



State of Connecticut

HOUSE OF REPRESENTATIVES STATE CAPITOL

REPRESENTATIVE GAIL LAVIELLE
ONE HUNDRED FORTY-THIRD ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING, ROOM 4200
300 CAPITOL AVENUE
HARTFORD, CT 06106-1591
CAPITOL: (860) 240-8700
TOLL FREE: (800) 842-1423
Gail.Lavielle@housegop.ct.gov

ASSISTANT HOUSE REPUBLICAN LEADER

RANKING MEMBER
APPROPRIATIONS COMMITTEE

MEMBER
EDUCATION COMMITTEE
TRANSPORTATION COMMITTEE

Testimony in Support of House Bill 5152

An Act Concerning a Study to Determine a Way to Detect When a Driver Is Under the Influence of Marijuana **Public Safety and Security Committee** **February 14, 2019**

Senator Bradley, Representative Verrengia, Senator Hwang, Representative Sredzinski, and distinguished members of the Committee, thank you for the opportunity to testify in favor of **House Bill 5152, An Act Concerning a Study to Determine a Way to Detect When a Driver Is Under the Influence of Marijuana**.

Several general points about the bill are important to note at the outset:

- This bill neither supports nor opposes legalization of the recreational use of marijuana. Rather, it addresses the public safety issues related to use – legal or illegal – of marijuana in situations where individuals might be in a position to pose a risk to others. The bill is not based on any partisan political stance.
- The word “study” in the bill’s title is not meant to suggest that the state should invest in the development of sophisticated technological or other types of tests to detect marijuana usage and potential impairment. My intent is for the bill to require a comprehensive review of the possibilities available and a thorough recommendation for policy evolution in this area over the short and long term.
- The bill is not meant to suggest that Connecticut’s law enforcement professionals are not doing the best job they possibly can with the resources they have. On the contrary. Rather, the bill’s objective is to ensure that state policy is clear enough and forward-looking enough to ensure that all new developments in this field are fully explored, that law enforcement, the courts, and the public are fully prepared for a changing and unpredictable environment, and that those involved in implementing policies have ample opportunities to coordinate their work.

Background information

We often hear that there’s no clear way to tell whether someone is driving under the influence of marijuana. That is partially false. Certainly trained Drug Recognition Experts (DREs) can tell a lot from a person’s behavior, reflexes, and other signs. But the statement is also partially true, and that is the issue.

- It is possible and simple to test the level of THC in someone’s blood. However, it is not possible to tell for how long the substance has been in the bloodstream. So a high level may not have any correlation with an individual’s current state. Several states have, nevertheless, introduced per se levels for identifying marijuana impairment. This means that people who have not used marijuana in weeks could be charged with a marijuana DUI. It also gives people who use marijuana no help in assessing how much they are affected at any given moment, unlike information

about alcohol levels. It also provides no real helpful information to either law enforcement or the courts in booking or evaluating a DUI charge.

- Many law enforcement officers undergo extensive training to learn to recognize the signs and symptoms of drug impairment. There are currently more than 50 intensively trained DREs in Connecticut, whose expertise is widely valued. They do not, however, have a precise, standardized measurement tool, like the alcohol breathalyzer, that virtually eliminates any degree of subjectivity from the process.
- DREs, as well as many other law enforcement officers, are fully equipped to recognize the signs of impaired driving in general. The issue that remains is linking the impairment definitively to drugs and, specifically, marijuana.

Law enforcement in states around the country – including those where recreational marijuana is legal and those where it is not – acknowledges the gaps in the available tools and methods. The issue is not confined to Connecticut.

This issue is important whether Connecticut legalizes recreational marijuana or not. But the degree of attention currently focused on legalization here, as well as the laws in neighboring states, does make getting this right more of a priority.

Companies are currently working on new tools. As an example, one in California is developing a breathalyzer that it says would be able to detect and measure marijuana smoked (I'm not sure about ingested) during the past three hours. This particular company says it will soon be ready for pilot testing. There will doubtless be other companies and opportunities as well.

I think our state should be proactive in staying up-to-date about what other states are doing, being open to testing new options, and ensuring that reports are made regularly to policy-makers in both the legislative and executive branch. I also believe it's important to inform the public about the current situation and new developments. This helps drivers be alert to others, and also can help individuals using marijuana understand the stakes and be more judicious in their use while or before engaging in activities that require coordination, concentration, and other faculties that marijuana use may temporarily impair.

The voices that are vital to listen are those of DESPP, police chiefs, the judicial system, specialized attorneys, public health professionals, scientists, and others who have a professional connection to this issue. I defer to them on all counts.

The bill's intent is to ensure that they have the resources they need to resolve the current issues, as well as the assurance that doing so is a priority for state government. This may mean creating a permanent working group, allocating modest financial resources, or assigning particular tasks. It is important to hear from the professionals to learn what they need most. I hope that the introduction and hearing of this bill will open an active and ongoing discussion and lead to concrete steps that will continue to meet the needs of public safety in the changing environment of marijuana laws and usage.

I thank the members of the Committee for their attention. I would be happy to participate in any follow-up discussions, provide references to sources, continue pursuing research, and discuss in more depth what form an ongoing working group or other type of entity could take. I respectfully ask that you consider taking this initiative farther through legislation in order to ensure proactive focus on this important issue.