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Submitted to: Delaware House Revenue and Finance Committee
June 5, 2019
Testimony of Tyler McFadden, NE Political Associate
National Organization for the Reform of Marijuana Laws (NORML)
In Regard to:
HB 110, The Delaware Marijuana Control Act

My name is Tyler McFadden and I am the Northeast Political Associate at the National Organization for the Reform of Marijuana Laws (NORML). I wish to thank the members of this Committee for the opportunity to testify on behalf of HB110, The Delaware Marijuana Control Act, which seeks to regulate and control the adult-use cannabis market. I would like to note that I will be testifying in person as well.

Some opponents of The Delaware Marijuana Control Act have raised concerns that the passage of this legislation could inadvertently and adversely impact traffic safety. Let me be clear. NORML takes such concerns seriously, and we do not condone driving under the influence of any potentially mood-altering or psychomotor-influencing substance. In fact, principles adopted by NORML's Board of Directors include an explicit 'No Driving' policy which states: "The responsible cannabis consumer does not operate a motor vehicle or other dangerous machinery while impaired by cannabis. … **Public safety demands not only that impaired drivers be taken off the road, but that objective measures of impairment be developed and used, rather than chemical testing**." [1]

That said, it should be stressed that driving under the influence of marijuana is already a criminal offense in Delaware. Doing so will remain a criminal traffic safety violation when the state decides to legalize adult use activities.

Opponents have raised concerns about the supposed increase in cannabis-related traffic incidents. To be clear, this does not mean that more people are under the influence of cannabis while driving. There is simply a greater emphasis being placed by law enforcement to identify drivers that may have used cannabis in the past. A helpful way to think about this is- imagine you're going fishing. The first day you go, you bring a fishing pole, but no bait, and you catch one or two fish all day. The next day, you bring your fishing pole, great bait, a tackle box full of tools, and an electronic fishing call gadget. With the help of these tools, you reel in fish after fish until your cooler is fully stocked. You did not catch more fish on the second day because the lake had suddenly been filled with eager fish; you were simply more prepared.

Second, numerous scientific studies exist assessing marijuana-positive drivers and accident risk. In fact, the largest-ever controlled trial assessing marijuana use and motor vehicle accidents, conducted by the U.S. National Highway Traffic Safety

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[1] https://norml.org/principles

Administration, reports[2] that marijuana-positive drivers possess virtually no statistically significant crash risk compared to drug-free drivers after controlling for age and gender. By contrast, drivers with detectable levels of alcohol in their blood at legal limits possess nearly a four-fold risk of accident, even after adjusting for age and gender.

Further, data from states that have liberalized marijuana's legal status generally show no uptick in motor vehicle crashes. Specifically, University of Texas researchers writing in the August 2017 edition of *The American Journal of Public Health* compared traffic crash data in the three years prior to the enactment of adult use legalization in Colorado and Washington versus data trends in the three years immediately following legalization. "We found no significant association between recreational marijuana legalization in Washington and Colorado and subsequent changes in motor vehicle crash fatality rates in the first three years after recreational marijuana legalization," they concluded. They further reported, "[W]e also found no association between recreational marijuana legalization and total crash rates when analyzing available state-reported non-fatal crash statistics." [3]

Nevertheless, NORML believes that the use of marijuana prior to driving ought to be discouraged and better efforts ought to be made to identify drivers who may be under its influence, include greater use of trained Drug Recognition Evaluators, modified roadside field sobriety tests, and the provisional use of roadside cannabis-sensitive detection technology, such as saliva test or breath test technology.

In addition to increasing public safety, NORML believes that implementing these steps would help assuage concerns that regulating the adult use of marijuana could potentially lead to an increase in incidences of drugged driving or limit the state's ability to successfully identify and prosecute such behavior.

Thank you for your time and consideration. I'm happy to answer any questions that you may have as well. My direct contact information is - tyler@norml.org, (c) 314-657-8435.

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[2] US Department of Transportation, National Highway Traffic Safety Administration. *Drug and Alcohol Crash Risk*. February 2015.

[3] Aydelotte et al., 2017. *Crash fatality rates after recreational marijuana legalization in Washington and Colorado*. American Journal of Public Health 107: 1329-1331: https://www.ncbi.nlm.nih.gov/pubmed/28640679