

Drugged Driving

BY NATALIE FERTIG AND TAYLOR MILLER THOMAS | 07/09/2021 05:00:09 AM EDT

PRO POINTS

- **State-level data shows that a growing number of accidents involve drivers who test positive for cannabis use in states where the drug has been legalized.** In some places, task forces and police trainings have been set up to study the issue.
- **There are generally two ways experts assess THC intoxication: urine sampling for the metabolites created when the body breaks down THC, and “active THC” in saliva, blood or plasma.** Neither of these methods can prove whether someone is actively impaired.
- **Congressional legislation introduced this session would fund a study of impaired driving, including pot use, and educational programs to reduce driving under the influence of marijuana, alcohol and other substances.**

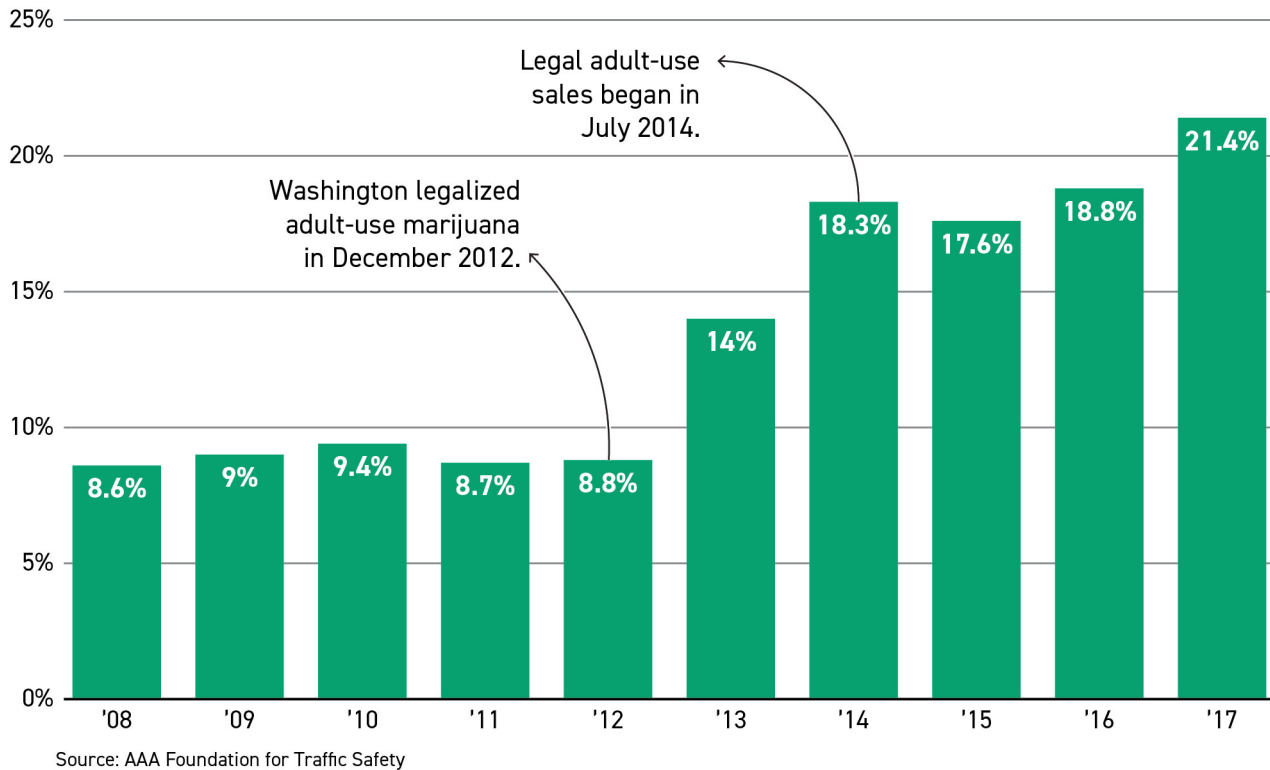
HOW WE GOT HERE

The steady rise in the number of states and U.S. territories that have legalized recreational cannabis over the past five years has created a complex policing problem: More drivers under the influence of marijuana have hit the roads but laws and testing measures have not yet caught up.

THC can remain in a person’s body for weeks after use, meaning the type of real-time testing used to measure alcohol consumption cannot gauge marijuana “intoxication.” Data from Washington — one of the first two states that voted to legalize cannabis in 2012 — shows that fatal accidents involving positive THC tests have increased. In 2012, 8.8 percent of drivers involved in fatal crashes in Washington tested positive for the drug. By 2014, the year legal sales began, the number steadily increased to 18.3 percent, and 21.4 percent by 2017.

21 percent of Washington drivers in fatal crashes in 2017 were THC positive

PERCENTAGE OF WASHINGTON DRIVERS IN FATAL CRASHES WHO WERE THC POSITIVE, ESTIMATE

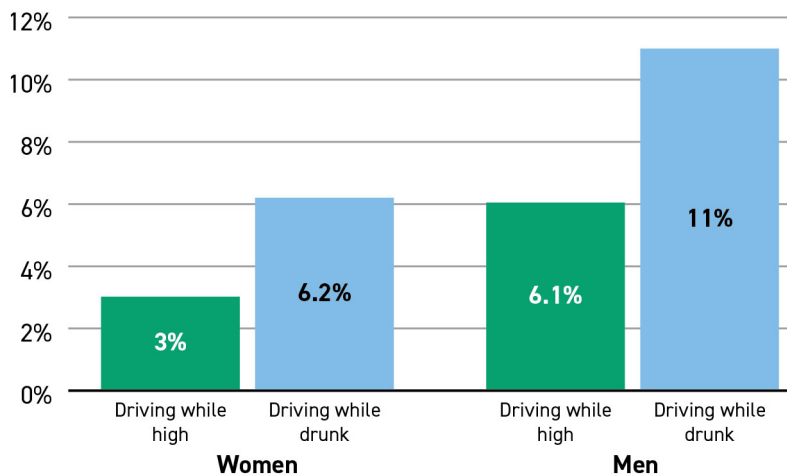


So far, efforts to detect THC in blood, saliva and urine tests break down in two ways. Most marijuana drug testing is done by sampling urine for the metabolites created when the body breaks down THC — not for THC itself. Other testing methods look for “active THC” in saliva, blood or plasma. Still, while active THC sampling can show if someone has used cannabis within the last few hours, none of these methods can prove whether someone is actively impaired and should not be operating a vehicle.

A report published in December 2020 in the Journal of Safety Research looked at responses from the 2016-2018 National Surveys on Drug Use and Health. The survey found that in the past year, 8.52 percent of adults reported driving drunk and 4.49 percent of adults reported driving high.

Men and women both more likely to drive drunk than high

DRIVING UNDER THE INFLUENCE IN THE PAST YEAR



Source: Yockey et al., "Drugged driving among US adults: Results from the 2016–2018 national survey on drug use and health," *Journal of Safety Research*, 10/27/20
<https://doi.org/10.1016/j.jsr.2020.10.006>

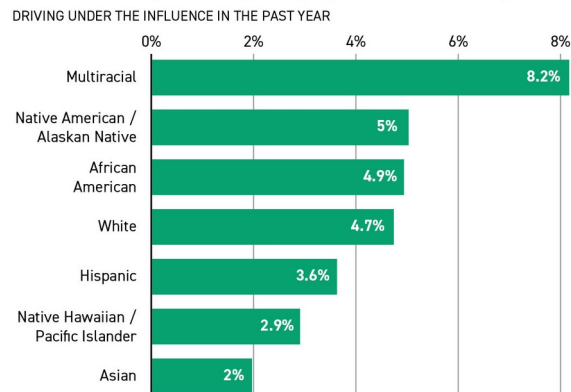
WHAT'S NEXT

How to accurately test for and hold people accountable for drugged driving has increasingly become an issue during state legalization discussions – and even [stalled New York's legalization effort](#) for a time this past March. But marijuana's federal illegality means there are [onerous restrictions](#) on and little motivation for federal agencies to conduct research into THC intoxication. Reps. [Debbie Lesko](#) (R-Ariz.) and [Kelly Armstrong](#) (R-N.D.) have each introduced legislation related to drugged driving, but neither bill has gained any cosponsors, and there is not a clear path forward for either.

37 states have already legalized either medical or recreational cannabis use for adults – a popularity that is certain to keep the issue of drugged driving alive during legislative deliberations until better tests are developed. California's Legislature set up the [Impaired Driving Task Force](#) to find solutions for drugged driving testing. New York [has chosen to rely](#)

on police officers with drug recognition training, and commissioned a study into testing technology. Other states, like Colorado, set legal limits for blood THC content. There are already a number of potential solutions in development. University of California San Diego psychiatrist Thomas Marcotte is working to develop a physical performance test cops can use to recognize impairment. And startup [Hound Labs](#), founded by an emergency room doctor named Mike Lynn, is attempting to develop a cannabis breathalyzer.

Rates of driving while high vary by race and ethnicity



Source: Yockey et al., "Drugged driving among US adults: Results from the 2016-2018 national survey on drug use and health," *Journal of Safety Research*, 10/27/20
<https://doi.org/10.1016/j.jsr.2020.10.006>

POWER PLAYERS

- **National Highway Traffic Safety Administration:** The NHTSA is the federal agency most closely involved in trying to monitor data on and develop solutions for reducing drugged driving incidents. NHTSA employees around the country partner with state officials, and NHTSA reports inform most of the conversations lawmakers have about the issue on Capitol Hill.
- **Thomas Marcotte, University of California, San Diego:** One of a number of scientists around the country who is working to develop a physical test that will measure cannabis intoxication. Law enforcement is hoping officers can be trained to use a reliable test in the field.
- **Mike Lynn, CEO of Hound Labs:** An emergency room doctor who has founded a startup to create a marijuana breathalyzer. He is partnering with the Oklahoma Department of Public Safety to test his technology.
- **Reps. Debbie Lesko (R-Ariz.) and Kelly Armstrong (R-N.D.):** Two GOP lawmakers who have introduced bills, the [Impaired Driving Study Act](#) and the [Safe Driving Vehicles Act](#), that attempt to address driving under the influence of marijuana through public education campaigns and federal studies.