



STATE OF HAWAII
DEPARTMENT OF HEALTH
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WRITTEN ONLY

**Testimony in OPPOSITION to HCR0097
REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A STUDY TO
ESTABLISH A RELIABLE SCIENTIFIC THRESHOLD AND TESTING PROTOCOL
FOR DETERMINING WHETHER A PERSON CANNOT SAFELY OPERATE A
MOTOR VEHICLE DUE TO BEING UNDER THE INFLUENCE OF MARIJUANA.**

REPRESENTATIVE HENRY J. C. AQUINO, CHAIR
HOUSE COMMITTEE ON TRANSPORTATION
Hearing Date: Monday, March 28, 2016 11:15am Room Number: 309

- 1 **Fiscal Implications:** The resolution provides no staff or budget for the proposed project.
- 2 Department of Health (DOH) is requested to conduct a study to establish a reliable scientific
- 3 threshold and testing protocol for determining whether a person cannot safely operate a motor
- 4 vehicle due to being under the influence of marijuana; and submit a report of its findings and
- 5 recommendations, including any proposed legislation, to the Legislature no later than twenty
- 6 days prior to the convening of the Regular Session of 2017.
- 7 **Department Testimony:** We commend the Legislature for their efforts to address this
- 8 important issue. However, DOH opposes HCR0097. The National Institute on Drug Abuse has
- 9 been studying this issue for many years and has been unable to establish a per se level for driving
- 10 under the effect of marijuana. Blood cannabinoid analyses are challenging. Cannabinoid blood
- 11 levels may persist even after several weeks of cessation thus complicating the interpretation of
- 12 blood concentrations. Although single blood concentration always associated with impairment
- 13 for both occasional and frequent cannabis users would be ideal, there is no one blood
- 14 concentration that will achieve this goal. Multiple cannabinoid (usually tetrahydrocannabinol

1 (THC) blood concentrations associated with driving impairment have been proposed ranging
2 from THC 3.5–5 µg/L. Some European Union countries use 1 µg/L. Nine states have zero
3 tolerance for THC or metabolites, 3 states have zero tolerance for THC but no restriction on
4 metabolites, 5 states have specific per se limits for THC, and Colorado has a reasonable
5 inference law for THC. There are no federal guidelines or standards to determine “safe” levels of
6 THC for operating a motor vehicle.

7 Currently, DOH does not have the capacity or resources needed to fund and perform the
8 extensive requirements for a study of this nature.

9 **Offered Amendments:**

10 Thank you for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, March 27, 2016 2:15 PM
To: TRNtestimony
Cc: bkulbis@reagan.com
Subject: Submitted testimony for HCR97 on Mar 28, 2016 11:15AM

HCR97

Submitted on: 3/27/2016

Testimony for TRN on Mar 28, 2016 11:15AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Brett Kulbis	Individual	Oppose	No

Comments: This is just another example of how we have put the cart before the horse. This should have been addressed when you fast-tracked the "medical marijuana" bill last year. Another fine mess you've created Legislators.

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