

# Miscellaneous

## ARIDE - Number of CHP and Locals Trained (SOURCE: IACP)

2010 – 100

2011 – 466

2012- 1462

2013 – 1492

2014 – 1405

2015 – 1766

2016 – 1638

2017 – 5441

2018 - 1389

2019 - 884 so far August 5<sup>th</sup> 2019

Submitted by Ellen Komp

## **Drivers With Common THC Limit Are Not More Likely To Cause Accidents, Study Finds**

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By **Kimberly Lawson**

<https://www.marijuanamoment.net/drivers-with-common-thc-limit-are-not-more-likely-to-cause-accidents-study-finds/>

To deter impaired driving in areas where marijuana use is legal, several jurisdictions have set per se limits ranging from 2 to 5 nanograms of THC per milliliter in motorists' blood. New research, however, finds no evidence that drivers whose blood samples tested in that range are more likely to cause a traffic accident.

The study, published last month in the journal *Addiction* by a team of Canadian researchers, supports a key message relayed in a recent U.S. Congressional Research Service report on marijuana's impact on driving: That is, experts aren't convinced yet that cannabis use is associated with a higher risk of crashes.

"In this multi-site observational study of non-fatally injured drivers," the study's authors write, "we found no increase in crash risk, after adjustment for age, sex, and use of other impairing substances, in drivers with  $\text{THC} < 5\text{ng/mL}$ ."

There may be an increased risk of crash responsibility for drivers with greater than that amount, the paper concluded, but it was "statistically non-significant and further study is required."

**"[T]here was no evidence of increased crash risk in drivers with  $\text{THC} < 5\text{ng/mL}$  and a statistically non-significant increased risk of crash responsibility in drivers with  $\text{THC} \geq 5\text{ng/mL}$ ."**

While the authors acknowledge a number of other studies that have linked marijuana consumption with increased road safety risks, they also argue that those analyses have "significant limitations," including the ways those experiments were conducted.

For the new study, researchers utilized a responsibility analysis design, which they said helped them avoid bias. The blood they analyzed for THC and other impairing substances, for example, came from excess samples gathered by treating physicians at hospitals following drivers' accidents. To determine whether or not a driver was responsible for a crash, they looked at police reports and scored them using a computerized algorithm.

The authors sampled car crash patients from seven British Columbia trauma centers from January 2010 to July 2016 and ultimately tested the blood of 2,318 drivers who had police reports associated with their car accidents.

According to their results, 886 drivers were found to have at least one substance in their blood sample that may have impacted their ability to drive safely. "Alcohol was detected in 334 drivers (14.4%), THC in 192 (8.3%), other recreational drugs in 207 (8.9%), and sedating medications in

460 (19.8%),” the study states. “Polysubstance use was common and many drivers (11.4%) tested positive for more than one impairing substance.” Overall, more than half of drivers (1,178) were deemed responsible for the crash.

Among those drivers whose blood samples included THC—less than 2 ng/mL and up to 5 ng/mL—the study’s authors found there were “non-statistically significant increases in unadjusted risk of responsibility.”

“Our findings, of a low prevalence of drivers with THC>5 ng/mL, combined with a modest and statistically nonsignificant risk of crash responsibility, suggest that the impact of cannabis on road safety is relatively small at present time,” they write.

When the authors modeled THC as a continuous variable—meaning, the possible factors impacting their analysis were infinite— they found “there was a statistically significant but small increase in unadjusted risk for each 1ng/mL increase in THC. However, after adjustment for other predictors, there was no statistically significant association between THC level and risk of responsibility.”

There was, however, “significantly increased risk in drivers who had used alcohol, sedating medications, or recreational drugs other than cannabis.” As a result, “the road safety risk associated with alcohol or with other impairing substances is higher than for cannabis.” But, as the authors point out, it’s possible crash risk may increase following legalization: As more people gain access to marijuana, it’s likely more people will drive after using the substance, including “occasional users with less tolerance to the impairing effects of cannabis.” In particular, they note, the risks for traffic accidents may be higher for younger drivers or inexperienced cannabis consumers.

They also caution that their findings don’t “necessarily apply to fatal crashes where the association with cannabis may be stronger.” Past research, however, has found that marijuana legalization is not associated with an increase in traffic fatalities.

Study co-author Dr. Jeff Brubacher, an associate professor of emergency medicine at the University of British Columbia, said in an interview released prior to the completion of the new research that marijuana consumption does impact a person’s ability to drive. And he strongly cautioned against getting behind the wheel after using any form of cannabis.

“Marijuana affects motor ability—reaction times are slower so people can’t respond quickly enough to a dangerous situation,” Brubacher said. “Drivers who have used cannabis may have trouble staying in their lane and tend to weave. The ability to maintain a consistent speed is also impaired and they tend to slow down and speed up erratically. Marijuana also makes for a more easily distracted driver.”

## **Congressional Report Raises Questions About Whether Marijuana Impairs Driving**

[Congressional Research Service report](#)

Data is fairly consistent that the time period of greatest influence on driving skills following marijuana inhalation is some 40 to 60 minutes. This period of time may be identified as acute impairment. The degree of impairment then dissipates significantly in the ensuing hours, e.g.:

United States Department of Transportation, National Highway Traffic Safety Administration [NHTSA]. *State of Knowledge of Drug-Impaired Driving: Final Report*, page 55. Online at: <http://www.nhtsa.gov/people/injury/research/stateofknwlegedrugs/stateofknwlegedrugs/>

"Experimental research on the effects of *cannabis* have produced mixed results, indicating that any effects (slightly over half of the experiments we examined showed impairment) dissipate quickly after one hour, so that a day after ingestion they are no longer significant."

(Obviously, orally ingested THC would have a different profile.)

A review paper by Fischer et al., (attached) suggested a 3-4 hr time frame to wait prior to driving. However, a revised version of this paper suggests a more conservative timeline:

[https://ajph.aphapublications.org/doi/full/10.2105/AJPH.2017.303818?url\\_ver=Z39.88-2003&rfr\\_id=ori%3Arid%3Acrossref.org&rfr\\_dat=cr\\_pub%3Dpubmed](https://ajph.aphapublications.org/doi/full/10.2105/AJPH.2017.303818?url_ver=Z39.88-2003&rfr_id=ori%3Arid%3Acrossref.org&rfr_dat=cr_pub%3Dpubmed)

"Driving while impaired from cannabis is associated with an increased risk of involvement in motor-vehicle accidents. It is recommended that users categorically refrain from driving (or operating other machinery or mobility devices) for at least 6 hours after using cannabis."

A paper by Huestis et al that proposed that habitual users still perform more poorly than non-users even after extended periods of abstinence: <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0053127>, but it possessed numerous limitations including an absence of any baseline performance level from the user group. I was at CAT when she presented these findings and even among a more conservative audience, the findings were met with across-the-board skepticism.

A driving simulator study by Ronen et al., by contrast, found no differentiation in performance compared to sober baseline performance 24-hrs following cannabis dosing:

<https://www.ncbi.nlm.nih.gov/pubmed/18460360>

Submitted by Harinder Kapur

## **In Era of Legal Pot, Can Police Search Cars Based on Odor?**

By MICHAEL RUBINKAM, Associated Press

Sniff and search is no longer the default for police in some of the 33 states that have legalized marijuana.

Traditionally, an officer could use the merest whiff of weed to justify a warrantless vehicle search, and whatever turned up — pot, other kinds of illegal drugs, something else the motorist wasn't allowed to have — could be used as evidence in court.

That's still true in the minority of states where marijuana remains verboten. But the legal analysis is more complicated in places where pot has been approved for medical or adult use, and courts are beginning to weigh in. The result is that, in some states, a police officer who sniffs out pot isn't necessarily allowed to go through someone's automobile — because the odor by itself is no longer considered evidence of a crime.

"It's becoming more difficult to say, 'I smell marijuana, I can search the car.' It's not always an automatic thing," said Kyle Clark, who oversees drug impairment recognition training programs at the International Association of Chiefs of Police.

For nearly 100 years, the U.S. Supreme Court has recognized an "automobile exception" to the Fourth Amendment's ban on unreasonable searches and seizures, giving law enforcement the right to conduct a warrantless search if there is reason to suspect a vehicle is hiding contraband or evidence of a crime. Police have long used the exception to conduct vehicle searches based on the pungent, distinctive odor of pot.

Increasingly, motorists in states where marijuana is legal in some form are pushing back when police insist on a search — especially if that search yields evidence of a crime.

Last month, a [Pennsylvania](#) judge declared that state police didn't have a valid legal reason for searching a car just because it smelled like cannabis, since the front-seat passenger had a medical marijuana card. The search yielded a loaded handgun and a small amount of marijuana in an unmarked plastic baggie — evidence the judge suppressed.

"The 'plain smell' of marijuana alone no longer provides authorities with probable cause to conduct a search of a subject vehicle," Lehigh County Judge Maria Dantos wrote, because it's "no longer indicative of an illegal or criminal act." She said that once the passenger presented his medical marijuana card, it was "illogical, impractical and unreasonable" for troopers to conclude a crime had been committed.

Prosecutors have appealed the ruling, arguing the search was legal under recent state Supreme Court precedent. But they acknowledge that marijuana odor is an evolving issue in the courts.

"We want to get it right," said Heather Gallagher, chief of appeals in the district attorney's office. "We need guidance, so law enforcement knows what to do."

Other states' courts have curtailed searches based on odor.

[Massachusetts'](#) highest court has said repeatedly that the smell of marijuana alone cannot justify a warrantless vehicle search. In [Vermont](#), the state Supreme Court ruled in January that the "faint odor of burnt marijuana" didn't give state police the right to impound and search a man's car. [Colorado's](#) Supreme Court ruled in May that because a drug-detection dog was trained to sniff for marijuana — which is legal in the state — along with several illegal drugs, police could not use the dog's alert to justify a vehicle search.

"Smell alone is gradually becoming no excuse for getting around the Fourth Amendment," said Keith Stroup, legal director of the National Organization for the Reform of Marijuana Laws. "It's a major development, and it's going to provide a layer of protection that we lost sometime in the past."

But not every court has ruled against sniff and search.

[Maryland's](#) high court quoted the title of Bob Dylan's "The Times They Are A-Changin'" in ruling last month that police did an unlawful body search of a motorist whose car smelled of marijuana and contained a joint on the center console. But the court also decided that police were entitled to search the car itself, noting that marijuana is still considered contraband despite the state's medical marijuana program, and people have a "diminished expectation of privacy" in an automobile.

Judges have also ruled that marijuana odor can be used in conjunction with other factors to support a search. If the smell is overpowering, for example, an officer might conclude the motorist has a quantity of cannabis far in excess of what's allowed. Driving under the influence of marijuana is illegal in all 50 states, so police are free to search the car of a driver who shows signs of impairment.

The longstanding federal ban on marijuana, and whether a state's marijuana law is broad or narrow in scope, are additional factors that courts have considered, said Alex Kreit, visiting professor at the Drug Enforcement and Policy Center at [Ohio](#) State University's law school.

On patrol, some officers are taking heed of the changing landscape.

In [Michigan](#), medical marijuana patient Craig Canterbury said he produced his ID card after state police told him they smelled marijuana in his van during a traffic stop last year.

"They looked at the card, made sure it was legal, and that was that," Canterbury said. He said he wouldn't have agreed to a vehicle search "because I had shown we were legal."

When David Boyer, former [Maine](#) political director of the Marijuana Policy Project, was pulled over for speeding last year, the officer said she smelled marijuana in his car. Boyer, who said he had consumed cannabis at a friend's house several hours earlier, reminded the officer it was legal in Maine and told her he wasn't under the influence.

"She pushed back a little bit on it but ultimately, I just got the speeding ticket," Boyer said.

The officer didn't ask to search the car.

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<https://www.usnews.com/news/us/articles/2019-09-13/in-era-of-legal-pot-can-police-search-cars-based-on-odor>