

**CONFIDENTIAL**  
**LEGISLATIVE BILL REVIEW FORM: 2015**

Bill Number: H.429 Name of Bill: Department of Public Safety; marijuana; driving under the influence

Agency/Dept: Public Safety Author of Bill Review: Lt. John Flannigan

Date of Bill Review: March 5, 2015 Related Bills and Key Players: Reps Brown & Strong / S.95; H.228

Status of Bill: (check one)

☒ Upon Introduction ☐ As passed by 1<sup>st</sup> body ☐ As passed by both bodies

Recommended Position:

☐ Support ☐ Oppose ☐ Remain Neutral ☒ Support with modifications identified in # 8 below

**Analysis of Bill**

1. **Summary of bill and issue it addresses.** This bill proposes to task the Department of Public Safety and the Department of Health with recommending to the General Assembly a standard of marijuana-induced impairment; and to task the Department of Health, the Agency of Education, and the Department of Public Safety with recommending enhanced driving under the influence prevention programming to the General Assembly.
2. **Is there a need for this bill?** This bill does not change law, but rather to report on the issue outlined above. The report could assist in fact finding in future legislation.
3. **What are likely to be the fiscal and programmatic implications of this bill for this Department?** No significant fiscal or programmatic implications for research and reporting.
4. **What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it?** For the agencies named there are no known significant impact to make recommendations in the proposed report.
5. **What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it?** None.
6. **Other Stakeholders:**
  - 6.1 **Who else is likely to support the proposal and why?**  
Other highway safety and drug prevention advocates looking into the issues deeper to recommend any future policy.
  - 6.2 **Who else is likely to oppose the proposal and why?**  
Possibly those who are pro-drug / Marijuana.

- 7. Rationale for recommendation:** The issue of a standard for marijuana impairment has been debated in recent years and many states have not adopted a per se drug law (presently in Vermont); while other states have adopted a per se law ranging from a zero tolerance (of Delta-9 THC; active metabolite of Marijuana) to 5 ng/ml concentration in blood. However, any number selected is arbitrary, as no real research indicates any specific level causes impairment. However, impairment has been shown at low levels and even in the inactive metabolites. Many jurisdictions have passed legislation as a zero tolerance, that any level of Delta-9 THC is unlawful.

The Dept of Health – Alcohol and Drug Abuse Programs (ADAP) and the GHSP have led in past prevention and education programming with outreach, earned and paid media on impaired driving.

However, the VT Drug Evaluation & Classification Program (Drug Recognition Expert) has done outreach in schools and communities with educational series on impairment with both “Drug Impairment Training for Educational Professionals (DITEP)” and “Drugs in Our Community” seminars. These are both offered on a limited basis and are unfunded.

- 8. Specific modifications that would be needed to recommend support of this bill:** While the issue of a standard for marijuana impairment is a concern for the Department of Public Safety, educational programs involving highways safety were part of the Governor’s Highway Safety Program (GHSP), which is no longer part of the Department of Public Safety and now under the VT Agency of Transportation. GHSP’s relationship with the National Highway Safety Administration (NHTSA) and relationship to impaired driving programs and research make the program a key stakeholder surrounding this issue and education components, especially from any budget perspective.

- 9. Gubernatorial appointments to board or commission?** While not necessarily a gubernatorial appointment, there should be future consideration for a fulltime impaired driving coordinator and assistant to oversee various impaired driving programs throughout the state of Vermont. These positions may be able to be funded federally under Federal Highway Administration and/or NHTSA.

**Secretary/Commissioner has reviewed this document**



**Date: 4/10/15**