



IN BRIEF

Mirrors the existing under age 21 zero tolerance statute for alcohol and applies to individuals under the age of 21 who test positive for delta-9-tetrahydrocannabinol (THC - primary psychoactive ingredient in marijuana) as measured by an oral swab saliva test or other chemical field test. SB 1273 exempts individuals under 21 if they have a medical marijuana prescription.

CURRENT LAW

Zero-tolerance alcohol laws for drivers under age 21 in California and across the country have been successful. They’ve saved lives and reduced drinking and driving accidents by 20%. Now that recreational marijuana is legal, SB 1273 applies California’s existing zero-tolerance alcohol driving law to marijuana since it’s illegal for anyone under 21 to use cannabis. This bill will deter marijuana use prior to driving and save lives.

Current law prevents individuals under age 21 from having any alcohol in their system while driving. If they blow .01 or above on a breathalyzer, their license is suspended by the DMV for one year. They receive an administrative suspension from the DMV instead of a criminal conviction and they are not sent to jail. There’s an appeal process through the DMV and they can also receive a restricted license for school, work or to take care of a family member.

THE PROBLEM

In 2016, 20.8 percent of Americans between the ages of 18 and 25 used marijuana at least monthly, the highest number since 1985. This is the first year in which daily marijuana use appeared to outpace daily cigarette use among 8th graders-this flip occurred in 10th graders in 2014 and in 12th graders in 2015.

According to data compiled by the National Highway Traffic Safety Administration based on the Fatality Analysis Reporting System:

- California drivers under age 21 with Delta 9 THC in their system are dying at an increasing rate compared to total drivers killed:

UNDER 21	OVER 21
2013 3.5%	2013 4.7%
2014 14.3%	2014 8.2%
2015 15.8%	2015 9.0%

Drivers ages 16-17 continue to have the highest rates of crash involvement, injuries to themselves and others and deaths of others in crashes in which they are involved. Car crashes are the leading cause of death of 18- to 25-year-olds in the U.S., and driving under the influence is a major cause of accidents. Researchers found that half (50.3 percent) of the young drivers who died were drunk or high at the time of their fatal crashes (Keyes and her colleagues pulled data on 16- to 25-year-olds from the federal database of fatal crashes. They focused on California and several other states).

From 2007 to 2014, the number of nighttime weekend drivers in the U.S. with marijuana in their system increased nearly 50%. The AAA Foundation for Traffic Safety conducted a study in Washington that found the percentage of drivers involved in fatal crashes who recently used marijuana more than doubled from eight to 17 percent between 2013 and 2014. “The significant increase in fatal crashes involving marijuana is alarming,” said Peter Kissinger, President and CEO of the AAA Foundation for Traffic Safety. “Washington serves as an eye-opening case study for what other states may experience with road safety after legalizing the drug.”

PEOPLE ARE DYING

Drivers under 21 with marijuana in their system are killing people on our roadways. In 2010, CHP Officer Justin McGrory was conducting a traffic stop on the side of the freeway in Southern California when he was fatally struck by a 20-year old who had recently smoked marijuana. Other examples from around the country:

Mill City, OR - A driver high on marijuana hit a 10-year-old girl in a crosswalk with a minivan as the child walked to her school book fair (20 years old).

Elyria, OH - A Midview High School senior who was behind the wheel in a car crash that killed junior Lindsey Rotuno had marijuana in his system at the time of the accident (18 years old).

Riverton, WY - Officials say the driver who died in a two-vehicle crash in Fremont County that killed two others had consumed 10 times the impaired driving limit for cannabis (18 years old).

TESTING DEVICES

Oral swab saliva tests for marijuana detect use within a few hours (up to 9) and are currently used by the National Highway Traffic Safety Administration for their roadside surveys. They've been used by law enforcement departments around the world for nearly 20 years including a handful of law enforcement departments throughout California in recent years. The saliva tests are accurate (some studies show over 98%) and they will not detect someone exposed to second hand smoke unless they have been "hot-boxing" for an extended period of time (studies show over an hour).