



Legalized Recreational Marijuana

Texas Impaired Driving Forum
February 7, 2018

Chief Robert L. Ticer
Past President
Colorado Association of Chiefs of Police

How did Colorado get here?

Tipping Point



- Early Medical MJ 2000-2008

- Amendment 20
- 6,000 patients with MJ card
- No dispensaries
- CDPHE regulated 5 patients per caregiver



- Medical MJ Expansion 2009

- 250 Dispensaries with no caregiver restrictions
- 38,000 patients with MJ card

- Recreational Marijuana 2013

- Amendment 64- (Not a law-State Constitutional Amendment)
- 21+ can possess, purchase and gift 1oz. (law changed in 2016)
- No use in public places



What Does Colorado Look Like Now?

- 491 retail marijuana stores.
- 1613 Liquor Stores
- 392 Starbucks
- 208 McDonalds Restaurants
- 107,534 Medical Marijuana Registry I.D. Cards-65% male, 49% between 21-30.





Colorado is the healthiest
State in the Union!!!!!!!!!!!!





Recreational MJ Implementation

Governor Creates Amendment 64 Task

No Representation from Highway Safety Office,
One Representative from Law Enforcement

**Executive Director
Department of Revenue**

Barbara Brohl

**Chief Legal Counsel
Governor's Office**

Jack Finlaw

**State Representative
Appointed by
Speaker of the
House**

Rep. Dan Pabon

**State Senator
Appointed by
Senate
President**

Sen. Cheri Jahn

**State Representative
Appointed by
House Minority
Leader**
Rep. Dan Nordberg

**State Senator
Appointed by
Senate Minority
Leader**
Sen. Vicki Marble

**Colorado
Department of
Public Health
and
Environment**

Dr. Chris Urbina

**Colorado
Department of
Public Safety**

John Jackson

**Colorado
Commissioner
of Agriculture**

Ron Carleton

**Amendment 64
Campaign**

Christian Sederberg

**Medical
Marijuana
Industry**

Meg Sanders

**Marijuana
Consumers**

Craig Small

**University of
Denver Law
Professor**

Dr. Sam Kamin

**Colorado
Department of
Revenue –
Enforcement**

Ron Kammerzell

**Physician with
Treatment
Experience**

Dr. Christian Thurstone

**Colorado
Criminal and
Juvenile
Justice
Commission**

Charles Garcia

**Colorado
District
Attorneys'
Council**

Larry Abrahamson

**Colorado
Public
Defenders**

Brian Connors

**Attorney
General's
Office**

David Blake

**Colorado
Municipal
League**

Kevin Bommer

**Colorado
Counties, Inc.**

Eric Bergman

**Colorado
Employers**

Tamra Ward

**Colorado
Employees**

Mike Cerbo

**At-large
member**

Kristal Bernert

**Task Force Public
Information Officer**
Ro Silva

Task Force Secretary
Brandon Friede



Recreational MJ Implementation

Amendment 64 Report

2 Recommendations Specific to Traffic Safety



Task Force Report on the Implementation of Amendment 64

Regulation of Marijuana in Colorado

Task Force Co-Chairs:

Jack Finlaw Chief Legal Counsel Office of the Governor	Barbara Brohl Executive Director Colorado Department of Revenue
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March 13, 2013



Traffic Safety Law

Highway Safety/Law Recommendations

Criminal Law 12.1 Support for HB 13-1114 Regarding Penalties for DUI

Definition of MJ impairment

The Task Force recommends that the General Assembly enact House Bill 13-1114, Concerning Penalties for Persons Who Drive While Under the Influence of Alcohol or Drugs. MJ Definition of impairment Bill (5ng)

ARIDE Training/DRE Training?

Criminal Law 12.2 ARIDE Training for Colorado Law Enforcement Officers

The Task Force recommends that the General Assembly require Advanced Roadside Impaired Driving Enforcement (ARIDE) training as a mandatory training element in future Colorado Peace Officer Standards and Training (POST) certification, and encourage local law enforcement agencies to have their peace officers trained in ARIDE, to increase and enhance the ability of law enforcement officers to detect impaired driving.

ARIDE is a program developed by the National Highway Traffic Safety Administration (NHTSA) with input from the International Association of Chiefs of Police (IACP) Technical Advisory Panel (TAP). It was created to address the gap in training between the Standardized Field Sobriety Testing (SFST) and the Drug Evaluation and Classification (DEC) Program.



Impacts to State and Local Communities

- Creation of State Agency (Marijuana Enforcement Division). Housed in Department of Revenue-Similar in structure to a State Liquor Enforcement Division. Responsible for Regulation and Enforcement of Licensed Medical and Recreational Dispensaries. Funding through high taxes on marijuana.



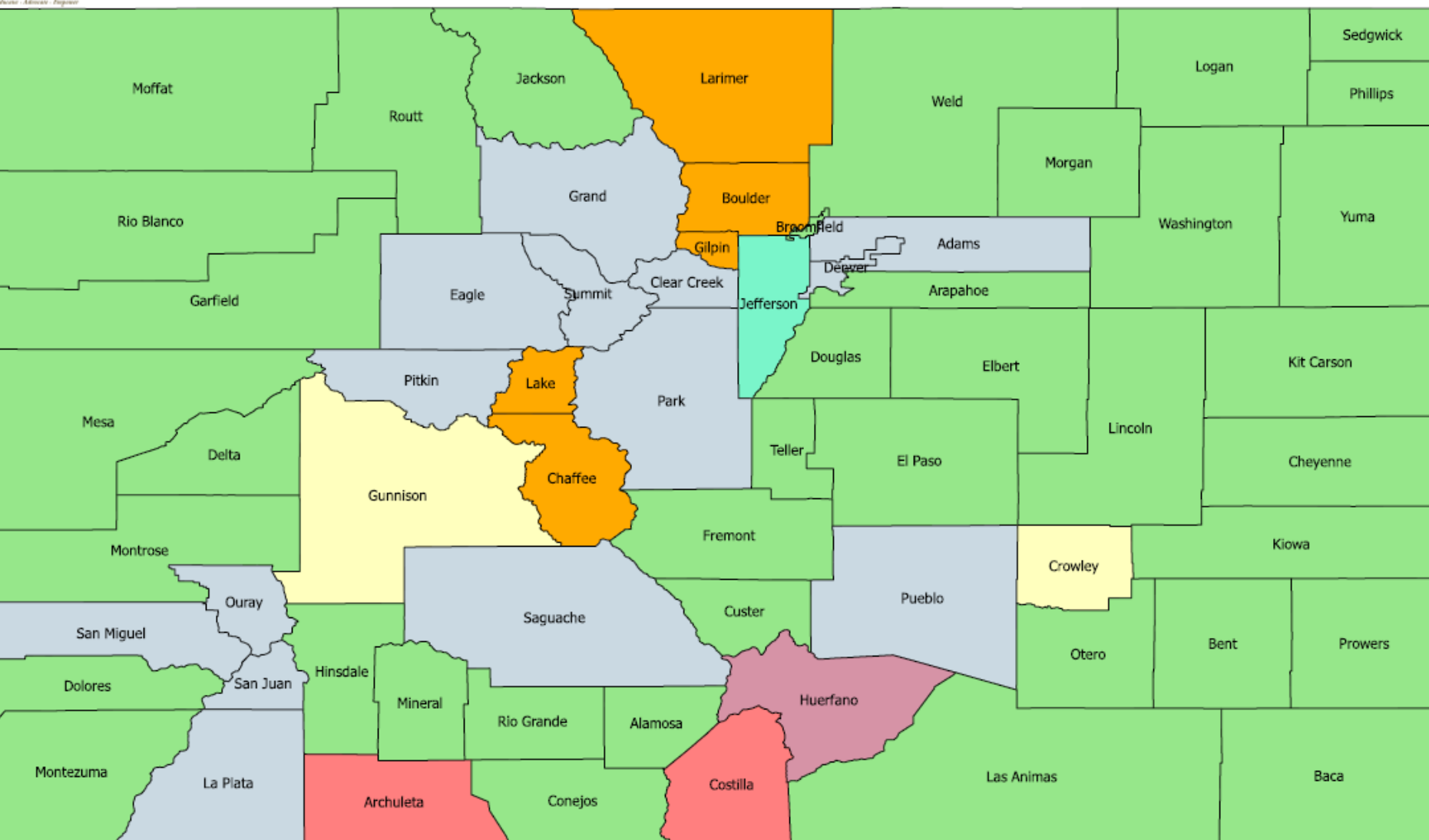


Impacts to State and Local Communities

- Local Communities have the option to opt out of Licensed Medical and Recreational Businesses.
- 66% local jurisdictions have opted out.



County Regulatory Status - Recreational Marijuana



Allowing Cultivation Only

Allowing Sales and Cultivation Only

Allowing Testing Only

Ban or Moratoria in Effect

Allowing Sales, Cultivation, Product Manufacturing & Testing

Prohibiting New Establishments, but Allowing Migration of Existing

Allowing Cultivation, Product Manufacturing & Testing Only

For Information purposes ONLY. Please contact individual counties for specifics on their regulatory status.

Created by
Trent Pingenot
for CCI

Map Revision:
August 4, 2017



True Challenges for Law Enforcement

- Continuous updates to changing laws.
- Enforcement questions.
- What is legal and what is not?
- Liability for seizures of “legal marijuana”
- Transactions of marijuana back into community?
- Evidence Rooms
- Dealing with Tourists!





True Challenges for Law Enforcement

- Search and Seizure-Drug sniffs
- Carroll Doctrine.
- Drug Cartels/Street Dealers-**Basic Capitalism in America.** Taxation-what does this mean?
- Prosecution issues-What is the appetite?
- Motivation of Law Enforcement to enforce...





Edibles





Very early into this “experiment”

- What we do know at this juncture.....
- Youth Marijuana Use
- Adult Marijuana Use
- Emergency Room Visits
- Marijuana Related Exposures
- Treatment
- Diversion of marijuana outside of Colorado
- THC Extraction Labs
- Crime data
- Impaired Driving





Youth Marijuana Use (have to be 21)

- Colorado ranked #1 in the nation for past month youth use. (14th in 2006).
- Past month use by Colorado High School Students-11.13%. National Average is 7.20%.
- Top 14 states for use are all medical marijuana states.
- Survey of 76 School Resource Officers (SRO) indicate 86% have seen increase in marijuana related incidents since legalization.
- Perception of harm is decreasing. Easy to access.
ACCEPTABILITY AND ACCESSABILITY!



College/Adult Age Marijuana Use

- College Age (18-25) Usage is 2nd in the Nation for past month use (#8 in 2006), 61% higher than national average.
- College Age 31.75% current users compared to national average of 19.99%. (Vermont is 34.9%).
- Adults 26 + 14.65% compared to national average of 6.76%. Colorado is #1.
- Adult 26 + Top eighteen states are all medical marijuana states. Bottom eleven not.
- Don't forget about the tourists....





Emergency Room Visits

- Related to marijuana....
 - 2011-8,197
 - 2012-9,982
 - 2013-14,148
 - 2014-18,255
 - 2015-10,476 (Jan-Sep)
- 
- A photograph showing four surgeons in blue scrubs and masks, focused on a surgical procedure in an operating room.
- Hospitalizations have increased 123% since 2008.



Treatment

- Last ten years-Approximately 6683 treatment admissions per year in Colorado related to marijuana dependency. (alcohol averages 13,551, heroin 3,024, and meth is 5,578).
- Note-Marijuana is being produced with higher THC potency than years past.



Diversion of Marijuana

- 163 Colorado RMHIDTA investigations.
 - 252 felony arrests
 - 3.5 tons of marijuana (2013-1,489 lbs.).
 - 2,111 edibles
- 346 Highway Interdictions to 36 states.
 - Most common destinations-Illinois, Missouri, Texas, Kansas, and Florida.

2016





Diversion by parcel

- 2009-2012-averaged 52 parcels
- 2013-2016-averaged 491 parcels.
844 % increase.



Impaired Driving in Colorado

- **Positives**-better training (DRE, ARIDE). Loveland-91% increase in DUID/47% increase in DUI arrests in 2017.
- The new 5 nanogram level of THC in blood bill. 55% to 70% of arrests for DUID are coming in under this permissible inference.
- Data collection is difficult for DUI Marijuana.
- In 2016, 76% of all DUID arrests by Colorado State Patrol involved marijuana. 767 of 1004 arrests. CSP Makes 20% of statewide DUI arrests.
- 17% of all DUI arrests by CSP involved marijuana.
- Statewide fatalities-2006-535 to 2016-608. 13.7% increase.
- 2006-2016 total drivers involved in fatal crashes who tested positive for marijuana increased from 6.17% to 20.56% (33 to 125). 71% of the drivers were positive for Delta 9 THC.
- *2016 less than half of drivers or operators involved in fatals were tested for drug impairment, which is consistent with the past data.
- 44.3% of the Colorado DRE cases in 2016 were cannabis.

Average Number of Marijuana Fatalities (drivers testing positive)



- 2006-2008 (pre-commercialization) 34
- 2009-2012 (post-commercialization) 53
- 2013-2016 (legalization) 88





a few crime numbers....

- Crime in Colorado increased 11% from 2013 to 2016.
- 2016 consumption citations-Denver 590, Boulder 199.



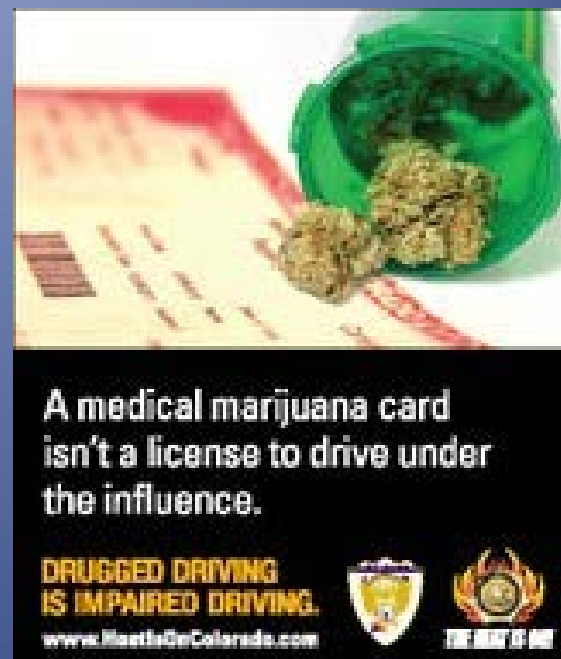
The Drug Dealer Still Lives





Information Gathering & Sharing for Media

- **CDOT Team met with:**
 - Governor's Office
 - Colorado Departments of:
 - Health & Environment
 - Revenue
 - Justice
 - Human Services/Behavioral Health
 - Tourism
 - Public Safety/Colorado State Patrol
 - Marijuana industry representatives
 - Toxicologists at state lab
 - Used 2010 campaign for starting point
 - Have an "expert" ready and prepared

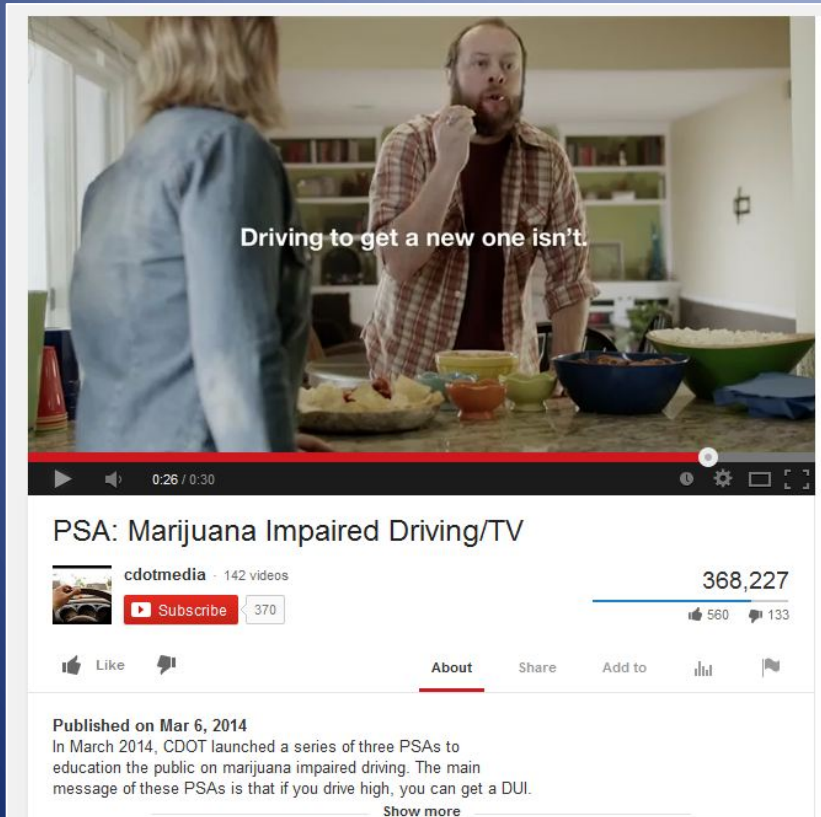


Media!



CDOT Marijuana Impaired Driving Campaign

Drive High, Get A DUI Creative Concept



Research told us that our target audience would not respond well to finger-pointing or scare tactics, so we decided to use humor to educate. The approach took a neutral stance; not condoning or judging.

The hyper-focus exhibited by the characters in our spots is a metaphor for impairment when driving high.

In a 30-second TV spot you can only have one message and need to keep it simple: Drive High, Get a DUI.





Dispensary Partnerships

While you wait.....



Partnerships



- Identified MJ Industry Leader(s)
- Reached out to leaders with mutual concerns
- Utilized partners for focus groups
- MJ representative on State DUI Task Force
- Presented at MJ industry events
- Mutual Press Opportunities
- MADD Colorado
- CDPHE/NHTSA (Region) partnerships



CDOT Campaign Creative with Lyft

- 17 Lyft vehicles were wrapped and branded with 320 Movement brand
- On the road for the duration of the campaign
- Equipped with informational cards about the dangers of driving while high.
- Passengers given a \$10 Lyft credit towards their next ride



Edible Candy Bar Display

- Giant 3D "crashed edible" placed at 420 events throughout Denver
- Nutrition label on back featured educational statistics .
- Lyft street team accompanied display at events: Method Man & Redman concert at Red Rocks, 420 On The Block, and TruCannabis Dispensary.





Let's not forget about tax money

- 2014 Taxes Collected
\$67,594,323
- 2015 Taxes Collected
\$130,411,173
- 2016 Taxes Collected
\$193,604,810
- 2017 Taxes Collected
\$247,368,473





Lessons Learned/Challenges

- Beware the Tipping Point
- Secure Executive Level Involvement for Implementation
- Position your agency for funding
- Plan for Media early/opportunities-data
- Be, find or designate the “Expert” for impaired driving
- Seek partnerships early
- Know your partners positions/MJ industry/State/NHTSA
- Use environment for opportunities:
 - Data (DUID vs. DUI)
 - Promote DRE and ARIDE
 - DRE School “Green Lab”



Take A-Ways

- Community Education Now!
- Law Enforcement training-DRE/ARIDE
- Renewed law enforcement focus on DWI
- Involvement in public policy
- Blood Evidence, Oral Fluid Testing, Search Warrants.



P.S.....



Marijuana is still a federally controlled substance and is illegal on the national level.

Are you prepared for this.....





THANK YOU!

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