Bill No.: HB-7372
Title: AN ACT CONCERNING DRIVING WHILE UNDER THE INFLUENCE OF AN INTOXICATING DRUG.
Vote Date: 4/8/2019
Vote Action: Joint Favorable Substitute
PH Date: 3/22/2019
File No.: 788

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SPONSORS OF BILL:
Judiciary Committee

REASONS FOR BILL:
To prohibit driving while smoking, inhaling or ingesting a cannabis-type substance, prohibit passengers from smoking a cannabis-type substance and to provide funding to train law enforcement officers as drug recognition experts.

SUBSTITUTE LANGUAGE:
Substitute Language added “certificated” to the training of law enforcement members. Sworn members of police departments, constables, police officers or other persons who perform criminal law enforcement duties under the supervision of resident state troopers serving as drug recognition experts must be trained and “certified”. The addition of the “certification” will allow municipalities to be eligible for grants-in-aid for costs associated with training and such certification. Sub language refined definition of “drug recognition expert” meaning “a person certified by the International Association of Chiefs of Police as having met all requirements of the International Drug Evaluation & Classification Program.”

RESPONSE FROM ADMINISTRATION/AGENCY:

State of Connecticut Division of Criminal Justice: Supports this bill because it clearly prohibits the use of marijuana while operating or riding as a passenger in a motor vehicle on the streets or highway in the State of Connecticut. The bill also provides for training of additional police officers as “drug recognition experts.” Further, the bill should be adopted regardless of whether the committee decides to move forward with SB 1085 or similar legislation since the challenges associated with determining the degree of intoxication of marijuana or other drug usage is already an issue. The Division would respectfully recommend that the Committee take this opportunity to further address driving while impaired/intoxicated issues by amending HB 7372 to include the additional provisions.
included in SB 1054, An Act Concerning Driving While Intoxicated, which is pending public hearing at this time.

Connecticut Commission on Women, Children and Seniors, Executive Director Steven Hernandez supports the bill but have their top ten must haves: 1. Home-grow. Allow consumers to grow a limited number of plants at home. 2. Automatic expungement of cannabis convictions. 3. Ensure as a non-negotiable, never-expiring statutory requirement from disproportionately harmed communities are represented at every top regulating agency. 4. Ensure that the regulating agency is diverse. 5. Dedicate tax revenue to be reinvested into disproportionately harmed communities. 6. Invest a specific percentage of tax revenue into technical assistance, hiring programs & interest-free loans for disproportionately affected communities. 7. Require state regulators and localities to ensure diversity in the industry. 8. Institute a statutory requirement that tax revenue only flows to municipalities that have honored these mandates. 9. Require every business to contribute to these goals. 10. Require the regulating agency to collect data in each of these items & report data regularly.

NATURE AND SOURCES OF SUPPORT:

State of Connecticut Senate President Pro Tempore Senator Martin Looney Supports this legislation. Legalization of cannabis makes sense for numerous reasons, one being that, as was in the case with alcohol in 1920's; prohibition breeds violence. Since drug-related disputes can't be resolved lawfully, violent conflict becomes inevitable. In a regulated system, cannabis will be produced and sold by legitimate, taxpaying businesses instead of drug cartels and criminals. We know there is popular support for legalization here in Connecticut. An October 2017 poll by Sacred Heart University shows that 71% of Connecticut residents support legalizing cannabis.

AAA Manager, Public and Government Affairs, AAA Allied Group, Amy Parmenter: testifies in support of this bill because of their concern about those driving under the influence of drugs of any kind. Unlike alcohol, there is no simple, accurate roadside test to measure impairment. This does not mean that it has been invented yet. It means it is not possible to measure impairment roadside because again, unlike alcohol, there is no scientific correlation between the concentration of “active THC” (the psycho-active ingredient in marijuana) in the body and a person’s level of impairment. AAA respectfully recommends the bill be amended to include a clear standard for measuring “impairment” and a more accurate definition of “drug recognition expert”.

Abbot Senior Director Government Affairs, Maria Cahill, Esq: Supports this bill because they believe as the state enters the realm of legalized marijuana, there are several public policy issues which should be addressed, public safety being at the forefront of these matters. HB7372 is a good first step in addressing those issues relative to “open-container” concerns with marijuana and bulking up the number and training for drug recognition experts.

American Civil Liberties Union of Connecticut (ACLU-CT) Executive Director, David McGuire: CT took a step in the right direction when it decriminalized adult possession of small amounts of marijuana and legalized medical marijuana. As an organization committed to liberty, justice and equality under our constitution, the ACLU-CT opposes laws criminalizing the cultivation, sale, possession use and delivery of marijuana.
Ashley Wiltshire, Somewhere in CT.  Strongly supports the newly proposed legislation and its proposed revisions for the following reasons: She is a person who believes in taking no narcotics or pain killers unless absolutely necessary and she prefers naturopathic remedies when possible. Cannabis has been one of the best medications for her. Unfortunately, because the cost to have an MMP license is so expensive and must be renewed every year, it is cost prohibitive, thus she had to give up her MMP. Cannabis has been a life saver with her glaucoma, stress, anxiety and even degenerative joint disease. While we all can certainly understand the ramifications of someone who is too high or inebriated to drive, as with alcohol, there is a minimum that would need to be consumed to consider someone too high or under the influence to be classified as not able to drive. Reality is there are very few reports of car accidents by people who have smoked cannabis by itself versus the number of car accidents under the influence of alcohol.

NATURE AND SOURCES OF OPPOSITION:

Connecticut Youth Service Association (CYSA) Director Madison Youth and Family Services, Scott Cochran, LCSW believes there are numerous negative health and public safety implications for youth and families. Youth use rates tend to be higher in states where marijuana is legalized. The youth abuse rates between states with legalized marijuana and those without or with limited legalization (decriminalized and/or legalized for only medicinal purposes) show a clear association between legal marijuana and higher rates of adolescent use. The National Survey on Drug Use and Health conducted by the federal government combines two years of data for comparison purposes. According to the federal 2016-2017 NSDUH data; of the nine states and the District of Columbia that have legalized marijuana, including DC, Vermont, Oregon, Maine, Washington, Massachusetts and Nevada; saw increases in teen 30-day marijuana use from 2015-16 to 2016-17 for ages 12-17.

Connecticut Police Chiefs Association, Chief Paul Melanson, Chief Roberto Rosado, Chief Scott Sansom, and Chief L.J. Fusaro: While the CPCA remain opposed to the legalization of recreational use of marijuana it supports measures that will enable officers to prevent, detect and deter all hazardous and intoxicated operation of motor vehicles on roadways in Connecticut. Detection of alcohol impairment is far different than that of impairment by other drugs. Officers perform standardized tests in the field that establish the necessary probable cause to make an arrest for driving under the influence. The tests are geared at establishing that the operator is above the legal limit for alcohol intoxication of .08% blood alcohol content. Under Implied Consent, those field tests are then supported by a subsequent breathalyzer test at the station house. Officers can also opt for chemical tests in the form of urine or in more limited circumstance, blood. In any case the analysis is intended to establish the legal limit of intoxication of .08% BAC. This does not mean that officers can’t or don’t currently make arrest absent these tests, but officers must carefully articulate those facts and circumstances that indicate to them that the operator is clearly under the influence. In the case of marijuana, no such legal limit exists. DRE trained officers provide a somewhat subjective perception of the 12 step process they administer that indicates the presence of a particular drug.

Health Assistance InterVention Education Network (HAVEN) Chief Executive Officer, Maureen Sullivan Dinnan: Strongly objects to the legalization of the recreational use of cannabis. Cannabis use does affect driving performance and the user cannot compensate
for cannabis-associated impairment. See Hartman RL, Huestis, MA Cannabis effects on driving skills. Clin Chem 2013, 59(3); 478-492. HAVEN is unaware that evidence-based research has determined what level of cannabis is considered impairing for the purpose of operating a motor vehicle. It is unclear how the significant sums of money allotted in this bill may be effectively used to train “drug recognition experts” and what will be required to law enforcement to prove an individual inhaled or ingested the cannabis or cannabis-type product while operating the motor vehicle? It will be important that this law be enforced.

Michael Makowski, Colchester, CT: Under Federal Law, marijuana is a Schedule 1 controlled substance (i.e. cocaine, heroin). This designation is reviewed for drugs that have a high potential for abuse, and can’t be safely prescribed. Anyone growing, marketing or distributing marijuana would be violating multiple federal laws. He believes legalizing marijuana for recreational use is an “addiction for profit” scheme.

UCONN School of Social Work, Student Aliyah Henry: Chair of Students Against Mass Incarceration and a lifelong resident of East Hartford. In opposition for the following reasons: Laws criminalizing marijuana have left devastating impacts on his community as well as others throughout the state of Connecticut. It is only right we repair the damage that was done once marijuana is legalized. Revenue generated by marijuana should be used first and foremost for expungements and community reinvestment.

NEITHER SUPPORT NOR OPPOSE (COMMENTS/RECOMMENDATIONS):

Distilled Spirits Council, Vice President/Government Relations Jay M. Hibbard: Neither support nor oppose the bill. However, expresses concerns that the requirements of retail sale of marijuana should be made under a similar regulatory and retail scheme as the highly regulated alcohol beverage system. They further testify that they want to ensure that the taxation and regulation of marijuana in governmental jurisdictions where marijuana has been approved for consumption is at least comparable to taxation & regulations of distilled spirits. They want to ensure that any and all efforts to legalize the consumption of marijuana include: 21-year-old legal purchase and use requirements; the development of a standard measurement of marijuana-induced impairment (comparable to .08 BAC); advocate for development of a roadside impairment test for marijuana such as the breathalyzer test for beverage alcohol; ensure that the same penalties exist for driving under the influence of marijuana and other intoxicants as for driving under the influence of beverage alcohol; require that all marijuana products appropriately disclose the THC dose in a manner and under similar conditions of the alcohol by volume declaration required of beverage alcohol products.

Attorney Joel Hartstone: Represents a Massachusetts company that distributes security seals. He neither supports nor opposes the bill, but has concerns that the container obtaining the marijuana must be sealed to prevent usage by drivers or passengers in the motor vehicle. In summary, he respectfully urges the committee to recognize that a security seal affixed to a closed container of marijuana no matter who applies it – is the most effective way to prevent access to the marijuana by the driver or a passenger of a trunkless vehicle.

Reported by: rJo Winch

Date: May 1, 2019