



Texas Statewide IMPAIRED DRIVING FORUM

Cannabis Legalization and the Impacts on Impaired Driving



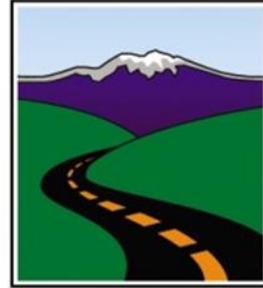
RESPONSIBILITY.ORG

Darrin T. Grondel, The Foundation for Advancing Alcohol Responsibility/ National Alliance to Stop Impaired Driving

SVP Traffic Safety

February 22, 2023





WASHINGTON
Traffic Safety
COMMISSION



FOUNDATION FOR
ADVANCING ALCOHOL
RESPONSIBILITY.ORG

NASID
National Alliance to Stop Impaired Driving



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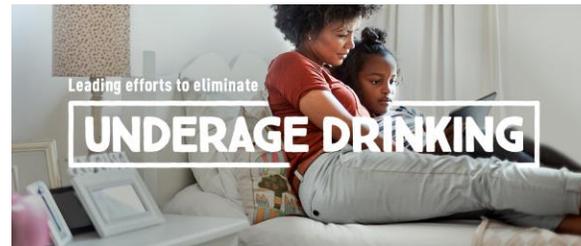


COMMITMENT TO RESPONSIBILITY

Responsibility.org members have invested over \$300 million in policy development, educational programs and public awareness campaigns to fight drunk driving and underage drinking.



Leading efforts to eliminate drunk driving and working with others to end all impaired driving.



Leading efforts to eliminate underage drinking.



Empowering adults to make a lifetime of responsible alcohol choices as part of a balanced lifestyle.



RESPONSIBILITY.ORG PROGRAMMING

acting on our missions

Responsible Consumption

RESPONSIBILITY
starts with *me*

- Virtual Bar app available in English and Spanish.
- Showing college students that overconsumption isn't the norm on college campuses.
- Real people sharing real stories of what it means to live life responsibly.



Available on the
App Store

Available on
Google play



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Underage Drinking

- Recorded 351 PSAs with Attorneys General from across the country
- Reached more than 2.5 Million people with advice on parenting teens
- Reached 30 Million+ parents in 2018
- Reached 89 Million + parents, kids & teachers in 50 states, 7 countries



National Association for Sport and Physical Education

NASPE Sets the Standard



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Ask, Listen, Learn



- ALL's free lesson plans and video content support Common Core State Standards, National Health Education Standards, and Next Generation Science Standards (Life Science), making them easy to integrate into student education
- Students gain critical knowledge on how alcohol affects the developing brain through *Ask, Listen, Learn* lessons



- Empowers youth to make smart decisions in the future. 86 percent of students agreed that “this class has given me enough information to help me make good decisions in high school about drinking.”
- A 2017-18 independent evaluation of more than 1,700 students from 72 teachers and classrooms across the US has shown ALL is an effective underage drinking prevention program



End Drunk Driving

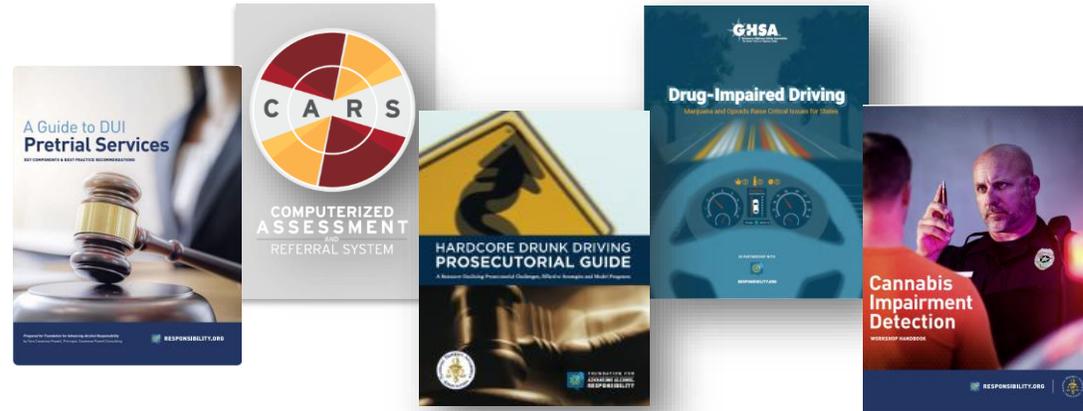
Leading efforts to eliminate drunk driving and working with others to end all impaired driving.

Systems Thinking



IMPAIRED DRIVING

- High-Risk Impaired Driving
- Multiple substance impaired driving
- State grants with GHSA and Sheriffs
- DUI training guides
- CLE credit online prosecutor course
- Screening and assessment tools
- Ignition interlocks for all DUI offenders and other policy countermeasures



<https://www.responsibility.org/toolkit>

NATIONAL ALLIANCE TO STOP IMPAIRED DRIVING



The National Alliance to Stop Impaired Driving (NASID) is a coalition established and led by [Responsibility.org](https://responsibility.org) to eliminate all forms of impaired driving, especially multiple substance impaired driving, through effective and proven measures such as DUI system reform, DUI detection, and improved use of data and technology.

Our Members



Allied Members

Allied Members are unable to lobby and do not advocate for legislation at the state or federal level



Why is NASID Needed?

- Why NASID?
 - Drug and multiple substance impaired driving problem increasing
 - COVID-19 increases in risky driving will demand attention
 - Opportunities at state and Federal levels, new elected officials
 - The issue and technology to address it needs a national voice and leader
- How did the idea for NASID begin?
 - Brian Swift turned tragedy into action
 - Cannabis-impaired driving truck crash killed his parents
 - He advocated for passage of MI oral fluid pilot program law and united stakeholders to expand the effort
 - Brian Swift will serve as NASID's spokesperson



MICHIGAN
Drugged driving crashes surging across Michigan
As drunken driving deaths decline, drugged driving deaths are on the rise.
John Wisely Detroit Free Press
Published 11:04 p.m. ET Jul. 22, 2017

Kalamazoo
Michigan roadside drug testing pilot program expands to all counties
Updated Oct 02, 2019. Posted Oct 01, 2019

Data Drives the Narrative



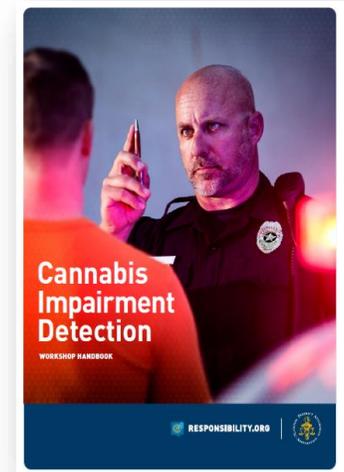
- 50.5% of fatally injured drug-positive drivers (with known drug test results) were positive for two or more drugs and 40.7% were found to have alcohol in their system (NHTSA FARS as cited in Hedlund, 2018)
- Among drug-positive drivers killed in crashes, 4% tested positive for both marijuana and opioids, 16% for opioids only, 38% for marijuana only, and 42% for other drugs (Governors Highway Safety Association, 2017)
- The percentage of traffic deaths in which at least one driver tested positive for drugs has nearly doubled over a decade. (USA Today, 2016) (Source: <https://driving-tests.org/driving-statistics/>)
- The number of alcohol-positive drivers killed in crashes who also tested positive for drugs increased by 16% from 2006 to 2016 (Governors Highway Safety Association, 2017)



NASID Accomplishments to-date

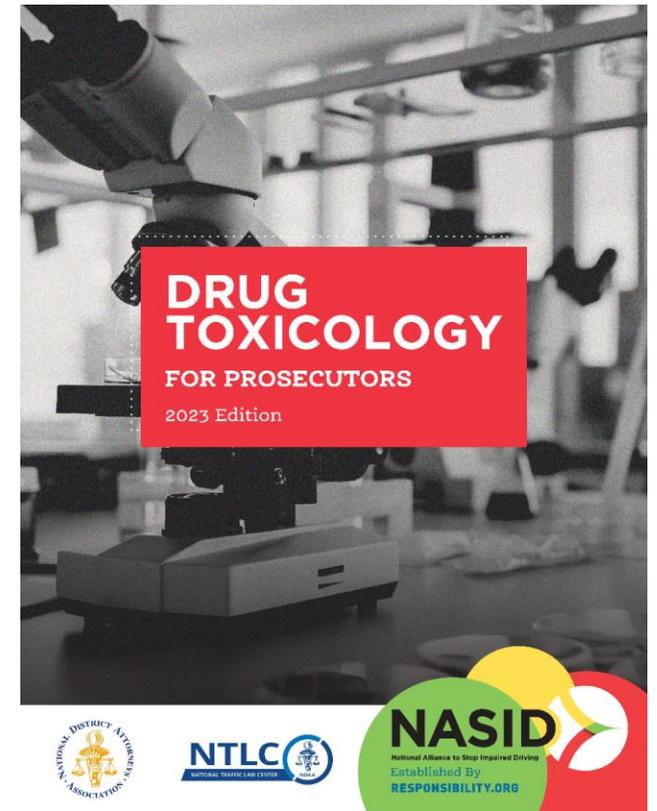


- Hosted 2 national conferences; scheduling for 2024 – highly anticipated by partners
- Provided technical support in 26 states
 - Green labs, oral fluid briefings, legislative support
- Legislative advocacy in 28 states
- Led support on Federal Infrastructure Bill
- Launched State Laws Map resource with AGA, NCSL and GHSA
- Created training resources for prosecutors
- Created the Cannabis Impairment Detection Workshop with NDAA
- Supported **Green Lab** training in MD, OH, OK, WA
- Created National Toxicology Resource Program
- Conducted over 40 presentations, workshops, webinars



NASID 2023

- GHSA State Grant Program Announcement Mid-February 2023
- NDAA Drug Toxicology for Prosecutors to support drugged driving prosecution
- ATSIP FBI Data Committee – National DUI/DUID Arrest Data
- National Toxicology Pilot Program
 - Identifies testing & funding challenges, successes, and gaps
 - NHTSA FARS Data
- **2023 trainings for stakeholders**
 - **Green Labs** in CO, CT, IL, MD, NY, WA, training for Criminal justice and Safety Managers – a great public/private partnership.
 - Oral Fluid testing in MN, MT, NM
- Advise AG Alliance on drug and multiple substance impaired driving
- Sponsoring the IACP Impaired Driving and Traffic Safety Conference
- Hosting webinars with partners on emerging issues





Washington State Experience



- Approved by voter Initiative 692 in **1998**
 - Granted:
 - Affirmative defense to criminal prosecution for:
 - Qualifying patients and primary caregivers who possess no more than a “sixty-day supply”
 - **(what is a 60-day supply?)**
- Key events:
 - 2007 - Definition of sixty-day supply SB 6032 - 24 oz. and **15 plants**
 - 2009 - Change in federal government’s enforcement policy
 - 2010 - Physician assistants, advanced registered nurse practitioners and naturopaths added as authorizers
 - 2011 - SB 5073 passes but is partially vetoed by Gov. Gregoire
 - Made it legal if participant registered in data base – vetoed

Then Comes “Recreational”



- I-502, Nov. 6, 2012
- ACLU, Rick Steves & Peter Lewis
- \$6 million Campaign Fund



Originally published November 6, 2012 at 10:26 PM | Page modified November 7, 2012 at 5:16 PM

Voters approve I-502 legalizing marijuana

Washington state voters made history Tuesday by legalizing the recreational use of marijuana.

By [Jonathan Martin](#)
Seattle Times staff reporter

Washington enthusiastically leapt into history Tuesday, becoming the first state, with Colorado, to reject federal drug-control policy and legalize recreational marijuana use.

Initiative 502 was winning 55 to 45 percent, with support from more than half of Washington's counties, rural and urban.

The vote puts Washington and Colorado to the left of the Netherlands on marijuana law, and makes them the nexus of a new social experiment with uncertain consequences. National and international media watched as vote counts rolled into I-502's election-night party in Seattle amid

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ERIKA SCHULTZ / THE SEATTLE TIMES

A 30-year-old female smokes marijuana in a street party after the state's voters approved Initiative 502 Tuesday.



Hempfest



THIS STICKER IS NOT A LAWYER AND CANNOT PROVIDE YOU WITH LEGAL ADVICE

HEMPFESTERS! We thought you might be hungry. We also thought now might be a good time for a refresher on the do's and don'ts of I-502.

DON'TS Don't drive while high. Don't give, sell, or shotgun weed to people under 21. Don't use pot in public. You could be cited but we'd rather give you a warning. **DO'S** Do listen to Dark Side of the Moon at a reasonable volume. Do enjoy Hempfest.

Remember: respect your fellow voters and familiarize yourself with the rules of I-502 at seattle.gov/police/marijwhatnow ❤️, SPD

WARNING: THE CONTENTS OF THIS PACKAGE ARE AS DELICIOUS AS THEY APPEAR

I-502 Supporters Say:

- 70 years of prohibition clogged jails, ruined lives
- Tax revenue \$2 billion
- Well funded, well organized political campaign
- Those opposed: out spent, not organized



Recreational vs. Medical Marijuana



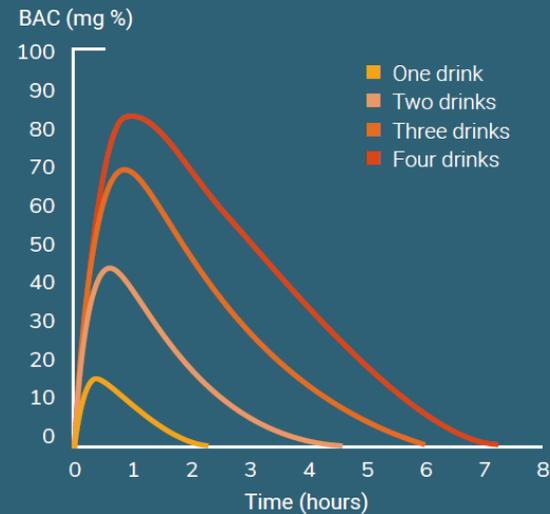
- Recreational:
 - Amount limits, up to either:
 - 1 oz “useable” MJ (bud)
 - 16 oz infused product (brownies)
 - 72 oz liquid (soda pop)
 - 7 grams concentrate (hash oil)
 - Illegal to grow your own
 - Lab tested, controlled pesticide use
 - Age 21+
 - Taxed
- Medical pre-2015:
 - Up to 24 oz “useable” MJ
 - Can grow up to 15 plants
 - Double that if you are an MJ provider and patient
 - No dispensaries, but “cooperatives”
 - No lab test, pesticide controls
 - Age 18+ (even providers)
 - Not taxed ($\frac{1}{3}$ – $\frac{1}{4}$ the cost)
 - Need MJ card (not prescription) – tamper resistant
 - Doctor, naturopath, PA, nurse practitioner, osteopath



Marijuana Per Se Limits – Not Supported by Research and Science

FIGURE 3A

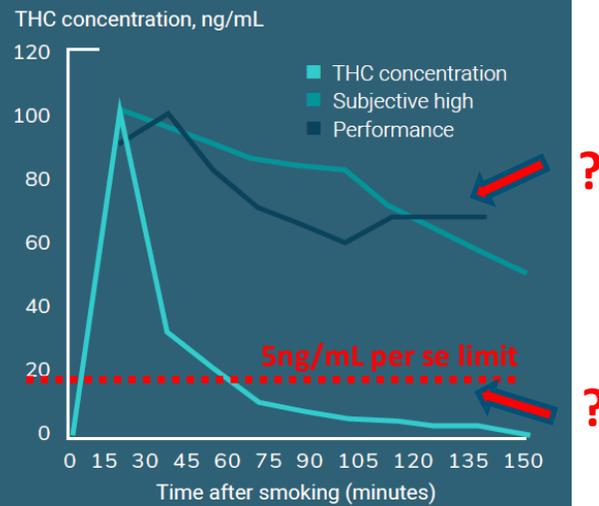
Blood Alcohol Concentration (BAC) Over Time After Drinking



Source: Adapted from NIAAA (1997)

FIGURE 3B

Marijuana (THC) Concentration, Subjective High, and Impairment Over Time After Smoking

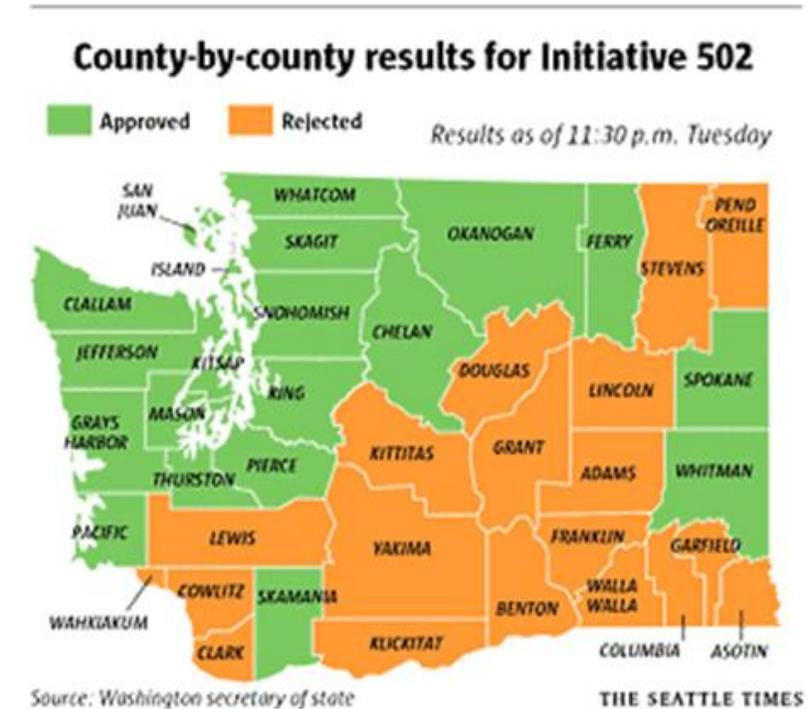


Source: Adapted from Compton (2017), Figure 4.

- Impaired could go free; unimpaired could be convicted
- Blood draws often not fast enough
- Distorts how prosecutors (and jurors) process cases

Marijuana Legalized by voters

- Approved by voter Initiative 502 in 2012
 - Allows:
 - Adults aged 21 and older to:
 - Possess up to one ounce of marijuana
 - Obtained from a state licensed system of private producers, processors and retail stores
 - Approved 25% tax with 40% of new revenue going to state general fund.
- Hallmarks of the legal marijuana market:
 - Regulation and enforcement
 - Seed to sale tracking
 - Testing and labeling requirements
 - Serving size limits
 - Product restrictions
 - Taxation



And Finally...Alignment

- 2015 Legislative Session – Senate Bill 5052 and House Bill 2136 Create:
 - Regulation of the medical use of marijuana
 - Specific requirements for patients under the age of 18
 - A single system of licensed production, processing and retail sales by July 1, 2016
 - Consistent testing, labeling and product standards



No More of These...



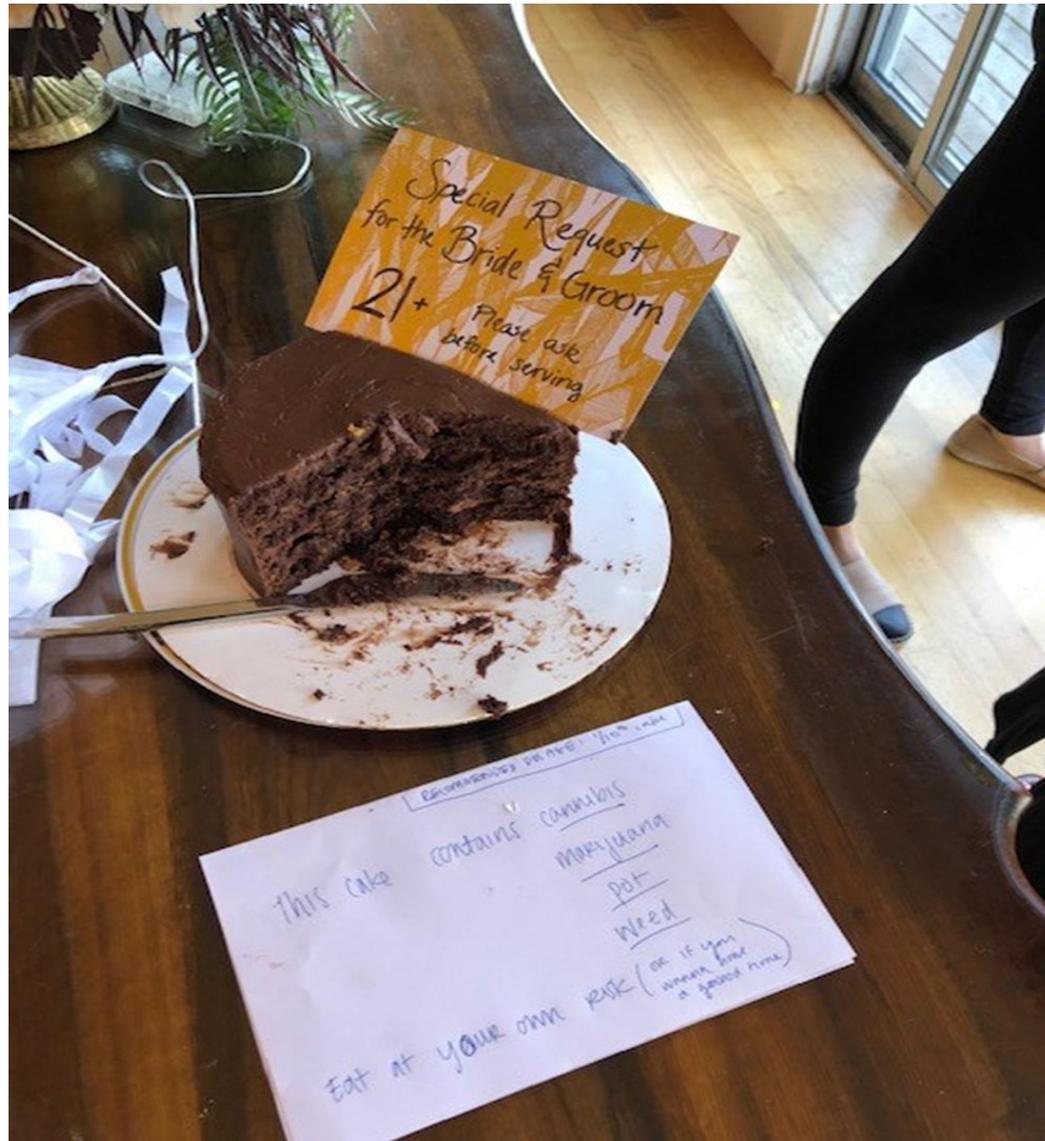
DEA



DEA



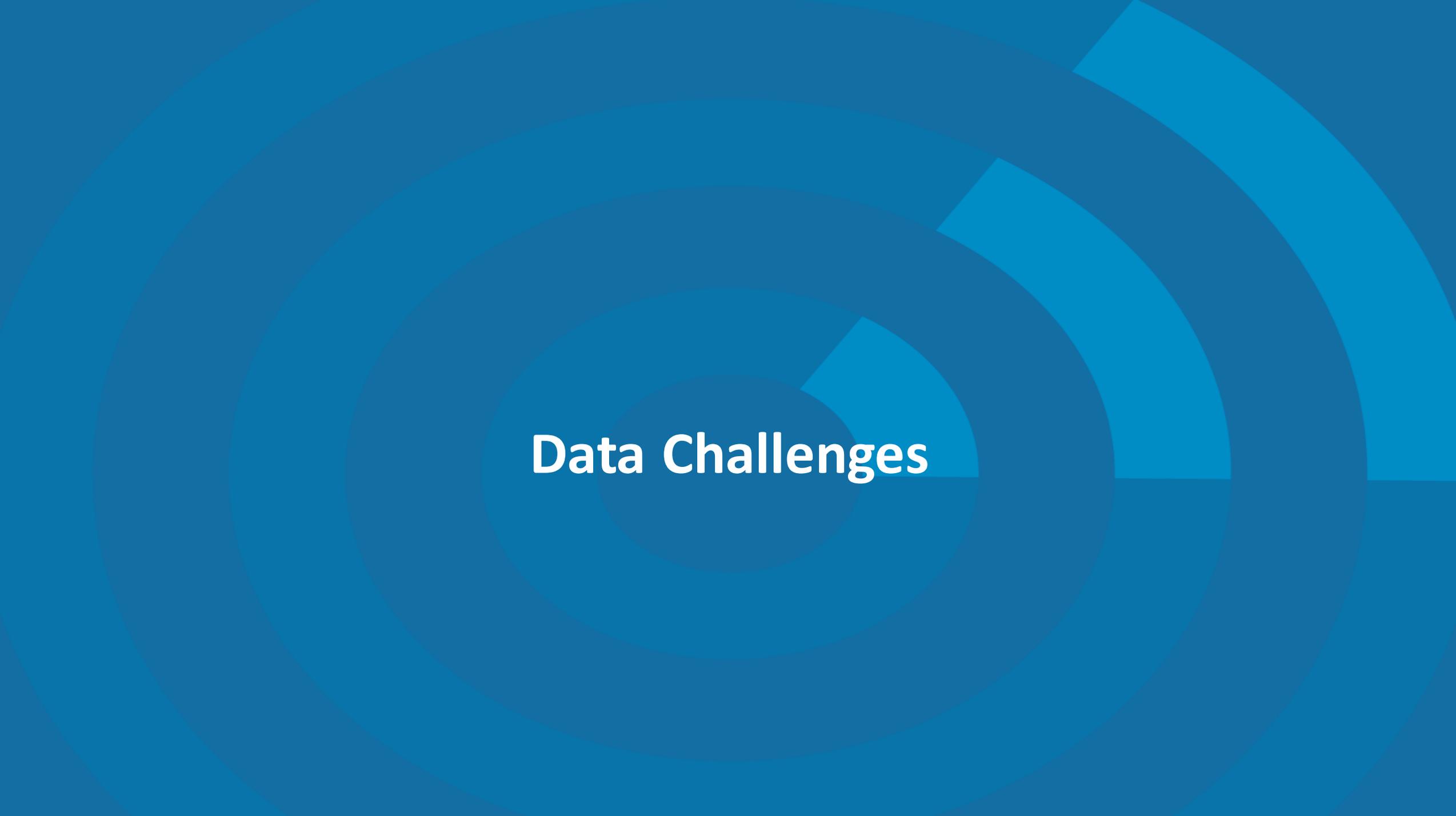
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Tax Revenue

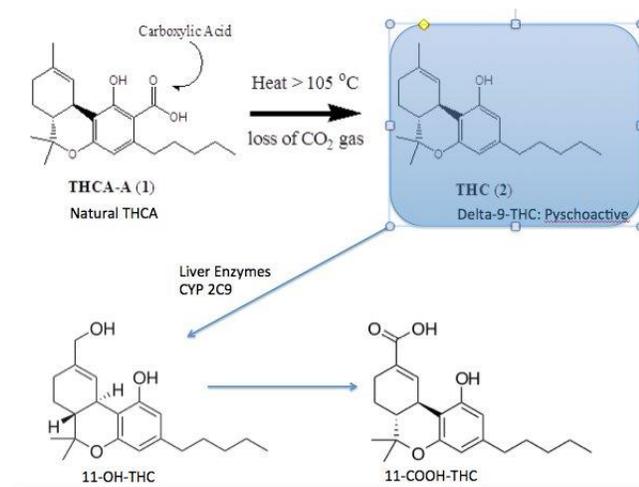
Current excise tax forecast projections

FY 2015	\$64.9 million
FY 2016	\$185.7 million
FY 2017	\$314.8 million
FY 2018	\$361.4 million
FY 2019	\$395.5 million
FY 2020	\$469.0 million
FY 2021	\$480.9 million
FY 2022	\$515.2 million

The background features a series of concentric blue circles of varying shades, creating a ripple effect. Overlaid on these circles is a stylized eye shape, formed by several overlapping curved segments that create a sense of depth and focus towards the center.

Data Challenges

The Problem with Fatal Crash Data



Delta 9
Hashish Oil
Hashish
Marijuana/Marihuana
Marinol
Tetrahydrocannabinols (THC)
Cannabinoid (Type Unk)



PIRE Roadside Survey

Pacific Institute for Research and Evaluation

- Data collection: June, 2014; Nov. 2014 and June, 2015
- Statewide sample -- six counties, five areas within each (Spokane, Yakima, King, Whatcom, Snohomish, Kitsap)
- Alcohol and drugs (75 types, with levels)



Presence of Substances Among Drivers During COVID-19

Drug Category	Before (N= 1,880)		During (N= 1,123)	
	n	%	n	%
Alcohol	400	21.3	302	26.9*
Cannabinoids [^]	402	21.4	350	31.2*
Stimulants	190	10.1	115	10.2
Sedatives	158	8.4	95	8.5
Opioids	142	7.6	145	12.9*
Antidepressants	37	2.0	5	0.4*
Over-the-Counter	43	2.3	18	1.6
Other Drugs	27	1.4	20	1.8
At Least 1 Category	959	51.0	714	63.6*
Multiple Categories	341	18.1	267	23.8*

[^] Active THC (Δ -9-THC or 11-OH-THC)

* Significantly different ($p < .05$) compared to Before period



DOT HS 813 018



October 2020

Drug and Alcohol Prevalence in Seriously and Fatally Injured Road Users Before and During the COVID-19 Public Health Emergency

Thomas, F. D., Berning, A., Darrah, J., Graham, L., Blomberg, R., Griggs, C., Crandall, M., Schulman, C., Kozar, R., Neavyn, M., Cunningham, K., Ehsani, J., Fell, J., Whitehill, J., Babu, K., Lai, J., and Rayner, M. (2020, October). Drug and alcohol prevalence in seriously and fatally injured road users before and during the COVID-19 public health emergency (Report No. DOT HS 813 018). National Highway Traffic Safety Administration.





VIOLATIONS REPORTED TO CLEARINGHOUSE CONTINUED

Positive drug tests account for **82%** of the total violations reported.

See chart to the right for a breakdown of results reported to the Clearinghouse by year since January 6, 2020 of the number of times a driver tested positive for each substance.

The graph below shows total results reported to the Clearinghouse since January 6, 2020 of the number of times a driver tested positive for each substance.

Note: To date, there have been 7,865 reports of dilute specimens, with 3,074 occurring in 2022. A positive dilute result indicates that drugs were detected despite the dilution of the sample.

SUBSTANCES IDENTIFIED IN POSITIVE DRUG TESTS

Substance	2020	2021	2022	# Tests Identified*
Marijuana Metabolite (Δ9-THCA)	29,511	31,085	40,916	101,512
Cocaine Metabolite (BZE)	7,940	8,765	10,953	27,658
Methamphetamine (MET/MAMP)	5,187	5,082	5,569	15,838
Amphetamine (AMP)	4,953	4,904	5,349	15,206
Oxymorphone (OXYM)	1,372	1,276	1,398	4,046
Oxycodone (OXYC)	1,106	1,049	1,130	3,285
Hydrocodone (HYC)	1,082	1,048	1,042	3,172
Hydromorphone (HYM)	1,000	930	965	2,895
Morphine (MOP)	443	353	445	1,241
Codeine (COD)	386	329	444	1,159
6-Acetylmorphine (6-AM)	302	191	177	670
Phencyclidine (PCP)	137	118	138	393
Ecstasy (MDMA)	65	60	68	193
Methylenedioxyamphetamine (MDA)	30	33	45	108
All substances	53,514	55,223	68,639	177,376

(Reported through December 2022, as of January 4, 2023)

*Total since January 6, 2020

Note: More than one substance can appear in a positive drug test

[Clearinghouse Monthly Report - December 2022 \(dot.gov\)](https://www.fhwa.dot.gov/clearinghouse/monthly-reports/)

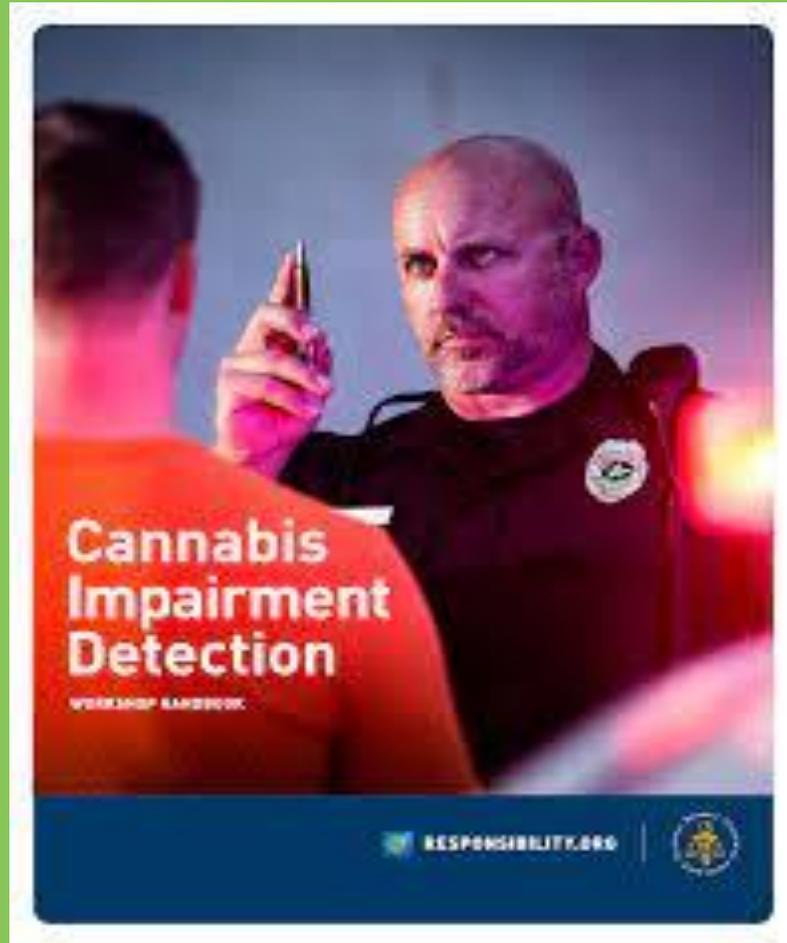
NATIONAL TOXICOLOGY PILOT PROGRAM

- New National Resource Toxicologist Pilot Program
- First ever national forensic toxicology lab assessment
- Identifies testing & funding challenges, successes, and gaps
- Provides technical assistance to partners
- Improves data and communication with stakeholders
- First step to changing national and state testing protocols
- Critically needed to advance DUID, multiple substance DUI efforts



Until we are able to test all impaired drivers for all substances, we will never understand the complete impact of impaired driving on public health.”
- Amy Miles, Project Director & President, SOFT

Cannabis Impairment Detection Workshops



<https://nasid.org/solutions/>

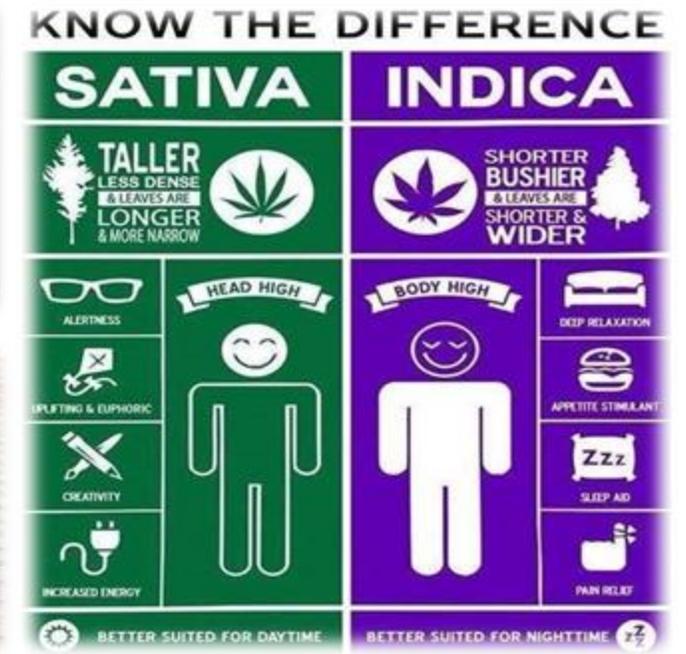


HOW:

Classroom curriculum:

Potential topics-

- Current products available
- Ingestion methods and consideration of duration of effects
- THC v. CBD
- Different types of high (Indica/Sativa strains)
- Polydrug use (cannabis and alcohol)
- How cannabis impairs a driver
- General indicators of impairment
- SFSTs/ARIDE roadside tests and how they specifically point to cannabis impairment
- Wrap up / critique



HOW:

Lab/workshop curriculum

Potential Topics-

- ❖ General indicators of cannabis impairment
- ❖ SFSTs/ARIDE roadside tests and how they specifically point to cannabis impairment
 - HGN expectations
 - Importance of ARIDE tests
 - Frequent users versus occasional users
 - Oral fluid as a screening device roadside tool
 - Q & A with consumers
- Direct interaction with users in a controlled environment at optimal impairment time
- Medic present





Whose doing green labs?

- Connecticut – Grant GHSA/R.org
- **Maryland** – MCPD, Maryland SP
 - Chesapeake Regional Safety Council
 - Grant GHSA/R.org
- Missouri
- Nevada – Spring 2023
- Ohio – Ohio SP - Academy
- Oklahoma – NSA and NASID
- Seattle P.D. 2022 - Funding NASID
- Denver April 2023



Roadside drug testing and other solutions:

Policy, programs, and progress



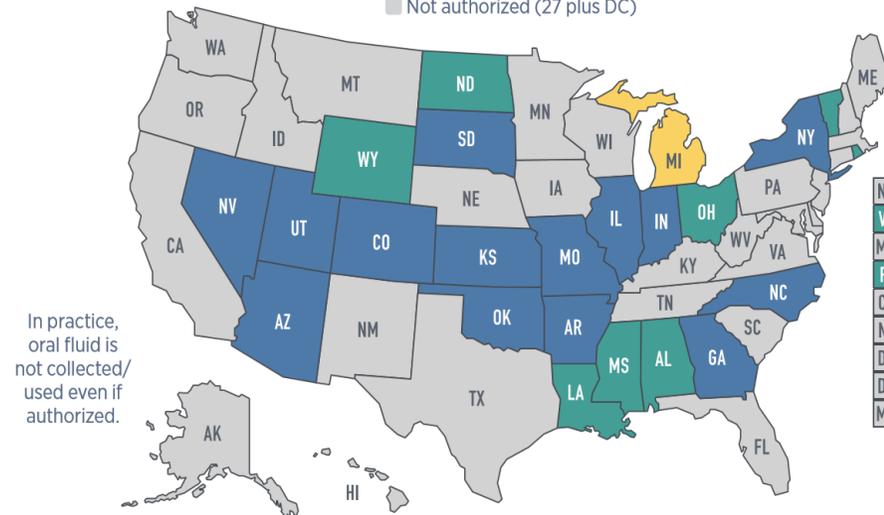
Current policy landscape: Authorization

- Oral fluid can be authorized for screening, evidential testing, or both.
- 23 states authorize oral fluid testing in statute in some form (approaches include: implied consent, preliminary testing, pilot laws, etc.).
- Many states have implemented oral fluid pilots or are in the process of initiating programs or other initiatives (e.g., feasibility studies):
 - AL, AZ, CA, CO, FL, IL, IN, KS, MA, MI, ND, OK, VT, WI

ORAL FLUID AUTHORIZED TO DETECT DRUGS?

October 2020

- Covered by implied consent law (14)
- Authorized by impaired driving statute; implied consent N/A (8)
- Authorized for state pilot program (1)
- Not authorized (27 plus DC)



SOURCE:
AAA Foundation for Traffic Safety (2020). Using Oral Fluid to Detect Drugs Handout. Available [online](#).





Use of Oral Fluid to Detect Drugged Drivers: A Toolkit



New Law Enforcement Tech Solutions



E-Warrants



Ocular Data Systems



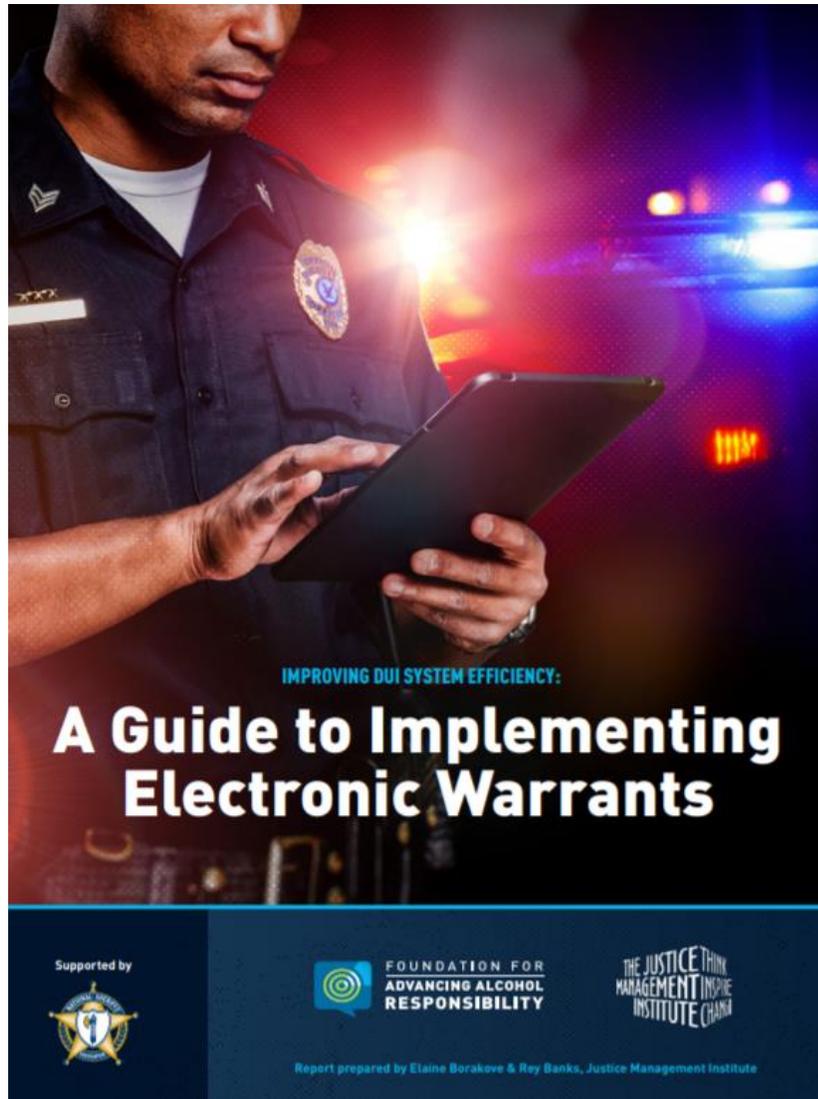
Oral fluid testing



E-fingerprints



Phlebotomy



eWarrants Report



eWarrants Implementation Guide

Read this guide to understand the importance of eWarrants.

DOWNLOAD



Executive Summary

Discover why we created this eWarrants guide and why it's needed.

DOWNLOAD



Legislative Checklist

This checklist outlines what's most critical for supporting eWarrants.

DOWNLOAD

www.responsibility.org/ewarrants



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LAW ENFORCEMENT PHLEBOTOMY TOOLKIT:

A Guide to Assist Law Enforcement
Agencies With Planning and
Implementing a Phlebotomy Program



U.S. Department of Transportation
National Highway Traffic Safety
Administration



March 2019

Toolkit Contents

- ❖ Understanding the need for and importance of a law enforcement phlebotomy program
- ❖ Planning and implementing a phlebotomy program
- ❖ Training
- ❖ Addressing liability concerns
- ❖ Barriers and how to overcome them
- ❖ Costs
- ❖ Tips for implementing and sustaining a successful law enforcement phlebotomy program
- ❖ Additional resources

https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/14222-phlebotomy_toolkit_final-032819-v1a_tag_0.pdf

NASID Resource: State Cannabis DUI Laws

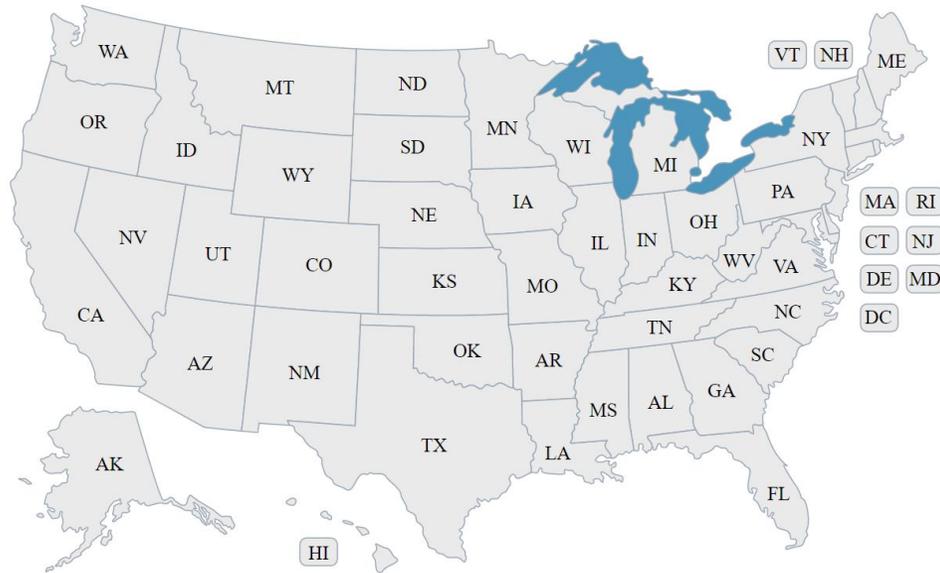


[About](#) [Impaired Driving](#) [State-By-State Info](#) [Framework](#) [Members](#) [Get Involved](#)



State Laws

SELECT A STATE on the map below to view statistics about and laws relating to impaired driving.



Colorado

Share this data

[STATE LAWS](#) [CANNABIS LAWS](#)



Implied Consent Laws

DRUGS

CRS 42-4-1301.1 - [Learn More](#)

The law states that every driver shall be deemed to have expressed a consent to take a blood, breath, saliva, or urine test when requested to do so by a law enforcement officer who has probable cause to believe that that person is DUI or DWAI (CRS 42-4-1301(1)(g)) - [Learn More](#)

BLOOD

CRS 42-4-1301.1 - [Learn More](#)

The law states that every driver shall be deemed to have expressed a consent to take a blood, breath, saliva, or urine test when requested to do so by a law enforcement officer who has probable cause to believe that that person is DUI or DWAI (CRS 42-4-1301(1)(g)) - [Learn More](#)

URINE

CRS 42-4-1301.1 - [Learn More](#)

The law states that every driver shall be deemed to have expressed a consent to take a blood, breath, saliva, or urine test when requested to do so by a law enforcement officer who has probable cause to believe that that person is DUI or DWAI (CRS 42-4-1301(1)(g)) - [Learn More](#)

ORAL FLUIDS

CRS 42-4-1301.1 - [Learn More](#)

The law states that every driver shall be deemed to have expressed a



WTSC Cannabis DUIC PSA





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