



August 29, 2016

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Subject: Submission to the Consultation on the Legalization of Marijuana

Dear Madam Chair,

1. As the Government of Canada grapples with the myriad of moving pieces and issues related to the legalization of marijuana, CAA would like to voice its support for the government's stated approach, which is to focus, among other things, on prevention. Our position is not to support or oppose the legalization of marijuana but rather to provide policymakers with the key data and knowledge CAA has at its disposal as they move forward with creating legislation that is fair and safeguards the public, in particular with regard to road safety.
2. There is research that suggests that with legalization there will be an increase in the frequency of marijuana-impaired driving. CAA recognizes that there are many factors at play and that drug-impaired driving is already a significant factor facing road users today. CAA respectfully submits the following comments in support of the Government's consultation.
3. Founded in 1913 as a non-profit organization, CAA today is a federation of nine clubs providing over 6.2 million Members coast-to-coast with emergency roadside services, automotive and travel services, member savings and comprehensive insurance services. CAA also advocates on issues of concern to its Members, including road safety, the environment, mobility, infrastructure and consumer protection.
4. Across Canada, approximately one in four adult drivers is a CAA Member. We engage with our members regularly: CAA magazines reach more than two million households, Club emails to Members boast a 39% open rate, and on social media



we have more than half a million followers.

5. CAA is one of Canada's most trusted, respected, and largest consumer-based organizations, offering motorists, travellers, consumers, and decision-makers key information they need about issues that matter.
6. CAA was founded as a road safety advocacy group. Following inception, the organization began advocating for critical pieces of the road safety framework in place today. From the earliest days pushing for stop sign usage, to public education around the importance of seat belts and air bags, to campaigns against impaired and distracted driving, CAA has been at the forefront of road safety advocacy for nearly a century.

### **Framing the Issue**

7. Drugs and driving has been a background issue in road safety public policy for decades and only recently came to the forefront as a major issue of concern to Canadians, with the election last fall of a federal government committed to legalizing marijuana. It is important to recognize that drug-impaired driving is not new and is a significant threat today. Law enforcement is fully aware of the challenges of enforcing drug-impaired driving, and a boost in resources and tools to combat it appropriately would be helpful. From a road safety perspective, marijuana is already second only to alcohol as the drug most frequently found among drivers involved in crashes and drivers charged with impaired driving. It is also the most frequent drug found mixed with alcohol usage in vehicle crashes.
8. CAA believes government and other stakeholders must focus their attention on making sure that the legalization of marijuana does not increase the frequency of drug-impaired driving. We note that the state of technology to determine impairment is a work-in-progress. Equally important is polling that suggests that there is a lack of public education around the effects marijuana has on a driver's ability to safely control their vehicle.
9. CAA conducts its own extensive, regular national polling to gauge Members' views on many issues ranging from road safety to climate change to air travel. The annual *CAA Road Safety Index* measures and ranks the top safety concerns for Canadian drivers. Over the last decade the results have reported drug-impaired driving typically as a constant but low concern among Canadians. However, in 2015 the results saw drug-impaired driving move significantly higher on the list to number four. It is important to note that this survey was conducted



before the current government was elected. We expect this year's results will see drug-impaired driving move even higher on the list.

10. As with other major shifts in road safety policy in the past, such as drinking and distracted driving, we believe any new framework should include three elements to be successful: meaningful legislation, public education and effective enforcement and measurement.

### **Meaningful Legislation**

11. In order for laws to be understood and followed, they must be clear, publicized, stable and fair, and protect fundamental rights, including the security of persons and property. Crafting legislation to legalize marijuana in Canada should follow these principles.
12. A detailed legalized marijuana strategy should be outlined from which meaningful legislation can be drawn. Canadians must be made fully aware of the laws and penalties, and enforcement agencies must have the tools and resources to prosecute offenders.
13. Given the imperfect detection technology that exists today, we believe a mix of human observation and technical tools is appropriate in judging cases of impairment.
14. As with drinking and driving, driving under the influence of marijuana affects not just those individuals who partake, but potentially all road users. Legislation must be fair and focused on the prevention of engaging in dangerous or harmful activities while or after consuming marijuana.

### **Public Education**

15. Few Canadians would argue they are better drivers after drinking alcohol. However, there is current polling that suggests a significant number of Canadian youth believe that driving after smoking marijuana makes people safer, more focused drivers.
16. Recent polling from CAA's Alberta Club, the Alberta Motor Association, found that 79% of respondents said they were concerned about driver performance if marijuana is legalized. However, only 58% of respondents under the age of 35 were concerned about driver performance. In another question, 76% of



respondents said they were concerned about road safety if marijuana is legalized. Similarly, only 54% of respondents under the age of 35 stated that they were concerned about road safety. This early evidence supports the notion that younger Canadians do not have the proper understanding to dispel the myths related to drug-impaired driving.

17. Public education for all Canadians, not only youth, on the risks associated with driving after marijuana use should be a critical piece of the government policy. Information related to the effects marijuana has on brain functions needed for safe driving such as coordination, judgement of distances, reaction time, and ability to pay attention must be broadly communicated to all Canadians.
  
18. CAA appreciates Prime Minister Trudeau’s assertion that the legalization of marijuana, “Was never about a money maker it was always about public health and public safety”. Support by government for prevention activities, particularly public education, will be necessary. Based on US experience, CAA recommends initiating education efforts well in advance of legalization occurring, in order to minimize confusion and misconceptions. Messaging must be made through multiple channels and partners and should focus on the facts of marijuana use and its functional effects on activities such as operating a motor vehicle.

### **Enforcement and Measurement**

19. Recent US studies from Colorado<sup>1</sup> and Washington<sup>2</sup> document a notable increase in marijuana-related traffic fatalities in those jurisdictions following legalization. Sufficient data is lacking to determine whether this means there are in fact many more people driving after using drugs or if law enforcement is now enforcing the rules more frequently. The reports also point to an anticipated increase in incidents of impairment when both alcohol and marijuana are consumed. CAA would like to see improved support from government for research and data collection activities so that evidence-based decisions can be made post-legalization on any required enhancements to the law.

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<sup>1</sup> The Legalization of Marijuana in Colorado *The Impact*, Volume 3, September 2015 <http://www.rmhidta.org>

<sup>2</sup> Prevalence of Marijuana Use Among Drivers in Fatal Crashes: Washington, 2010-2014  
<https://www.aaafoundation.org>



20. The mixture of alcohol and drugs will affect data collected by law enforcement. The case today is that the drug-impaired driving arrests are not reflective of the total number of drivers arrested with drugs in their system. This is because if someone is driving both intoxicated by alcohol and any other drug (including marijuana), alcohol is typically the only intoxicant tested for and for which charges are laid. Whether or not the driver is positive for other drugs remains unknown because of the lack of widespread drug testing.
21. If there is an increase in Canadians driving under the influence of marijuana it will exacerbate the current situation, which CAA has heard from numerous experts is as follows:
  - a. There is a shortage of officers trained as Drug Recognition Experts (only approximately 500 across the country and they are very expensive to train).
  - b. There is no readily available and authorized method of detection and testing.
  - c. There is little empirical, research-based evidence to suggest what the appropriate level of THC is to be able to drive safely.
  - d. There exists a time-consuming process to obtain a blood sample from suspected impaired drivers leaving opportunities for impairment to wear off naturally.
22. Government will need to appropriately support the law enforcement community to ensure they have the resources necessary to develop the tools, detection devices and access to training they will require now and into the future.
23. CAA recognizes that measuring the impact of marijuana legalization on road safety will require new data to be collected and analyzed by the federal government and the provinces. We understand that Transport Canada is currently working with the Canadian Council of Motor Transport Administrators (CCMTA) to set national standards for data collection in relation to incidents of drug-impaired driving. This will ultimately ensure that the government can appropriately scrutinize the effects of current legislation and make evidence-based decisions in reviewing public policy post-legalization. Intuitively, it is easier to over-regulate at the outset and reduce regulations over time than the reverse.



## Recommendations and Concluding Remarks

24. *Recommendation #1:* Ensuring Canada's roads are safe for all road users is in our DNA. CAA supports the government's commitment to enact new and meaningful laws that discourage Canadians from choosing to operate a motor vehicle while under the influence of drugs.
25. *Recommendation #2:* We encourage the government to continue down the evidence-based decision making path on this important issue. As part of CAA's commitment to evidence-based decision making, we are in the process of conducting national polling on the issue of drug-impaired driving and have commissioned a report by the Traffic Injury Research Foundation (TIRF) that will synthesize the major federal-provincial-territorial interplay issues in relation to the drug-impaired driving issue. Both reports will be made available to the Secretariat when completed in September.
26. *Recommendation #3:* CAA would like to see the government commit a robust and ongoing budget for public education, not just for youth but, for all Canadians. CAA was pleased to hear a commitment from Prime Minister Trudeau that prevention will be a focus and that, "Money (from marijuana taxation) that comes in should go toward addiction treatment and mental health support and education programs rather than financing general revenue". Early research indicates that Canadians believe marijuana is safer than alcohol, that they are better drivers after consuming marijuana as compared to driving sober and that the 'normalizing' of marijuana could increase use. Information and resources should be made available through multiple channels and partners to achieve the broadest audience reach. Public education should begin as soon as feasible.
27. *Recommendation #4:* CAA recommends that the government support law enforcement by funding research into technologies to help combat drug-impaired driving and by training more officers as Drug Recognition Experts (DRE). Ideally, this DRE training should be performed in Canada rather than necessitating travel to the US as is currently the case.
28. *Recommendation #5:* Government should commit to ongoing funding for improved data collection and development of measurement tools. Gathering baseline data is imperative to accurately measure the impact of new legislation. In relation to drug-impaired driving measurements specifically, a priority should be placed on supporting the work of Transport Canada and CCMTA to



standardize federal-provincial-territorial data collection metrics.

29. CAA is a credible national stakeholder with an established record of providing consumer information on the topic of drug-impaired driving. We are well-established and positioned to support any national, regional or local public education efforts that raise awareness and dispel myths and can play a key role in shifting behaviours towards the prevention of drug-impaired driving.
  
30. To combat drug-impaired driving, public policy must include three crucial elements: meaningful legislation, public education, and effective enforcement and measurement. As long as these three elements are promoted by government policy, the effort to combat drug-impaired driving under a legalized framework for marijuana has every chance to succeed.

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