WiFi: CWAGNM
No Password
Marijuana, Opioids, and Driving: Challenges and Solutions

Erin Holmes, Director of Traffic Safety
Conference of Western Attorneys General
Santa Ana Pueblo, NM; July 30, 2018
Driver of vehicle that went airborne, became lodged in house told authorities he had smoked pot earlier.
Boy, 4, Found in SUV With Adults Who Allegedly Passed Out on Heroin; Ohio Police Post Pics
Report authored by Dr. Jim Hedlund

Recommendations formed by an expert panel consisting of representatives from:

- NHTSA
- ONDCP
- GHSA
- National Traffic Law Center
- AAMVA
- Colorado HSO
- WTSC
- Institute for Behavior and Health
- Responsibility.org
Drug-Impaired Driving
Marijuana and Opioids Raise Critical Issues for States

IN PARTNERSHIP WITH
RESPONSIBILITY.ORG
Alcohol-Impaired Driving Fatalities 1982-2016

TOTAL ALCOHOL-IMPAIRED DRIVING FATALITIES

Drunk driving fatalities have declined 50% from 1982 to 2016.

Source: NHTSA/FARS, 10/17
Why have we made progress?

• Passage of laws to target multiple facets of the problem
• Sustained and high visibility enforcement efforts
• Identifying the countermeasures that work; evaluation and strengthening of programs
• Targeting high-risk offenders
• Assessment and treatment
• Public education and awareness
• Changing societal norms
Drug and alcohol, percentage of fatally-injured drivers, known test results

- 2006 FARS Final File: 41%, 38%, 38.1%, 37.9%
- 2015 FARS Annual Report: 43%, 43.4%, 43.6%

Legend:
- % alcohol if known alcohol test result
- % drug if known drug test result

Source: NHTSA Fatality Analysis Reporting Systems (FARS)
Drug-Impaired Driving

Marijuana and opioids in drug-positive fatally-injured drivers,

- Both marijuana and opioids
- Opioids, no marijuana
- Marijuana, no opioids
- Other drug (no marijuana or opioids)

Source: NHTSA FARS
<table>
<thead>
<tr>
<th>Test Type</th>
<th>Weekday Days</th>
<th>Weekend Nights</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tested positive for some drug or medication</td>
<td>22.4%</td>
<td>22.5%</td>
</tr>
<tr>
<td>Illegal drugs, including marijuana</td>
<td>12.1%</td>
<td>15.2%</td>
</tr>
<tr>
<td>Medication</td>
<td>10.3%</td>
<td>7.3%</td>
</tr>
<tr>
<td>Marijuana</td>
<td>11.7%</td>
<td>12.6%</td>
</tr>
<tr>
<td>Alcohol</td>
<td>1.1%</td>
<td>8.3%</td>
</tr>
</tbody>
</table>

Fatal Road Crashes Involving Marijuana Double After State Legalizes Drug

FATAL CRASHES INVOLVING DRIVERS WHO RECENTLY USED MARIJUANA DOUBLED IN WASHINGTON AFTER THE STATE LEGALIZED THE DRUG IN 2012.

Source: AAA Foundation for Traffic Safety
The challenge of polysubstance use
**DUID crash risk**

![Table 3: Crash Risk Associated with Drug Use in European Studies](chart)

<table>
<thead>
<tr>
<th>Risk level</th>
<th>Relative risk</th>
<th>Drug category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Slightly increased risk</td>
<td>1-3</td>
<td>marijuana</td>
</tr>
<tr>
<td>Medium increased risk</td>
<td>2-10</td>
<td>benzodiazepines cocaine opioids</td>
</tr>
<tr>
<td>Highly increased risk</td>
<td>5-30</td>
<td>amphetamines multiple drugs</td>
</tr>
<tr>
<td>Extremely increased risk</td>
<td>20-200</td>
<td>alcohol together with drugs</td>
</tr>
</tbody>
</table>

*Shulze et al., 2012; Griffiths, 2014*
16% The number of alcohol-positive drivers* killed in crashes who also tested positive for drugs increased more than 16% from 2006 to 2016.

*With known test results for both drugs and alcohol.

Source: NHTSA Fatality Analysis Reporting Systems (FARS)
Alcohol and Poly-Drug Use in Fatal Crash Involved Drivers, 2008-2016

- One Drug Only (not Alcohol or THC) 12%
- THC Only 6%
- Alcohol Only 38%
- Poly-Drug (Any combination of the other categories) 44%

Drugged driving is more complicated than drunk driving.

<table>
<thead>
<tr>
<th>DRUGGED DRIVING</th>
<th>DRUNK DRIVING</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Number:</strong> Hundreds of drugs</td>
<td>Alcohol is alcohol</td>
</tr>
<tr>
<td><strong>Data on Use by Drivers &amp; Crashes:</strong> Limited</td>
<td>Abundant</td>
</tr>
<tr>
<td><strong>Use by Drivers:</strong> Increasing</td>
<td>Decreasing</td>
</tr>
<tr>
<td><strong>Impairment:</strong> Varies by type</td>
<td>Well-documented</td>
</tr>
<tr>
<td><strong>Crash Risk:</strong> Varies by type</td>
<td>Precise</td>
</tr>
<tr>
<td><strong>Beliefs &amp; Attitudes:</strong> No strong attitudes – public indifferent</td>
<td>Socially unacceptable</td>
</tr>
</tbody>
</table>

GHSA
RESPONSIBILITY.ORG
Reinventing the wheel.
Knowing *when* and *how*.
**Drug-Impaired Driving**

**NOT RECOMMENDED:** Impaired Driving Per Se Laws for Marijuana or Opioids

<table>
<thead>
<tr>
<th></th>
<th>Alcohol</th>
<th>Marijuana/Opioids</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drivers know impairing effects?</td>
<td>✔️</td>
<td>🚫 Dose response is difficult to predict, varies significantly</td>
</tr>
<tr>
<td>Correlation with impairment?</td>
<td>✔️ Presence = impairment</td>
<td>✔️ Presence ≠ impairment</td>
</tr>
<tr>
<td>Measurable at typical time of blood draw?</td>
<td>✔️ Dissipates gradually</td>
<td>🚫 Dissipates rapidly</td>
</tr>
</tbody>
</table>

[RESPECTIBILITY.ORG](http://RESPECTIBILITY.ORG)
**Policy Options**

- **Establish a state task force to address DUI/DUID.**
  - Include every facet of the DUI system, including advocacy groups and other interested parties, to create a strategic plan to prevent and reduce DUI/DUID.

- **Provide more tools to law enforcement.**
  - Provide funding to train officers (DRE/ARIDE).
  - Launch an oral fluid pilot program to identify DUI/DUID drivers effectively and efficiently.

- **Establish enhanced penalties for polysubstance-impaired driving.**
  - Drugs used in combination or with alcohol cause greater impairment and heighten crash risk. This justifies tougher sanctions similar to those in place with drivers who have high blood alcohol concentrations (BACs of .15+).

- **Require treatment if indicated by an assessment.**
  - Tie treatment completion to re-licensing as a condition of probation.

- **Increase the number of DUI or hybrid DUI/Drug Courts.**
  - Increase the number of DUI or hybrid DUI/Drug Courts in your state to deal with the highest-risk offenders (e.g., repeat offenders). These programs are highly effective in reducing recidivism and saving costs.

- **Improve your state’s DUI/DUID data collection.**
  - Mandate alcohol and drug testing of all fatally-injured drivers.
  - Encourage alcohol and drugs testing for surviving drivers in fatal and serious-injury crashes.
Create parity in sanctions between DUI and DUID where appropriate.

Many states have unequal penalties for DUI and DUID.

Mandate screening and assessment.

All impaired drivers need substance use and mental health disorder screening/assessment to identify underlying causes of offending and to reduce recidivism.

Establish a zero tolerance law for all drugs, including marijuana, for drivers under the age of 21.

Impairment plus inexperience increases youth crash risk relative to other age groups. This law establishes parity with existing zero tolerance laws for alcohol for drivers under the age of 21.

Separate DUI and DUID statutes.

It is important to accurately quantify alcohol, drug, and polysubstance-impaired driving and not report all three as a single behavior.

Ensure that the language in your DUID statute is broad enough.

Ensure that the language in your DUID statute is broad enough to include inhalants and emerging synthetic/designer drugs.

Additional Sources

For more information about DUID, refer to Drug-Impaired Driving: A Guide for What States Can Do, produced by the Governors Highway Safety Association (GHSA) with funding from Responsibility.org. It summarizes the state of knowledge on DUID and identifies state actions to address the problem.
GRINDING ONE CAN CRASH THE OTHER

DON'T DRIVE HIGH
CONSUMING CAN CAUSE CRASHING.

It takes up to two hours for an edible to affect you. Don’t be behind the wheel when your high hits.

IF YOU’RE HIGH, DON’T DRIVE.
PRESENT 320

A MOVEMENT TO PLAN A RIDE BEFORE YOU'RE HIGH

CDOT, LYFT, AND POT INDUSTRY HELPING SMOKERS

DENVER
QUESTIONS?
Erin Holmes
Director, Traffic Safety
Foundation for Advancing
Alcohol Responsibility
erin.holmes@responsibility.org
(202) 445-0334
WiFi: CWAGNM  No Password