



**Testimony before the Joint House Judiciary and Transportation Committee
Public Hearing on DUI/Drugged Driving
Jana Tidwell, Manager of Public & Government Affairs, AAA Mid-Atlantic
on behalf of the PA AAA Federation – April 20, 2018**

Thank you Chairmen of the House Judiciary and Transportation committees for facilitating this important discussion. My name is Jana Tidwell and I am the spokesperson for AAA Mid-Atlantic speaking on behalf of the Pennsylvania Federation of AAA Clubs, which represents more than three million Pennsylvania motorists.

The issue before you is complex and impacts many public policy areas. I am here today to raise AAA's grave concerns regarding the impact recreational marijuana legalization will have on the safety of our roadways, including but not limited to:

- A significant increase in the proportion of fatal crashes involving recent use of marijuana.
- A lack of tools to determine impairment based on the presence of active-THC.
- A lack of understanding by the general public about the impairment capabilities of today's marijuana and the impact that it has on driving ability.

AAA continues to investigate the full impact that legalization has had in other states and we strongly believe that before Pennsylvania, or any state considers legalizing recreational marijuana, we need to take a collective pause.

- We know that drugged driving is on the rise and far more prevalent than the public may realize, which is why we held a Drugged Driving Policy Summit in Harrisburg one year ago.
- The Pennsylvania AAA Federation set out with the goal of increasing education, enforcement resources, and ultimately reaching zero impaired driving fatalities. More than 150 participants – legislators, law enforcement officials, health care experts, traffic safety advocates, members of the treatment community and national experts – gathered to discuss Pennsylvania's challenges and educate each other to the experiences different agencies encounter in dealing with this complex issue first hand.

An exclusive AAA poll conducted in March 2017 found:

- **72 percent** of Pennsylvania drivers say they are somewhat or very concerned about the dangers posed by others driving under the influence of marijuana, should it be legalized for recreational use.
- **92 percent** of those surveyed by AAA consider someone driving after using illegal drugs a serious threat to their safety.
- **54 percent correctly identify drug overdoses as the leading cause of death in Pennsylvania** when asked to choose among overdoses, traffic crashes, shootings and falls.
- Surprisingly, the poll revealed that motorists have quickly grasped the dire threat to their safety posed by others driving under the influence of illegal drugs. ***This is especially significant when***

***considering* the number of years it took to change social perceptions about the dangers posed by drinking and driving.**

- Nationally, the AAA Foundation for Traffic Safety released its 2017 Traffic Safety Culture Index report last month, noting more than half (54.9%) of drivers believe that drivers using drugs pose a much bigger problem or somewhat bigger problem today than they did three years ago.
- The majority of drivers (90.8%) perceive people driving after using illegal drugs to be either a very serious threat or a somewhat serious threat to their personal safety.

Additional research by the [*AAA Foundation for Traffic Safety*](#) found an alarming increase in the proportion of drivers involved in fatal crashes who had recently consumed marijuana following the legalization of recreational marijuana use in Washington State in November 2012. According to AAA Foundation's research:

- **Fatal crashes involving drivers who recently used marijuana more than doubled** – from 8 percent to 17 percent.
- **One in six drivers involved in fatal crashes tested positive for active-THC**, the ingredient in marijuana that causes impairment.
- According to the 2013-2014 National Roadside Survey from the National Highway Traffic Safety Administration (NHTSA), drug use among night-time weekend drivers has increased nationwide by 25 percent since 2007, when the last survey was conducted. The drug showing the greatest spike was marijuana, with an increase of 48 percent.
- This is particularly concerning since research has shown that marijuana can have significant effects on driver behaviors behind the wheel.
- And, not surprisingly, as a new Governor's Highway Safety Association report found, on pedestrians as well. The seven states and the District of Columbia that legalized recreational marijuana use between 2012 and 2016 experienced a collective 16.4% increase in pedestrian fatalities for the first half of 2017, while all other states saw a combined 5.8% decrease.
- Marijuana impairs psychomotor skills and cognitive functions, including reaction time, distance perception, lane tracking, motor coordination, and attention span.
- However, because no roadside device testing procedures currently exist to reliably predict driver impairment due to the consumption of marijuana (similar to a BAC), most states are not fully prepared to handle an increased spike in drugged driving.
- Unlike with alcohol, the presence of certain amounts of THC, the active ingredient in marijuana in the bloodstream, does not correlate with driver impairment.
- As a more effective alternative, AAA recommends a two-component system that requires (1) a positive test for recent marijuana use, and more importantly, (2) behavioral and physiological evidence of driver impairment.
- This system would rely heavily on two current law-enforcement training programs: Advanced Roadside Impairment Driving Enforcement (ARIDE) and the 50-state Drug Evaluation and Classification (DEC) program. These programs train law enforcement officers around the country to effectively recognize drug-impaired driving.

- Similar to last year's Pennsylvania Drugged Driving Policy Summit, AAA has now convened state policy summits on drugged driving in over half of the nation. The need for additional courtroom training for DREs was a common theme in nearly every state. DREs typically get only 90 minutes of training on courtroom testimony as they seek certification.
- Recognizing this important need, AAA established a partnership with the National Highway Traffic Safety Administration (NHTSA) and the International Association of Chiefs of Police (IACP)—the two organizations responsible for the DRE program—to develop, pilot and launch an 8-hour courtroom training program for DREs and prosecutors. The goal of the training is to assist and develop DREs and prosecutors to more successfully adjudicate drivers charged with drugged driving.
- It has taken many years to change attitudes about drinking and driving, and we must now begin the same process of educating the public about drugged driving.
- Part of the public's misperception comes from a lack of understanding of how marijuana has changed over the years. The potency of today's marijuana is exponentially stronger than what was on the streets in the 1960s, 70s and 80s. Active THC was 3 to 5%. Today, THC in marijuana buds = 15-25%, and 80-90% active THC in edibles and extracts. This significant increase in potency makes the impact on driving ability far more severe and often unexpected to the user.
- As an advocate for the safety of motorists and all roadway users, AAA is troubled by the safety implications of individuals using marijuana and getting behind the wheel.
- Quality data and research regarding the scope of the problem and its solutions are woefully lacking. More importantly, there is insufficient scientific data to provide motorists with reliable guidance on the use of the drug in a way that does not impact their ability to drive safely.
- Legalizing marijuana before we are prepared to manage the potential roadway safety consequences, and provide law enforcement officers with all the training and resources they need to address this issue, is dangerous...and it prioritizes new tax revenue over public safety.
- AAA continues to monitor this issue in Pennsylvania and across the country and we are committed to educating drivers on the dangers of drugged driving.
- Thank you for your time and consideration of the Pennsylvania AAA Federation's perspective. We look forward to working with you on this important traffic and travel safety issue.