

ROADSIDE DRUG TESTING PILOT PROGRAM

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Senate Bill 718 as passed by the Senate
Sponsor: Sen. Peter MacGregor
House Committee: Judiciary
Senate Committee: Judiciary and Public Safety
Complete to 5-6-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Senate Bill 718 would amend the Michigan Vehicle Code to establish a statewide pilot program for roadside testing for controlled substances.

The Barbara J. and Thomas J. Swift Law, 2016 PA 243, amended the Vehicle Code to authorize the Department of State Police (MSP) to establish a one-year pilot program of roadside drug testing in five counties to be selected by MSP.¹ After the conclusion of the five-county pilot program, MSP was authorized to conduct a second one-year pilot program involving more counties. 2016 PA 242 established the parameters for the pilot programs, under which a peace officer certified as a drug recognition expert in a county participating in the pilot program could require a person to submit to a preliminary oral fluid (saliva) analysis under certain conditions to determine whether he or she is operating a vehicle while under the influence of a controlled substance (a drug, substance, or immediate precursor included in Schedules 1-5).²

The initial oral fluid roadside drug testing program began on November 8, 2017, and included Berrien, Delta, Kent, St. Clair, and Washtenaw Counties.³

The expanded pilot program (commonly called Phase 2) began on October 1, 2019, and includes participation from all drug recognition experts in the state.⁴

The bill would amend section 625t of the Vehicle Code, which authorizes the pilot programs, to remove provisions that limited the initial pilot program to five counties, delineated the eligibility criteria for those counties, and authorized the second, expanded pilot program. The bill would effectively establish a statewide pilot program for oral fluid roadside drug testing. The bill would not amend section 625r, which among other things describes the powers and duties of drug recognition experts of counties participating in the pilot program.

MCL 257.625t

¹ <http://legislature.mi.gov/doc.aspx?2015-SB-0434>

² See <https://www.legislature.mi.gov/documents/mcl/pdf/mcl-257-625r.pdf>

³ The MSP report on this pilot program is available here:

https://www.michigan.gov/documents/msp/Oral_Fluid_Report_646833_7.pdf

⁴ <https://www.michigan.gov/mspnewsroom/0,9602,7-398-94878-508752--,00.html>

See also p. 4: https://www.michigan.gov/documents/msp/SNN_Jan_2020_04_web_679099_7.pdf

FISCAL IMPACT:

Senate Bill 718 would not have a significant fiscal impact on MSP or on other units of state or local government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.