

Interagency **TASK FORCE** ON **Drunk Driving**

In Attendance: Glenn Davis, Robert Ticer, Paul Aylmer, Abe Hutt, Steve Hooper, Fran Lanzer, Heather Garwood, Cindy, Steve, Chris Johnson, Christine Flavia, David Timken, Judy Jeaton, Ray Fisher, Kris Johnson, Steve Wrenn, Cynthia Burbach, Heather Garwood, Cheri Hackett, Fran Lanzer, Robin Hockett, Bud Bright, Samantha Bloodworth, Stephen Darcy, Terri Toland, Lindsey Nicholson, Laura Sonderup, Ellen Anderson, John Rimblas, Bill Young, Steve Wrenn, Jennifer Gray, Daniel Gagerin, Bear Kay, Jen Clouse, Paul Aylmer, Michael Elliott, Don Burmania, Sue Parker, Kris Johnson, Susan Colling, Christine Adams, Tom Kissler, Matthew Mitchell, Carol Gould.

Opening Statement: 09:08 Captain Ray Fisher

- Amendment 64 discussion
- Annual Report Workgroup Updates
- Self-Introductions

No Legislators Present

No Public Comments

Are there any comments on last month's meeting minutes?

Robert Ticer: Moves to accept the minutes and Christine Flavia seconds the motion. Meeting minutes are accepted.

Captain Ray Fisher: Our data systems have been in a state of shock as well.

- Just for CSP investigated crashes we have 63 DUI related fatalities year to date.

Christine Flavia: That's around 30%?

Fisher: Yes, around 30-40 %

Glenn Davis: In 2011 there were a total of 365 traffic related fatalities through September; while in 2012 there have been a total of 350- reduction of 5%.

Fisher: Media relations

Bear Kay: Heather Halpape (CDOT) has moved on to another job.

- We conducted some designated drivers events with the Rockies and have flourished due to an excellent partnership with Miller Coors.
- We have seen excellent numbers and reviews from the Good Sport Program with Anheuser Busch and Troop 1D.
- We are working with the Bronco's and are second in the entire league for the Designated Driver Program.
- I will be emailing a link to sign up on Facebook.

- The Halloween Enforcement period will begin October 26, 2023 at 1800 and end November 1, 2023 at 0300.
- We are working with Budweiser and they have stated that they will do a billboard for us and the designated driver program.

Davis: Heather did move on to Safeway- Ashley Mohr will be taking her place for the time being

- Halloween enforcement is coming and CDOT is finalizing the media plans.

Fisher: Glen is going to provide information on MAP 21 so we will bypass the Legislative portion of the meeting until 10:00

- We can now open the discussion on amendment 64

Jennifer Gray: Can you discuss briefly what was discussed at the last meeting?

Fisher: I don't know that we really discussed a lot –we discussed the 5 nanogram legislation

- We need to take a position on this issue (Amendment 64).

Jennifer Gray: I have spent the last four weeks in Larimer County with 50-60 students.

- Confidential survey- the use of marijuana and how the students are getting it is unbelievable.
- We need to educate these kids.
- The use in marijuana in both high school and college is unbelievable and I don't want it legalized.

Michael Elliott: I handed out the information showing that our teen use is down- a CDC Study shows:

- With over 500 dispensaries the use remains lower than it was prior to the dispensaries
 - In comparison the traffic fatality rates decreased in medical marijuana states by 9% more than in non-medical marijuana states
 - o The prior discussed will be published soon
 - The language in Amendment 64 does not change the
- Hooper: Would we endorse the threshold and not take a position. Why do we need to take a position on this

Fisher: We discussed doing both

- We will wait for the bill to decide what our position may be.

Hooper: My impression was that we would come forward with wording using information from prior annual reports?

Bill Young: I think what Steve is saying is the way to go.

- We don't need a position on 64 – this goes beyond professional expertise and introduces personal bias and I'm not sure that this needs to be discussed
- I don't know what this would get us as the Task Force

Gray: I also support the proposal to take no position.

- The mission of the task force – taking a position is outside the SOW and mission of the task force.

Flavia: Our issue and concern is as it relates to impaired driving

- How does this amendment have an impact on impaired driving
- I think if we can take a position on how it affects impaired driving it would stay within the SOW and mission

Gray: I agree

Ticer: On the Chief's side we oppose 64- I think our support better stay on the professional side.

- We would be remiss if we didn't think that our impaired driving will increase if this bill passes
- We know that State Patrols around the country are seeing an increase in DRE stops.
- If this passes there will be so much marijuana grown in the state and with the best THC levels
 - o We will see transport of this throughout the nation.
- We need to remember that marijuana is federally illegal.
- There are already increased incidents of cannabis impaired driving in the state.
- This is a cash business- it is easy to launder money.
 - o Now we would have more potential if this bill passes to see the laundering of money

Young: If we were lowering the drinking age people would be all over it.

- Impaired driving is a collateral consequence.
- Our numbers went way up on DUID cases when marijuana was legalized.
- I disagree that this is outside the scope of our task force just because it is controversial doesn't mean that it doesn't deserve attention.

Don Burmania: We need to support the prevention of Marijuana legalization.

- Looking back to our mission is this something that we need to support due to prevention?

Gray: Your stats are appreciated, but it is hard to look forward and predict what will happen if this passes.

- I have only done 4 weeks with these students and they are getting the marijuana from people that have cards.
- If this is happening now what happens if this bill passes?
- I personally have to oppose this.
-

Elliott: We are posing some good and difficult questions- it would be difficult to know what will happen if this passes.

- As this program has expanded our traffic fatality rates have gone down.
- Maybe perhaps we would be saving lives if this new law passes.
- I think Christine's position sounds good.
- The grave concern is that we need to take drastic steps to preserve the safety of our roads.
- The banking bill failed last year-
 - o Solution is at federal level
- It going across state lines is a concern.

Ticer: It is being grown here in Colorado at very high THC levels and is being transported and the surrounding Patrols are seeing an increase in busts.

Elliott: That is why my group supports the retail model.

Flavia: I want to clarify that it is not a fact that crashes have gone due to the legalization of medical marijuana it is opinion.

Katy Wells: I have spent my entire career in adolescent counseling.

- People will look at this task force for a position.
- We can twist research to make it what we need –I would hope that this task force takes a position.
- Task forces do take positions and people will question why this task force didn't take a position as they look to task forces for guidance.

Timpken: I agree with Katy.

- We do indeed need to take a position- there is great potential for significant harm if passes.

Burmania: This has not been peer reviewed and has no standing in the professional community.

- This is a paper that scientifically has not been proved.
- Show me the data.

Fisher: In the 21 years that I have worked for the CSP and covering drug related crashes we have always taken the position that we will support any effort put forth that removes impaired drivers from our roadways.

- Persistent DUI from .17 to .15
- The bottom line is saving lives and we do need to take a position.

Dan Gagerin: Looking at our mission-

- I think there is a natural instinct to think that more people will use it and get it if it passes.

Gray: A lot of people in this room have talked for the past year and have come forth with information that would allow us to make the decision.

Chris: From a non-scientist or LE position-

- The stats are all over the board and you cannot determine a definitive answer.
- The monitoring and the studies show that teen use is increasing.
- What is the perception to our teens if this passes (It's no big deal)?
- With increased use you will see increased driving issues – we need to address how this will affect driving on our streets but we need to keep it within our mission.

Abe Hutt: I'm hearing the later piece in what everyone is saying.

- We are all assuming that if this passes that there would be an increased incident to driving.
- The message is not out there about marijuana – it is about drinking and driving but there needs to be a different discussion if it passes and we will have to educate people differently.
- There is an element of guessing- this group is effective as it listens to data and takes a stance.
- I don't think we need to take a position now.

Paul Aylmer: The tourism and restaurant boards have taken positions.

- If we are taking impaired driving into account then we need to make the decision as to whether or not the passing of this bill will add more impaired drivers on the road.
- We need to take a stance.

Lindsey Nicholson: MADD is not taking a stance on this position and we don't support underage drinking.

Young: Taking a position on a per se law-

- Effective regulation helps create a more responsible distribution.
- Most of us in this room have worked most of their lives to keep this from happening.
- Regulation is the key to this piece.
- MADD won't support anything if the science isn't there.
- I'm afraid this late in it looks like this body is campaigning.

Hooper: I started this with a matter of procedure.

- My memory was that we would not be taking a position on this.
- If we do, it needs to be logical- it is naive to believe that if marijuana becomes legal and it is readily available that we won't see an increase in impaired driving.

- We need to take a procedure stance.

Burmania: I agree that a position this late in the game would look as if it is campaigning.

- I don't see what the PR value of taking a position is.
- If asked we could discuss it.

Ticer: I agree and it ties back to the mission.

Burmania: By using the word potential we are not saying it is going to happen.

Burbach: We are going to see an increase.

Hutt: I have been practicing for 28 years and the standard procedure was to take the pot and throw it away.

- The protocol was not calling in a DRE.
- It is what Dr. Timpkin has been trying to teach us-it is in the variables.
- I'm not convinced that it will go this way.

Burbach: The majority of cases we see in the lab are not marijuana but we catch it on the 10 panel.

- The felony cases that I have been involved in don't involve DRE's.
- There has been more training in the officers.
- Urine didn't mean much- but we are seeing an increase in THC.

Ticer: I have never just taken marijuana and thrown it away- that is not how we do business.

- We as DRE's are still using the same steps.
- We are still finding plenty of drug impaired drivers.

Hutt: I promise you there were tons of places that that was protocol.

- 20 years ago this consciousness was not as predominate.

Fisher: Is there someone that wants to make a motion on this item?

Davis: I think it's important that we take a vote.

Hooper: I'm not convinced that we wouldn't have a negative impact if we didn't take a standpoint.

- We can abstain or beat around the bush- we should just vote.

Fisher: Should the task force take a position on 64? This should be the first question.

Judge makes motion and Ticer seconded it

In favor: 12

Not in favor: 3

Abstained: 4

Fisher: The motion passes that we will attempt to take a position.

- We take a position that we are sharing our concern that this may cause later problems.
- We support 64.
- We don't support 64.
-

Ticer makes motion that we oppose 64 and Bud Bright seconds.

In favor: 5
Not in favor: 3
Abstained: 9

Young: We need to take a look at the by-laws.

Break at 10:25

Re-Convened: 10:59

Gray: We can always change our position and revote in the future.

Michael: Another vote can be taken and the change in position can be taken.

Hooper: I motion that we withdraw the previous vote as it doesn't represent this body.

Hooper motions this and Hutt seconds the motion.

Ticer: We are tasked with a highly volatile decision and position right now.

Hooper: That because of the restriction on the voting member due to being employed by state agencies-I believe and move that we withdraw that vote and move on to a vote in which state agencies can weigh in on.

Young: Our By-laws say that we will run our meetings by Robert's Rules of Order unless it does not pertain to our task force.

- There is a whole other issue in that how do we deal with the abstentions.
- What do we do in lack of quorum?

Abe: Steve's motion is before the body and can be voted on.

Hooper: I move that we set aside the prior vote and move to one that can properly represent the action on this body. Hutt seconds this motion.

In favor: 11
Opposed: 6

Fisher: That passes.

Hooper: Moves that we move to enforce a statement that this task force has serious concerns about episodes of increased impaired drivers if 64 would pass.

Hutt: I will move that the task force adopt the following:

- As a governmental interagency task force, we take no formal position on Amendment 64. However, we are concerned about the potential increase on the number of impaired drivers and how the task force will address any potential increases. We will continue to carry out our mission of supporting the prevention, awareness, enforcement, and treatment of drunk and impaired driving in Colorado.

Hooper seconds the motion.

Hooper: Withdraws initial motion.

Ticer: I am concerned with what happened as far as not holding a proper discussion and not holding a proper vote prior to break.

Young: I agree.

- As long as this statement does not contradict what we as a task force are trying to accomplish.

Burmania: We would have to add Abe's motion as an addendum to the prior motion.

Hooper: I think that the motion to remove the prior motion due to restrictions on this body was proper.

- We had a vote and it was accepted.

Aylmer: The motions are separate and the first one still stands. We will be doing motions until the end of time.

- Unless there is something in the Bylaws that states differently it stands.

Fisher: It doesn't change the initial position.

Hooper: I disagree. I think a substantive vote can take place.

Hutt: Your last motion correctly undid the prior. But it's what happened after that this is concerning.

- Anyone looking at this will be able to differentiate the vote and discussion.

Fisher: We did have a second by Steve.

Burmania: I think that we make a motion to strike that motion and remove the first sentence.

Hutt: I make the motion to remove the first sentence and restructure it to now say:

- We are concerned that the passage of Amendment 64 may potentially increase the number of impaired drivers. This task force will carry out its mission of supporting the prevention, awareness, enforcement, and treatment of drunk and impaired driving in Colorado.

Hooper seconds the motion.

Fisher: All in favor of Abe's motion seconded by Steve:

In favor: 3

Opposed: 11

Motion fails

Don: I make a motion that the first sentence is removed. Motion is seconded by Steve Wrenn.

Heather Garwood: Procedurally it moves forward that this task force opposed Amendment 64.

Hooper: Now we are making our position statement and that would be that we are concerned.

Fisher: Those that abstained are on the record.

Burmania: The task force cannot come out and say that we formally oppose this amendment.

- Now we are voting on our expression of the amendment.

Gray: Now some of you will be able to vote on this.

Burmania: We don't want to have an issue with those who may not be able to.

Garwood: As long as this expression does not take a stand on the amendment then I can vote.

In favor: 16

Opposed: 2

Motion Passes

Fisher: If you have any questions about what we just talked about please contact me or JoAnna.

Davis: Carol Gould is here to discuss MAP 21.

Carol Gould: This is a brief overview of MAP-21 that replaces SAFETEALU.

Please review handout

Fisher: Moving forward with the annual report –

- We have identified staff to put the report together.
- Our meeting in November will be on the 30th and this is the date that all draft pieces of the report are due.
- It is critical that we discuss the draft and make changes to the draft on the 30th. After this meeting we will finalize the draft and then email the draft to everyone in mid-December.
- Workgroup leads please forward your information to JoAnna or I. Please come to the meeting prepared to discuss the annual report.
- Is there anyone who needs to report on any progress?
- We need to make sure that FY13 meetings are :
 - o January 18, 2013
 - o February 15, 2013
 - o March 15, 2013
 - o April 19, 2013
 - o May 17, 2013
 - o July 19, 2013
 - o September 20, 2013
 - o October 18, 2013
 - o November 15, 2013

Lightening Round

Timpken: I have been asked to review a document that will be one of the most significant papers that this task force has seen.

Flavia: The DUI website will be a year old in December and we can talk at the next meeting how we can use this on the task force.

Elliott: I recently met with a group of doctors that are working on new impaired driving tests.

- This has been used in Canada and now Kaiser is utilizing the test in the US.
- I have a proposal from them looking for a group of test patients that use Marijuana.
- This is a way of testing for impaired driving that would be much more objective.
 - o I would like to invite the doctors to do a formal presentation at a future meeting.
- Dr. Schmitz and Dr. Baring
- 5 Nano-gram failed.

Hooper: The last statement may help us decide what goes in the annual.

- I have the language that I have taken a stab at and will send it out for your review.

Young: Please start thinking about who you want to replace me. I am being transferred and will be moving after January.

Fisher: Can you provide us with some suggestions?

Young: Yes. It's been a pleasure to serve.

Fisher: Please send a list by email to help us in the process.

- Thank you for your help on this task force.

Garwood: Judicial employees' emails have not changed.

- Susan Calling will be my replacement.

Gray: I want to thank everyone here today and on the task force. I am thankful for you and the thoughts and prayers that you sent me.

Meeting adjourned: 12:23