Whereas Connecticut has the third highest percentage (39%) of fatal crashes involving drunk and drugged driving in the nation, far above the national average of 28%, any and all legislation to protect our citizens must be paramount to decisions made that directly impact public safety. In 2018, the National Highway Traffic Safety Administration reported that 10,511 men, women and children were killed by drunk/drugged driving. 115 were killed in the state of Connecticut. Our work to realize that one day there will be NO MORE VICTIMS of this violent crime is far from over. A decision to add another legalized substance will make a dramatic impact to the number of crashes within our state as evidenced in Washington State where THC-positive drivers more than doubled the number of fatal crashes. The state of Connecticut is not positioned to enforce effective laws that will combat this increase. Currently the arc only 64 law enforcement officers trained as DRE’s (Drug Recognition Experts) across our state and most times, their testimony has been inadmissible in court. The number of trained DRE’s needs to increase exponentially, Sections 10-17 have to be enacted, law enforcement officers need to be trained in ARide so that we can work towards an effective campaign to discourage and ultimately end impaired driving.

**Legalization**

- Legalization of marijuana and other drugs: Like alcohol, MADD does not take a position on the legalization of recreational use of marijuana or other drugs. MADD’s role in this debate is to advocate for measures that will keep our roads safe from any impaired driving.
- Underage consumption of marijuana: MADD believes that states that legalize the recreational use of Marijuana should restrict its sale to those who are age 21 and older.

**MADD’s role**

- There is no doubt that drugged driving is a serious problem. In 2015 MADD expanded our mission to include drug impaired driving with a commitment to continue serving victims of both drunk and drugged driving.
  - MADD advocates for policies based on research and science to help prevent alcohol and drug impaired driving.
  - We need to better understand this issue and its impact in order to fight it
- MADD is working with our traffic safety partners to better understand and address the problem of impaired driving by all drugs, including alcohol.
- MADD has always served victims of all forms of impaired driving and remains committed to eliminating drunk driving and fighting drugged driving.
- We know drugged driving victims – whether impacted by marijuana, illicit, prescription, or over the counter drugs – are out there and need to be served.

**What we know**

- Drugged driving is a growing problem MADD needs to help fight, even though it doesn’t top drunk driving as the more dangerous issue on our roads.
  - Alcohol remains the most dangerous drug on our nation’s roadways. Nearly one-third of all traffic related deaths in the United States are caused by alcohol-impaired driving crashes.
  - According to the National Highway Traffic Safety Administration (NHTSA), every day 30 people die in a motor vehicle crash that involves an alcohol-impaired driver.
  - This is one death every 48 minutes.
• While there is a reliable, well-established test for alcohol impairment, there is not a similar test for impairment by other drugs.

• MADD strongly supports Drug Recognition Expert training for law enforcement agencies, so law enforcement officers are trained to:
  o recognize when a driver is impaired and poses threat to public safety;
  o observe and document the impairment to assist in charging and prosecuting drug-impaired drivers.

• Proven countermeasures for catching and deterring drunk drivers, such as sobriety checkpoints and saturation patrols, should also be used to catch and deter drug impaired driving.

• Currently, tests for drugs are conducted on a limited pool of drivers involved in crashes — usually only when presence of drugs is suspected, which drives up the percentages.
  o Because not every driver involved in a crash is tested, drugged driving statistics collected by NHTSA do not present a complete picture of the problem.

• Presence of drugs does not mean impairment. Currently, there is no way to distinguish presence of drugs and impairment.
  o Drug tests may not reflect recent use, but use days ago.

• Tests for drugs (other than alcohol) can detect presence of a wide range of drugs, from illegal substances to over the counter and prescribed medications.

As a result, MADD CT is in support of updating the following CGS 14-227a, CGS 14-227b.

Mothers Against Drunk Driving Connecticut is in support of the following sections of SB16:

• **Section 10** updates the criminal impaired driving statute, CGS 14-227a. This section incorporates drug influence evaluations in a similar manner to the current approach for a chemical test for alcohol. Specifically, this section allows for the admission in court of (1) the results of a drug influence evaluation performed by a certified drug recognition expert, and (2) refusal of the non-testimonial aspects of the drug influence evaluation. This section also permits courts to take judicial notice that THC can impair a person’s ability to operate a motor vehicle. Unlike for alcohol, there is no linear relationship between blood THC levels and impaired driving, and thus the Governor proposes to use drug influence evaluations rather than blood THC levels to assess for impairment.

• **Sections 11-12** update the state’s per se process following an impaired driving arrest, CGS 14-227b. The state’s current per se process for impaired driving is designed for impairment from alcohol. Given the rise in the fraction of impaired drivers who test negative for alcohol (cannabis, benzodiazepines, and other drugs are an increasing cause for impaired driving), the per se process must be updated so as to apply in these situations. As in Section 10, these sections incorporate drug influence evaluations in a similar manner to the current approach for a chemical test for alcohol. A driver will be deemed to have consented to a drug influence evaluation, and the results of that evaluation or a refusal of the non-testimonial aspects of the drug influence evaluation may be grounds to suspend a license. Section 11 also (1) tightens the definition of elevated blood alcohol and (2) establishes a per se level for blood THC for individuals under age 21. First, the 0.08 BAC cutoff is lowered to 0.05 when an individual tests positive for other drugs. This is because polydrug use can cause impairment at lower levels of alcohol consumption. Second, an individual under 21 who tests positive for 0.5 ng/dL of THC or more after an impaired driving arrest will be deemed to have committed a per se violation. This
“zero-tolerance” policy for under 21’s serves as an important deterrent. There is a similar provision regarding alcohol, in which the BAC cutoff for under 21’s is lowered to 0.02, and this change mirrors that policy for THC. These two changes only apply in the per se setting, and not in the criminal setting, in which the standard remains a 0.08 BAC or impairment as proven by an officer.

- **Sections 13-14** apply the tightened definitions of elevated blood alcohol content and the zero-tolerance policy for under 21’s from Section 11 to commercial drivers and drivers who transport children (excluding in personal vehicles). These sections are criminal violations.
- **Section 15** directs the state’s traffic prosecutor, in consultation with other agencies, to develop information about drug influence evaluations and the drug recognition expert program to be provided to the Judicial Branch.
- **Sections 16-17** update the state’s impaired boating laws in alignment with the changes made to the state’s impaired driving laws in Sections 10-14.

Too many innocent victims are being killed as a result of an individual(s) making the wrong decision to drink/drug and drive. We support legislation to lessen the impact. Only together can we Save Lives!

Respectfully submitted,

Bob Garguilo

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**MADD**

NO MORE VICTIMS™

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Join us in creating a future of NO MORE VICTIMS™. Take action, volunteer, donate or sign up. You can make a difference.

From legislation to law enforcement to the latest technology, learn how the Campaign to Eliminate Drunk Driving will do just that—end drunk driving.

**ONE GOOD TURN**