

#6 Student MJ Q&A

6. Will it make the roads less safe? This is one of the great unknowns regarding the legalization of marijuana laws in the state. In Colorado where marijuana has been legalized for recreational use (since 2013), 41% of people arrested for OUI were using marijuana only (no alcohol), marijuana traffic related deaths increased 48% in a 3 year average (2013-2015.) Unfortunately, it stands to reason that, any increase in the use of marijuana (or any drug) will most likely increase the number of people who will operate a vehicle while impaired.

- a. **How will the police protect us from people who smoke and drive?** The police hope that there will be adequate education and cultural pressure to condemn operating a vehicle while impaired by marijuana. We also recognize that like alcohol, this message will not be heeded by everyone. Operating a vehicle while under the influence of marijuana remains illegal and will be enforced by police officers with the same vigor as OUI -alcohol. Officers may believe a driver of a vehicle is impaired mostly by observing him/her operate their vehicle. If the officer observes indications of impairment i.e weaving between the lines, failure to obey traffic laws, the officer will stop the vehicle and investigates further. Until the officer engages the operator, the officer would have no way to know if the erratic operation was due to the use of alcohol, marijuana, a medical condition, or some distraction. If the officer develops information to indicate marijuana impairment then the driver may be arrested and charged with OUI-marijuana. It is true that many of the established tests used for OUI-alcohol would not apply for OUI-marijuana. New tests are currently being developed, examined and tested in an attempt to accurately gauge this type of impairment. Additionally, unlike alcohol there is no established marijuana level in a person's blood to indicate impairment. These are some of the growing pains associated with legalization. It should be noted that there is a civil fine of \$500 if an officer discovers an open bag or container of marijuana in a vehicle.
- b. **How are police going to be able to figure out when someone is driving high without a real form of testing?** Much of the information an officer will use to show impairment is how the person operated the vehicle. Other observations will be noted while speaking with the operator to include the odor of burnt or unburnt marijuana, condition of their eyes (glassy, bloodshot), speech patterns (slurred, forgetfulness). There are many observations that indicate OUI-marijuana that do not necessarily rely on formal testing. Many alcohol related OUI cases are proven without "breathalyzers".

These responses were provided by Craig Davis, Chief of Ashland Police Department.



 S T A N D