State of Connecticut
HOUSE REPUBLICAN OFFICE
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Testimony in Support of House Bill 7258
Judiciary Committee
March 31, 2025

Chairs Stafstrom and Winfield, ranking members Fishbein and Kissel, and members of the Judiciary Committee, the House Republican Caucus appreciates the opportunity to offer testimony in support of our caucus proposal, ***H.B. 7258, An Act Concerning Driving Under the Influence of or While Consuming Cannabis.*** This important bill is crafted to increase safety on our roadways by giving law enforcement officers additional tools to prevent and enforce cannabis-related driving under the influence in the state.

Section one of this bill requires the Department of Emergency Services and Public Protection to study other states in the country that have instituted blood THC levels – in a manner analogous to blood alcohol content – at which point a driver is per se driving while intoxicated. Several states in our nation – including Colorado which pioneered the state level legalization of recreational cannabis – have laws that address cannabis-related DUI in this way. Treating cannabis in an equal manner to alcohol when it comes to driving while intoxicated is simple common sense. By examining other states' legal structures around cannabis-related DUI and making recommendations to the legislature, this section will provide the information needed to craft a better legal framework in Connecticut around cannabis related DUIs and help keep our roads safe.

Sections two and three of this bill address a current paradox in existing law. While it is illegal to consume cannabis in a moving motor vehicle, whether as a passenger or a driver, the same statutory sections that criminalize this behavior also explicitly prohibit police from stopping a vehicle for a violation of this law. The language in this bill authorizes a police officer to stop a vehicle where the officer observes active cannabis consumption and detects the odor of burnt cannabis. Hand in hand with this change, section three amends existing law to completely prohibit police from using the odor of cannabis or burnt cannabis as part of the basis for establishing probable cause to stop or search a person or vehicle. This bill would authorize a police officer to use the odor of

cannabis to establish probable cause to stop or search where the officer observes active cannabis consumption in connection with said cannabis odor.

While we believe that it would be better policy to repeal the current law that requires police officers to ignore their sense of smell and sight when it comes to marijuana related motor vehicle stops, allowing officers to stop or search a vehicle based on the smell of cannabis when there is also visual observation of cannabis consumption is a step in the right direction.

In sum, this bill seeks to bring common sense and balance to our state's cannabis-related DUI enforcement. It makes no sense that an officer must generally ignore the smell of cannabis, while the smell of alcohol may be used by an officer to establish a legal basis for a stop or search of a vehicle. It strains credulity to discern a reason that these two substances – which both are intoxicating and illegal to consume while operating a car – should be treated differently. As a legislature, we have an obligation to keep our citizens and roads safe, and this measure is a common-sense way to meet that obligation. We therefore urge the committee to pass this language.