

**1. Other states that have legalized cannabis have maintained laws that allow the smell of cannabis to be probable cause to search a vehicle.**

**I'll focus primarily on Colorado, having recently visited there and observed only the rare instance of a vehicle passing and emitting the smell of pot smoke.** In contrast, smelling pot from a passing vehicle is a regular occurrence on Maryland highways and in the residential streets of my neighborhood.

**Below are the links to the relevant Colorado laws:**

[From a Colorado law firm](#): “They don’t have to see a joint lit to say, ‘There’s the evidence.’ **They can say, ‘I smell something like marijuana.’** That’s enough.” With probable cause that a vehicle has contraband—drugs, weapons, open containers of alcohol, stolen property, etc.—police can engage in a warrantless search.”

[From the Colorado government on probable cause related to open containers](#):

“No open containers:

- Neither drivers nor passengers are allowed to open any marijuana packaging and use the product while in a vehicle, even if you are not moving.
- You can be charged with a traffic offense if the marijuana product seal has been broken, some of the product has been consumed and **there’s evidence that it was used in the car.**”

[From a ruling of the Colorado Supreme Court](#):

“This inquiry is consistent with and reinforced by the Colorado Supreme Court's 2016 decision in *People v. Zuniga*, 372 P.3d 1052, 1057 (Colo. 2016), in which it was asked to review what “role the odor of marijuana can play in the totality of the circumstances test in light of the fact that possession of one ounce or less of marijuana is now allowed under Colorado law..... **The Colorado Supreme Court explained that the odor of marijuana is properly included in a totality of the circumstances analysis “and the possibility of an innocent justification merely affects a fact's weight and persuasiveness, not its inclusion in the analysis.”** Id. at 1058”

**2. Traffic fatalities are increasing since legalization of cannabis in Maryland**

<https://patch.com/maryland/baltimore/crash-deaths-md-roads-surpass-5-year-average-data>

In keeping with published reports on traffic fatalities increasing in other states that have legalized this drug:

<https://www.sciencedirect.com/science/article/abs/pii/S095539592300049X>

**“Consistent with past studies, results from conventional TWFE suggest traffic fatalities increase at a rate of 1.2 per billion vehicle miles traveled (BVMT) after retail of recreational marijuana begins.** However, using the CS-DID model, we find slightly larger average total treatment effects (~2.2 fatalities per BVMT). Moreover, the size of the effect changes across time, where cohorts “treated” earlier have substantially higher increases than those who more recently legalized.”

<https://www.cmajopen.ca/content/cmajo/9/1/E233.full.pdf>

**“Recreational cannabis legalization in the US was associated with a relative increased risk of fatal motor vehicle collisions of 15% and a relative increase in associated deaths of 16%, with no conclusive difference between the first and subsequent years after legalization.** These findings raise concern that there could be a similar increase in fatal motor vehicle collisions and associated deaths in Canada following recreational cannabis legalization.”

<https://jamanetwork.com/journals/jamainternalmedicine/article-abstract/2767643>

#### **Change in Traffic Fatality Rates in the First 4 States to Legalize Recreational Marijuana**

**“Our unadjusted difference-in-difference analysis showed an increase of 2.1 (95% CI, 1.2-2.9; P < .001) traffic fatalities per billion vehicle miles traveled (BVMT) in experimental states relative to control states in the post-commercialization study period. Including covariates, the increase was 2.1 (95% CI, 1.3-3.0; P < .001) traffic fatalities per BVMT.”**

- 3. How can any of us forget that the horrific crash on the Baltimore Beltway in 2023 that killed 6 construction workers instantly, involved a woman driving at 120 mph while positive for THC?** We may never know how many more fatalities like this involve driving under the influence of marijuana. In the Beltway case, it was only because the NTSB was involved that drugs had to be tested for. This information was kept quiet by Maryland officials as long as possible, until the court documents were filed by necessity.

In addition to traffic accident fatalities increasing, crime is increasing markedly in my county since legalization (<https://owingsmills.patch.com/>), as has been seen in other states that have legalized, primarily driven by the expansion of black market activities (a simple google search will pull up many examples of this[ phenomenon, from California to Colorado to Canada). Without laws like SB0396 to help protect the public health and safety of citizens from the consequences of marijuana legalization, I will consider moving from Maryland to a safer state.