

**CALIFORNIA HIGHWAY PATROL  
IMPAIRED DRIVING TASK FORCE  
MEETING MINUTES**

**October 14, 2019  
601 North 7th Street  
Sacramento, CA 95811**

**MEMBERS PRESENT**

California Highway Patrol - Commissioner Warren Stanley, Assistant Chief Kevin Davis,  
Captain Helena Williams  
Alcohol Beverage Control - Joseph McCullough  
American Automobile Association - Anita Lorz  
Bureau of Cannabis Control - Lori Ajax  
California Commission on Peace Officer Standards and Training - Mike Radford  
California Department of Justice - Harinder Kapur  
California Narcotic Officers' Association - Vaughn Gates  
California National Organization for the Reform of Marijuana Laws - Dale Gieringer,  
Ellen Komp  
California Police Chiefs - Ken Corney  
California Public Defenders Association - Leslie McMillian California State Sheriffs'  
Association - Marcus James  
Department of Motor Vehicles - Veronica Bowie  
Department of Veterans Affairs - Dr. Anthony Albanese  
Friday Night Live - Jim Kooler  
Kern County Deputy District Attorney's Office - Michael Yraceburn  
National Highway Traffic Safety Administration - Scott MacGregor  
Office of Traffic Safety - Barbara Rooney, Nicole Osuna, Camille Travis, Danny Lamm  
Pharmacist - Dr. Phillip Drum  
Rocker's Against Drunk Driving - Erin Meluso  
San Diego Sherriff's Department - Jennifer Harmon  
University of California, San Diego - Dr. Robert Fitzgerald, Dr. Thomas Marcotte  
Ventura County Behavioral Health - David Tovar

**MEMBERS ABSENT**

American Civil Liberties Union of Southern California - Peter Bibring  
California Attorneys for Criminal Justice - Rich Hutton  
California District Attorneys Association - Joseph Chavez  
California National Association for the Advancement of Colored People - Alice Huffman  
Ceres Strategies - Elizabeth Ashford  
Drug Policy Alliance – Jannette Zanipatin  
International Association of Chiefs of Police - Chuck Hayes  
Medical Examiner, San Francisco - Dr. Luke Rodda

Orange County Health Care Agency - Kathy Kendricks  
Sacramento County District Attorney's Office, Supervising Criminalist - Michael Toms  
Stanford University - Shan Wang, Dana Lee Kralicek

## **OPENING COMMENTS**

California Highway Patrol (CHP) Assistant Chief Kevin Davis opened by welcoming everyone to the seventh Impaired Driving Task Force (IDTF) meeting and thanked the members for their continued efforts and support. Commissioner Warren Stanley provided opening remarks and reminded members of the importance of their role in shaping California's impaired driving laws and keeping the public safe. Commissioner Stanley thanked the committee for working diligently on their task of developing legislative recommendations related to impaired driving with the goal of making California's roadways a safer place to travel.

Assistant Chief Davis made a motion to approve the August 6, 2019, IDTF meeting minutes. A second to the motion was made and all members in attendance voted to approve the meeting minutes.

Assistant Chief Davis noted that Assemblymember Tom Lackey was invited to attend; however, he was unable to do so due to scheduling conflicts. Assistant Chief Davis gave a brief overview related to the legislative report and noted the report should contain tangible recommendations supported by the task force. The task force agreed to postpone further discussions regarding the legislative report to a future date.

Assistant Chief Davis noted there were no new updates from the Legislature as the session was completed. Dr. Phillip Drum discussed the passage of Assembly Bill 397 which clarified issues related to open containers of cannabis in vehicles and Senate Bill 223 which allows a parent to administer cannabis oil on school grounds. Dr. Drum then asked if the task force was aware of the California Department of Public Health, Health Alert, Severe Acute Pulmonary Disease Associated with Cannabis or Cannabidiol Oil Vaping article, dated August 9, 2019; and the Center of Disease Control (CDC) and Preventions, Smoking and Tobacco Use, Outbreak of Lung Injury Associated with E-Cigarette Use, or Vaping article, dated October 11, 2019. These articles warned consumers regarding the dangers of vaping. Dr. Drum and Ms. Ellen Komp discussed if the articles were specific to illegally produced cannabis vaping products. Assistant Chief Davis concluded by noting Assembly Bill 551 was vetoed. This bill would have required specified testing of fatally injured drivers, passengers, and pedestrians involved in crashes. It is currently unknown if the bill will be reintroduced in the next legislative session.

### **Public Comment**

No members of the public commented.

## **PRESENTATION – IMPAIREMENT TESTING**

Mr. Dale Gieringer began by presenting information related to the My Canary Application (app) for cellular (cell) telephones. Mr. Gieringer explained that this app measured a subject's performance on a variety of tests, including: memory, finger tracking, reaction time, time estimation, and one leg standing balance. Although the app is no longer available for purchase, Mr. Gieringer believes the app, and similar apps, may be a good alternative for persons looking to test their sobriety prior to driving. Mr. Gieringer then introduced Dr. Nicholas Lovrich.

Dr. Lovrich presented an overview of the DRUID app. The DRUID app is a non-invasive, non-chemical test that can be performed in about two minutes on a cell phone. It requires the individual to complete four tasks that test reaction time, decision making, object tracking, hand/eye coordination, time estimation, and balance.

1. Task 1 is a decision making and reaction time test. During this test, the user is required to follow specific instructions and touch an object when it appears on screen.
2. Task 2 also tests decision making and reaction time by requiring the user to touch an object and then retouch another object when they believe 30 seconds has elapsed.
3. Task 3 is a hand/eye coordination test and requires the user to follow a moving object while tracking/counting a separate object.
4. Task 4 is a balance test and requires the user to stand on one leg while holding their phone steady. The test measures sway and movement.

Dr. Lovrich noted several major universities are now researching the DRUID app and the app is the subject of a study in Washington funded by the National Institute of Justice.

### **Members' Comments**

Mr. Grainger said he hopes a test like the DRUID app could be readily available in public places to test for cannabis impairment.

Ms. Komp asked how infrequent users were defined during the study. Mr. Lovrich stated infrequent users were users who only used cannabis two or three times in their lives.

Assistant Chief Davis asked when the study would be completed. Dr. Lovrich explained the study was in year three, and a six-month extension had been granted due to a large

number of agencies volunteering to participate. Dr. Lovrich noted the study should be completed in December 2019.

Dr. Lovrich noted, the Washington State officers participating in the study have voiced concerns about high alcohol taxes driving college-aged consumers to combine alcohol and cannabis.

Assistant Chief Davis asked if officers participating in the study were being trained in phlebotomy. Mr. Lovrich said legislation in Washington authorizes officers to be trained in phlebotomy.

Dr. Drum asked about the legal liability of using the DRUID app. Mr. Lovrich stated that most customers for DRUID are companies and require their employees use the app. However, there is a disclaimer built into the app.

### Public Comment

No members of the public commented.

## **SUBCOMMITTEES BREAKOUT SESSIONS**

The subcommittees met at this time. Each subcommittee will create a separate set of meeting minutes.

## **SUBCOMMITTEE REPORT**

The subcommittees made a third report to the main task force. The task force will vote on all proposed recommendations for adoption at a later date.

Mr. Michael Yraceburn for the Best Practices and Protocols subcommittee reported the following revised ten proposed recommendations:

1. Requiring warning inserts in cannabis exit containers; signs and posters at point-of-sale; and cannabis consumption sites describing cannabis specific driving risks, the risks of underage cannabis use, and the risks of mixing cannabis with alcohol and other psychoactive substances to be implemented immediately.
2. All traffic law enforcement officers (including Police and Sheriff Department Deputies) must receive Advance Roadside Impairment Driving Enforcement (ARIDE) training within one year of being assigned to traffic enforcement and biannual continuing education on impaired driving. Experienced officers not yet trained must receive ARIDE training within one year upon enactment of this requirement.

3. Increase the statewide percentage of Drug Recognition Evaluation (DRE) trained and certified traffic enforcement officers by four percent of the total number of traffic enforcement officers each year over the next five years. The California Highway Patrol and the Office of Traffic Safety will be accountable for reporting accurate numbers of total officers and sergeants trained each year and be responsible for the implementation of this recommendation. An officer certified as a DRE shall receive incentive pay during the time the officer remains certified.
4. Law enforcement must use the best available roadside presumptive screening device and confirmatory tests in the most expedient manner for possible drug and alcohol impaired driving investigations. There should be a standardized, comprehensive testing procedure throughout the state to report accurate data concerning impaired driving. This recommendation shall be implemented within one year.
5. Evidence of the driver's impairment is needed in addition to cannabis presence/level to conclude that a driver is impaired (at least in part) from cannabis. Audio/visual body cameras are the preferred devices, but at a minimum, full audio recordings should all be part of all Standardized Field Sobriety Testing.
6. Driving schools and the Department of Motor Vehicle approved traffic school shall add a cannabis education module, which includes a victim impact panel component, to all programs within one year.
7. Within two years of being appointed and annually thereafter, all Criminal Justice Officers must receive training which covers addiction, drug abuse, behavior modification, factors contributing to impairment, and bias in arrest/prosecution.
8. Within one year of adoption, collect data from those convicted of a cannabis related Driving Under the Influence (DUI) to develop better methods of screening for, and prevention of, "any drug" DUI violation. Data should be statewide, and guide future revisions in DUI policy.
9. Blood should be collected within one to two hours of DUI suspicion, and must include an extended drug panel, with confirmatory and quantitative high-performance liquid chromatography/mass spectrometry or gas chromatography - mass spectrometry for positive results.
10. Retail and event organizers license holder shall provide training to persons servings cannabis similar to responsible beverage server requirements. Additionally, cannabis consumption sites shall provide information regarding locally available alternate transportation to all consumers.

Ms. Camille Travis for the Education and Prevention subcommittee reported the following revised eight proposed recommendations:

1. All subsequent recommendations will be informed by best practice and latest research on impaired driving.
2. Promote responsible sales and consumption practices to all cannabis retailers and home delivery services, through responsible retailer training similar to alcohol sales.
3. Provide educational information for consumers such as pamphlets, posters and other information related to the responsible usage of cannabis and other drugs, including, but not limited to: cannabis retailers, pharmacies, and any other place deemed appropriate.
4. Provide age-appropriate education for youth and adults on the effects of the use of cannabis and the impact of impaired driving.
5. Expand educational opportunities related to impaired driving for legal and judiciary systems.
6. Provide medical system and pharmacy training and education related to impaired driving.
7. Create guidelines for advertisers of cannabis and cannabis-related products to include clear and concise message, including the legal age and risk of driving under the influence of drugs.
8. Fund an annual statewide, continuous, public information campaign.

Ms. Kristen Burke for the Technology, Research, and Data subcommittee reported the following revised five proposed recommendations:

1. Having the state establish a baseline DUI of drugs data prior to legalization, based on California Vehicle Code Sections 23152 and 23153 (including subsection) data.
2. Currently, there are no standardized reporting forms for collecting driving under the influence of drugs data. As such, the subcommittee recommends developing a standardized approach to collecting law enforcement (arrest), prosecution (case disposition), and laboratory results (scope of analysis).
3. Further invest in research to assess existing and identify new measures to detect drug-impaired driving.
4. Toxicology laboratories throughout California should follow a standardized procedure to develop and validate methods for analyzing drugs in bodily fluids.

5. The State of California should undertake a research project analyzing drug trends. The project would request selected laboratories, with specified equipment, to examine all or a randomized selection of blood samples taken from DUI incidents for drugs, using a standardized procedure, for a specified time period. These results would be used to identify trends and provide information to policy makers.

### Public Comment

No members of the public commented.

### **ROUND TABLE DISCUSSION**

Assistant Chief Davis thanked the subcommittee members for providing the third round of proposed recommendations. Assistant Chief Davis and Captain Helena Williams facilitated a discussion about the purpose of the task force and discussed the due date of the legislative report. Assistant Chief Davis noted the subcommittees should be wrapping up their work, and the task force will begin focusing on finalizing the recommendations and the legislative report.

Dr. Drum asked about the locations for upcoming meetings. Captain Williams explained that future meetings would be at the CHP Headquarters campus due to limited funding for travel.

Dr. Drum also inquired about what other states are doing regarding driving under the influence. Ms. Jennifer Harmon noted the National Highway Traffic Safety Administration has information on their Web site regarding other states' response to impaired driving, including information related to alcohol and drugs.

### **MEETING INFORMATION**

The meeting began at 10:03 a.m. and was adjourned at 2:46 p.m.

The next meeting will be January 7, 2020, at CHP Headquarters, in Sacramento, California. Members will receive an e-mail notification when the next meeting date has been scheduled, and a public posting will be uploaded to the CHP's public Web site.