Meeting the Challenge when Marijuana is Legalized!

Lifesavers-San Antonio
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How did Colorado get here?

Tipping Point

- **Early Medical MJ 2000-2008**
  - Amendment 20
  - 6,000 patients with MJ card
  - No dispensaries
  - CDPHE regulated 5 patients per caregiver

- **Medical MJ Expansion 2009**
  - 250 Dispensaries with no caregiver restrictions
  - 38,000 patients with MJ card

- **Recreational Marijuana 2013**
  - Amendment 64- (Not a law-State Constitutional Amendment)
  - 21+ can possess, purchase and gift 1oz. (law changed in 2016)
  - No use in public places
What Does Colorado Look Like Now?

- 491 retail marijuana stores.
- 1613 Liquor Stores
- 392 Starbucks
- 208 McDonalds Restaurants
- 107,534 Medical Marijuana Registry I.D. Cards-65% male, 49% between 21-30.
Recreational MJ Implementation

Amendment 64 Report

2 Recommendations Specific to Traffic Safety
Traffic Safety Law
Highway Safety/Law Recommendations

“RECOMMENDS”

• Marijuana Definition of Impairment Bill (5ng)=New Permissible Inference law today.

• Recommendation of ARIDE for Colorado POST Academies=significant funding for ARIDE and DRE today.
Impacts to State and Local Communities

• Creation of State Agency (Marijuana Enforcement Division). Housed in Department of Revenue-Similar in structure to a State Liquor Enforcement Division. Responsible for Regulation and Enforcement of Licensed Medical and Recreational Dispensaries. Funding through high taxes on marijuana.
Impacts to State and Local Communities

- Local Communities have the option to opt out of Licensed Medical and Recreational Businesses.
- 66% local jurisdictions have opted out.
True Challenges for Law Enforcement

• Continuous updates to changing laws.
• Enforcement questions.
• What is legal and what is not?
• Liability for seizures of “legal marijuana”
• Transactions of marijuana back into community?
• Evidence Rooms
• Dealing with Tourists!
True Challenges for Law Enforcement

- Search and Seizure-Drug sniffs
- Carroll Doctrine.
- Drug Cartels/Street Dealers—**Basic Capitalism in America.** Taxation—what does this mean?
- Prosecution issues—What is the appetite?
- Motivation of Law Enforcement to enforce...
Very early into this “experiment”

- What we do know at this juncture.....
- Youth Marijuana Use #1
- Adult Marijuana Use #2
- Emergency Room Visits ^
- Marijuana Related Exposures ^
- Treatment ^
- Diversion of marijuana outside of Colorado ^
- THC Extraction Labs Initially ^
- Crime ^
- Impaired Driving —for discussion ^
Impaired Driving in Colorado

• **Positives**-better training (DRE, ARIDE). Loveland-91% increase in DUID/47% increase in DUI arrests in 2017.

• The new 5 nanogram level of THC in blood bill. 55% to 70% of arrests for DUID are coming in under this permissible inference.

• Data collection is difficult for DUI Marijuana.

• In 2016, 76% of all DUID arrests by Colorado State Patrol involved marijuana. 767 of 1004 arrests. CSP Makes 20% of statewide DUI arrests.
Impaired Driving in Colorado

- 17% of all DUI arrests by CSP involved marijuana.

- Statewide fatalities-2014-488 to 2017-630. 29% increase.

- *2016 less than half of drivers or operators involved in fatalities were tested for drug impairment, which is consistent with the past data.

- 44.3% of the Colorado DRE cases in 2016 were cannabis.
Colorado DRE and ARIDE

• 228 DREs and 40 Instructors.
• 25% growth in DREs since legalization of MJ.
• Annual DRE School-strict selection through state committee led by CDOT DRE Team.
• ARIDE and DRE training funded through infusion of MJ Tax dollars.
• All Troopers and Loveland Officers trained in ARIDE.
Marijuana-involved fatalities in Colorado, by THC type

Source: Colorado Department of Transportation, Fatality Analysis Reporting System
Notes:
1) Only active forms of THC, such as Delta 9, can cause impairment.
2) Where Delta 9 is noted, the toxicology report gave specific information about the driver testing positive for Delta 9.
3) CDOT has been actively working with coroners and law enforcement to improve data reporting on Delta 9; therefore, the increase in the number of reported cases of drivers testing positive for Delta 9 could be the result of improved data collection.
4) Delta 9 level information was not available in 2013 or in prior years.
5) Data includes fatalities where alcohol or other drugs may have been present.
6) In Colorado there is a “permissible inference” that a person is under the influence of a) marijuana - if their blood contains 5 nanograms or more of Delta 9-TCH per milliliter in whole blood or b) alcohol - if their blood contains .08 grams or more of alcohol per 100 grams in the whole blood.
Average Number of Marijuana Fatalities
(drivers testing positive)

- 2006-2008 (pre-commercialization) 34
- 2009-2012 (post-commercialization) 53
- 2013-2016 (legalization) 88
a few crime numbers....

- Crime in Colorado increased 11% from 2013 to 2016.
- 2016 consumption citations-Denver 590, Boulder 199.
The Drug Dealer Still Lives
CDOT Marijuana Impaired Driving Campaign
Drive High, Get A DUI Creative Concept

Research told us that our target audience would not respond well to finger-pointing or scare tactics, so we decided to use humor to educate. The approach took a neutral stance; not condoning or judging.

The hyper-focus exhibited by the characters in our spots is a metaphor for impairment when driving high.

In a 30-second TV spot you can only have one message and need to keep it simple: Drive High, Get a DUI.
Dispensary Partnerships

While you wait.....
Partnerships

- Identified MJ Industry Leader(s)
- Reached out to leaders with mutual concerns
- Utilized partners for focus groups
- MJ representative on State DUI Task Force
- Presented at MJ industry events
- Mutual Press Opportunities
- MADD Colorado
- CDPHE/NHTSA (Region) partnerships
Let’s not forget about tax money

- 2014 Taxes Collected
  $67,594,323
- 2015 Taxes Collected
  $130,411,173
- 2016 Taxes Collected
  $193,604,810
- 2017 Taxes Collected
  $247,368,473
Lessons Learned/Challenges

• Beware the Tipping Point
• Secure Executive Level Involvement for Implementation
• Position your agency for funding
• Plan for Media early/opportunities-data
• Be, find or designate the “Expert” for impaired driving
• Seek partnerships early
• Know your partners positions/MJ industry/State/NHTSA
• Use environment for opportunities:
  – Data (DUID vs. DUI)
  – Promote DRE and ARIDE
  – DRE School “Green Lab”
  – RE-FOCUS ON DUI ENFORCEMENT!!
Take A-Ways

- Community Education Now!
- Law Enforcement training-DRE/ARIDE
- Renewed law enforcement focus on DUI
- Involvement in public policy
THANK YOU!

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