

**CALIFORNIA HIGHWAY PATROL
IMPAIRED DRIVING TASK FORCE
MEETING MINUTES**

**June 5, 2019
4920 Lang Avenue
McClellan, CA 95652**

MEMBERS PRESENT

California Highway Patrol - Commissioner Warren Stanley, Assistant Chief Kevin Davis,
Captain Helena Williams
Alcohol Beverage Control - Joseph McCullough
Bureau of Cannabis Control - Lori Ajax
California Department of Justice - Kristen Burke, Harinder Kapur
California District Attorneys Association - Joseph Chavez
California Narcotic Officers' Association - Vaughn Gates
California National Organization for the Reform of Marijuana Laws - Dale Gieringer,
Ellen Komp
California Police Chiefs - Ken Corney
California State Sheriffs' Association - Marcus James, Craig Triebold
Ceres Strategies - Elizabeth Ashford
Department of Motor Vehicles - Veronica Bowie
Drug Policy Alliance - Rodney Holcombe
Friday Night Live - Jim Kooler
Kern County Deputy District Attorney - Michael Yraceburn
Medical Examiner, San Francisco - Dr. Luke Rodda
National Highway Traffic Safety Administration - Scott MacGregor
Office of Traffic Safety - Nicole Osuna, Camille Travis
Pharmacist - Dr. Phillip Drum
Rocker's Against Drunk Driving - Erin Meluso
University of California, San Diego - Dr. Robert Fitzgerald, Dr. Thomas Marcotte
Ventura County Behavioral Health - David Tovar

MEMBERS ABSENT

American Civil Liberties Union of Southern California - Peter Bibring
American Automobile Association - Anita Lorz
California Attorneys for Criminal Justice - Rich Hutton
California National Association for the Advancement of Colored People - Alice Huffman
Department of Veterans Affairs - Dr. Anthony Albanese
International Association of Chiefs of Police - Chuck Hayes
Orange County Crime Lab - Jennifer Harmon
Orange County Health Care Agency - Kathy Kendricks
Peace Officer Standards and Training - Jana Munk

OPENING COMMENTS

California Highway Patrol (CHP) Assistant Chief Kevin Davis opened by welcoming everyone to the sixth Impaired Driving Task Force (IDTF) meeting, and thanked the members for their continued efforts and support. Commissioner Warren Stanley reminded members of the importance of their role in shaping California's impaired driving laws and keeping the public safe. Commissioner Stanley thanked the committee for working diligently on their task of developing legislative recommendations related to impaired driving with the goal of making California's roadways a safer place to travel.

Assistant Chief Davis made a motion to approve the January 24, 2019, IDTF meeting minutes. A second to the motion was made and all members in attendance voted to approve the meeting minutes.

Public Comment

No members of the public attended.

PRESENTATION – CALIFORNIA DEPARTMENT OF MOTOR VEHICLES, RESEARCH AND DEVELOPMENT BRANCH, PROPOSED IMPAIRED DRIVING STUDY

Dr. Bayliss Camp and Dr. Mark Fox, from the California Department of Motor Vehicles (DMV), presented the proposed *Cannabis Consumption and Driving Impaired Assessment on a Closed Course* research study. The purpose of this study is to test the effectiveness of using Standardized Field Sobriety Tests (SFST) and the Drug Recognition Expert (DRE) protocol to detect potential impaired drivers. In essence, a large sample of approximately 500 drivers will be given a dose of cannabis (either smoked cannabis or edible cannabis) or placebo. The cannabis will be sourced pursuant to the National Institutes on Drug Abuse requirements. After dosing and waiting a specified period of time, study participants will drive a designed route on a closed course with a DMV drive test administrator. The administrator will have access to specified secondary vehicle controls for safety.

As the study participant drives the course, they will be followed by law enforcement, who will determine if the driver should be stopped for suspicion of driving under the influence. The officer will then conduct an evaluation of the driver. During the study, multiple blood and oral fluid samples will be collected.

Members' Comments

Assistant Chief Davis explained the Adult Use of Marijuana Act provided funding for the CHP to conduct impaired driving research projects. Several members asked about the concentrations of delta-9-tetrahydrocannabinol (THC) that would be used in the study. The cannabis used in the study would be obtained through the federal government, and would have maximum approximate concentration level near 13 percent. Mr. Michael Yraceburn asked if the study would conduct a pre-screening to determine if the subjects had used cannabis or other impairing substances prior to their participation. Dr. Camp said preliminary oral fluid drug screening test would be administered. Several members asked if the study participant would be driving an instrumented vehicle. Dr. Camp and Dr. Fox indicated the study vehicle would be equipped with some scientific instrumentation. Additionally, there will be a DMV drive test administrator in the vehicle to help ensure safety and monitor the study participant's progress as they navigate the course. Mr. Yraceburn suggested using a CHP patrol car with Mobile Video/Audio Recording System (MVARs). Assistant Chief Davis informed the group that an MVARs could be used, and the CHP is in the process of upgrading their MVARs devices. Members also inquired about the possibility of using other drugs, and possibly including alcohol. Dr. Fox indicated that, if this study goes well, a second study could be possible to include both cannabis and alcohol. Members also inquired about how long after consuming cannabis would the subject would begin driving. Dr. Fox explained study participant start times would vary from 30, 60, and 90 minutes. Mr. Jim Kooler asked if any data would be collect about the test subject. Dr. Camp explained they will conduct a survey prior to the study but will not conduct detailed research into each participant's driving history.

Mr. Yraceburn noted, although it is illegal to drive under the influence of any drug or alcohol on private property, Assembly Bill (AB) 127, is currently working through the California Senate. This bill would allow persons to drive impaired on the CHP track, under supervision, for research purposes. The bill has faced no opposition and is expected to pass. Additionally, AB 127 has an urgency clause making it effective upon the Governor's signature.

Public Comment

No members of the public attended.

PRESENTATION – CENTER OF MEDICAL CANNABIS RESEARCH PROPOSED STUDY

Dr. Thomas Marcotte presented a proposed study entitled *Effects of Cannabis and Alcohol on Driving Performance and the Detection of Impairment*. This study will evaluate both cannabis and alcohol impaired driving. The University of Iowa, National Advanced Driving Simulator (NADS) found that driving abilities generally decrease when both alcohol and cannabis were ingested together. Unfortunately, only 19 of the

32 subjects initially enrolled in the study completed all the testing, leaving a small sample size. Dr. Marcotte explained there are very few studies evaluating the combined effects of alcohol and cannabis, and even those studies all had specific limitations. This study will examine the following:

- How the consumption of cannabis and alcohol affects driving performance.
- The relationship between time of consumption and observed impairment.
- The relationship between driving performance and blood alcohol and THC content in the blood and oral fluid.
- How the presence of alcohol may modify THC levels in blood and possibly oral fluid.
- How accurately officers trained as DREs identify the presence of cannabis and alcohol.
- How accurately DRE officers classify drivers as impaired versus unimpaired (based upon simulator performance).

The study will be a randomized controlled trial. Subjects will have blood drawn; undergo a drug prescreening; be subjected to a random dosing of cannabis, alcohol, a combination of cannabis and alcohol, or a placebo; take part in driving simulations; and undergo one or more DRE evaluations.

Members' Comments

Members inquired about proposed THC concentrations to be used in the study. Dr. Marcotte explained they are using cannabis obtained from the federal government. In the future, it is expected the federal government may provide cannabis with higher THC content. The group then discussed the metabolism of cannabis and how that process is different than the metabolism of alcohol.

Public Comment

No members of the public attended.

SUBCOMMITTEES BREAK OUT SESSIONS

The subcommittees met at this time. Each subcommittee will create a separate set of meeting minutes.

SUBCOMMITTEE REPORT

The subcommittees made a second report to the main task force, which included at least two proposed recommendations from each subcommittee. The group will vote on all proposed recommendations for adoption at a later date.

Mr. Yraceburn for the Best Practices and Protocols subcommittee reported the following four proposed recommendations:

1. Requiring warning labels, signs, and posters on cannabis containers and at the point-of-sale describing cannabis specific driving risks, including the risks of mixing cannabis with alcohol and other psychoactive substances.
2. All traffic law enforcement officers (including sworn police and sheriffs department personnel) must receive training in Advanced Roadside Impaired Driver Enforcement, and annual continuing education on impaired driving.
3. Increase the percentage of DRE trained traffic enforcement officers statewide to 25 percent.
4. Encouraging law enforcement to use the best available roadside presumptive screening devices in the most expedient manner possible for impaired driving investigations. Additionally, there should be a standardized, comprehensive testing procedure throughout the state to obtain accurate data concerning impaired driving.

Ms. Camille Travis for the Education and Prevention subcommittee reported the following two proposed recommendations:

1. Promote responsible sales and consumption practices to all cannabis retailers, dispensaries, and home delivery services, similar to alcohol sales; including educational information the consumer can take such as pamphlets, posters, and other information related to the responsible usage of cannabis and driving for those of a legal age.
2. Provide age appropriate education for youth and adults on the effects of the use of cannabis and impact of impaired driving.

Ms. Kristen Burke for the Technology, Research, and Data subcommittee reported the following three proposed recommendations:

1. Having the state establish a baseline driving under the influence of drugs data prior to legalization, based on California Vehicle Code Sections 23152 and 23153 (including subsection) data.
2. Currently, there are no standardized reporting forms for collecting driving under the influence of drugs data. As such, the subcommittee recommends developing a standardized approach to collecting law enforcement (arrest), prosecution (case disposition), and laboratory results (scope of analysis).
3. Further invest in research to assess existing and to identify new measures to detect drug impaired driving.

Public Comment

No members of the public attended.

ROUND TABLE DISCUSSION

Assistant Chief Davis thanked the subcommittee members for providing the first round of proposed recommendations. Captain Helena Williams requested the groups to provide 2-3 recommendations at this time, with the understanding, the subcommittee groups will continue to develop and evaluate additional recommendations for the task force to consider. Assistant Chief Davis and Captain Helena Williams facilitated a discussion about the purpose of the task force and discussed the due date of the legislative report. The group will continue to hold subcommittee meetings during regular meetings and provide additional proposed recommendations. Additionally, the subcommittees will continue to meet outside of the regular task force meetings to explore and discuss their areas of concentration.

The group then discussed the possibility of having a presentation an oral fluid presentation at the next task force meeting. Ms. Burke offered to try and facilitate a speaker for the meeting.

MEETING INFORMATION

The meeting began at 10:03 a.m. and was adjourned at 1:58 p.m.

The next meeting will be scheduled at a future date. Members will receive an e-mail notification when the next meeting date has been scheduled, and a public posting will be uploaded to the CHP's public Web site.