

2023 MN DRUGGED DRIVING SUMMIT





Legalization of Cannabis and the Effects on Traffic Safety

Colorado's Story





Glenn Davis

- Colorado (COLO) Governor's Highway Safety Office (HSO)
- Highway Safety Manager since 2004
- Chair of Colo Task Force on Drunk and Impaired Driving
- HSO Representative to Gov. Hickenlooper's Cannabis Cabinet, Data Group, Law Enforcement Group & Education Oversight Committee
- Retired from Littleton Police (CO) 25 years
- 18th Judicial District Drug Task Force
- Drug Recognition Expert (DRE) Instructor,
- Course Manager and Agency Impaired Driving Coordinator
- BA-Criminal Justice & MEd-Colorado State University





Colorado Language is Important

- We =The COLO HSO
- Marijuana = Cannabis
- Marijuana when in statute = Marijuana
- Medical Marijuana = Cannabis
- Recreational Marijuana = Cannabis
- Marijuana User = Cannabis Consumer
- Using Cannabis = Partaking
- Traffic Accidents = Crashes
- Cannabis Industry = Partners





Language is Important (Part 2):

- Problems = Challenges
- Cannabis Consumers = Audience
- Opportunities = Issues needed to be resolved, adjusted or improved upon
- Police, Troopers, Deputies = Colorado Law Enforcement
- Delta 9 THC = the main psychoactive substance found in cannabis as identified by Colorado Law
- Cannabinoid = Chemical compound(s) found in cannabis
- Nanogram = 1,000,000,000th of a gram
- There are no fortunes = Fortunately-Unfortunately





Flow of Show

- I do not do presentations.
- I tell stories to traffic safety partners.
- I will not try sell Colorado's position to be yours.
- Your state will develop its responses and develop its own culture.
- Colorado's story is a continuing story of the 7 lessons learned and continual learning.
- I will expound on the Colorado's HSO lessons learned.
- The HSO has seen that most states going through this cultural change will have the same or similar challenges.
- Expert?
- Timing?
- At the end of lessons learned I will address the topics I was sent.



Positions of the Colorado Highway Safety Office (HSO)

COLO's Story is a Story of Lesson's Learned

Viewing the situation from “Colorado Lens”

Advocate for Legalized Recreational Cannabis?

COLO Constitutional Amendment #64

Good Government! “Down that Road?”

Candor!

Realist!

Stay in Lane (Traffic Safety)





Lessons Learned: 1. Beware the Tipping Point

Why? Time to begin mobilize for your interests:

COLO Tipping Points:

- Management of Amendment #20
- Polling Data
- Election Demographics (2012)
- Advocacy of Proponents
- Evolving state culture
- Other States (WA,OR,AK)-Legislative talk/buzz of \$ales
- Colo HSO takes no position on state initiatives/ready to adjust



Amendment 64 language ■

- <https://www.fcgov.com/mmj/pdf/amendment64.pdf>

- (1) Purpose and findings.

- (III) DRIVING UNDER THE INFLUENCE OF MARIJUANA SHALL REMAIN 5 ILLEGAL;

- (b) IN THE INTEREST OF THE HEALTH AND PUBLIC SAFETY OF OUR 24 CITIZENRY, THE PEOPLE OF THE STATE OF COLORADO FURTHER FIND AND DECLARE THAT MARIJUANA SHOULD BE REGULATED IN A MANNER SIMILAR TO ALCOHOL *



2. Position your agency(s) for funding:

Why? Other agencies are preparing or have prepared their budgets. Be Real but
Cannabis in Colorado is taxed at 2.9% state sales and 15% retail sales tax, excise tax 15% included in purchase price. \$40,000,000 of excise tax goes to schools

Colorado HSO Budgets Examples:

- Example #1. Drug Recognition Expert (DRE) Program 2014 Budget \$50,000, 2015 Budget \$500,000
- Example #2. Impaired Driving Awareness (Office of Communications) \$300,000 of NHTSA 405D, 2015 budget \$950,000 from Marijuana User Cash Tax Fund (MUCTF).
- Example #3 Legislative HB 21-1317
Regulating Marijuana Concentrates
For the 2021-22 state fiscal year, \$2,000,000 is appropriated to the department of transportation



2. Position your agency(s) for funding:

Cannabis Taxes generated\ about \$1,160,000 a day. \$423,486,053 in SFY 2022

Update: Every quarter collections increased until 2022. Until.....

Sharp Decline in Colorado Cannabis Sales Results in Nearly \$100 Million Decrease in 2022 Tax Revenue

“Colorado generated \$423 million in cannabis tax revenue in 2021, numbers released 1/11/23 show that Colorado cannabis taxes generated \$325 million. 24% decrease.”

Reasons for funding challenges: Not a hot story (Trinidad), Oversaturation of market, (1lb flower \$1600-\$900), Legislative changes HB31-1317 Regulating Concentrates affected Medical market Demanding regulations.

(b) THAT MARIJUANA SHOULD BE REGULATED IN A MANNER SIMILAR TO ALCOHOL



3. Advocate for traffic safety. Don't let it get lost.

Why?

Traffic Safety will be “hot” for a short period of time.

Public/Legislative misconception of Cannabis/Traffic Safety

Social Issues will be the focus.



Amendment 64 Task Force Advanced Roadside Impaired Driving Enforcement Encouraged?

Executive appointed Task Forces often short of traffic safety advocates but, long on advocacy groups



3. Advocate for traffic safety. Don't let it get lost

What got lost?: Definition of influence (Carried through to Alcohol)

(IV) If at such time the driver's blood contained five nanograms or more of delta 9-tetrahydrocannabinol per milliliter in whole blood, as shown by analysis of the defendant's blood, such fact gives rise to a permissible inference that the defendant was under the influence of one or more drugs.

A permissible inference suggests to a jury a possible conclusion to be drawn if the state proves certain facts but does not require the jury to make that conclusion.

Per Se Laws for Impaired Driving gone-or modified

STATE LAW: CANNABIS DRUG-IMPAIRED DRIVING LAWS

Opportunity to keep traffic safety relevant and on agendas.



4.Be, find or designate the “Expert” for impaired driving-cannabis

Why?

- Consistency of messages
- HSO? State Patrol? Other? Combination?
- Executive leadership needs reliable, quick and bullet point information
- Traffic issues will initially be “hot” an expert can keep them relevant
- Interested parties may self proclaim “expert” status



4.Be, find or designate the “Expert” for impaired driving-cannabis

Why?

- Public expects it
- As traffic issues ebb and flow media, executive will go to the known source
- Media looks for reliable and known resources/The HSO does not give “We don’t know responses”
- Drugged Driving



5. Seek partnerships early and often!

Why? There are new non-traditional partners involved.

Let me introduce you!

Feel free to compare and contrast with other groups you work with.

- Young
- Highly Educated
- Politically Savvy (Dress appropriately, on time, raise hands, true nameplates, listen, etc.)
- Well read (Your documents)
- Have an agenda
- Well funded
- Well connected
- Use “we”
- Open doors
- Cannabis is not a hobby it's a



5. Seek partnerships early and often



- **Mask a budtender: CDOT and MIG introduce cloth masks encouraging cannabis consumers to avoid impaired driving**



- <https://www.codot.gov/safety/impaired-driving/druggeddriving/campaign-news/mask-a-budtender>



6. Focus on what you can change/Look for opportunities to make change

- Speaking Tours-Trinidad Colo Example
- DATA!
- Initially everyone wants data whether it exists or not.
- Colo used this as an opportunity to improve data access and collection.
- One Pager VS [Marijuana Use, Alcohol Use, and Driving in Washington](#)
- Legislative actions created:
 - [Impacts of Marijuana Legalization in Colorado](#)
 - [Driving Under the Influence of Drugs and Alcohol](#)
- HSO Initiative created:
 - [The Cannabis Conversation](#)



6. Focus on what you can change/Look for opportunities to make change

- Drugged Driving | Uncomfortable High
- Cannabis Industry on State Impaired Driving Task Force
- 1. THE LEGALIZATION OF Marijuana in Colorado the Impact RMHIDTA



7. Keep focus on impairment (ng-device)

Why?

Impairment is not about ng or a device, it is about law enforcement's ability to identify and document indicia of impairment.

Changes:

[Hickenlooper Calls on DOT to Complete Report on Marijuana-Impaired Driving Research](#)

WASHINGTON - U.S. Senator John Hickenlooper requested an update from the Department of Transportation (DOT) on the status of a report identifying federal barriers to researching the effects of marijuana-impaired driving. Under the Bipartisan Infrastructure Law, which [Hickenlooper helped write](#), DOT [is required to submit a report](#) to Congress by November 2023 that identifies federal statutory and regulatory barriers to the conduct of scientific research on marijuana-impaired driving.



7. Keep focus on impairment (ng-device)

- HB22-1321

Study Of Devices Assessing Motorist Impairment

Concerning a study of devices that are based on FDA-cleared technology capable of self-assessing impairment of motorists to detect the presence of drugs other than alcohol during roadside sobriety investigations.

- [Cannabis Impairment Workshop \(NASID\)](#)



Minnesota VS Colorado:

- Population MN + 275,000
- Roadway Lane Miles MN + 105,000

2020 Data

Fatalities per 100,000 miles driven MN 0.76 CO 1.28

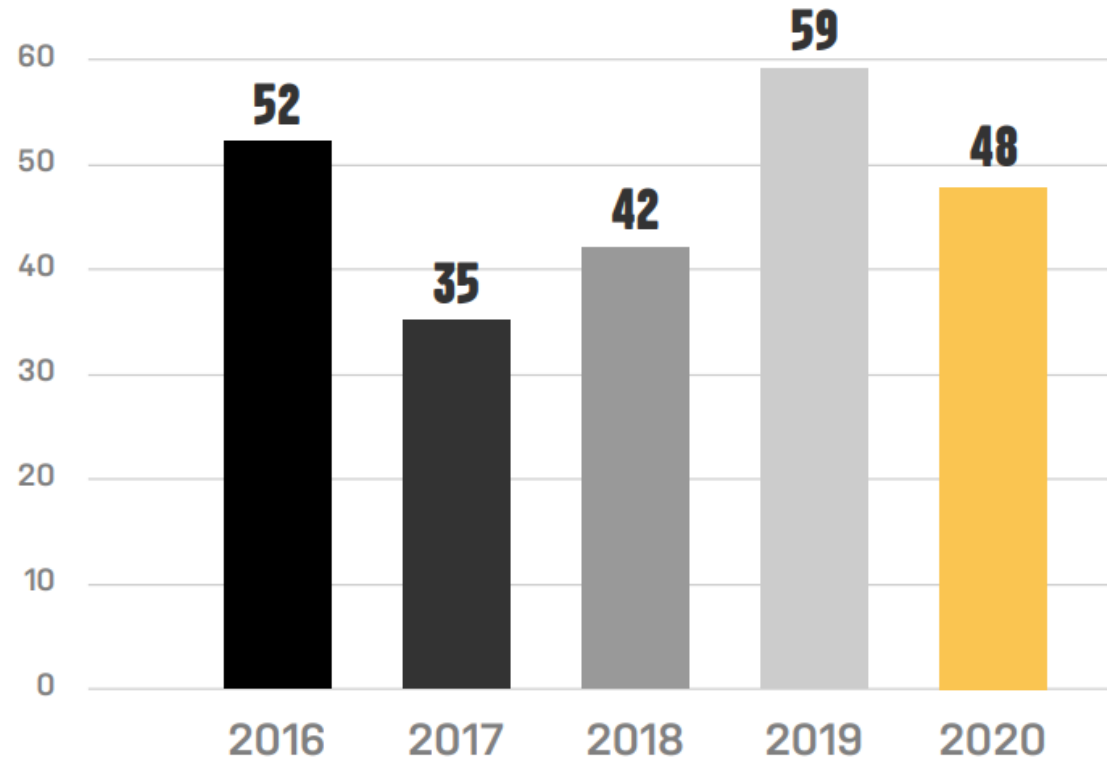
Total Fatalities MN 394 CO 622 (753 in 2022)

Towards Zero Deaths



FATALITIES IN CRASHES WITH DRIVER \geq 5NG THC

Fatalities in which the driver tested positive for 5 nanogram/mL or greater Delta-9 THC, 2016–2020





For years COLO has struggled with impaired driving (alcohol)

- In the 80s, groups like MADD, NHTSA and IACP led the changes with:
 - Advocacy for victims
 - Better Legislation
 - SFST
 - Expressed Consent
 - Drug Recognition Expert Training
 - Preliminary Breath Testing
 - Interlocks
- Colorado has a responsibility to lead and an opportunity to learn and begin to create a culture with Cannabis consumers of responsible use unlike the alcohol culture in the 1980s.
- Make this successful!/Responsibility to LEAD-Opportunity to Learn!



Follow Up ?s

How the fatal and severe crash rates have been affected

What the costs/impact is on the infrastructure

Impact on hospitals

RMHITDA Use Caution! Different views of psycho active cannabis

Impact on how much it is costing or making in revenue for the stat

Is the black market worse or better now that cannabis is legal

Are BCA labs backed up (Small population of blood choice by drivers)

What does the need for DRES look like? Double? Triple? The amount you had was fine

Is prosecution for driving impaired easier or harder? In what ways

What are some pieces of advice for a state about to go down this road? (The 7 lessons)

Should there be a per-se limit? Grabenauer Study

Is there legislation or research that can and should be conducted before legalization? What programs or policies could be put into place to help mitigate the problem of impaired driving and help reduce recidivism

How do you handle DWI when dealing with drugs and driving in the future (alcohol you get a breathalyzer to continue driving, what is the process for marijuana DWI?)





Experiential Learning 2017 campaign



- <https://www.codot.gov/safety/impaired-driving/druggeddriving/campaign->



Experiential lessons

- Tone is important – humor vs serious. Both have advantages.
- Don't pair images of death and destruction with cannabis use
- Put aside bias and stereotypes – remain neutral
 - Don't offend – Goal is to engage your audience
- Positive social norming can be a powerful approach
- Be clear - Are you driving people to awareness (law, dangers) or behavior change (take ride share, plan ahead)
 - “Marijuana” perceived as racist
- Local dispensaries = trusted messengers
- Cannabis partnerships:
 - At press conferences on impaired driving
 - Provide feedback on campaign and collateral material
 - Legislative Initiatives



Edibles/Creative

CONSUMING CAN CAUSE CRASHING.



It takes up to two hours for an edible to affect you.
Don't be behind the wheel when your high hits.

IF YOU'RE HIGH, DON'T DRIVE.



COLORADO
Department of
Transportation



MOVING TOWARDS
ZERO
DEATHS



Research-based learning: 2020-21 Campaign





Research-based learning: 2020-21 Campaign

Campaign name:

- *Uncomfortable High*

Tactics:

- Online videos, radio, print,

[Uncomfortable High](#)

<https://www.codot.gov/safety/impaired-driving/druggeddriving>





Current Research Findings

Message recommendations

- Show cannabis consumers making responsible choices.
- Talk about waiting longer after using cannabis since more appealing than planning ahead.
- Emphasize slowed-down reaction time after using cannabis.
- Avoiding stereotypes by showing a range of people who use cannabis.
- Tone:
 - Be direct and concise.
 - Avoid being preachy or overbearing.
 - Discuss credible risks and consequences.
- Choosing effective messengers is important



Current Research

What we know that doesn't work

(Cannabis Conversation 2018, Williams 2007, Capler et. al., 2017):

- Scare tactics, fear, or overstating the dangers of DUIC (e.g., damaged vehicles).
- Threats, especially the threat of government or law enforcement intervention.
- DUIC as overly risky, which may backfire (some young people like risk).
- Unrealistic or derogatory scenarios that may elicit mockery.

Messengers

Effective messengers include:

- Dispensaries and budtenders
- A range of people who use cannabis demonstrating safe behavior



Next Steps

- Seek to either validate - or reject - the findings from the literature
- Need for more research to learn which campaign attributes generate behavior change
 - Few campaigns show evidence of actual behavior change
 - Few campaigns provided specific insights into target audience



DON'T
DRIVE HIGH

I'LL BE BLUNT.
DON'T
DRIVE HIGH.





For Information on CDOT Impaired Driving Programs

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