



**AAA Mid-Atlantic Testimony in Opposition  
SB 708 - Cannabis - Legalization and Regulation  
Sponsor: Senators Feldman et al  
Senate Finance Committee  
Thursday, March 4, 2021**

- Good afternoon Madam Chair Kelley and Committee members. Thank you for the opportunity to testify before you today. My name is Ragina Ali and I am the Public and Government Affairs Manager for AAA Mid-Atlantic in Maryland, where we represent nearly one million members across the state.
- While we recognize the complexities of SB 708 and the many public policy impacts of the legislation, AAA opposes the legalization of recreational cannabis due to the inherent traffic safety risks.
- The proportion of fatal crashes involving drivers who recently used cannabis doubled in Washington state after legalization, according to research by the AAA Foundation for Traffic Safety (2020).<sup>1</sup> Crash rates and insurance claims also increased in Colorado, Nevada and Oregon after recreational cannabis legalization passed. (Insurance Institute for Highway Safety, 2018) <sup>2</sup>.
- Data from the Colorado Division of Criminal Justice shows the number of fatalities with cannabinoid-only or cannabinoid-in-combination (with other drugs and alcohol) positive drivers increased 153%, from 55 in 2013 to 139 in 2017. <sup>3</sup>
- Another concern for AAA is the challenge police officers face in determining impairment at the roadside.
- Currently no chemical testing procedures exist to reliably predict driver impairment due to consumption of cannabis. Unlike with alcohol, there is no scientific correlation between the concentration of 'active THC' (the psychoactive ingredient in cannabis) in the blood and a person's level of impairment or propensity to cause a traffic crash, thus a roadside chemical test to determine impairment is impossible. (AAA, 2016) <sup>4</sup>
- Without the ability to determine impairment by cannabis, based on the result of a roadside chemical test similar to a breathalyzer for alcohol, a subset of law enforcement officers must

complete costly, time-consuming additional training to become classified as Drug Recognition Experts (DREs).

- Depending on the individual, drivers with relatively high levels of cannabis in their system might not be impaired (e.g., a chronic or habitual user), while others with low levels (e.g., a first time or intermittent user) may be unsafe behind the wheel. This finding is very different from alcohol, where it is clear that crash risk increases significantly at higher BAC levels.
- Cannabis can affect people differently, making it challenging to develop consistent and fair guidelines for how long to wait to drive after consuming the drug. Frequent users of cannabis can exhibit persistent levels of the drug long after use, while drug levels can decline more rapidly among occasional users.
- There is insufficient scientific data to provide motorists with guidance on the use of the drug in a way that does not impact their ability to drive safely.
- AAA research has shown that a quantitative threshold for per se laws for 'active THC' following cannabis use cannot be scientifically supported.<sup>5</sup>
- While AAA remains opposed to legalization, we recommend the following elements be included in any legislation to legalize recreational cannabis, in the interest of traffic safety and fairness to motorists:
  - As an alternative to establishing a per se standard for cannabis use, AAA recommends implementing a two-step system to determine impairment that requires (most importantly) behavioral and physiological evidence of driver impairment, AND if available, a positive laboratory test, indicating presence of 'active THC' in the driver's system.
  - Updating Maryland's open container law to include a prohibition on the consumption of cannabis while driving and open cannabis products in the passenger area of a motor vehicle.
  - Funding an intensive public education campaign, with a focus on dangers of drugged driving prior to legalization, and dedicating a portion of any new tax revenue generated by the sale of cannabis and related products to the Maryland Highway Traffic Safety Office for continuing education and proven-effective public awareness programs.
  - Providing sufficient funding for additional Advanced Roadside Impaired Driving Enforcement (ARIDE) and DRE training for law enforcement.
- As an advocate for the safety of motorists and all roadway users, AAA is deeply concerned by the safety implications of individuals using cannabis and getting behind the wheel.
- In a AAA poll, conducted in 2017, 72 percent of Maryland drivers indicated they would be somewhat or very concerned about the dangers posed by others driving after using cannabis if it is legalized for recreational use.

- We thank the sponsor and this Committee for hearing our concerns, as AAA believes it's dangerous to legalize cannabis before the state is 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.
- Thank you for your time and consideration of AAA Mid-Atlantic's perspective on this critical traffic safety issue.

<sup>1</sup>Cannabis Use Among Drivers in Fatal Crashes in Washington State Before and After Legalization (AAA, 2020)

<sup>2</sup>Crashes rise in first states to begin legalized retail sales of recreational marijuana - Colorado, Nevada, Oregon and Washington (Insurance Institute for Highway Safety and Highway Loss Data Institute October 18, 2018)

<sup>3</sup>Impacts of Marijuana Legalization in Colorado – A Report pursuant to Senate Bill 13-283, Colorado Division of Criminal Justice, October 2018

<sup>4</sup>Prevalence of Marijuana Involvement in Fatal Crashes: Washington, 2010 -2014 (AAA, May 2016)

<sup>5</sup>An Evaluation of Data from Drivers Arrested for Driving Under the Influence in Relation to Per se Limits for Cannabis (AAA 2016)

***Contacts:***

*Ragina C. Ali, AAA Mid-Atlantic  
Public and Government Affairs  
Manager Maryland  
443.465.5020*

*Sherrie Sims, GS Proctor and  
Associates  
Senior State Associate  
410.733.7171*

*Joseph Green, GS Proctor and Associates  
Senior State Associate  
240.551.7718*