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5/5/2025

Senator Beebe-Center, Chair
Representative Hasenfus, Chair
Members, Joint Standing Committee on Criminal Justice and Public Safety
100 State House Station
Augusta, ME 04333-0100

Re: LD 1815 – *An Act to Require a Blood Test for Drugs for Drivers Involved in a Motor Vehicle Accident That Results in Serious Bodily Injury or Death*

Senator Beebe-Center, Representative Hasenfus and members of the Joint Standing Committee on Criminal Justice and Public Safety:

Thank you for the opportunity to provide information neither for nor against LD 1815, *An Act to Require a Blood Test for Drugs for Drivers Involved in a Motor Vehicle Accident That Results in Serious Bodily Injury or Death*.

This bill requires drivers to submit to a blood test if there is probable cause that the driver involved in the motor vehicle crash was under the influence of drugs. Additionally, this bill proposes a definition in 29-A MRSA for “THC Level.” The Department of Health and Human Services - Health and Environmental Testing Laboratory (HETL) -Forensic Chemistry Section (FCS) performs in-house toxicology testing on blood and urine samples for criminal investigations, such as suspected operating under the influence (OUI) and driving under the influence of drugs (DUID). The current laboratory policy is that if it is indicated that a blood sample submitted for toxicology testing is from a case involving a motor vehicle crash resulting in a fatality or near fatality, the blood sample is automatically tested for both alcohol and drugs.

While the HETL FCS is neither for nor against this proposal that, the laboratory will require additional resources to accommodate the increase in submitted samples for toxicology testing, anticipated based on preliminary data from 2024 and noted in the Department’s estimated fiscal impact. Additional resources required to meet projected increase in sample submission consists of chemists to perform the toxicology testing and an additional analytical instrument to meet the needs of the increased caseload.

For this bill, Maine Center for Disease Control and Prevention (Maine CDC) HETL recommends that the proposed definition of THC level from ”delta-9-tetrahydrocannabinol” be amended to “tetrahydrocannabinol.” Delta-9-tetrahydrocannabinol (delta-9-THC) is an isomer, which are compounds that have the same chemical formula but different arrangements of the atoms within the molecular structure, while delta-9-THC is the most frequently seen naturally occurring isomer at this point in time - but this prevalence may change. Other isomers include but are not

limited to delta-8-THC, delta-10-THC, and delta-9,11-THC also referred to as Exo-THC. All of these isomers are psychoactive and have the potential to produce impairment.

Maine CDC is neither for nor against the proposed LD 1815. Maine has a robust blood testing program for the toxicological investigation of OUI and DUID and additional toxicology testing in cases involving motor vehicle crash fatalities and near fatalities. Maine CDC's initial estimate of the initial costs associated with this bill is upward of \$900,000 and annual costs associated with this bill are upward of \$400,000. Lastly, the HETL recommends that the bill be amended to remove "delta-9" from the proposed "THC level" definition to be amendable to future changes in drug prevalence.

Please feel free to contact me if you have any questions during your deliberation of this bill.

Sincerely,

A handwritten signature in blue ink, appearing to read "Anthony Va.", is positioned above the typed name.

Puthiery Va, DO
Director
Maine Center for Disease Control and Prevention
Maine Department of Health and Human Services