

TESTIMONY

PENNSYLVANIA STATE HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE'S SPECIAL TASK FORCE
ON DRIVING UNDER THE INFLUENCE

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Generally, I concur with the purpose and objectives contained within the various House Bills that have been proposed to amend the Title 75 Statute.

However, there are a few suggestions I should like to offer for your consideration.

1. The Pennsylvania Statute (like many other states) continues to refer to "blood" in the context of drunk driving legislation. It should be made clear that tests are to be performed on whole blood specimens, rather than plasma or serum. Plasma and serum for alcohol concentrations are approximately 1.2 times ¹²⁰ (~~20~~%) that of whole blood. Hence, there can be obvious problems in the law enforcement and legal pursuits of drunk driving cases where the level hovers just around the 0.10% watershed, and the laboratory that performed the test has not specified whether the result was obtained from whole blood, plasma, or serum.

2. Determination of alcohol in the urine has no clinical-pathological significance insofar as determining what an individual's blood alcohol level was at the time of a particular motor vehicular accident. There are far too many variables of a normal physiological and pathological nature that can influence the

amount of alcohol concentration in a urine specimen. Hence, there can be no valid extrapolation made between a urine level and a blood level.

3. Retrospective calculations of blood alcohol levels should be specifically permitted in drunk driving cases. It is well-documented what the normal range of metabolism of alcohol is following ingestion. Appropriate experts (officially accepted by the trial judge) should be permitted to provide testimony when necessary to explain how the defendant's blood alcohol level would have been critically higher two or three hours prior to the time that the blood specimen was withdrawn for testing. The implications of such a calculation are obvious.

(The low conservative per hour dissipation rate of alcohol in the human body is 0.015%.)

4. Law enforcement officials should be urged to have a blood or breath sample taken as soon as possible following any motor vehicular accident in which the driver is suspected of having been under the influence. It should not be unreasonable for such specimens to be obtained within two hours, rather than three hours. Physiological processes regarding alcohol metabolism proceed at a somewhat different rate after the first two hours in many instances, especially in those situations in which a substantial amount of food may have been consumed shortly before the accident.

In conclusion, I should like to commend this Committee for addressing this very important subject and attempting to strengthen

existing legislation dealing with drunk drivers. There is simply no legitimate reason why people who choose to drink substantial amounts of alcoholic beverages should drive motor vehicles immediately thereafter.