

Cannabis Legalization and the Impacts on Impaired Driving

Darrin T. Grondel SVP Traffic Safety June 20, 2024





















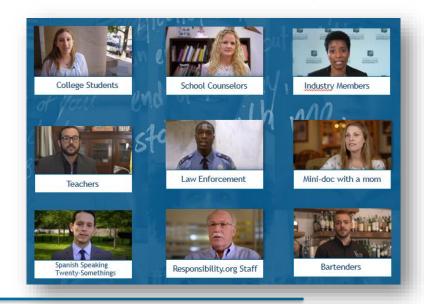
Learn more at WeDontServeTeens.org

IT'S UNSAFE. IT'S ILLEGAL. IT'S IRRESPONSIBLE.

Responsible Consumption

RESPONSIBILITY starts with

- 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.













End Drunk Driving

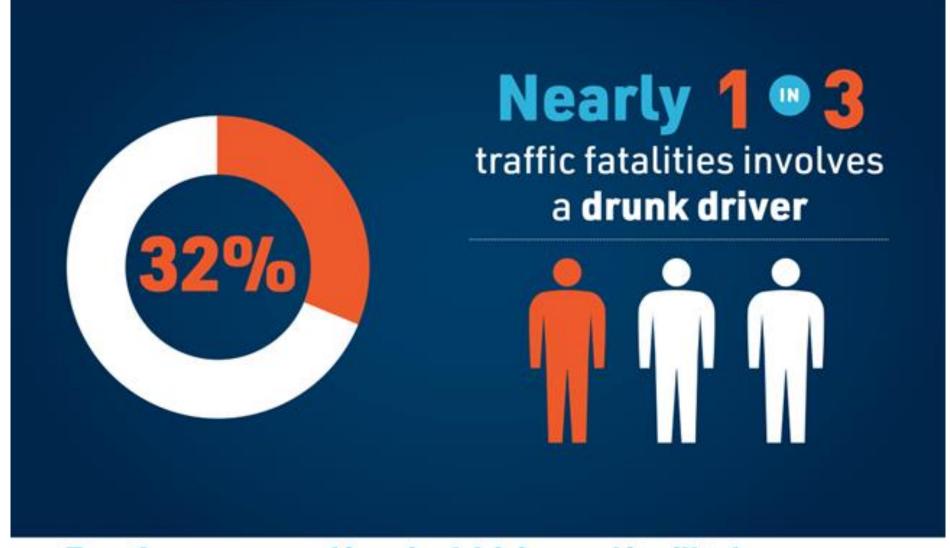
Leading efforts to eliminate drunk driving and working with others to end all impaired driving.

Drunk Driving Deaths Decreased Nearly 1% in 2022



Together, we can end impaired driving, and it will take everyone and effective and proven solutions.





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NHTSA – Alcohol and Drug Prevalence



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



DOT HS 813 399

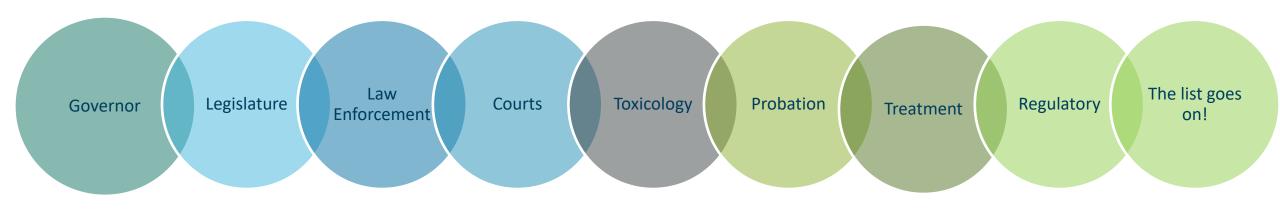
December 2022

Alcohol and Drug Prevalence Among Seriously or Fatally Injured Road Users

Overall, 55.8% of the injured or killed roadway users tested positive for one or more drugs (including alcohol) on this study's toxicology panel. The most prevalent drug category detected was cannabinoids (active THC) with 25.1% positive, followed by alcohol (23.1%), stimulants (10.8%), and opioids (9.3%).

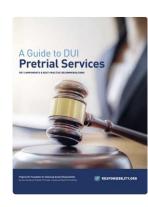


Systems Thinking

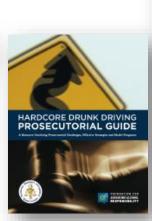


IMPAIRED DRIVING

- 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





Why is NASID Needed?



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

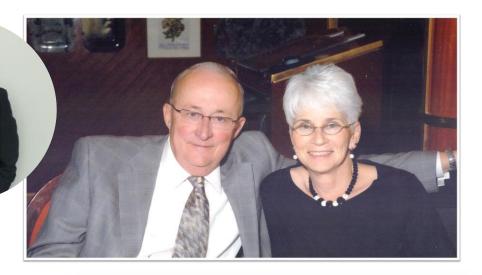
How did the idea for NASID begin?

Brian Swift turned tragedy into action

Cannabis-impaired log truck driver 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

(alamazoo

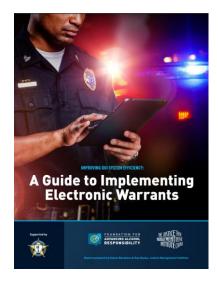
Michigan roadside drug testing pilot program expands to all counties

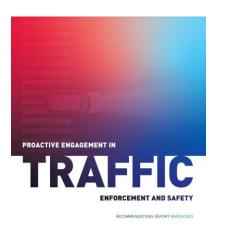
Updated Oct 02, 2019; Posted Oct 01, 20



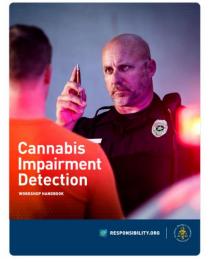


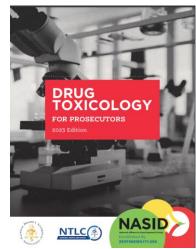


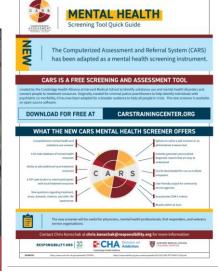




RESPONSIBILITY, ORS Safe Night





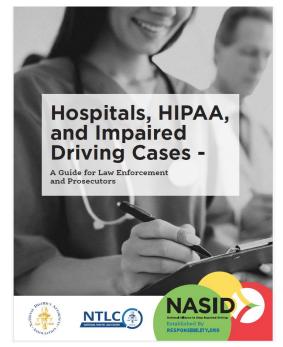


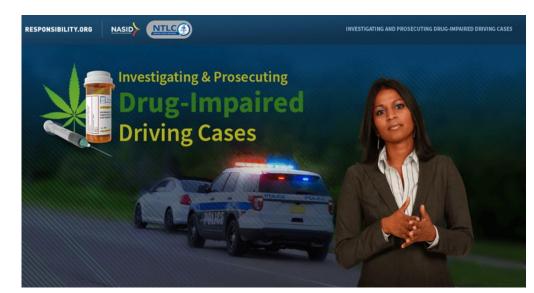


Prosecuting DUI Cases



NDAA Learning Center: Prosecuting DUI Cases





NDAA Learning Center: Investigation and Prosecution of Drug-Impaired Driving Cases







NASID Members































NASID Allied Members*

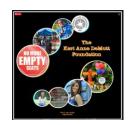
*Unable to lobby and do not advocate for legislation at the state or federal level























What do we know about cannabis

- 540 Chemical Compounds
- 66 113 cannabinoid compounds
- Cannabinol CBN (1899)
- Cannabidiol CBD (1963)
- Delta 9 THC (1964)
- Delta 8 -

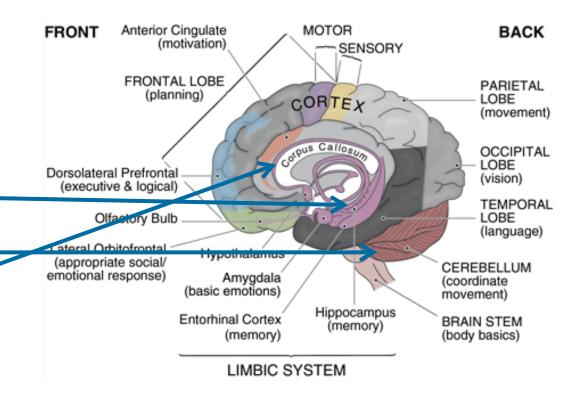
- Cannabigerol CBG
- Cannabichromenes-CBC
- Cannabinodial CBDL
- Cannabicyclol CBL
- Cannabielsoin CBE
- Cannabitriol CBT
- Cannabidivarin CBDV

http://learnaboutmarijuanawa.org/factsheets/cannabinoids.htm https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3736954/



Signs and Symptoms of MJ Impairment

THC and similar compounds bind with receptors (CB1 and CB2) in the brain and other parts of the body affecting the function of the hippocampus (short-term memory), cerebellum (coordination) and basal ganglia (unconscious muscle movements).



- Marijuana is a lipid (fat) soluble and tends to stay in the brain – lipophilic attracted to fat
- Alcohol is water soluble (Hydrophilic) blood





Signs and Symptoms of Marijuana

- Relaxation
- Euphoria
- Relaxed Inhibitions
- Disorientation
- Altered time & distance perception
- Lack of Concentration
- Impaired Memory & comprehension
- Jumbled thought formation
- Drowsiness



- Mood changes, including panic and paranoia with high dose
- Heightened senses
- Body tremors (Major muscle groups: quads, gluts, and abs)
- Eyelid tremors
- Red, Bloodshot eyes
- Possible GVM or green coating on tongue
- Dilated pupils



Strains of Marijuana

Sativa

<u>Indica</u>

- Body High
- Couch Locked (Indacouch)
- Sleepy
- Feel Depressed Effects

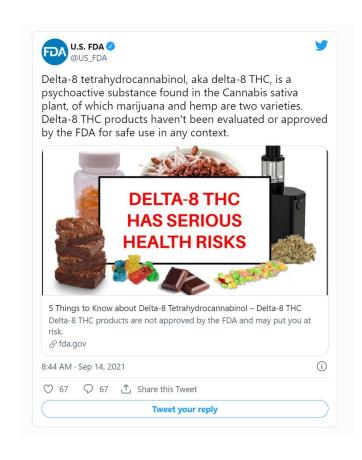
- Daytime Strains
- More Energy
- "Can increase focus" perception
- Can Cause Hallucinations

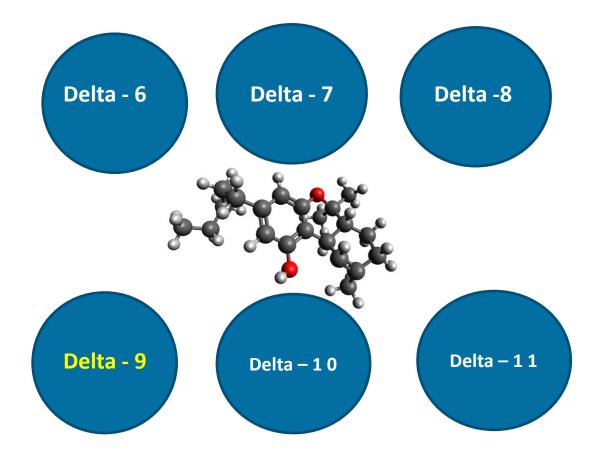


THC ISOMERS

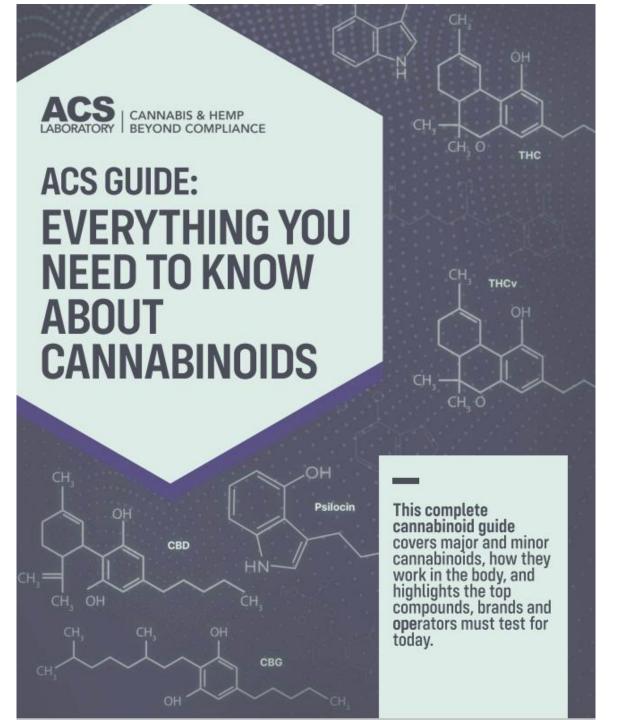
Isomers are compounds that contain exactly the same number of atoms, i.e., they have exactly the same empirical formula,

but differ from each other by the way in which the atoms are arranged.









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Home > Health Services > Texas Medical Marijuana

Texas Medical Marijuana

Eligible Texans have access to medical marijuana through the State's compassionate use program (CUP) administered by the Texas Department of Public Safety (DPS). Texans with certain medical conditions may qualify. Learn more about its use and who can get a prescription.

Learn about the compassionate use program

Medical conditions

By law, CUP is limited to Texas patients with:

- Epilepsy
- · Seizure disorders
- Multiple sclerosis
- Spasticity
- Amyotrophic lateral sclerosis
- Autism
- Terminal cancer
- An incurable neurodegenerative disease



Medical marijuana prescriptions

Patients may get Low-THC cannabis prescribed if:

- · The patient is a permanent resident of Texas
- The patient has one of the medical conditions listed above
- A CUP registered physician prescribes
- That qualified physician decides the benefit outweighs the risk

There is no age limit for prescriptions. Patients under 18 may need a legal guardian.

Getting a prescription:

- The physician will enter a prescription in the Compassionate Use Registry of Texas (CURT)
- After, the patient or legal guardian can go to any licensed dispensary to get the prescription
- The patient or legal guardian will need to provide ID and patient's, last name, date of birth, and last five digits of their Social Security Number

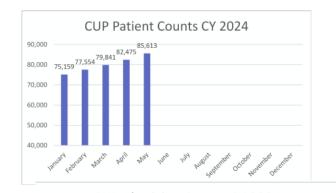
Search CURT for a registered physician

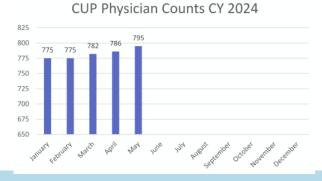






The graph below represents the number of patients listed by their physicians in the Compassionate Use Registry







Washington State Experience



First Comes "Medical"



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



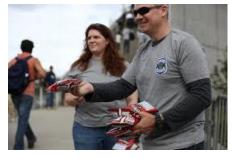


Hempfest









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

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

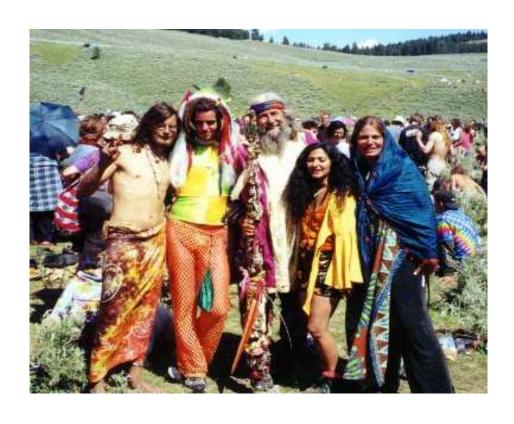
WARNING: THE CONTENTS OF THIS PACKAGE ARE AS DELICIOUS AS THEY APPEAR

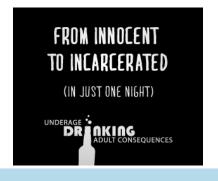


I-502 Supporters Say:

- 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

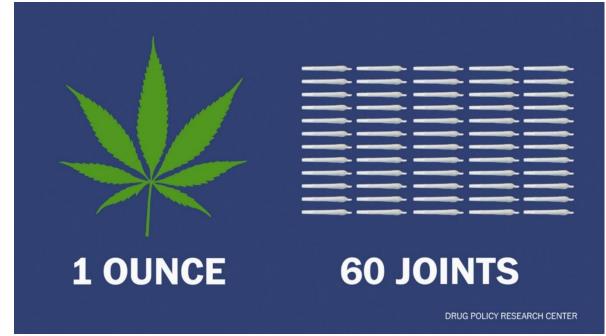
- Recreational:
- Amount limits, up to either:
 - 1 oz "useable" MJ (bud)
 - 16 oz infused product (brownies)
 - 72 oz liquid (soda pop)
 - 7 grams concentrate (hash oil)
- Illegal to grow your own
- Lab tested, controlled pesticide use
- Age 21+
- Taxed



- 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 $(1/3 \frac{1}{4})$ the cost
- Need MJ card (not prescription) tamper resistant
- Doctor, naturopath, PA, nurse practitioner, osteopath



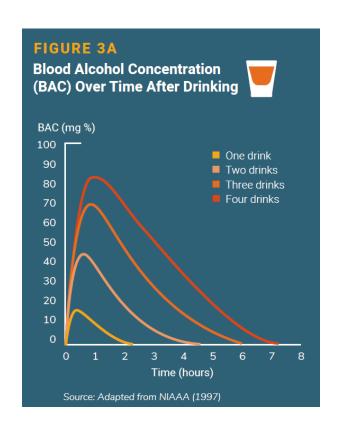


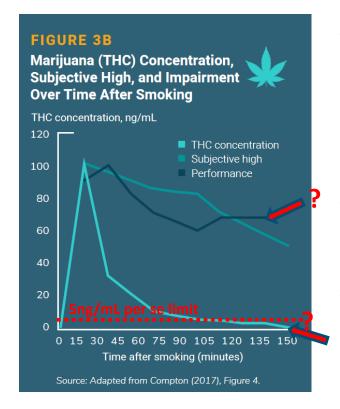






Marijuana Per Se Limits – Not Supported by Research and Science





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





















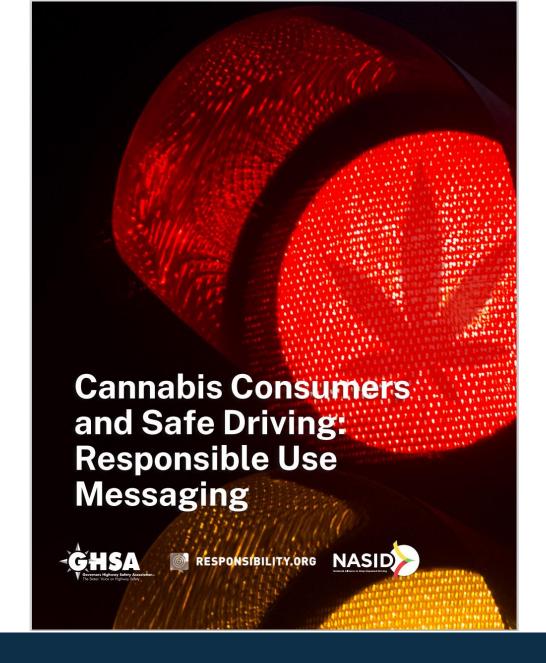












How do you cut through the misinformation on cannabis and impaired driving?

- Creation of a Statewide Impaired Driving Task Force or Working Group comprised of various disciplines and expertise.
- ❖ Seek dedicated funding from Marijuana tax revenues for education and enforcement
- Evaluate data collection (e.g., Traffic Crash Data, Toxicology, Poison Control, Hospital, Drug Seizure, veterinarian, etc.)
 - What information is collected? How is collected? Who has access for analysis?
 - Develop baseline data, if possible, with current data available
 - Crash arrest data, public perceptions/attitudes on driving, healthy youth surveys, etc.







Assess

- Current DUI and DUID laws definitions, laws, gap analysis
- Medical and Recreational What is truly medical? What conditions? What is the Dosage? How managed? Who regulates?
- Judicial review current laws, sanctions, and training comparison with legalized states and countries
- ❖ Develop and implement an educational campaign with materials in multiple languages and relevant to various cultures





- v Chemical Evidence Oral Fluid Testing, Blood or Urine
 - v Phlebotomy for LE officers
 - v Eye Sign technology?
- V Toxicology evidence collection and analysis how will it be collected? what drugs are collected?
 - V Screening levels, sensitivity or **tolerances** consistent across jurisdictions? How will it be used? Reported?
- v Do all fatally injured drivers have a toxicology examination?
- V Do all surviving drivers get assessed on scene by a DRE or if transported? Even if no alcohol present or detected?
- V Green labs similar to "Wet Labs" provide realistic training and experience for officers to conduct SFST and to better screen the occasional or chronic user. The NDAA and Responsibility.org will be releasing the Cannabis Impaired Driving Workshop Handbook next week!
- v Commercial Vehicle Carriers International travel/Provincial
 - Safety Manager training for drug and alcohol recognition CFR 382.603
 - Drug Testing the FMCSA has noted the highest drug failure rate in 7 years –Drug and Alcohol Clearinghouse – see the data

- ❖ What Driving Under the Influence of Drugs (DUID) laws will be considered:
 - Zero Tolerance Illegal to drive with any amount of specified drugs in the body
 - Per se: illegal to drive with amounts of specified quantification in the body exceeding set limits (e.g. 5 ng) delta 9 THC or carboxy
- ❖ Law Enforcement SFSTS, ARIDE, DRE
 - How is DRE viewed for impaired driving? Is this a priority for prosecutors for DUI cases? ARIDE was seen as replacing DREs, not a good thing.
- Officers need to consider the totality of the circumstances and not get locked in just looking for Cannabis see the whole picture Poly-drug use is on the rise nationally
- Training programs for LE, prosecutors, judges
- Electronic Search Warrants
- ❖ Drugged driving is not just a <u>nighttime</u> or <u>weekend</u> issue but is prevalent day and night
 - Emphasis patrol times, media messaging, officer perspective for daytime crashes



Data Challenges

The Problem with Fatal Crash Data









Delta 9

Hashish Oil

Hashish

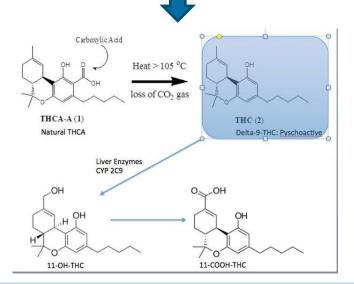
Marijuana/Marihuana

Marinol

Tetrahydrocannabinols (THC)

Cannabinoid (Type Unk)





Presence of Substances Among Drivers During COVID-19

	Befo (N= 1,	0.000	During (N= 1,123)	
Drug Category	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*

0	
U.S. Department of Transportation Matternal Highway	
Traffic Safety Administration	NHISA
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.



[^] Active THC (Δ-9-THC or 11-OH-THC)

^{*} Significantly different (p < .05) compared to Before period

VIOLATIONS REPORTED TO CLEARINGHOUSE (continued)

Positive drug tests account for 81% of the total violations reported. The chart below represents the 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.

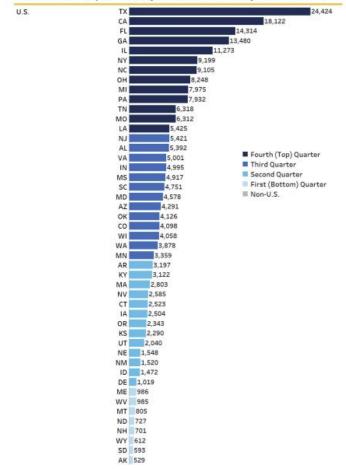
Number of Positive Tests with Substances Identified						
Substance	2020	2021	2022	2023	2024	Total
Marijuana Metabolite (Δ9-THCA)	29,511	31,085	40,916	37,657	11,478	150,647
Cocaine Metabolite (BZE)	7,940	8,765	10,953	10,326	3,201	41,185
Methamphetamine (MET/MAMP)	5,187	5,082	5,569	4,515	1,548	21,901
Amphetamine (AMP)	4,953	4,904	5,349	4,222	1,336	20,764
Oxymorphone (OXYM)	1,372	1,276	1,398	1,094	298	5,438
Oxycodone (OXYC)	1,106	1,049	1,130	923	250	4,458
Hydrocodone (HYC)	1,082	1,048	1,042	836	204	4,212
Hydromorphone (HYM)	1,000	930	965	811	209	3,915
Morphine (MOP)	443	353	445	370	123	1,734
Codeine (COD)	386	329	444	358	107	1,624
6-Acetylmorphine (6-AM)	302	191	177	116	41	827
Phencyclidine (PCP)	137	118	138	90	32	515
Ecstasy (MDMA)	65	60	68	76	26	295
Methylenedioxyamphetamine (MDA)	30	33	45	49	17	174
All substances	53,514	55,223	68,639	61,443	18,870	257,689



Information By Location

The following tables provide breakdowns of violations based on the jurisdiction that issued the driver's CDL/CLP and the number of registered employers by their domicile.

Violations Reported, by Location of CDL/CLP Issuance





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

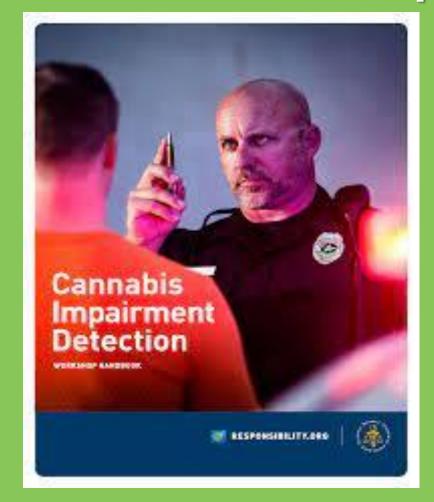


Until we are able to test all impaired drivers for all substances, we will never understand the complete impact of impaired driving on public health."

- Amy Miles, Project Director & President, SOFT



Cannabis Impairment Detection Workshops





HOW:

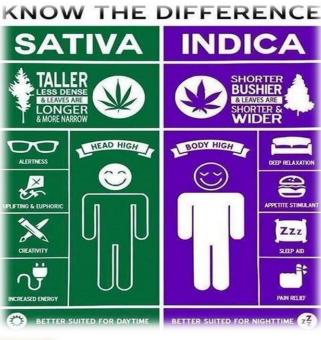
Classroom curriculum:

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
- o 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: Oral fluid authorization

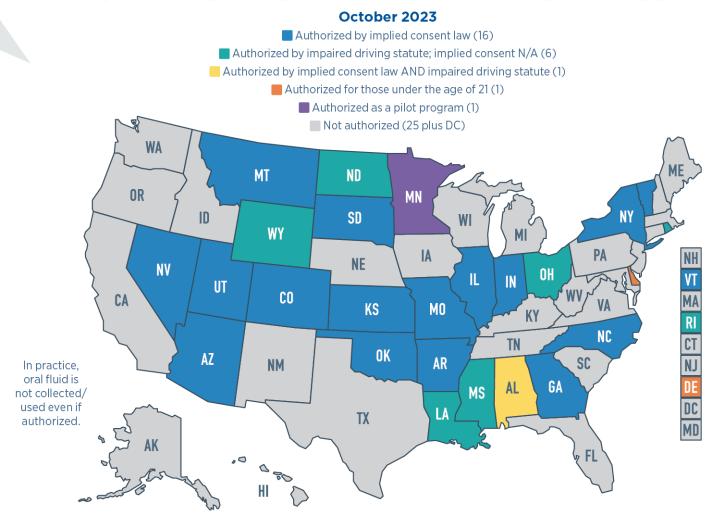
ORAL FLUID AUTHORIZED TO DETECT DRUGS?

23 states have some form of oral fluid statutory authorization.

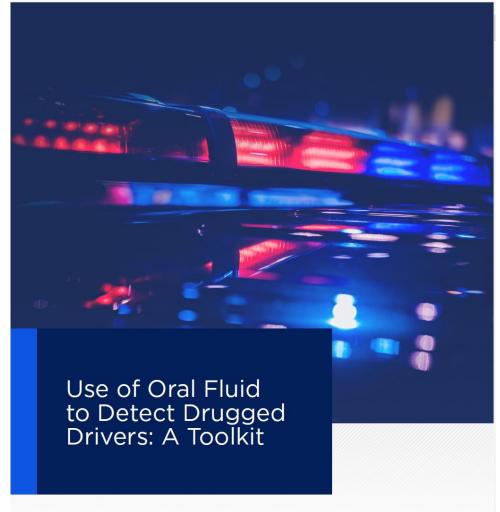
2 states (MI, MN) enacted pilot legislation.

Approaches to policy vary – implied consent, preliminary testing, pilot/standalone law.

Shift away from pilots and studies toward phased implementation approach.





















The Steps to DUI Detection + Enforcement + Oral Fluid Roadside Screening Technology



VEHICLE IN MOTION

Officer observes a traffic violation, initiates a stop, always observing the vehicle, driver, and passenger(s).



PERSONAL CONTACT

Officer engages driver and assesses for signs of impairment: slurred speech, bloodshot watery eyes, or other eye signs, confusion, hyperactivity, responses to questions, odors, container, and other observations.



Post Detection Enforcement

ARREST AND TESTING

Subject is arrested

based on probable

cause, and brought in for DRE evaluation

(if available) and evidential chemical

testing (Breath, Blood,

Oral Fluid, or Urine).



PRE-ARREST SCREENING

Standardized Field Sobriety Testing (SFST): (HGN [Horizontal Gaze Nystagmus, Walk & Turn, One Leg Stand)

ARIDE Officers should apply additional tests

- · Modified Rhomberg
- · Lack of Convergence
- · Finger to Nose



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ADDITIONAL ROADSIDE SCREENING

- · Preliminary Breath Test PBT
- · Oral Fluid Roadside Screening













Law Enforcement Tech Solutions





E-Warrants

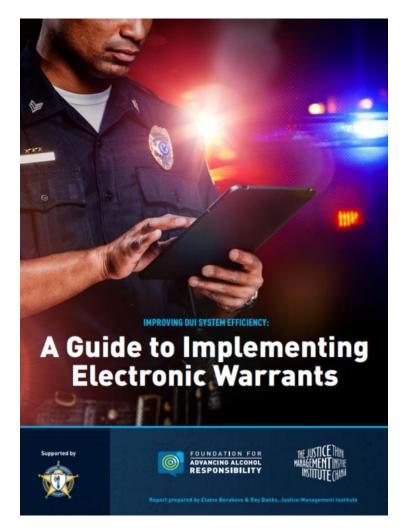
Ocular Data Systems

Oral fluid testing



E-fingerprints















DOT HS 812 949

April 2021

Practices for Implementing Expedited Search Warrant Programs for Obtaining Evidence From Impaired Drivers

https://www.nhtsa.gov/sites/nhtsa.gov/files/documents/1473 5-expeditedwarrantsreport 041521 v2a tag.pdf



LAW ENFORCEMENT PHLEBOTOMY TOOLKIT:

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







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

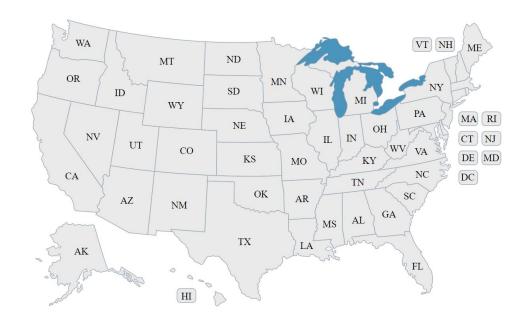
https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/14222-phlebotomy toolkit final-032819-v1a tag 0.pdf

NASID Resource: State Cannabis DUI Laws



State Laws

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





TThe 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)(q))- 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

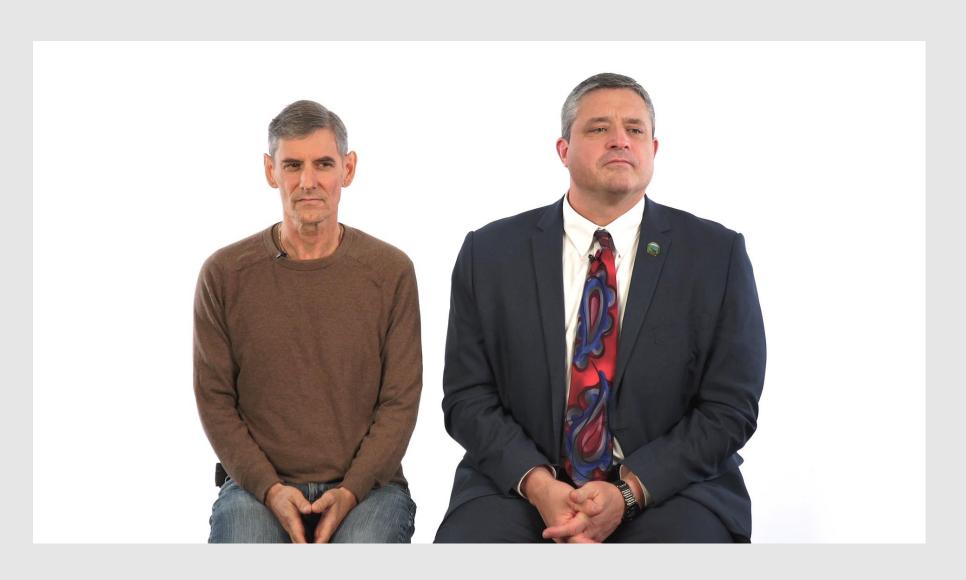
ORAL FLUIDS

CRS 42-4-1301.1 - Learn More

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



WTSC Cannabis DUIC PSA





Computerized
Assessment
and Referral
System

CARS comprehensive mental health screener domains				
Panic disorder	Social phobia	Eating disorders		
Intermittent explosive disorder	Attention deficit/ hyperactivity disorder	Obsessive compulsive disorder		
Depression	Generalized anxiety	Suicidality		
Mania/bipolar disorder	Post-traumatic stress disorder	Conduct disorder		
Oppositional defiant disorder	Psychosis	Nicotine dependence		
Alcohol use disorder	Drug use disorder	Gambling disorder		
Psychosocial stressors	DUI/criminal behavior			



NASID Conference 2024

2024 NASID CONFERENCE

DATES:

November 18-20, 2024

LOCATION:

Renaissance Arlington Capital View 2800 Potomac Ave Arlington, VA 22202









https://www.marriott.com/en-us/hotels/waspy-renaissance-arlington-capital-view-hotel/overview/





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