

Victims of Drugged Drivers Take Issue with Proposed Marijuana-Impaired Driving Levels

Advocacy Groups Propose More Stringent Two-Tiered Approach Popular in Europe

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[/EINPresswire.com/](#) -- The Canadian Government has promised that its C-46 bill to strengthen impaired driving laws will protect Canadians from drug impaired drivers after marijuana's legalization. But an [opposition brief](#) filed today by [DUID Victim Voices](#) with Prime Minister Justin Trudeau and his Parliament disagrees. The thoroughly-documented brief says C-46 is fundamentally flawed and threatens to make matters worse for victims of impaired driving. "Proper justice for DUID victims is not possible when perpetrators are not found guilty of driving under the influence and thus sentenced to a lesser crime," says Ed Wood, founder of DUID Victim Voices.



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C-46 seeks to establish per se levels for drugs based upon a belief that the same kind of per se levels that have been successful in dealing with alcohol-impaired driving can also work with drugs. That belief cannot be supported by any scientific studies. In particular, marijuana is so unlike alcohol chemically, biologically and metabolically, that the brief warns it is irrational to use a prescribed per se level for marijuana's Δ^9 - tetrahydro-cannabinol (THC).

DUID Victim Voices, an advocacy group for the victims of drug impaired driving, proposes that the bill be rewritten to support a tandem per se approach which is based on scientific

research. "Adoption of defined drug per se levels that cannot be scientifically supported not only can also prevent victims of impaired driving from seeing justice, it also threatens public credibility and acceptance of the law," Wood explains.

[Smart Approaches to Marijuana of Canada](#) is also supportive of the brief. "We endorse this rejection of Bill C-46. Survey data shows that young Canadians are not cognizant of the risk of driving impaired by marijuana. The country needs a massive public education program, which could take 15 years like the one for drunk driving awareness." adds Pamela McColl of SAM Canada.

Alcohol per se levels work reasonably well where alcohol is the only impairing substance due to the following facts. Unfortunately, these facts are also unique to alcohol, don't always apply to other drugs, and don't apply at all to marijuana's THC.

1. Alcohol leaves the body linearly and at a slow and predictable rate, but: On average, the maximum blood THC level is decreased by 73% from its peak level within 25 minutes of beginning to smoke a joint. The median time between a crash and taking a driver's blood sample is two hours, so laboratory tests tell us nothing about the blood THC level at the time of the crash.

2. Levels of alcohol in blood are similar to levels in the brain, but:

Marijuana's THC is fat-soluble. It is very rapidly absorbed from the blood by highly perfused fatty tissues like the brain, heart, liver and lungs. Consequently, blood levels of THC tell us nothing about the levels of THC in the brain, which is the only place that really matters when trying to evaluate impairment. THC can even be found in the brain when none can be detected in blood.

3. Blood levels of alcohol correlate very well with measured levels of impairment, but:

Laboratory blood levels of THC do not correlate at all with either brain levels of THC or impairment measurements. A recent American Automobile Association Foundation for Traffic Safety report concluded, "A quantitative threshold for per se laws for THC following cannabis use cannot be scientifically supported."

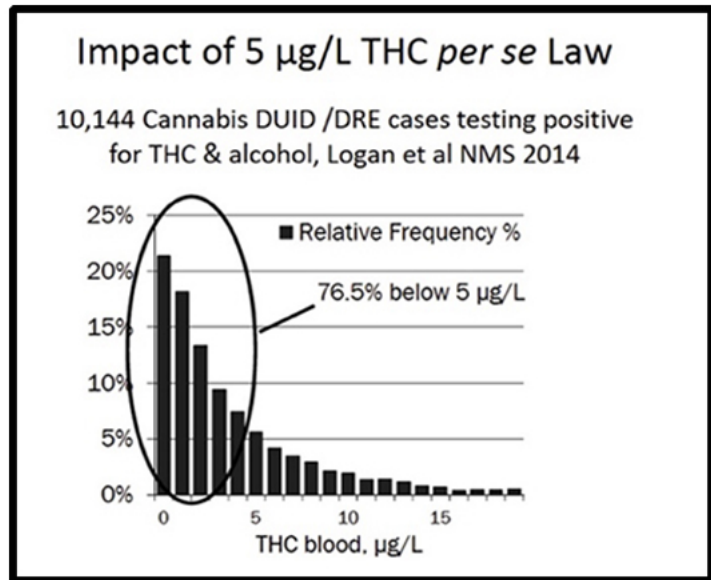
Because THC is so quickly redistributed from the blood to the brain and other organs, the majority of stoned drivers arrested on suspicion of driving under the influence of drugs test below current proposed per se levels and would therefore escape OWI per se prosecution.

Having most stoned drivers escape prosecution may be an acceptable social policy for non-consequential OWI arrests, but many OWI cases involve death or serious bodily injuries. Permitting the majority of those cases to escape prosecution is a miscarriage of justice that should not be tolerated.

Rather than a defined per se limit, DUID Victim Voices suggests that "tandem per se" be used to prove the crime of OWI per se. Using this approach, a person would be guilty of OWI per se under the following sequence of conditions:

- The driver was arrested by an officer who had probable cause, based on the driver's demeanor, behavior and observable impairment to believe that the driver was impaired; and
- Proof that the driver had any amount of an impairing substance in his/her blood, oral fluid, or breath.

The tandem per se approach is consistent with the recommendation of the American Automobile Association Foundation for Traffic Safety. It is similar to two-tier systems in place in Germany, France,



The majority of impaired drivers (76.5%) testing positive for cannabinoids fell below the proposed per se limit of 5 nanograms per milliliter of blood.

Belgium and Finland.

DUID Victim Voices represents the interests of the victims of drugged driving, providing fact-based education and a victim perspective to decision makers and to the general public. Visit the website, duidvictimvoices.org.

Smart Approaches to Marijuana Canada is a bipartisan alliance of organizations and individuals dedicated to a health-first approach to marijuana policy. Visit learnaboutsam.ca to learn more.

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