



February 7, 2023

Representative Zach Stephenson
449 State Office Building
St. Paul, MN 55155

Dear Representative Stephenson:

The Minnesota Trucking Association respectfully submits this letter to you in opposition to House File 100, a bill legalizing recreational marijuana.

While we acknowledge language that attempts to address our issues, we believe the bill still does not adequately address two of our major concerns: traffic safety and workforce availability.

First, legalizing recreational cannabis will make Minnesota roadways less safe, leading to more crashes, injuries and fatalities. Passing this bill injects more impaired drivers into an environment where speeds are up and law enforcement is understaffed. Furthermore, there is currently no reliable roadside test that law enforcement can use to assess impairment.

We need only to look to Colorado* to see this sad truth playing out. Since recreational marijuana was legalized there in 2013, traffic deaths where drivers tested positive for marijuana increased 138%, traffic deaths involving drivers who tested positive for marijuana more than doubled from 55 in 2013 to 131 people killed in 2020, and the percentage of all Colorado traffic deaths involving drivers who tested positive for marijuana increased from 11% in 2013 to 20% in 2020.

In speaking with the Colorado State Patrol, there is anecdotal evidence that marijuana impairment is under-reported. If impairment is detected and a blood alcohol breath sample exceeds the legal limit, the marijuana inquiry is functionally dropped and the data not captured.

The proposed roadside testing pilot uses existing technology that only indicates presence of marijuana, NOT level of impairment. To protect Minnesotans and preserve workplace and roadway safety, the bill needs to fund meaningful protocols and technology to measure impairment.

The bill appropriates only minimal additional money to the State Patrol and zero dollars to local law enforcement. The dollars appropriated are a diversion from the trunk highway fund, effectively trading fixing potholes for enforcing pot violations. The general fund appropriation for all levels of law enforcement should be increased.

**<https://www.prevention.org/Resources/0dbad5e3-9eba-4400-aa36-1f1b4e8b24b8/RMHIDTA-Marijuana-Report-2021.pdf>*

Cannabis couriers and transporters should be subject to motor vehicle record checks before being qualified to transport marijuana just like any commercial vehicle involved in commerce.

Second, and equally important, is the negative impact on our workforce. Minnesota currently faces a shortage of nearly 8,000 professional truck drivers, while the national shortage is ten times that number. Per federal regulation, truck drivers are prohibited from driving while under the influence of any Schedule I Drug. Truck drivers are subject to drug testing, including pre-hire, random, post-accident and return to work testing after completing a rehabilitation program. We appreciate the bill specifically acknowledges this reality in multiple areas but feel the language surrounding “safety sensitive” positions should be strengthened.

To be clear, enacting HF100 into law will NOT make it legal for persons to consume cannabis and drive a commercial motor vehicle. Federal law will still prohibit it. However, it will raise the likelihood that persons will consume cannabis and generate a positive drug test due to confusion and misinformation. If they have a positive result, they will be relieved of duty ... and the odds of that person ever driving again are low.

Let’s look farther down the road. A person who becomes a recreational user of cannabis due to this law may not want to be a truck driver today. In the future they may. The cannabis lifestyle will make it nearly impossible for them to ever successfully pass a pre-employment drug test.

But does this really happen? Unfortunately, it does. We have already seen it with CBD, which in theory should contain no THC. But bad products do make it to the market and truck drivers have lost their ability to drive while buying what they believed was a safe, legal product.

A Minnesota-based fleet with a terminal in Colorado reports that their ability to recruit new drivers in Colorado has become significantly harder due to one issue: cannabis. The applicants simply can’t pass the preemployment drug test.

A long-term view suggests that our already significant driver shortage will only grow worse if this bill becomes law. This will also be true for every commercial mode governed by federal drug testing requirements, including airplane pilots, train engineers, barge captains and school bus drivers. We believe the on-going reporting requirements should be strengthened to track such workforce impacts including employment, labor participation, worker productivity, and highway and workplace accidents.

We look forward to discussing with you these critical issues regarding House File 100.

Respectfully,

John Hausladen
President
Minnesota Trucking Association