OHIO STATE BAR
ASSOCIATION
Connect. Advance. Succeed.

STATEMENT OF THE OHIO STATE BAR ASSOCIATION
IN SUPPORT OF SENATE BILL 203
Before the Senate Veterans and Public Safety Committee
Senator Frank Hoagland, Chair
March 15, 2022

Chairman Hoagland, Vice-Chair Johnson, Ranking Member Thomas, and members of the Senate Veterans and Public Safety Committee, thank you for allowing me the opportunity to give proponent testimony regarding Senate Bill 203 on behalf of the Ohio State Bar Association ("OSBA").

My name is Doug Clifford and I am the current chair of the Traffic Law Committee of the OSBA. I am a criminal defense attorney with extensive experience representing individuals who have been charged with an OVI. I am also certified to preform field sobriety tests.

Senate Bill 203 is based off a proposal from the Traffic Law Committee of the OSBA. The proposal seeks to solve a conundrum in Ohio law – if Ohioans are legally able to consume marijuana in accordance with the medical marijuana control program, shouldn't they legally be able to drive so long as they're not impaired? Under current law, an Ohioan can legally consume marijuana but then can fail a drug test and be automatically guilty of an OVI 30 days or more after consuming the drug.

Senate Bill 203 solves that conundrum by creating a marijuana threshold at which point the law would allow the jury to infer impairment simply by the evidence presented, but the defense would also be able to show evidence of sobriety at trial, leaving the determination of impairment to the jury as is proper. Because there is no blood concentration level that is scientifically proven to show impairment, there should be no per se prohibited concentration level.

While we believe that there should be no per se limit because there is no scientifically proven blood concentration level of impairment, we are willing and eager to work with the sponsor and other interested parties on this legislation to find the proper balance for Ohio law moving forward.

Thank you for the opportunity to provide this testimony on Senate Bill 203. I am happy to answer any of your questions.