

Submitted to:

Maryland Senate Judicial Proceedings Committee

Annapolis, MD – March 9, 2023

Testimony from VS Strategies

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Support with Amendment: Cannabis Reform (SB 516)

### **Introduction**

[VS Strategies](#) (“VSS”) is a policy and public affairs consulting firm specializing in cannabis policy. We are experts in cannabis policy whose clients include government bodies, trade associations, businesses, and other organizations seeking to shape public opinion and implement the most effective cannabis laws and regulations. For more than a decade, our team members have been changing minds and changing laws, rolling back prohibition policies, and advancing cannabis policy in a dynamic and responsible manner.

We want to commend Senator Feldman and Hayes for their time and effort in drafting this important piece of legislation and for taking leadership on this issue. VS Strategies submits this statement in support of SB 516 with an amendment.

### **Proposed Change**

We recommend amending the language in 13-4505(F)(6) to include “or impairment from cannabis” after “cannabis levels” as follows:

(6) Purchasing technology proven to be effective at measuring cannabis levels or impairment from cannabis in drivers.

## Reasoning

While cannabis-impaired driving is not an issue specific to Maryland, it is one Maryland can take a lead on by embracing cutting-edge technologies that can provide immense value to law enforcement. There are a variety of scientific reasons why blood, breath, and other biological tests are not apt to measure cannabis impairment. Actual cannabis impairment is based on a variety of factors like frequency, method, and amount. For example, consuming cannabis edibles will often cause delayed psychoactive effects beginning approximately thirty to sixty minutes after consumption. There is no consensus on what THC level results in actual impairment, so using biological samples to measure THC concentration is counter to providing objective ways to determine driver impairment.

These emerging technologies, which we have been extremely impressed by, directly measure impairment in a driver. Cognivue, an applied science company, has been a leader in developing such products. Cognivue is adapting their FDA-cleared technology that detects cognitive decline and dementia to help local law enforcement objectively measure whether a driver is cognitively impaired. Cognivue is a self-administered, personalized, non-invasive tool to assess cognition in only five minutes. Their technology is the most promising we have seen thus far that would immensely help law enforcement keep our roads safe.

Under the current language of 13-4505(F)(6), technologies that directly test for cognitive impairment would not be eligible for the Public Health Fund as they do not measure “cannabis levels in drivers.” We feel that excluding such promising technologies from being purchased for local law enforcement would be a mistake, especially considering they are more objective and reliable than blood- or breath-based tests.

**For these reasons, we urge the committee to amend the language in 13-4505(F)(6) to allow devices that measure cognitive impairment to be eligible.**