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SB309: Drugged Driving - Oral Fluid Tests - Pilot Program
Judicial Proceedings Committee
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Marylanders are all too familiar with the dangers of drunk driving. Unfortunately, Driving Under the Influence of Drugs (DUID) is on the rise. In the past five years, nearly twice as many Maryland drivers were stopped for suspicion of drugged driving. Technology has become available that allows police to test drivers they suspect are impaired. In light of the ongoing conversation about legalizing recreational marijuana, it is time to create a pilot program to study the new roadside oral fluid screening instruments. The opt-in pilot would allow police officers to take oral fluid samples during traffic stops to screen for drug presence.

Alabama and Michigan are the national leaders in oral fluid testing, with nine other states having authorized their own programs. Alabama conducted its pilot in 2016 and launched its permanent program in 2018. In 2017, Michigan launched a one-year roadside drug testing pilot program, and recent reports indicate that their tests were confirmed accurate, by a second lab test.

According to a 2018 study by the Rocky Mountain High Intensity Drug Trafficking Area, marijuana-related traffic deaths in Colorado increased from 55 in 2013 (when recreational marijuana was legalized) to a shocking 158 in 2017. These are worrisome statistics at a time when Maryland is considering loosening our marijuana laws further.

Roadside oral fluid screening devices for drugs should be analogous to breathalyzers used to detect alcohol impairment. Local jurisdictions could choose their preferred testing instrument with the stipulation that the machines must:

- Mix the sample and reagents; analyze the contents; and interpret results within the machine;
- Print and store the results internally; and
- Process results in 15 minutes or less.

To confirm a positive test result, the sample would be sent to the lab for verification. To bring the screens to the highest standard, a positive sample, wherein an impairment is evident and an arrest is made, would be sent for further laboratory verification. The confirmation would be completed to assess the accuracy, validity, and specificity of the roadside screening device. During the pilot period, oral testing results would not be permitted as evidence for prosecutorial purposes.

This pilot program will help us develop permanent strategies to combat drugged driving. Our residents are trusting us to keep Maryland roads safe, and SB309 will help us protect our constituents.

I urge a favorable report on SB309.

THE BALTIMORE SUN

Most Americans don't think it's a problem to drive high.
Here's why it is.

baltimoresun.com/health/marijuana/bs-md-legalizing-marijuana-20190627-story.html



Maryland has seen a steady climb since 2012 in the number of drivers under the influence of cannabis and the number of crashes it caused, according to state data. (Joel Saget / AFP/Getty Images)

In the past month nearly 15 million people drove a car within an hour of using marijuana, according to a survey released Wednesday by AAA Foundation for Traffic Safety.

The effects from marijuana can be experienced anywhere from one to four hours after usage. Those under the influence of the drug are twice as likely to be in car crash, according to AAA.

Yet, 70% of Americans believe they're unlikely to get caught by law enforcement while driving high, the survey found.

Tom Woodward, coordinator of Maryland's drug recognition expert program, said it's just as dangerous to drive under the influence of marijuana as alcohol or other drugs, such as opioids, even though the impairments are not the same.

“We do know that marijuana certainly does cause impairment,” said Woodward, whose job it is to train law enforcement officers to recognize such impairment in drivers. “But because it’s different than alcohol, people don’t view it as being bad.”

The AAA survey found 7% of Americans said they approved of driving under the influence of marijuana more than other drugs such as alcohol or prescription drugs. More than any other age group, millennials are most likely to drive under the influence of marijuana at 14 percent, followed by Generation Z at 10 percent. Men are more likely than women to drive after using the drug.

But the idea that most Americans find it acceptable to drive while high on marijuana did not surprise Woodward. He related it back to educating people about the dangers of driving drunk, which began nearly 40 years ago. He hopes it won’t take as long this time.

“People used to think they couldn’t get caught for driving under the influence of alcohol either until public information campaigns,” Woodward said. “But that perception has changed. And I think it can change with marijuana, too.”

Maryland has seen a steady climb since 2012 in the number of drivers found under the influence of cannabis, another name for marijuana, and the number of related crashes, according to state data. From 2017 to 2018, marijuana-related crashes nearly doubled from 34 to 60. That means cannabis accounted for 32% of all drug-related crashes last year.

Woodward said he is working with the Maryland Highway Safety Office to create campaigns around marijuana and the dangers of driving after using the drug. Additionally, he said his office and law enforcement statewide have increased training for officers to detect those behind the wheel who are under the influence.

Officers use clues such as the inability to cross eyes, swaying or having a driver touch their finger to their nose to try to determine whether they are under the influence of marijuana. It's different from tests that might be used when alcohol is involved because someone's balance won't change as much with marijuana, Woodward said.

A survey from AAA Mid-Atlantic earlier this year revealed that nearly half of Marylanders, 48 percent, support legalizing recreational marijuana usage. The state decriminalized marijuana possession of up to 10 grams in 2014. Medical marijuana usage was legalized more than four years ago in Maryland but became accessible to residents only last year.

Mike Gimbel, former Baltimore County drug czar, said the survey results and prospect of the drug becoming legalized for recreational use is alarming. "I think we are really going down the wrong road here because we're trying to pretend like it's 1969 and it's just not," he said. "This is not your daddy's marijuana."

Gimbel said the drug has become increasingly stronger over the past several years with a predominantly higher THC content than before.

The former drug addict now does advocacy work across the state and said he has visited more schools this year than ever before. He said he feels like parents are sending a message to their children that it's better to smoke marijuana than to drink.

"I have kids who told me they have hallucinated on wax, a type of marijuana before," Gimbel said. "And we're just blowing it off like it's no big deal. It scares me, it should scare everyone and it should especially scare parents."

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