

HOUSE No. 2425

The Commonwealth of Massachusetts

PRESENTED BY:

Jonathan D. Zlotnik

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act improving road safety by better detecting impaired drivers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jonathan D. Zlotnik</i>	<i>2nd Worcester</i>	<i>1/19/2023</i>

HOUSE No. 2425

By Representative Zlotnik of Gardner, a petition (accompanied by bill, House, No. 2425) of Jonathan D. Zlotnik that the Executive Office of Public Safety and Security establish a pilot program to study whether certain devices can assist police officers in determining impairment and the presence of drugs other than alcohol during roadside sobriety investigations. Public Safety and Homeland Security.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act improving road safety by better detecting impaired drivers.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Notwithstanding any general or special law to the contrary, the secretary of
2 the executive office of public safety and security shall establish pilot programs in at least 15
3 municipalities to generate data concerning whether devices that are capable of assessing
4 cognitive and physical impairment of motorists can assist police officers in determining
5 impairment and the presence of drugs other than alcohol during roadside sobriety investigations.
6 The pilot program shall consist, at a minimum, of using a device that will assess cognitive and
7 physical impairment of motorists during roadside sobriety investigations. The pilot program shall
8 test individuals that a police officer has reason to believe are operating under the influence of
9 intoxicating liquor, or of marijuana, narcotic drugs, depressants or stimulant substances, all as
10 defined in section one of chapter ninety-four C, or while under the influence from smelling or
11 inhaling the fumes of any substance having the property of releasing toxic vapors as defined in

12 section 18 of chapter 270. There shall also be funding provided to train police officers to operate
13 the devices. The physical and cognitive assessment will have no bearing on the officer's
14 determination and refusal to participate in the pilot program by objecting to the cognitive
15 assessment shall not constitute a violation by the individual. The result from the cognitive and
16 physical assessment shall not be admitted as evidence in any legal proceeding, civil or legal.

17 The purpose of the pilot program shall be to collect data that helps answers questions
18 related to whether cognitive assessments can be used in the determination of impairment as well
19 as to determine the feasibility and cost of using such technology across the Commonwealth. The
20 results of the physical and cognitive assessment should be compared to the assessments of drug
21 recognition experts and other sobriety tests currently in use.

22 The executive office of public safety and security shall submit a report to the general
23 court analyzing the data collected and making recommendations regarding the feasibility and
24 costs of expanding the use of cognitive assessments across the Commonwealth by January 1,
25 2026. Funding for the pilot program may be appropriated from the Marijuana Regulation Fund in
26 established in section 14 of chapter 94G.