

Members of the Judicial Proceedings Committee,

Thank you for allowing me to present my testimony. My name is Doug Scott, and I am a substance abuse professional who provides consulting and training in this field. Prior to this, I was a police officer for 22 years, during which time, I effected hundreds of impaired driving arrests involving alcohol and other controlled substances. In 2000, I started the DRE program in North Carolina after being certified as a DRE and a DRE Instructor.

I was requested by the Office of the Public Defender to review SB 676. While we all have a clear interest in keeping individuals who are impaired by controlled substances off of the road, this bill does not advance this cause in the slightest.

In order to develop usable data from which one could draw conclusions, one needs to know ground truth of the subjects and have controls to the experimental data.

Ground truth means that when one studies the effects of a drug on a person, one needs to know the exact amount and the timing of ingestion of said substance. This is not accomplished by pulling people off of the road without knowing this information. In my experience, I can say that individuals who have ingested controlled substances may not be the most reliable or truthful historians of this information.

Without controls I don't see how this data will be scientific and useful. How can they determine that the person has a concentration of an impairing substance whether it is THC, or Hydroxy THC at the time of testing? How can they exclude that they aren't just seeing results for some other substance? How can they exclude that they aren't seeing skewed results due to pre-existing medical conditions or physical or mental limitations? How are they also not biasing the sample and the results by pulling over the individuals that they believe to be on marijuana?

This bill and any evaluation that results from it will be pointless without a basis from a well-designed and scientific experiment. There is no mention of any such basis for the application of these “tests”.

So what are the proposed tests? Who and how have they been identified as sensitive to cognitive and physical impairment only, and specific to the effects of cannabis? To determine the “effectiveness of cannabis-impaired driving tests (line 4-5) the proposed tests should be identified in advance. They are not.

On page 2 line 8 of the bill, it says the officers shall “receive training on the use of cannabis impaired driving tests”. Just like all other tests, their reliability depends on consistent application based on tested proficiency and understanding of those receiving the training. Who will train the trainers? Who will develop the training for the tests that haven’t even been identified?

Ultimately, the vagueness and lack of reliability of the tests to be administered, the lack of controls and of ground truth knowledge of the participants makes any data gathered from this project fundamentally unreliable.

I believe at this point a much better approach would be controlled laboratory experiments with recreational doses of THC administered after thorough screening by researchers. This would be followed by the administration of pre-selected tests, uniformly on each subject.

We know that this can be done, because these tests were conducted with the substance of alcohol. Because of this series of controlled tests, we now have extensive knowledge about how alcohol affects human beings.

I appreciate what you all are trying to do, but this is not the proper way to do this.