

Governor's Council on Impaired Driving
Wednesday, May 15, 2019
10 am to 2 pm
Red Lion Hotel, Cheyenne, Wyoming

Attendees: Rich Adriaens, Tom Montoya, Ashley Schluck, Rusty Bell, Danny Glick, Byron Oedekoven, Erica Mathews, Joey Burke, Karson James, Matt Groth, Rob Black, Ryan Roden, Bridgette Hill, Noel Cooper, Kerry Shatto, Steve Woodson, Mike Kahler, Troy McLees, Brittany Wardle, Debbie McIntosh, Marlo Ramos, Matt Carlson, Buck McVeigh, Alex Toalson
On The Phone: Callie Lund, Russell Clark, Christi Arneson, Tim Day

Opening Remarks / Introductions: Ernie welcomed everyone.

GCID Overview/Update/Administration Issues: History of council, concerns early on – be prepared at next meeting to discuss your connection to the issue and concern. Quarterly meetings, subcommittee work that happens in-between. Important for everyone to get involved. Everyone to be on one-subcommittee. Overview of purpose. Review of subcommittees and members. Review of statistics.

Retired committees: Policy Analyst and Conference.

Tabled committees: Ignition Interlocks, GCID Medical Community Public Awareness, 24/7 Sobriety Program.

Active committees: Awards, Media Campaign, Membership, Drugged Driving, Chemical Testing, DUI Supervision, Strategic Plan, Drug-Impaired Data Collection, Legislative-Policy Issues.

Marijuana and Hemp Legislation:

Byron – Federal Legislation/Trends/Legislative Issues – Hemp related products are now legal in Farm Bill, IF grown in accordance with the Farm Bill. Layout of regulations in Farm Bill and Hemp is .3 and below, grown in accordance with the Farm Bill. Nothing has been grown, inspected, harvested, etc. and brought to Cheyenne that is in with accordance with the Farm Bill. Everything you see is illegal from a federal standpoint. We'll support a statute that supports the Farm Bill. Wyoming's bill mirrors that standard. Wyoming will have supremacy and regulation authority. Gray area is to suggest that hemp products have 0% THC. Greater challenge is everyone marketing their CBD oil that is less than the .3 standard of THC. Leads to problems on the impairment side. Challenges: Roadside sobriety, is it appropriate or accurate or predictor whether a person is impaired. It does not matter what you are impaired by, but you are still impaired. Arrest for impairment, they exhibited the driving behavior consistent with statutory scheme for impairment.. Legislature – Anything related to marijuana should maybe have a lesser offense, wipe record clean, etc. Interesting attitude toward marijuana related issues. Is marijuana impairment a non-offense? Overall public awareness – impairment means impairment no matter the drug. This next year, there will be discussion in reduction of sentencing. Probation period for DUIs be reduced, maybe enhanced treatment options not necessary.

Steve – Challenges for detection, testing, new stuff – Hemp is indistinguishable from marijuana. "Hemp" seizures. There is no one producing or transporting under federal authority.

Large loads at port of entry. These present challenges, a semi- truck driver with a load, a manifest that is questionable, open the back of trailer, big bags of "hemp." We have to work with other states like Oregon on this challenge. One load of 7500 lbs, we have no ability to test that. It has to be sent off to Pennsylvania. Other labs say they can do it, but the one lab in Pennsylvania and they are expensive. Got results back on the first load, most was under .3% and some was over. When loads were seized, it was still illegal in Wyoming. Idaho had a similar situation. Idaho does not have a state hemp law. It's still illegal.

We've already had this questioned in court. Hemp is an exception to marijuana, but it has to be below .3%. We have to get the equipment to do that. \$180,000 for that equipment. It will take time to validate that equipment. It will probably take about a year to get stood up. It's a big challenge. Hemp will be cover loads for the marijuana loads. Federal agencies have taken a hands- off approach. Tons of implications. Drug dogs, what are they alerting to.

Marijuana and edibles continue to be a challenge. Can't determine quantity of THC and the quantification of that THC within the gummy bear. The lab in Pennsylvania can't do that either. Legislators point us to labs that can provide these services, but upon research, they actually can't do that. Every state that has legalized, has had to hire more agents to handle the black market. DCI did various buys across the state to test CBD products. Almost all the products had a significant amounts of THC in them. Seize orders, but no prosecution at this time.

Byron -- Laboratory results that you see on marijuana products is bragging rights only.

Consumer based labs will tout +- 50%. GCID -- Are they driving impaired and what do we do about it then? We have education campaign on impairment is impairment.

Federal Department of Agriculture to have federal rules by the end of this year on CBD.

SF007 – Alternative Penalties and Pre-Trial Release for Alcohol Crimes:

Ernie – History. Problem with ignition interlock program. Senator Kinskey listened to issues. Waiting out period, deferred prosecutions, time period when device should be installed, etc. Introduced legislation, national chapter of MADD sent a letter to every legislator saying the opposed the bill. Bill failed. Should we go through budget session. A number of amendments. Wasn't ready, spent a year putting legislation together. MADD sent out letters again, sent two people in to talk against the bill, held a press conference, etc. Got bill through both sides of house, died due to lack of time. The bill that did pass this last time was a good bill and made the 24/7 Program strong. MADD was told to stay out. Talked with Circuit Court Judges.

Mike Kahler --- Loopholes fixed. 1st offenders that were over .15%, in the past were able to avoid ignition interlock, now it places them in the program. Unique thing with that law is that the 24/7 Program was brought in as an alternative. Work with WYDOT to have a 24/7 driver's license. Use state funding for a 24/7 coordinator. Legislation amended to include remote testing. This wasn't necessary as it could be included in rules. This may cause an issue in the future. Amendment allows for a sheriffs office to set up a remote testing center so they don't have to have as much overhead or administration. Remote only testing center may lose immediacy of consequences. Sunset provision was repealed. Increased workload for all involved. Positive change that should save lives.

Update: 24/7 Sobriety Program: This council was instrumental in getting this program and legislative backing off the ground. To date, there are 4 counties. Sweetwater, Natrona,

Campbell and Fremont. In Campbell, drug offenses are overtaking alcohol offenses. Campbell has most numbers.

Rusty mentioned there about 78 participants, a lot of patches. Funding formula is resolved. Grant funding to help with equipment and software. Next county by July is Sheridan. Hopefully Laramie County soon as well. Albany County down the road.

Remote testing is necessary but being careful. Backbone is till 24/7 Program. With current legislation, are the rules consistent. Looking at drug testing option of saliva. Working with Judge Phillips to identify the need for that. We wouldn't need both a male and female on site with saliva testing. Ankle bracelets were added as an option. Wanted immediacy of arrest. Lay out criteria to ensure less burden with oilfield worker, for example. Upped the price of drug patch. Drug testing was costing more than they realized. New legislation going into effect July 1, there should be good changes.

Are there additional savings. Recidivism rates are great. Lt. Theis and Judge Phillips, will present on Campbell County. There are less people in jail in Campbell County.

NHTSA – Mario – We aspire for all states to have something like this (GCID). Organizational structure as a model, the work that has been done, etc. This task force has accomplished a great amount. Thank you for the work you've done.

Traffic Safety Nationally – DUI and national campaigns. Data collection. Autonomous vehicles are starting to present issues. Open container considerations or repeat offender considerations. Behavioral world. Have your voice heard regarding grants – now is the time to do that. Get involved. Rules are still being written while we are strategic planning.

Governor's Remarks: Thank you for all you do, I'd like to learn more. Thinking to Laramie last week and all the challenges brought forward, what can we do to help. Want our roads to be as safe as we can be. Discussions about modern technology, cars do all the thinking, people are maybe doing less. Are there ways we should be advising people they are still responsible for their driving.

Rich – You care enough to carry this on, your voice motivates, that awareness is our number one weapon, your office involved is helpful. You are the 3rd governor, encourage you and thank you. It's great work. Everything seems to move slow, but there's always so many accomplishments.

Ernie – We went to Gov Mead about two years ago, our drug testing in Wyoming is failing. Transfer from DOH to DCI, this is a great decision. That burden was placed on DCI. I'd like to put a plug in for him for staff, resources, but he is going to need help from AG and Governor's office.

Byron – During the first part of your tenure, it was a pleasure to work with you. We had many issues around impaired driving. We didn't waste this year. We worked on those issues. All of that happened with your assistance. You hit the ground running and helped us achieve those important objectives.

Issues we are working on: 24/7 Program, provide some assistance for statewide coverage. Everything related to marijuana, CBD. Chemical testing, additional training at academy, regional training, etc. Not just driving issues, but crime issues. Alcohol related crimes are down, drug related crimes are up. Tripled people involved in meth in the last two years.

Request from Governor:

Explanation of where revenues come from, as revenue pictures change, what impact will that have.

People of Wyoming understand priorities. Safety, financial, etc.

Distracted driving, technology challenges.

Update: GCID Media Campaign:

Karson – The Things No One Knows videos. Taking the idea of the Wyoming culture of making right choices. Rough cuts being done soon, going live end of May. Radio ads.

Matt – Heinrich, Don't Go Down That Road. Reduce impaired crashes in Wyoming. Increase awareness. Review of target audience, strategy, timing, media examples and new creative.

Update: Drugged Driving Media Campaign:

Shawn Houck Adbay – Shawn provided an update on the "The New DUI" drugged driving campaign. He provided visuals of campaign, radio ads, marketing plan, etc. There is money remaining in the budget, it is recommended a follow up survey occur to determine effectiveness of campaign.

Rhea – Nothing additional.

Update: Campbell County Impaired Driving Task Force:

Rhea – The Campbell County DUI Task Force decided to do qualitative research to drill down on the why behind people drink and drive. They partnered with Tim Pearson from WYSAC to conduct one on one interviews in Gillette. Results will be provided in July. In the meantime, they are designing and implementing a designated driver program. This is encouraging establishments to provide good incentive for people to be the designated driver.

Rusty Bell – Rusty mentioned the task force has been going for a couple years, has great membership and recognizes this as a key issue in Campbell County. This task force believes personal responsibility is important and how we promote that.

Update: Chemical Testing Program:

Woody – Provided data for submissions. Toxicology submissions have tripled since 2018.

There's impact to DCI to keep this standing, but there's not enough staff. It's an issue being looked at. Doing presumptive testing on all drugs. Right now confirmatory testing on THC and the basic drugs such as methamphetamine. Moving forward with benzos, moving on to cocaine and opioids. 78% of alcohol testing they looked back on included other substances as well. Turn around is not too bad, they get 50 a week, so there is a turn around time. The goal eventually is to test all alcohol samples for drugs also.

Two levels of testing. Presumptive tests (quick but not confirmatory). GC Machine – Confirm drugs in that sample. Manpower and Equipment are the issues. Chemists have to do it. Two weeks training on just machine, professor from Colorado comes up for training.

There was discussion on how to obtain funding to help with this issue. Is presumptive testing enough for data collection.

Open Forum/Closing Remarks/Next Meeting Dates:

Strategic Planning over the next month and electronic approval.
September 11, 2109 in Cheyenne
December 4, 2019 in Casper

Sun-In

GCW Meeting SLS 2019 10 AM - 2 PM

Name

Organization

Rob Black

Wyo Dept. of Education

Kerry Shatto

Citizen - Wyoming '8'

~~Matt Carlson~~

~~WYDOT PUBLIC AFFAIRS~~

Karson James

Highway Safety Behavioral Grants Program

Joey Burke

jburke@sadd.org

Noel David Cooper

noelcooper@wyoming.com

Erica Mathews

erica.mathews@wyo.gov

~~Sammy Opend~~

~~dglck@laramiecounty.com~~

Rusty Bell

rrb@ccgov.net

~~Amy Schuck~~

~~aschuck@laramie.org~~

Tom Mentoya

DOR - Liquor Division

Ryan R. Toden

Office of State Public Defender

Bridget Hill

Attorney General's Office

Richard Advicaris

Sheridan Police Dept.

Troy D McLees

Cheyenne Regional Medical Center

Brittany Wardle

Cheyenne Regional Medical Center

Debbie McIntosh

NHTSA

Mario Ramos

NHTSA

STEVEN WOODSON

Wyoming DCI

~~Matt Carlson~~

~~WYDOT~~

Byron ODFILOVED

WASCO

Buck McVeigh

Governor's Office

Alex Tolson

Wydot