



October 11, 2023

MADD letter regarding SB 486 relating to the legalization of recreational cannabis

Dear Chairman Wanggaard and Senate Judiciary and Public Safety Committee members,

Mothers Against Drunk Driving (MADD) is deeply alarmed by the historic increases in traffic deaths in Wisconsin and across the country, largely due to impaired driving, speeding and not using seatbelts. As Wisconsin considers legalizing recreational cannabis with SB 486, please prioritize road safety and protecting your communities from the tragic consequences of driving while under the influence of impairing substances. Every state that chooses to legalize recreational cannabis must take into account the additional funding required for high-visibility enforcement of impaired driving laws, educating the public and enacting regulations that strictly prohibit the sale of cannabis to people who are under 21.

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 State, Colorado and Oregon, there have been dramatic increases in drivers involved in crashes who test positive for presence of cannabis and multiple impairing substances since legalizing the use of recreational cannabis.

MADD is calling on all states that have legalized or will legalize recreational cannabis to establish strong provisions that will help prevent cannabis-impaired and multiple substance-impaired driving and underage consumption. The following actions are vitally important to proactively address the increased risks of wholly preventable crashes, deaths, and injuries on our roads:

- Provide funding for law enforcement training such as Drug Recognition Expert (DRE) and Advanced Roadside Impaired Driving Enforcement (ARIDE) and additional resources for equitable traffic safety enforcement of hazardous driving behavior.
- Prevent underage cannabis consumption and sales to include public education and engagement.
 - Direct the appropriate state agency to develop best practices to prevent underage cannabis consumption and impaired driving among people under 21.
 - Direct the appropriate state agency to provide an annual report to state lawmakers on data and programs in place to prevent underage drinking and underage cannabis use.
 - Dedicate revenue generated from cannabis taxes to go to the appropriate state agency for programs to prevent underage cannabis consumption. These funds can help implement programs to prevent underage cannabis consumption, including screening and assessment programs, training, and technology to prevent underage sales, and public education and awareness campaigns to inform the public about underage cannabis consumption.
- Pass legislation lowering the state alcohol-impaired driving limit to .05 blood alcohol concentration (BAC) to help prevent and deter driving while under the influence of multiple substances such as alcohol and cannabis.
- Launch public education campaigns to inform about the dangers of driving under the influence of cannabis, alcohol or any other drug, and multiple impairing substances.
- Dedicate cannabis tax revenue to prevent impaired driving. This funding should be directed to carry out research and data collection and fund existing impaired driving programs to include:
 - Programs for officer training and technologies to detect drug-impaired driving

- Initiatives to expedite impaired driving investigations at the roadside
- Support expanded and comprehensive forensic toxicology for impaired driving
- Provide best practices training to prosecutors, judges, probation officers and toxicologists
- Implement impaired driving prevention strategies by the National Highway Traffic Safety Administration (NHTSA), in consultation with other agencies and key stakeholders as appropriate.
- Encourage the state highway safety office to utilize NHTSA grant funding to combat multiple substance impaired driving and through the use of ignition interlocks for drivers who are impaired by alcohol and other drugs.
 - People who drive under the influence of alcohol and drugs are up to 200 times more likely to be involved in a crash (Shulze et al., 2012; Griffiths, 2014). While there is not yet a device to prevent people from driving while impaired by cannabis, ignition interlocks detect alcohol consumption and can prevent driving while impaired by a combination of alcohol and other drugs.
- Ensure state toxicology labs are fully funded so that tests are processed in a timely manner.
- Direct the state highway safety office to utilize federal highway grant dollars from NHTSA to support a wide range of activities to prevent and measure cannabis-and multiple substance-impaired driving including:
 - Research on better methods to detect drug-impaired driving
 - Streamlining drug impaired driving data collection
- Strengthen funding for driving while intoxicated and multi-purpose specialty courts. These programs involve judges and staff trained and equipped to specifically adjudicate and treat impaired drivers. State highway safety offices often collaborate with state justice and health authorities on specialty courts for impaired driving and related initiatives.

Thank you for this opportunity to provide our recommendations to eliminate impaired driving and underage cannabis consumption. MADD urges you to ensure that any legislation considered regarding cannabis legalization incorporates these key provisions. If you have any questions, please do not hesitate to contact me at Erin.Payton@madd.org or 630-541-6099. Thank you in advance for your prompt consideration of this important request.

Sincerely,

Erin Payton
MADD Wisconsin Executive Director

The challenge of detecting cannabis impairment

The United States has decades of science on the study of alcohol impairment. However, researchers have been unable to define a standard of impairment for cannabis that is actionable for the enforcement and prosecution of impaired driving laws. Current procedures for testing drivers for impairing drugs face many shortcomings, including:

- Drugs with tetrahydrocannabinol (THC), the psychoactive component of cannabis, are metabolized quickly, producing maximum impairment 20-40 minutes after smoking.
- Drug testing among impaired drivers is almost always delayed and is typically administered between 90-120 minutes after arrest, if administered at all.
- As THC rapidly clears from a person's blood after smoking, cannabis tests may not be effective at that time.
- Drug testing of injured drivers is done a few hours or even longer after crashes, drug tests are not always given when alcohol impairment is confirmed.