed and presented with 8 of these countries or jurisdictions already having in place provision for the use of such devices. The remaining 5 countries purposely relying on roadside impairment testing rather than devices.

The report sets out the considerations and options for the introduction of RCDT devices in Ireland. The considerations are under four main headings - legal, operational, scientific and medical. A number of

options were outlined with the considered recommendation being the combination of roadside traffic impairment testing and roadside chemical drug testing. An implementation plan for the introduction of the recommended option was set out including the working timeframe for implementation of the roadside chemical drug testing following the introduction and implementation of the 2014 legislation for roadside intoxicant impairment testing.

Scientific evaluation of RCDT devices requires specification, selection and evaluation of a suitable testing RCDT system. The 2015 Bill provides the statutory basis for the MBRS function for approval, supply and testing of such systems and for the taking of oral fluid and blood samples for roadside and confirmatory testing of drugs which impair driving. Based on current national and international prevalence data the drugs to be targeted initially in RCDT are Cannabis, Cocaine, Opiates and Benzodiazepines.

The General Scheme of the Bill before the Oireachtas also empowers the Gardaí to carry out RCDT and to establish checkpoints for RCDT with similar powers to existing mandatory roadside alcohol testing. A combined twin track approach of a) zero tolerance for drugs not licenced for human medicinal use and b) confirmed presence with impairment for prescribable or over the counter drugs is proposed. Other jurisdictions have approached this issue with variations on this theme. Recent legislative changes in England & Wales are informative of one approach. The statutory definition in the 2015 Bill of the types and classifications of impairing drugs will require further consultation and consideration.

A parallel health educational initiative is needed to support and encourage drivers with medical conditions to take their prescribed medications in accordance with healthcare advices and medical fitness to drive guidelines.

A competitive EU tendering process initiated in 2014 set suitable specification including 98 separate specifications for an RCDT system. These, and the overarching legislative, financial and operational parameters, will be summarised.

A number of RCDT systems are currently undergoing full scientific evaluation by the MBRS. LC-MS and GC-MS laboratory techniques were utilised in the evaluation using genuine oral fluid spiked with target analytes to confirm the spiked level before challenging the sensitivity and selectivity for the drugs under test for the different systems. The results of the scientific evaluation and of a recent Garda Síochána field trial of devices at the MBRS will be reviewed with the epidemiological and demographic background and legislative requirements.

The introduction of RCDT needs a carefully integrated and co-ordinated approach harmonising scientific, medical, legislative, and law enforcement requirements to enable enhanced awareness, detection and deterrence of DUID. The *General Scheme of the Road Traffic Bill 2015* currently being scrutinized by the Joint Oireachtas Committee forms an essential part of that procedure and the process also reflects the need to consider the requirements of the administration of justice within the integrated framework. The MBRS is very pleased to assist the Committee in that consultative and deliberative process and to answer questions from the Committee Members on any issues arising.

Summary Core Points:

- 1. Recognition that driving under the influence of drugs is a significant problem.**
- 2. Promotion of road safety to reduce deaths and injuries due to road traffic collisions.**
- 3. Promoting and supporting the health and well-being of the driving population linked with medical fitness to drive.**
- 4. Provide an evidential basis for roadside chemical drug testing (RCDT) system.**
- 5. Set scientific requirements ensuring accuracy and fairness of the RCDT system.**
- 6. Ensure a harmonised and integrated approach of forensic science and medicine with legislative provisions and functional operation of the RCDT system.**

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