



February 23, 2023

The Honorable Kelly Moller  
Chair, House Public Safety Finance and Policy  
509 State Office Building  
St. Paul, MN 55155

Dear Chair Moller,

The National Alliance to Stop Impaired Driving (NASID) is a coalition established and led by 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. NASID membership includes stakeholders working in a public/private partnership to achieve these goals. Our members include law enforcement, prosecutors, judges, toxicologists, academics, safety advocates, and industry leaders. We also have “Ally” members who do not advocate or lobby but support our programmatic efforts. To learn more please visit [www.NASID.org](http://www.NASID.org). As you consider cannabis-related legislation, **MN HF 100**, we offer our collective expertise.

NASID takes no position on cannabis legalization, but we are dedicated to ensuring that cannabis legislation includes strong provisions to prevent impaired driving. In addition, preventing underage cannabis consumption must be a priority. You have the unique opportunity and responsibility to proactively address the increased risks of wholly preventable crashes, deaths, and injuries caused by impaired driving and underage consumption.

During the last two years, traffic fatalities have skyrocketed. According to the National Highway Traffic Safety Administration (NHTSA), in the first nine months of 2021, there was a 12 percent increase in traffic deaths from the same timeframe in 2020. This represents the highest percentage increase in NHTSA’s history and exceeds the nearly seven percent increase in traffic deaths from 2020. In 2020, there was a 14 percent increase in alcohol-impaired driving deaths.

What’s more, people driving impaired by multiple substances is on the rise. A 2020 NHTSA study of five trauma centers revealed that fatal and serious injuries involving alcohol and cannabis-impaired driving increased; 25 percent of these drivers had more than one substance in their systems. The danger of driving while impaired by cannabis is well-established, but evidence suggests that many members of the public do not understand the risks. In Washington, Colorado, and Oregon, there have been dramatic increases in drug-impaired and multiple substance impaired driving.

#### **Detecting Drugs and Multiple Substance Impairment**

Drug and multiple substance impaired drivers often go undetected and are underreported. Many state policies and protocols prevent drug testing if an impaired driver is at or above the legal blood alcohol concentration (BAC) limit. Drug use is usually only investigated when alcohol is not an impairment factor or when impairment does not correspond with the driver’s BAC level. Additionally, our nation has more than 70 years of science on the study of alcohol impairment. However, researchers have been unable to define a standard of impairment for cannabis – or most any other drug – that is actionable for the enforcement and prosecution of impaired driving laws.

Washington State data revealed multiple substance impairment was the most common type of impairment found among drivers involved in fatal crashes between 2008 and 2016 (Grondel et al., 2018). Among drivers involved in fatal crashes during this timeframe, 44 percent tested positive for two or more substances with alcohol and THC being the most common combination (Grondel et al., 2018).

According to data reported by the Rocky Mountain High Intensity Drug Trafficking Area (RMHIDTA), in 2018 drivers involved in fatal crashes who tested positive for cannabis were far more likely to test positive for multiple substances as opposed to cannabis alone. In fact, 35 percent of these drivers tested positive for cannabis and alcohol, 29 percent tested positive for cannabis and other drugs, and 11 percent tested positive for a combination of cannabis, alcohol, and other drugs (RMHIDTA, 2019). This means that 75 percent of drivers involved in fatal crashes who tested positive for cannabis had multiple substances in their systems at the time of the crash.

### **How to Achieve Better DUI Detection**

Drug Recognition Experts (DREs) are critical to helping identify and stop impaired driving. Ensuring your law enforcement agencies have the necessary number of trained DREs in place is important. Cannabis levels dissipate quickly in a person's system while impairment remains, making expedited testing a critical need. Every state, but especially a state considering legalization of cannabis, should test for both drugs and alcohol among impaired drivers. This is a best practice that will lead to reduced recidivism, a better understanding of the issue, informed decision-making regarding policy and resource allocation, effective case disposition, and effective sentences tailored to offender supervision and treatment needs.

### **Update DUI Laws**

Effective Laws that ensure traffic safety and avoid underage consumption issues include:

- Inclusion of cannabis in the state's implied consent law,
- Expedited testing (oral fluid tests, electronic search warrants, and law enforcement phlebotomy),
- Administrative license revocation laws made specific to cannabis impairment,
- Expanded open container laws to include the various forms of cannabis available in the state,
- Strengthened laws for young drivers whose cognitive and driving skills are still developing by expanding the zero tolerance DUI-alcohol standard for people under 21 to also include cannabis. It is illegal to consume alcohol under 21 and then drive in every state. The same should be true for underage cannabis consumption and driving,
- Prohibit cannabis use for people under the age of 21 (allowing exceptions only for medicinal use).

In 2021, The Federal Government expanded funding for state highway safety offices to address impaired driving. We urge you to implement the following programs to create the infrastructure needed to effectively address cannabis and multiple substance impaired driving along with drunk driving. Links to important public safety information can be found in the email of this letter that was sent to all committee members on February 23.

- Specialized Law Enforcement Training
- Cannabis Impairment Detection Workshops (Green Labs)
- Expanded Drug Testing for Impaired Drivers
- Law Enforcement Phlebotomy
- Expedited Test Collection
- Effective Technology
- Advanced Vehicle Technology
- Rideshare
- Improved Data Collection
- Treatment Courts
- Monitoring Courts

NASID stands ready to assist Pennsylvania in its efforts to reduce cannabis impaired driving and underage consumption. Please contact us at [Darrin.grondel@nasid.org](mailto:Darrin.grondel@nasid.org) or [Kelly.poulsen@responsibility.org](mailto:Kelly.poulsen@responsibility.org) for any assistance we can provide.

Sincerely,



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