Drug-Impaired Driving & Legalization of Marijuana

40% of fatally-injured drivers with a known test result tested positive for drugs, almost the same level as alcohol at any positive BAC.

Source: 2013 Fatality Analysis Reporting System (FARS)

Brian Ursino, AAMVA Director of Law Enforcement
August 22, 2017
In November 2016, voters in four states (California, Maine, Massachusetts and Nevada) passed measures to legalize recreational use of marijuana.

Those results raised the number of states that legalized recreational pot to **eight** (joining Colorado, Washington, Oregon, and Alaska).
Meanwhile, 30 states have made marijuana legal for medicinal purposes. All of that activity has occurred despite the fact that the federal government still classifies marijuana as an illegal substance.
The Obama administration essentially ignored the growing legalization movement.

The Trump Administration (AG Sessions) has been vocal in opposition of legalized Marijuana – But it remains to be seen what federal action or inaction lies ahead on this issue.
What is a Plant? (Imagine 15 of these being legal)
Drugged driving is more complicated than drunk driving.

<table>
<thead>
<tr>
<th>DRUGGED DRIVING</th>
<th>DRUNK DRIVING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number:</td>
<td>Hundreds of drugs</td>
</tr>
<tr>
<td>Data on Use by Drivers &amp; Crashes:</td>
<td>Limited</td>
</tr>
<tr>
<td>Use by Drivers:</td>
<td>Increasing</td>
</tr>
<tr>
<td>Impairment:</td>
<td>Varies by type</td>
</tr>
<tr>
<td>Crash Risk:</td>
<td>Varies by type</td>
</tr>
<tr>
<td>Beliefs &amp; Attitudes:</td>
<td>No strong attitudes – public indifferent</td>
</tr>
</tbody>
</table>
• In 2010, 44.4% of cannabinoid-positive drivers were positive for delta-9 THC.

• In 2014, 84.3% of cannabinoid-positive drivers were positive for delta-9 THC.

• From 2010-2014, half or more of drivers positive for delta-9 THC exceeded the 5ng/ml per se.
Washington Statewide Blood Tests

- 2009: 4,809
- 2010: 5,014
- 2011: 5,131
- 2012: 5,298
- 2013: 5,468
- 2014: 6,270
- 2015: 7,043

Increase from 2009 to 2015:
- 2009-2010: 205
- 2010-2011: 117
- 2011-2012: 187
- 2012-2013: 170
- 2013-2014: 722
- 2014-2015: 773

Total increase from 2009 to 2015: 2,174
Washington Statewide Blood Tests

WSP Total DUI Arrests (TAS)

- 2009: 20,326
- 2010: 19,889
- 2011: 20,163
- 2012: 19,003
- 2013: 16,758
- 2014: 15,338
- 2015: 13,809
- 2016: 12,773
### Drivers in Fatal Crashes with THC

<table>
<thead>
<tr>
<th>Toxicology Outcomes</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
<th>2015pre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Tested</td>
<td>219</td>
<td>226</td>
<td>224</td>
<td>212</td>
<td>272</td>
<td>375</td>
</tr>
<tr>
<td>No Drugs, No Alcohol</td>
<td>147</td>
<td>151</td>
<td>151</td>
<td>147</td>
<td>116</td>
<td>155</td>
</tr>
<tr>
<td>Alcohol Only &lt;.079</td>
<td>15</td>
<td>8</td>
<td>6</td>
<td>7</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Alcohol Only &gt;.080</td>
<td>67</td>
<td>67</td>
<td>60</td>
<td>69</td>
<td>51</td>
<td>47</td>
</tr>
<tr>
<td>THC Only</td>
<td>9</td>
<td>7</td>
<td>13</td>
<td>7</td>
<td>20</td>
<td>24</td>
</tr>
<tr>
<td>Carboxy-THC Only</td>
<td>11</td>
<td>10</td>
<td>7</td>
<td>3</td>
<td>6</td>
<td>4</td>
</tr>
<tr>
<td>THC + Alcohol &lt;.079</td>
<td>3</td>
<td>1</td>
<td>0</td>
<td>3</td>
<td>6</td>
<td>5</td>
</tr>
<tr>
<td>THC + Alcohol &gt;.080</td>
<td>16</td>
<td>16</td>
<td>12</td>
<td>16</td>
<td>23</td>
<td>26</td>
</tr>
<tr>
<td>Carboxy-THC + Alcohol</td>
<td>12</td>
<td>6</td>
<td>11</td>
<td>9</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>THC + Drugs + Alcohol &lt;.079</td>
<td>0</td>
<td>0</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>THC + Drugs + Alcohol &gt;.080</td>
<td>2</td>
<td>5</td>
<td>2</td>
<td>3</td>
<td>6</td>
<td>10</td>
</tr>
<tr>
<td>Carboxy-THC + Drugs + Alcohol</td>
<td>10</td>
<td>2</td>
<td>5</td>
<td>2</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>THC + Drugs</td>
<td>6</td>
<td>3</td>
<td>8</td>
<td>5</td>
<td>17</td>
<td>12</td>
</tr>
<tr>
<td>Carboxy-THC + Drugs</td>
<td>10</td>
<td>5</td>
<td>3</td>
<td>7</td>
<td>5</td>
<td>4</td>
</tr>
<tr>
<td>Other Drugs Only</td>
<td>47</td>
<td>42</td>
<td>46</td>
<td>71</td>
<td>52</td>
<td>77</td>
</tr>
<tr>
<td>Other Drugs + Alcohol Only</td>
<td>20</td>
<td>18</td>
<td>19</td>
<td>20</td>
<td>24</td>
<td>18</td>
</tr>
</tbody>
</table>

Safe Drivers • Safe Vehicles • Secure Identities • Saving Lives
What Can We Do NOW?

Recommendations formed by an expert panel consisting of representatives from:

- AAMVA
- GHSA
- NHTSA
- ONDCP
- National Traffic Law Center
- CO GHSO
- WA GHSO
- Institute for Behavior and Health
- Responsibility.org


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What Can We Do NOW?

- Planning
- Education
- Laws and Sanctions
- Train practitioners
- Testing
- Prosecution and adjudication
- Data

Evaluate the effectiveness of:
- drugged driving laws
- education/awareness campaigns

Continue research on establishing the impairment produced by different concentrations of the most widely-used drugs.
For More Information
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