



COLORADO

Department of
Transportation



Ending Marijuana Prohibition/ The Effects on Impaired Driving

Colorado Highway Safety Office

Glenn Davis:

Littleton Police, Littleton Colorado: 1979-2004

- Agent South Metro Drug Task Force
- Detective
- DRE (15 years, #1640) Agency Coordinator, Instructor, Course Manager
- Manager of Highway Safety for Colorado Department of Transportation (CDOT), Governor's Highway Safety Office (HSO) since 2004.



<https://www.codot.gov/safety/alcohol-and-impaired-driving/druggeddriving>

Highway Safety Office Position on Impaired Driving Policy

- Advocate for ending prohibition?
- Candor
- Realist



COLORADO
Department of
Transportation

Does edible cannabis give different impairment levels / test results from smoked cannabis?

Colorado recognizes Delta 9 THC as the psychoactive substance that causes cannabis influenced behavior.

THC ingested through edibles usually shows as 11- Hydroxy-THC in blood tests. This is formed in the body after consumption.

Answer: Depends on quantity, quality and tolerance. Uncertainty due to lack of research.

Regulatory Options for Impairment Definitions:



Laws that address drug-impaired driving are nuanced, difficult to enforce and prosecute and vary substantially by state.

2 Basic Laws:

Zero Tolerance laws make it illegal to drive with any measurable amount of specified drugs in the body.

Per Se laws make it illegal to drive with amounts of specified drugs in the body that exceed set limits.

.

Regulatory Options for Cannabis Impairment Definitions:



U.S. Marijuana Drug-Impaired Driving Laws:

State Laws:

18 zero tolerance laws for any marijuana.

9 zero tolerance for THC or specific metabolites.

3 zero tolerance for THC but no restriction on metabolites.

5 have specific *per se* limits for THC

1 (Colorado) has a reasonable inference law for THC

5ng or more of delta 9-tetrahydrocannabinol per milliliter of the whole blood = permissible inference of influence (Jury may *infer*)

Drug Testing, Screening and Detection:



What level(s) of blood or impairment are appropriate for legal controls?

Colo Law:

Where a driver is found to have 5 ng. of Delta 9 THC in whole blood, a jury will receive an instruction indicating that it may infer that the defendant is substantially incapable of safely driving.

[MJ Report to Congress](#)

While blood alcohol concentration (BAC) correlates closely with impairment, there is no such measure (e.g., THC) for marijuana that correlates with impairment. Thus, a BAC-equivalent impairment measure is not possible.

Answer: The level that impairs an individual to the slightest degree to drive. Not about a number, it about detecting and documenting impairment.





Preventing cannabis-impaired driving:

What are the most effective prevention programs?

How to best educate the public/drivers to discourage cannabis-impaired driving?

High Visibility Enforcement: Media Focus/Fear of Arrest

Target Specific Awareness:



Preventing cannabis-impaired driving:



What sanctions are swift and meaningful / effective (swift, certain and fair)?

Impaired Driving Laws should be uniform: Impaired by alcohol/and or drugs.

Uniform Sanctions: .08 alcohol revoked 60 days-2 years interlock
.5ng -----

Colorado has a treatment track for offenders who were convicted of cannabis DUIs



Preventing cannabis-impaired driving:

How to distinguish penalties, if at all, between lower and higher levels of cannabis, alcohol, other illicit drugs, medicines?

Colorado Criminal Penalties are well defined and not specific to the substance(s) involved. Penalties can be adjusted based on histories and compliance with treatment.

Colorado Administrative Penalties are not synced. Excessive alcohol and refusal manifest immediate sanctions. Drugs do not.



Preventing cannabis-impaired driving:

Does increased biological testing for cannabis encourage use of synthetic cannabinoids to evade these tests?

Unknown, this is a question for offenders. I don't feel the offender population considers this when they drive as they don't feel they are impaired or the likelihood of detections is slim.

How to address medical use of cannabis?



Impairment while driving is not relevant to the type of impairing substance.

MJ Report to Congress:

While blood alcohol concentration (BAC) correlates closely with impairment, there is no such measure (e.g., THC) for marijuana that correlates with impairment. Thus, a BAC-equivalent impairment measure is not possible.

Answer: The level that impairs an individual to the slightest degree to drive. Not about a number, it about detecting and documenting impairment.

Does cannabis legalization increase the number of impaired drivers and crashes caused by them?

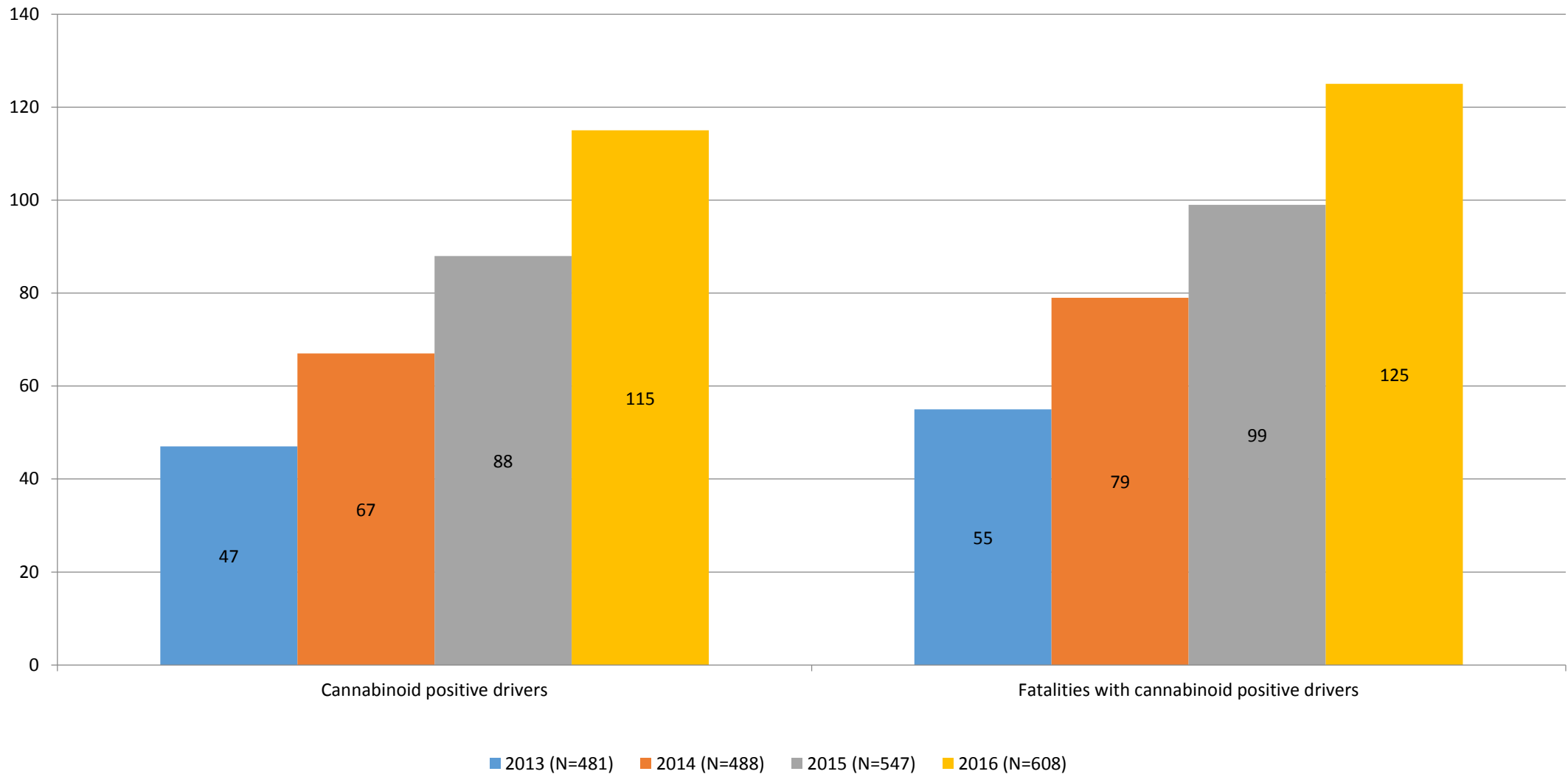


Of course it does!

It changes the state culture. Removing the “taboo” on cannabis use.

Makes high grade marijuana readily available.

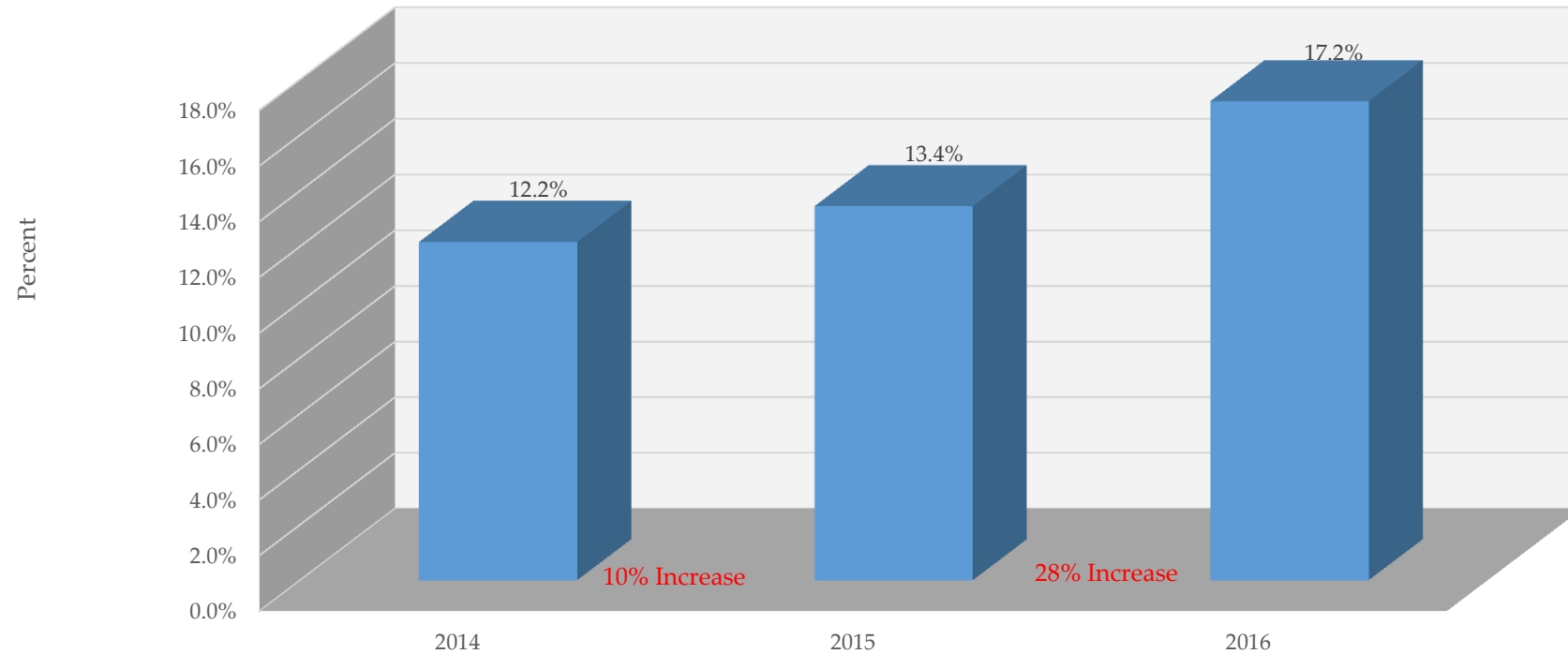
Fatalities with Cannabinoid + Drivers



Effects on Traffic Safety



Marijuana as a Percent of Total DUI/DUIDs





- Glenn Davis
- Colorado Department of Transportation/Highway Safety Office
- 303 757 9462
- glenn.davis@state.co.us