



OPPOSE H. 24: Reject Zero Tolerance

H. 24, an act related to “drugged driving” lowers the Blood Alcohol Content (BAC) limit from .08 to .05 for persons with “*any detectable amount*” of THC, the psychoactive substance in cannabis, in their blood. This new “zero tolerance” provision permits criminal punishment for persons having *any* THC in their system while driving. This provision is unfair, not based on scientific evidence, and unnecessary. The zero tolerance limit must be rejected.

What’s wrong with zero tolerance limits for THC?

Unfair and Arbitrary. Zero tolerance of THC punishes drivers even though they are NOT driving while impaired.ⁱ

- THC can remain in blood for many days after use, so tests will result in punishment despite no THC impairment
- Depending on body mass, every individual has a different THC blood level that will result in impairment.
- Unlike with alcohol, people cannot know when “any detectable amount” of THC is still in their system.
- Because THC remains in the blood of regular users long after the effects wear off, H. 24 will punish lawful medical marijuana and decriminalized use for those who reach .05 BAC, despite no THC impairment.

Lacking Scientific Support. There is no scientifically reliable standard THC level of driving impairment, with or without the presence of alcohol.

- National Highway Traffic Safety Administration’s (NHTSA) own large-scale control study found no increased crash risk for THC users after adjusting for demographics and alcohol use.ⁱⁱ
- NHTSA questioned the reliability of crash risk studies based on low blood THC levels
- AAA Foundation for Traffic Safety Cannabis Research stated that “[t]here is no science showing that drivers reliably become impaired at a specific level of marijuana in the blood.”

Unnecessary. Vermont has the tools it needs to address driving under the influence.

- According to AAA, the widely used Standard Field Sobriety Test (SFST) is the most consistent method for determining driving impairment.ⁱⁱⁱ
- SFST provides an appropriate screening tool for individuals suspected of being under the influence of THC, with or without alcohol.^{iv}
- Annually, Vermont has multiple in-depth certification trainings for SFST, Advanced Roadside Impaired Driving Enforcement (ARIDE), and Drug Recognition Experts (DREs),^v and forty DRE’s are certified statewide.^{vi}

Disparate Impact. H. 24 broadens police search and arrest authority, which may exacerbate traffic stop racial disparities and the problems of racially biased policing.^{vii}

How can we best tackle impaired driving on Vermont’s roads?

- **Focus on punishing *impairment*.**
- **Increase Drug Recognition Experts**
- **Increase DRE, ARIDE, and SFST training availability**

ⁱ AAA Foundation for Traffic Safety Cannabis Research Fact Sheet (“There is no science showing that drivers reliably become impaired at a specific level of marijuana in the blood.”)

ⁱⁱ See Traffic Safety Facts Research Note DOT HS 812 117, *Drug and Alcohol Crash Risk*, U.S. Department of Transportation, National Highway Traffic Safety Administration.

ⁱⁱⁱ See AAA DUI Justice Link (“officers trained to conduct SFSTs correctly identified alcohol impaired drivers over 90% of the time using the results of SFSTs”)

<http://duijusticelink.aaa.com/issues/detection/standard-field-sobriety-test-sfst-and-admissibility/>

^{iv} See Stough, et. al., *An Evaluation of the Standardized Field Sobriety Tests for the detection of impairment associated with cannabis with and without alcohol*, 2006 page 82 (“In conclusion, SFSTs provide relevant information concerning drug consumption and driver fitness particularly associated with the consumption of THC.”)

https://www.researchgate.net/profile/Con_Stough/publication/230635240_An_evaluation_of_the_Standardised_Field_Sobriety_Tests_for_the_detection_of_impairment_associated_with_cannabis_with_and_without_alcohol_Funded_by_the_National_Drug_Law_Enforcement_Research_Fund_and_in_links/09e415023cbdba28cf000000/An-evaluation-of-the-Standardised-Field-Sobriety-Tests-for-the-detection-of-impairment-associated-with-cannabis-with-and-without-alcohol-Funded-by-the-National-Drug-Law-Enforcement-Research-Fund-an-i.pdf; see also Papafotiou, et. al., *The relationship between performance on the standardized field sobriety tests, driving performance and the level of THC in blood*, 2005, [http://www.fsijournal.org/article/S0379-0738\(04\)00767-4/fulltext](http://www.fsijournal.org/article/S0379-0738(04)00767-4/fulltext).

^v Drug Recognition Expert Program website, Governor’s Highway Safety Program, <http://ghsp.vermont.gov/programs/dre>

^{vi} Lt. John Flannigan, State DEC Coordinator, Vermont State Police, Vermont Drug Evaluation and Classification Program, <http://ghsp.vermont.gov/sites/ghsp/files/documents/VT%20Impaired%20Driving%20Summit%20-%20DRE%20Data%20120716%20-%20Flannigan.pdf>

^{vii} See Seguino and Brooks, *Driving While Black and Brown in Vermont*, 2017, http://www.uvm.edu/giee/pdfs/SeguinoBrooks_PoliceRace_2017.pdf