Decriminalization of Marijuana and its Impact on Traffic Safety
Colorado Perspective
Commercial Vehicle Safety & CDL Compliance
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Highway Safety Manager since 2004

Colorado Department of Transportation (CDOT)

Highway Safety Office (HSO)
Impaired Driving
Drug Recognition Expert Training
Standard Field Sobriety Testing

Marijuana Policy Representation:

Governor’s Office Working Group
Education Oversight Committee
Law Enforcement
Key Stake Holders
Social Consumption
Data
“Selling” the HSO Position of Ending Marijuana Prohibition

• Advocate

• Candor

• Realist
Marijuana Traffic Safety Impact

• Marijuana’s Effects on the consumer:
• Redding of the Conjunctiva
• Odor
• Body/Eyelid Tremors
• Increased Appetite
• Impaired Perception of Time and Distance
• Disorientation
• Relaxed Inhibition (Speed)
• Divided Attention Difficulty (Radosides0
Change in Colorado DUI Law since Legalization

- Five nanograms or more of delta 9 tetrahydrocannabinol per milliliter in the whole blood = permissible inference that the defendant was under the influence of one or more drugs.

- Arrestees can choose to refuse, breath (alcohol only) or blood.

- Law Enforcement (LE) may often choose breath if alcohol is dominant drug.

- LE can select test (blood) if drug impairment articulate.
Challenge of Delta-9 THC Over Time

DUI Citations Colorado State Patrol

Note: Drug impairment determination is based on trooper’s informed perception and not toxicology results.
Marijuana-involved Fatalities on Colorado Roadways (Cannabinoids)

Source: Colorado Department of Transportation, Data Intelligence Group, Toxicology Data (2018).
Note: a) Numbers are based on toxicology results where at least one driver was tested for drugs after a crash.
b) The presence of a cannabinoid does not necessarily indicate recent use of marijuana or impairment.
Cannabis-involved Fatalities on Colorado Roadways (Delta 9 5 ng and above)

% of all fatalities with drug tested drivers

<table>
<thead>
<tr>
<th>Delta 9 THC level of driver</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Present but less than 1ng</td>
<td>1%</td>
<td>3%</td>
</tr>
<tr>
<td>1ng to &lt;5ng</td>
<td>6%</td>
<td>49%</td>
</tr>
<tr>
<td>5ng or higher</td>
<td>52%</td>
<td>35%</td>
</tr>
<tr>
<td>Any Delta 9 detected</td>
<td>77%</td>
<td>97%</td>
</tr>
</tbody>
</table>

Source: Colorado Department of Transportation, Data Intelligence Group, Toxicology Data (2018).
Note: Percents are based on tested drivers, which are about 46% of all drivers involved in fatal crashes. Colorado has established a “permissible inference of impairment at 5 ng/mL Delta-9 THC.”
Driving Culture and Legalization

The more often People consumed cannabis:

• The less dangerous they considered driving impaired to be.

• The more they used the safer they were.

• Consumption and tolerance are biggest influencers. Gut feelings.

• Fifty percent users surveyed considered driving high to be safe.

• Not persuaded by government messaging that discourages driving under the influence.

• Respondents who consume cannabis less often or who do not use cannabis were more likely to say that driving high was unsafe.
Best Practices/Lessons Learned

• Find the/a baseline
• Identify barriers (Peace Officer Training, Definitions of Impairment, Public Attitudes, Arrestee Options)
• Take advantage of environment ($) to improve data
• Find ways to reach your audience (cannabis consuming roadway users/all other roadway users)
• Have a position, theory, sound bite(s) for results
Colorado’s HSO Plans to Address Challenge

• Advocate for a review of Standard Field Sobriety Testing (SFST) thorough testing on cannabis impaired subjects?
• Investigate the Implementation of Technology to Arrest Decision
• Utilize Marijuana Cash Tax Fund (MCTF) for enforcement
• Partner with MJ Industry Leaders
Colorado’s HSO Plans to Address the Cultural Change(s) in Roadway Users

• For decades it was the social norm to drive impaired. It took tougher laws, strict enforcement and a social movement by groups like MADD to change the narrative and create a stigma against impaired driving. Such efforts dramatically reduced drunk driving fatalities.

• As the first to end prohibition of recreational marijuana, we have a unique opportunity to lead and change or even set the social norm.

• Our goal is to partner with our public, industry, law enforcement, non-profit health and others to set to social norm in Colorado and perhaps a leading path for the country.
For Information on CDOT Impaired Driving Programs

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