



Marijuana

BACKGROUND

Substance-impaired driving is an issue of national traffic-safety concern, and a growing body of evidence suggests driving under the influence of drugs other than alcohol is becoming an increasing threat to motorists.

- According to the latest (2013–14) National Roadside Survey from the National Highway Traffic Safety Administration (NHTSA), drug use among nighttime weekend drivers has risen by nearly 25 percent since the previous survey in 2007.
- In addition, the 2018 National Survey on Drug Use and Health reported that an estimated 12.6 million people 16 and older reported driving under the influence of illicit drugs at least once during the prior year.
- NHTSA traffic arrest and fatality data indicate that after alcohol, marijuana is the most frequently detected psychoactive substance among driving populations.

MARIJUANA AND DRIVING

Marijuana impacts driving ability

Research shows that marijuana can impair drivers in a variety of ways. It can affect psychomotor functions such as attention, reaction time and coordination, but generally it appears to affect automated or routine driving more than tasks requiring conscious effort. Further, numerous laboratory-based studies have demonstrated that marijuana use impairs many aspects of cognitive and physical function that are necessary for safe driving. Marijuana can decrease car handling, can impair performance and attention while increasing reaction times, following distance and lane deviation. Mixing alcohol and marijuana may produce effects greater than either drug on its own.

There is no level of marijuana safe for driving

Marijuana also can affect people differently, making it difficult to develop consistent and fair guidelines. There is no science to show that drivers reliably become impaired at specific levels of marijuana (i.e., active THC) in the body. Depending on the

person, drivers with relatively high levels of marijuana in their system might not be impaired, while others with low levels may be unsafe behind the wheel. It is also important to consider that people who use marijuana cannot accurately determine how much marijuana is in their blood or of their brain (where impairment occurs).

Early data suggest legalization of recreational marijuana has an impact on traffic safety

Following the legalization of recreational marijuana in Washington state, the AAA Foundation for Traffic Safety's research found a doubling of the proportion of drivers involved in fatal crashes who had recently consumed marijuana. Overall consumption of marijuana increased following the change in state law, but the increase in use was not sufficient to account for the increased use among fatal crash-involved drivers. Washington was one of the first two states to legalize the recreational use of marijuana, and this research presents an eye-opening example of what might happen in other states.



REDUCING SUBSTANCE-IMPAIRED DRIVING: WHAT WORKS

Public Outreach and Coordination

AAA has hosted impaired driving summits in over half of the states across the nation. These summits foster stronger coordination among members of the criminal justice system and policymakers. AAA also educates the public through member publications, the news media, social media channels and online platforms to raise awareness and understanding.



Alcohol and Drug Courts

DWI and Drug Courts seek to address the underlying drug and/or alcohol problems in order to change individual behavior. Programs are coordinated by a judge, a prosecutor, probation staff, and substance abuse treatment staff. Evaluations have shown that DWI courts reduce recidivism (repeat offenses).



Enforcement Countermeasures

Law enforcement must be equipped to handle the challenge of increased drug-impaired drivers:

- **High-visibility enforcement:** HVE is a proven method for reducing alcohol-impaired driving and related crashes, as well as addressing other traffic safety issues such as seat-belt use. HVE may also be effective at reducing drugged driving. HVE combines advertising campaigns with specialized enforcement such as saturation patrols and sobriety checkpoints. Together these tactics have proven effective at deterring unsafe and unlawful behavior.
- **Training police to recognize impairment:** The Drug Evaluation and Classification (DEC) Program trains officers to evaluate suspected substance-impaired drivers. The course certifies officers as Drug Recognition Experts (DREs) and they become highly effective at detecting and identifying drivers impaired by drugs and/or alcohol. The Advanced Roadside Impaired Driving Enforcement (ARIDE) Program is an intermediate training program that provides officers with general knowledge related to drug impairment. The ARIDE program supports the use of DREs.

- **Avoid per se drug laws:** One-third of states have zero tolerance laws whereby it is illegal to drive with any detectable amount of a prohibited substance, and seven states have established per se limits, most notably for marijuana. Surprisingly, these laws are not based on data that ties a driver's level of impairment to the presence or concentration of drugs in their body, which is the case for alcohol. Instead, laws should provide that a positive toxicology result for active THC in whole blood may give rise to permissible inference of impairment only when accompanied by other evidence of impaired driving. In other words, the result of a lab test cannot be used on its own to determine impairment.
- **Strong penalties:** States should establish separate and distinct sanctions for alcohol and drug-impaired driving. And, substance abuse treatment should be considered if deemed appropriate for an offender.



States should increase drug and alcohol testing for drivers involved in all fatal and serious injury crashes. States should improve reporting of arrest and conviction data. Specifically, records should indicate if alcohol, drugs or both are responsible for the impaired driving.



Effective Laws

As legalization of marijuana spreads across the states, legislators are faced with increasing pressure to issue guidance and policy. Below are a few ways to enact effective traffic safety legislation:

- **Don't legalize marijuana for recreational use:** While it remains illegal at the federal level, ten states and Washington, D.C., allow adults to consume marijuana recreationally. However, efforts to legalize this drug for recreational use before we are prepared to manage the potential highway safety consequences are a gamble with the public's safety that we ought not to make. Law enforcement agencies and the courts are not prepared to manage the impact of increased drug-impaired driving. We lack quality data and research into potential solutions, including development of useful guidance to motorists about the use of the drug so that it does not conflict with safe driving (e.g., wait time after using marijuana before driving).

WHAT YOU CAN DO

All motorists should avoid driving while impaired. Impaired driving is a criminal behavior regardless of whether a drug is prescribed, obtained over-the-counter, bought in a retail setting, or considered an illicit substance. Further, just because a drug is legal does not mean it is safe to use while operating a motor vehicle. If you get behind the wheel while you're impaired by any substance, you put yourself, your passengers and others on the road at risk.

Simply put, if you consume marijuana, don't drive. If you plan to drive, don't consume marijuana.

Resources

AAAFoundation.org conducts research on traffic safety issues, including impaired driving.

Exchange.AAA.com provides facts about the dangers of impaired driving and how to prevent it.

PreventDUI.AAA.com educates the public about the dangers of impaired driving and offers solutions.

DUIJusticeLink.AAA.com provides criminal justice professionals with information on impaired-driving issues related to the detection, prosecution and adjudication of impaired drivers.