

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

**August 6, 2019
601 North 7th Street
Sacramento, CA 95811**

MEMBERS PRESENT

California Highway Patrol - Assistant Chief Kevin Davis, Captain Helena Williams
American Automobile Association - Anita Lorz
Bureau of Cannabis Control - Lori Ajax
California Department of Justice - Kristen Burke, Harinder Kapur
California National Organization for the Reform of Marijuana Laws - Dale Gieringer,
Ellen Komp
California Police Chiefs - Ken Corney
California Public Defenders - Leslie McMillan
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, Chris Murphy
California 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. Thomas Marcotte
Ventura County Behavioral Health - David Tovar

MEMBERS ABSENT

American Civil Liberties Union of Southern California - Peter Bibring
Alcohol Beverage Control - Joseph McCullough
California Attorneys for Criminal Justice - Rich Hutton
California District Attorneys Association - Craig Datig, Amanda Martin
California Narcotic Officers' Association - Vaughn Gates
California National Association for the Advancement of Colored People - Alice Huffman
California State Sheriffs' Association - Marcus James, Craig Triebold
Ceres Strategies - Elizabeth Ashford
Department of Motor Vehicles - Veronica Bowie
Department of Veterans Affairs - Dr. Anthony Albanese
Drug Policy Alliance - Jolene Forman
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 - Ralph Brown, Jana Munk
Sacramento County District Attorney's Office - Michael Toms
Stanford University - Shan Wang, Dana Lee Kralicek

OPENING COMMENTS

California Highway Patrol (CHP) Assistant Chief Kevin Davis opened by welcoming everyone to the seventh Impaired Driving Task Force (IDTF) meeting and thanked the members for their continued efforts and support. Assistant Chief Davis 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 June 5, 2019, meeting minutes. Dr. Phillip Drum requested some additional information be included regarding the California Department of Motor Vehicles (DMV) presentation on the proposed *Cannabis Consumption and Driving Impaired Assessment on a Closed Course* research study. Specifically, Dr. Drum wanted to note the concentrations of federally sanctioned cannabis in the meeting minutes. Additionally, Dr. Drum wanted clarification on the number of recommendations each subcommittee could propose. Assistant Chief Davis indicated staff would clarify information and add the information to the meeting minutes. With the understanding that the information would be added, a second to the motion was made and all members in attendance voted to approve the meeting minutes.

Public Comment

A member of the public noted most of the meetings were being held in Sacramento, and recommended meetings be held at other locations throughout state. Assistant Chief Davis advised CHP staff would review the issue.

A member of the public asked about the percentage of drivers tested for cannabis, and of those drivers, how many tested positive. Assistant Chief Davis noted similar information had been presented at previous meetings and can be found on the IDTF Web site. Assistant Chief Davis reminded members of the public that the purpose of the public comment period is to comment on issues before the Task Force. Notwithstanding, members of the public were encouraged to contact CHP staff with any specific questions.

PRESENTATION – ALABAMA ORAL FLUID PRESENTATION

Dr. Curt Harper's presentation was postponed. Dr. Harper was called to testify in court for a criminal proceeding and was unavailable for the day.

PRESENTATION – CANNABIS CONSUMERS: PERCEPTION ON IMPAIRMENT

Ms. Katie Kincaid, Director of Public Affairs, and Mr. Peter Gigante, Director of Policy and Research, from Eaze presented their findings related to a recent survey they conducted of perceptions on impaired driving. Eaze is a public platform that consumers can use to access home delivery of cannabis products. The survey included a random sampling of consumers who were over the age of 18, held a valid California driver's license, drove regularly, and had used cannabis within the last 30 days. The survey included multiple choice questions related to the following:

- Driver awareness of laws.
- Substances consumed with cannabis and typical doses.
- Methods of travel.
- Frequency of cannabis purchases.
- Wait times after cannabis use and before driving.
- Impaired driving factors.
- Motivations for driving, despite cannabis use.
- Common consumption locations.
- Strategies to reduce impaired driving.
- Persons most trusted to judge impairment.
- Trustworthy sources of cannabis safety information.

Mr. Gigante discussed the findings of the survey at length. The results of the survey, along with the findings, will be published on the CHP Web site.

Members' Comments

Dr. Thomas Marcotte inquired if dispensaries are required to educate consumers about laws and delivery services. Mr. Gigante advised all Eaze retailers are required to have educational inserts in all delivered cannabis packages, which includes a general warning statement about cannabis consumption. Mr. David Tovar also reminded the Task Force that laws vary between cities, counties, and the state.

The group discussed possible advertising requirements, ride-share incentives, funding, and other general education efforts. Additionally, the group discussed the drink chart provided with DMV vehicle registration. Dr. Drum asked if something similar for cannabis could be added to DMV mailers. Ms. Kristen Burke explained alcohol affects people differently than cannabis and it would be difficult to generate accurate recommendations.

Ms. Ellen Komp spoke about the importance of targeting specific demographics to ensure they receive accurate information through effective public information campaigns.

Public Comment

A member of the public noted the airline industry has established cut-off levels for delta-9-tetrahydrocannabinol.

A member of the public commented that the State of California should be reaching out to other states that have legalized cannabis to review their data and noted California should take a zero-tolerance policy when it comes to cannabis use and driving.

A member of the public commented that he hoped the Task Force would help reduce traffic crashes related to cannabis, but ultimately believed legalized cannabis would increase traffic crashes.

A member of the public noted allowing cannabis deliveries will bring cannabis into communities that did not support legalization.

A member of the public noted the difficulties associated with drawing blood close to the time of driving and gauging cannabis impairment. He continued by noting California should adopt a zero-tolerance policy for cannabis and driving.

Mr. Jonathan Feldman commented a zero-tolerance bill was unable to get enough legislative support to move forward. Recently proposed legislative efforts aimed at collecting driving under the influence (DUI) data from cannabis incidents have stalled. Unfortunately, to collect this information, these bills would have placed additional burdens on aging DMV technology infrastructure. Mr. Feldman recommend the California Police Chiefs Association work with the CHP to collect data outside the legislative process. In talking with stakeholders in Colorado, they recommended states legalizing cannabis collect as much information as possible to track cannabis trends over time.

SUBCOMMITTEES BREAK OUT SESSIONS

Captain Helena Williams clarified there are no limitations when it comes to subcommittee recommendations; however, she noted the subcommittee should strive to draft realistic recommendations. Assistant Chief Davis further emphasized the legislative report should include recommendations that convey tangible actions.

The subcommittees met at this time (each subcommittee will create a sperate set of meeting minutes).

SUBCOMMITTEE REPORTS

The subcommittees made a report to the 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 of the Best Practices and Protocols subcommittee was unable to report as the subcommittee did not have enough members in attendance to hold a meeting.

Ms. Camille Travis of the Education and Prevention subcommittee reported the subcommittee refined their two recommendations and proposed four additional recommendations:

1. Promote responsible sales and consumption practices to all cannabis retailers, dispensaries, and home delivery services, through responsible retailer training, similar to alcohol sales.
2. Provide educational information for consumers, such as pamphlets, posters and other information related to the responsible usage of cannabis and other drugs; including but not limited to cannabis dispensaries, retailers, pharmacies, and any other places deemed appropriate.
3. Provide age appropriate education for youth and adults on the effects of cannabis use and the impacts of impaired driving.
4. Expand educational opportunities related to impaired driving for legal practitioners and the judicial system.
5. Provide the medical and pharmacy systems with training and education related to impaired driving.
6. Create guidelines for advertisers of cannabis and cannabis related products to include clear and concise message, including the legal age and risk of driving under the influence of drugs.

Ms. Kristen Burke of the Technology, Research, and Data subcommittee reported the subcommittee is proposing the following two new recommendations:

1. Toxicology laboratories throughout California should follow a standardized procedure to develop and validate methods for analyzing drugs in bodily fluids.
2. The State of California should undertake a research project analyzing drug trends. The project would request selected laboratories, with specified equipment, examine all or a randomized selection of blood samples taken from driving under the influence incidents for drugs, using a standardized procedure, for a specified time period. These results would be used to identify trends and provide information to policy makers.

Assistant Chief Davis thanked the subcommittee members for the reports, recommendations and their efforts. Assistant Chief Davis and Captain Williams then 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 time to discuss information and draft proposed recommendations. Additionally, the subcommittees will continue to meet outside of the regular task force meetings to explore and discuss topics in their areas of concentration.

Public Comment

No members of the public commented at this time.

ROUND TABLE DISCUSSION

Assistant Chief Kevin Davis gave an update on current legislative efforts. Assembly Bill 127, Assemblymember Lackey, Driving Under the Influence: Research, was signed by the Governor. This bill allows the CHP to facilitate cannabis impaired driving research at the CHP Academy. The CHP is currently working with DMV on a proposed research study. Assembly Bill 397, Assemblymember Chau, Vehicles: Driving Under the Influence, has moved to the Senate, and would require courts to note in the case disposition if the conviction was due to cannabis. This would only apply if cannabis was the sole drug involved in the offense. Assembly Bill 551, Assemblymember Brough, Fatal Vehicular Accidents: Chemical Test Results, has moved to the Senate, and would require coroners and medical examiners to test all specified fatally injured drivers, passengers, and persons struck by a motor vehicle for drugs, excluding cannabis. Senate Bill 55, Senator Jackson, Firearms: Prohibited Persons, would bar persons from legally owning a firearm after a specified number of specified convictions, which includes DUI. Senate Bill 58 as amended, Senator Wiener, Alcoholic Beverages: Hours of Sale, is a pilot project for specified cities to sell alcohol between the hours of 2 A.M. and 4 A.M., beginning January 2021. Senate Bill 543, Senator Pan, Pedicabs, removes the sunset date allowing passengers on pedicabs to consume alcohol. Senate Bill 545, Senator Hill, Driving Under the Influence: Ignition Interlock Devices, would mandate ignition interlock devices be installed on all first-time DUI defender vehicles, beginning January 2021. Assembly Bill 1713, Assemblymember Burke, Vehicles: Driving Under the Influence, did not pass. It would have lowered the presumptive impairment limit for alcohol from .08 percent to .05 percent blood alcohol content.

Chief Ken Corney asked if Assemblymember Lackey could attend the next Task Force meeting to get a better understanding of the expectations for the legislative report. Dr. Marcotte agreed and noted speaking with Assemblymember Lackey could provide a better understanding of how recommendations should be formatted. Assistant Chief Davis indicated the CHP would reach out to Assemblymember Lackey to gauge his availability.

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 public Web site.