

Washington highway safety official on Utah trip talks marijuana and impaired driving

By Ben Lockhart, KSL | Posted Apr 13th, 2018

SALT LAKE CITY — The head of Washington's state highway safety agency said Thursday that there are not well-established forensic benchmarks to draw clear-cut conclusions on whether or not a driver is impaired by marijuana, or to what extent.

But state policymakers have nevertheless tried their best to identify an appropriate threshold, said Darrin Grondel, director of the Washington Traffic Safety Commission, who was in Utah to speak at Utah's Zero Fatalities Safety Summit.

"The research is abundant for alcohol, and seeing what levels people are at and what kind of impairment is seen at different blood alcohol concentrations," Grondel told KSL in an interview. "With marijuana there is no such scale, there is no scientific evidence or empirical research that supports any particular level (being) impairing."

"So in Washington state we have a 5 nanogram (per milliliter) limit, which assumes that if you're at five, you're impaired," he added. "That creates challenges, especially for people who are below 5 nanograms who are definitely impaired, and (for those) cases moving forward in court it's pretty complicated."

Grondel's presentation Thursday focused on how to focus public messaging campaigns on those at risk of driving while impaired by marijuana, as well as how officers can be "able to determine if somebody is under the influence" in the absence of established forensic measures.

In Washington, legal recreational use of marijuana has been available to residents since 2014. But in Utah, the debate over the drug currently is whether to broadly legalize its use for qualifying patients suffering from certain medical conditions or chronic pain.

A ballot initiative campaign seeking to put the issue before Utah's voters is expected to get enough petition signatures by the April 15 deadline in order to put it on the November ballot.

The Utah Department of Public Safety has previously raised concerns about legalizing the medical use of marijuana in a statement on its website, but has denied requests for further comment.

"While the Utah Department of Public Safety acknowledges that there is information supporting the clinical use of marijuana, DPS has some preliminary concerns regarding a more broadly defined medical use of marijuana in our state and the negative impact it could have on public safety," the agency's statement says.

The agency's site points to statistics from the National Highway Traffic Safety Administration showing 125 traffic fatalities in 2016 in Colorado in which at least one of the involved drivers tested positive for marijuana, up from 65 in 2012, the year that voters in that state passed a measure allowing the recreational use of the drug.

Doug Rice — a supporter of medical legalization of marijuana in the Beehive State, president of the Epilepsy Association of Utah, and board member of advocacy organization Together for Responsible Use and Cannabis Education — told the Deseret News editorial board in January that marijuana-related traffic fatality figures can be inflated because of how long the substance can leave traces in a person's system.

"A person could ingest cannabis on Friday and be killed in a traffic accident (a few days later) and (you) could say 'Aha! there's a another'" death related to marijuana, Rice said at the time. "So the numbers are skewed."

Asked Thursday about the propensity of marijuana to leave behind a biological trail long-term, Grondel said some traces of it "can be detected ... up to 30 days in the body."

"It depends on frequency of use, and how much you use," he said.

Regardless of whether there are long-lasting traces of marijuana, Grondel said, "the question is, is it actually impairing" the person in each specific case.

Related story:

[Fatal accidents involving stoned drivers soar in Washington](#)

Stoned driving can be as serious a problem as drunk driving.

"That's the question I think that we'd all like to get to, but the research isn't substantial on that yet."

In the time since recreational marijuana sales began in Colorado, Grondel said, "we have seen an uptick in fatal crashes" where a specific active ingredient of the substance called delta-9 THC "was present" in at least one of the drivers.

But Grondel emphasizes the fact that THC is present doesn't mean someone is impaired.

"People can (become) impaired at a very low level (of THC) or ... higher levels," he said.

The number of drivers in fatal crashes who tested positively specifically for THC has steadily risen from seven in 2013 to to 27 in 2016, Grondel said.

"Now again, it doesn't mean impairment, it just means presence," he said.

Of particular concern to the state of Washington, Grondel said, is the rise in fatal crashes in which at least one of the drivers tested positive for multiple substances.

The number of fatal crashes involving those individuals, so-called "poly-drug drivers," has risen from 97 in 2013 to 137 in 2016, according to a [report](#) published this month by the Washington Traffic Safety Commission. Of the cases involving poly-drug drivers, "alcohol and cannabis are the two most prominent in fatal crashes in our state," Grondel said.

This month's report by Grondel's commission states that "the frequent co-occurrence of marijuana with other substances known to cause driver impairment, such as alcohol, is a contributing factor in the rising poly-drug issue."

When it comes to the legalization of marijuana to one extent or another, Grondel said, his agency is "not pro or con to the issue."

"What we are concerned about is that if it's legal, let's make sure that people are not consuming and driving," he said.

Hatch pushes DOJ

In other marijuana-related news Thursday, Sen. Orrin Hatch issued a letter to the Department of Justice in which he urged the agency to move ahead expeditiously on resolving the applications of "at least 25 manufacturers" who have sought clearance "to produce federally approved research-grade marijuana."

"Last August, The Washington Post reported that you have been blocking these efforts," Hatch, R-Utah, said in a joint letter also signed by Sen. Kamala Harris, D-California.

The Washington Post reported at the time, citing unnamed Drug Enforcement Administration officials, that "the department is not taking any action at all" on the applications.

In the letter, Hatch and Harris tell U.S. Attorney General Jeff Sessions that "the supply for needed research is clearly not meeting the demand," since the only federally approved manufacturer of marijuana is the University of Mississippi.

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Darrin Grondel

In the past, the senators said, one manufacturer was enough to "meet the minimal demand for research." But that isn't enough anymore, they argued, with the 354 organizations and individuals who had received clearance as of August 2016 "to conduct expansive research on marijuana and its related components."

"Those researchers (need) access to a federally complaint expanded product line," Hatch and Harris wrote.

The Washington Post has said the Drug Enforcement Administration collects applications from those who want to grow marijuana for research, but that those requests are also subject to Department of Justice approval.

A state law passed this year instructs the Utah Department of Agriculture to oversee the growing of full-strength marijuana in Utah by contracting with a third party that would be in charge of doing so. The measure's supporters say it will speed up efforts to research marijuana in the state.

Hatch and Harris asked Sessions to notify them, as well as the applicants, of the expected timeline on which the Department of Justice will review the requests. The senators say they want that information by May 15.

Also by that date, they told Sessions they would like "notice of actions you have taken to review applications" over roughly the last six months and "a commitment to resolve applications" by August.

Multiple attempts to obtain comment from the Department of Justice were unsuccessful Thursday.