

To the House Judiciary Committee and other interested Legislators

Re: Draft No. 4.1-S.241 4/8/16

This version of S.241 proposes to spend money, the constitutional role of the House, targets this and that, but misses the concern of the majority of Vermonters – ending prohibition of cannabis and initiation of control and regulation. The Senate did due diligence, summer study and sent a proposal to the House. If the House wishes to discard that and spend money and do something in the future that is their decision. Not thrifty. Not efficient. To simply decide it is too much work to understand what the other branch of the legislature has done seems to lack respect.

This version of S.241 seems to incorporate some of the ideas that would be relevant if legalization of cannabis were moved forward- such as addressing the blood alcohol level and driving risk. Absent legalization it is unnecessary to make open containers of cannabis like the open bottle laws pertaining to alcohol. The blood alcohol sections on page 7 are a step in the right direction. Section D lines 14-15 would make more sense if they addressed any detectable amounts of sedative, antihistamine or antianxiety drugs. Those are known to work with alcohol to increase accident risk. “Any detectable amount of THC ..” is rather dubious as anyone who has been in the presence of cannabis vapor in the last month might harbor some amount, and with enhanced testing, some very tiny amount, even if they never partake. An officer who smells cannabis in a car might even test positive.

Without moving on legalization of cannabis the legislation proposes more money for the Department of Health for education. From their web site, the proposed “informational” material to be given to new medical cannabis patients, and large sections of the Health Impact Assessment delivered to the legislature - it is evident under current leadership the Department of Health is uniquely unqualified to give useful education.

On page 17 lines 1 and 2 there is an assertion that the public has been educated about the dangers of alcohol and driving. Apparently this does not include members of the enforcement community who seem to believe up to .079 is unimpaired despite evidence that shows a more than doubling of accident risk. Switching from drunk driving to impaired driving is totally sensible.

Lots of spending and regulations are proposed, and they may be long over due. But they do not pertain to the purpose of S.241, addressing legalization of cannabis. If it is the will of the House to block consideration of cannabis, they should do so. If the House sees a need to improve the impaired driving regulations a “Impaired Driving Advisory Committee” would be an excellent idea. They could start out considering how much increased risk the State of Vermont is willing to tolerate. Doubling? Drop the per se limit for alcohol to 0.05. Look at the data for other drugs, and combinations of drugs and set limits with the doubling of risk benchmark. Where data is lacking, anti depressants, antipsychotics, spend the money to get pharmacologists to bring a rational basis for decision to the Legislature. Study what other states are doing – a smart phone app may be more accurate and less subject to bias than lots of retrained officers. Or not! But that is the kind of information that would allow the legislature to be smart, and efficient.

Using the cart and horse analogy, this version of S.241 does not get the cart exactly before the horse but rather the cart on the horse and without wheels. Spend money, make random changes, go no where.

Thank you for your work and consideration,

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