

Senate Judiciary Committee

S.54

Statement of Thomas D. Anderson

Commissioner, Department of Public Safety

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As this Committee considers the wisdom of creating a legal commercial market for the recreational use of marijuana, I hope part of your consideration will be for the majority of Vermonters that don't use and have no interest in using marijuana or any other drug as part of their "recreational" pursuits. Their voices seem to have been forgotten in this debate.

The Governor has made clear that addressing roadway safety and issues related to prevention and education for our kids about the dangers of marijuana use are critically important.

On July 1, 2018, Vermont became the ninth state to legalize recreational marijuana. It is yet too soon to tell what effects legalization law will have on our children or the health, well-being and overall character of the state. Why would we not want to know this before charging ahead with full commercialization?

What we do know is that there is a growing body of evidence that marijuana is really bad for kids and that youth usage is likely to go up after legalization.

We also know that drivers impaired by opioids, cocaine, marijuana and other drugs pose a threat to every Vermonter and visitor that drive our highways. We further know that evidence coming from other states that have legalized recreational marijuana strongly suggests more Vermonters will die on our highways should Vermont continue down the path of commercial legalization.

The data from Vermont is equally alarming. In Vermont, marijuana was decriminalized in 2013. In the three-year period pre- and post-decriminalization, there was a 28 percent increase for all motor vehicle crashes where at least one driver tested positive for marijuana. For crashes resulting in a fatality, the increase was over 30 percent.

This month, AOT released preliminary statistics for deaths on Vermont's roads in 2018. Last year, 68 people lost their lives in fatal motor vehicle crashes. This compares with 70 deaths in 2017 and 64 deaths in 2016.

A particularly disturbing trend for the past two years is the number of drug impaired drivers involved in fatal motor vehicle crashes. For the past two years, by more than a 2 to 1 margin, fatal crashes involving a driver suspect of driving under the influence of only drugs has eclipsed the number of drivers impaired only by alcohol. Equally disturbing is that 23 of the 68 fatalities – over one third – involved drivers impaired by drugs alone or a combination of drugs and alcohol. Let me repeat that: over one third of the fatalities on Vermont's highways last year involved drivers impaired by drugs alone or a combination of drugs and alcohol. Of these 23 drug impaired or drug and alcohol impaired fatalities, 65 percent of the drivers tested positive for Delta 9 TCH – the main psychoactive ingredient in marijuana.

Perhaps it is only coincidence that this trend in marijuana related fatalities mirrors Vermont's push to make marijuana legal and more available through legal sales. Or perhaps it is a wakeup call to Vermonters of what the future holds once marijuana is widely available in stores: more fatal crashes killing more and more Vermonters. That has clearly been the experiences of

Colorado and Washington after they legalized the retail sale of a marijuana (in addition to increased marijuana use by teenagers).

As legislation for the commercialization of marijuana is considered, priority number one for Legislators, both pro- and anti-marijuana legalization, should be to protect our children and ensure the motoring public is protected from irresponsible individuals who take drugs and then get behind the wheel of a car.

How can this be done? First, by ensuring there are robust prevention and education programs for our youth. Second, by enacting legislation that allows for the collection and testing of oral fluid (saliva) from those suspected of driving under the influence of drugs. Scientific studies show that saliva testing is reliable and provides important evidence for prosecutors and juries. Fourteen states, Australia and several European countries have approved some form of oral fluid testing to help keep roadways safe. And both the Governor's Marijuana Advisory Commission and Opioid Coordination Counsel support this important legislation.

As the 2018 motor vehicle fatality statistics make clear, drivers impaired by marijuana and other drugs pose a growing threat to every Vermonter and visitor that drive our highways. The passage of legislation permitting the commercial sale of marijuana this legislative session without addressing roadway safety and appropriate protections for our kids, would be a disservice to all Vermonters.

Finally, laws are enacted for the public good and because they further important public policy goals. Before enacting this legislation, every legislator should ask themselves what public policy goals are being furthered by this legislation including:

1. Does this legislation protect the welfare of our children and youth?
2. Does this legislation place any Vermonter at risk of injury or death?
3. Does this legislation promote the overall health and wellbeing of Vermonters?

If the answer to any of these questions is “no” then a “yes” vote on this legislation will be very difficult to justify.