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S.54

Representative Dickinson of St. Albans Town moves that the House propose to the Senate that the bill be amended as follows:

First: In Sec. 18d., 23 V.S.A. § 1200, after the ellipses following subdivision (3), by inserting the following:

(11) “Preliminary screening” means a breath or saliva test administered by a law enforcement officer for the purpose of deciding whether an arrest should be made and whether to request an evidentiary test. The results of a preliminary screening shall not be introduced as evidence of impairment in any court proceeding. A preliminary saliva screening result detecting the presence of a drug shall not, by itself, constitute grounds for probable cause for an arrest.

Second: In Sec. 18g., 23 V.S.A. § 1203, in subdivision (b)(2), by striking out the sentence “Any saliva sample obtained pursuant to this section shall not be taken at roadside.”

Third: In Sec. 18g., 23 V.S.A. § 1203, subsection (f), after “the officer may request the person to provide a sample of breath” by inserting the words “or saliva”

Fourth: In Sec. 18g., 23 V.S.A. § 1203, subsection (f), after “The person shall not have the right to consult an attorney prior to submitting to this preliminary” by striking out the words “breath alcohol”

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2 Fifth: In Sec. 18g., 23 V.S.A. § 1203, subsection (i), by inserting the
3 subdivision designation (1) immediately preceding the first sentence and
4 inserting a new subdivision (2) as follows:

5 (2) The Commissioner shall adopt rules pursuant to 3 V.S.A. chapter 25
6 relating to the operation, maintenance, and use of saliva testing devices for use
7 by law enforcement officers in enforcing the provisions of this title, and the
8 training required for officers to use such devices. The Commissioner shall
9 consider relevant standards of the National Highway Traffic Safety
10 Administration in adopting such rules. Any saliva testing device authorized
11 for use under this title shall be determined by at least two peer reviewed
12 studies to be a reliably accurate method of detecting the presence of drug
13 metabolites in the body.