



John Bel Edwards
Governor

State of Louisiana

OFFICE OF THE GOVERNOR
DRUG POLICY

Dr. Chaunda Mitchell
Director, Drug Policy &
Executive Director,
Diversity and Inclusion

Kristy Miller
Assistant Director

GOVERNOR'S DWI TASK FORCE **August 12, 2020; 10:00 AM - 11:15 AM**

MINUTES

Call to Order

Lisa Freeman, Chair of the DWI Task Force and Executive Director of the Louisiana Highway Safety Commission (LHSC), called the meeting to order at 10:12 am. She announced that there were 12 members or proxies in attendance which was more than enough for a quorum.

Welcome and Introductions

Because the meeting was being held virtually, Lisa asked Kristy Miller, Assistant Director of the Office of Drug Policy, to verbally identify all voting members on the Zoom meeting. Additionally, Kristy requested that interested stakeholders and members of the public type their names and organizations in the chat so they could be recognized in the minutes.

Then, Lisa took a moment to discuss membership changes since the last meeting in November 2019. She welcomed Representative Marcus Bryant who was designated by the Speaker of the House of Representatives to replace Representative John Stefanski. Also, she welcomed Senator Rick Ward who was designated by the Senate President to replace former Senator Dan Claitor. Finally, Lisa mentioned that Ernest Legier was appointed as the Commissioner of the Alcohol and Tobacco Control because former Commissioner Lombard resigned to run for a judicial seat in New Orleans. Finally, Lisa announced that At-Large Member Pat Minor, a long-time victims advocate with MADD, resigned recently.

Unfinished Business

A. Status of Drug Recognition Expert Study Resolution

Lisa asked Kristy to provide an update on the report developed in response to Senate Resolution 103 passed during the 2019 Louisiana Legislative Session which asked the DWI Task Force to study methods for strengthening enforcement actions of the Drug Recognition Expert in Louisiana. Kristy explained that the report was compiled by a subcommittee of the DWI Task Force members and stakeholders including Dortha Cummins (LHSC), Lt. Mike Edgar (LSP Applied Tech), Rachel Smith (LDAA), and Rebecca Nugent (LSPCL).

The committee looked at current trends surrounding training and new enforcement actions for DREs. A few new enforcement actions were noted; when discussing these actions with the DECP State Coordinator, Lt Mike Edgar report that all were either actively being implemented or are being considered. Some trends were previously considered and rejected due to current resources, but could be reconsidered at a later date. The conclusion of the committee was that any and all new or trendy methods for enhancing the DECP could and would be considered

and, if needed, adopted through program administrative policy changes. No changes would necessitate legislative policy change.

New Business

A. Discuss and Approve: Minutes from November 2019 meeting

Lisa indicated that Kristy included the minutes from the November 2019 meeting in the email packet. She asked everyone to review them, and when appropriate, a motion could be made to accept them as written. Norma Broussard DuBois, Designee of the LA District Attorneys Association, offered a motion to approve the minutes. Senator Rick Ward, Designee of the Senate President, seconded the motion. All members accepted the motion. None rejected the motion and none abstained.

B. Guest presentation by Dr. Darrin Grondel

Lisa introduced Dr. Darrin Grondel, Vice President of Traffic Safety and Government Relations at Responsibility.org who conducted a presentation titled *Impacts on Legalization of Marijuana on Impaired Driving and Considerations*. Dr. Grondel has nearly 30 years of traffic safety and law enforcement experience and leadership at the state and national levels. Additionally, he is a national expert on drug-impaired driving and multi-substance impaired driving.

Dr. Grondel started by talking about state laws and where they fall in terms of legalization for medical and recreational use as well as state marijuana impaired driving per se laws. Next, he talked about a roadside survey experiment conducted by NHTSA in Washington State in 2007 and then compared it with a similar roadside survey experiment conducted in the same locations in 2013-14. The percentage of drivers with cannabis in their systems increased 50% over that period of time (8.6% to 12.6%). Next, he discussed the numerous differences between alcohol impairment and marijuana impairment signs and symptoms as it relates to brain, body, and safety reaction functions. He emphasized the large list of signs and symptoms and also the lack of ability to trend marijuana impairment levels over time.

In terms policy considerations, Dr. Grondel talked about being careful about allowing ounces or small numbers of plants. For one, 1 ounce of marijuana can make approximately 60 joints which is a good amount for personal consumption. Secondly, some plants can grow to be taller than corn stalks and wider than tree trunks so allowing personal grows can be a dangerous slippery slope, too. Dr. Grondel offered a systems thinking way of approaching how to assess the framework if the state is moving toward legalization. It goes from regulatory processes > education > treatment > law enforcement > toxicology > courts > probation > legislature > governor.

Some considerations offered by Dr. Grondel included (1) create a multi-disciplinary impaired driving task force and include drug impairment as part of their scope, (2) seek dedicated funding from marijuana tax revenue for education, treatment and enforcement if your state legalizes, (3) evaluate data collection processes to ensure your state data systems are monitoring trends in use and consequences, (4) assess current DUI and DUID laws by conducting a gap analysis and finding places to improve language, (5) develop and implement a culturally aware educational campaign to help residents understand the difference between medical and recreational marijuana, (6) shift everyone's standards for criminal evidence from urine to blood, (7) consider phlebotomy training for law enforcement to reduce time constraints on EMT, nurse, doctor, etc, (8) assess your toxicology data collection and analysis processes, (9) assess response protocol that involves blood and DRE testing for all fatal and serious injury crashes, (10) increase training for law enforcement, prosecutors, and judges on marijuana impaired

driving, and 11) create a regulatory agency that has full enforcement authority from seed to sale.

Dr. Grondel concluded his presentation by talking about revenue projections. For example, Washington State averages \$4 to \$4.5 million in sales per day. Actual excise tax revenue far exceeded forecasts developed in 2013 for 2015, 2016, and 2017. This is just the tax obligation to the state. However, a state must think about societal costs incurred by its citizens to legalize marijuana. For example, a single fatal motor vehicle crash costs \$9 million. Dispensaries have had to continually reduce the average price per gram of marijuana because chronic users were not using enough. Reducing prices allowed for an expansion of consumers. Poison control cases along kids and adults who used in ways inconsistent with packaging instructions increased almost 1000%. Consumer safety regulations and other consumer protections have major ongoing costs associated with them.

C. Update on 2020 Regular and Extraordinary Legislative Sessions

Lisa asked Cathy Childers, Impaired Driving Specialist with the LA Highway Safety Commission, to conduct a brief update on what bills passed and did not during both the regular and special sessions in 2020. She specifically mentioned SB 352, SCR 12, and HB 127.

SB 352 passed and was signed by the Governor. It authorized a judge to mandate a person with a second or higher DWI offense to undergo a substance use disorder assessment by a physician and refer an offender to a treatment program that utilizes Medication-Assisted Treatment. SCR 12 was first introduced during the special session and required the creation of a Drug and Specialty Courts Commission to study and evaluate the utilization of opioid litigation settlement funds for the expansion of drug and specialty courts. As DWI courts are considered a type of specialty court, this is an exciting move for the field. HB 127 did not pass, but was an important bill brought by the LA District Attorneys Association. The bill would have removed the condition that the operator of a vehicle knowingly consumed drugs in a quantity that substantially exceeded the prescribed or recommended dosage.

Other Business

A. Office of Drug Policy update

Dr. Chaunda Mitchell, Director of the Governor's Office of Drug Policy, asked all members and stakeholders to please share the message with your networks about the importance of the census. The census is a fundamental way for much of the Federal funding to be determined for the state and as a way for Federal and State funding to be determined for your agencies.

B. Member agency updates

Rebecca Nugent, Chemistry Manager with the LSP Crime Lab, shared that she in conjunction with BRPD Corporal Jason Martin, Assistant Director of the North LA Crime Lab Joey Jones, and Dr. Helmut Schneider at LSU CARTS, conducted a study to compare the straight needles included in the Lab's blood draw kits to butterfly needles which are recommended by nurses who say the needles are safer to use and have to use the straight needles on sometimes combative patients. They found there was no statistical difference in sample results when using either needle. Thus, the Crime Lab's blood draw kits will starting being disseminated with the butterfly needle as well as a straight needle.

Rachel Smith, Traffic Safety Resource Prosecutor with the LA District Attorneys Association, announced that LDAA just finished hosting an eight-session webinar series "DWI A-Z". All webinars were recorded and the recordings are available on the LDAA website. They hope to launch another series in September 2020.

Dr. Leslie Freeman, Director of Prevention Services for the Office of Behavioral Health, announced that OBH was awarded two different Covid-19 grants from SAMHSA. The first is focused on launching a helpline for behavioral health issues across the state. The second is a Covid-19 response to suicide prevention and domestic violence grant. The Zero Suicide Initiative will begin on August 1, 2020. The purpose is to work with healthcare systems to prevent suicide attempts in their systems and work with those who have made attempts at suicide.

Adriane McRae, Highway Safety Administrator at the Department of Transportation and Development, has received roadway fatalities and serious injuries data. Adriane announced that, in 2019, Louisiana saw its first decrease in roadway deaths since 2013. The number of traffic fatalities in 2019 was 727 (a 6% decrease from 2018 (771)). Unfortunately, Adriane shared that the data for 2020 is trending upward.

Sgt. Robert Owens, LA State Police, announced that Lt. Mike Edgar who was the DECP State Coordinator has retired. He shared that Master Trooper Jared David will replace Lt. Edgar in that role.

Dortha Cummins, Deputy Director at the LA Highway Safety Commission, has secured a new Judicial Outreach Liaison Judge Jules Edwards.

Upcoming Meetings of Other Office of Drug Policy boards

Dates for the next meetings of the boards and commissions under the Office of Drug Policy were provided. Members were reminded that they are welcome to attend meetings of other boards. The next DWI Task Force meeting is scheduled for November 18, 2020.

Adjournment

Lisa announced that all business was completed. A motion to adjourn was offered by Norma DuBois. It was seconded by Rebecca Nugent. All favored. No members dissented or abstained from approving the motion. Meeting adjourned at 11:59 AM.

DWI TASK FORCE MEMBERS

Member Agency	Appointee/Designee	In Attendance
Attorney General's Office	Amanda Martin	No
Governor's Office of Drug Policy	Dr. Chaunda Mitchell	Yes
House of Representatives member	Rep. Marcus Bryant	Yes
Office of Behavioral Health	Dr. Leslie Freeman	Yes
Office of Motor Vehicles	Kelly Simmons	Yes
Louisiana District Attorneys Association	Norma DuBois	Yes
Louisiana Highway Safety Commission	Lisa Freeman	Yes
Louisiana Office of Alcohol & Tobacco Control	Marcus Bruno	No
Department of Transportation and Development	Adriane McRae	Yes
Louisiana Sheriffs' Association	Sheriff K.P. Gibson	No
Louisiana State Police Crime Lab	Rebecca Nugent	Yes
Louisiana State Police	Robert Owens (for Jim McGuane)	Yes
Property and Casualty Insurance Commission	Julie Freeman (for Tom Travis)	Yes
Senate member	Sen. Rick Ward	Yes
Mothers Against Drunk Driving	Valerie Cox	No
Louisiana Restaurant Association	Jeff Conaway	No
LA Association of Chiefs of Police	Chief Jerrod King	Yes
At-Large	Delia Brady	No
At-Large	Dr. Beau Clark	Yes
At-Large	Vacant	No

STAFF

Kristy Miller – Office of Drug Policy

GUESTS

Jessica Bedwell – Louisiana Highway Safety Commission

Joey Jones - North Louisiana Crime Lab

Chela Mitchell - Louisiana Highway Safety Commission

Rachel Smith – LA District Attorneys Association

Robyn Temple – Office of Motor Vehicles

Dortha Cummins – Louisiana Highway Safety Commission

Autumn Goodfellow-Thompson – Louisiana Department of Transportation and Development

Jared David - LSP Applied Tech/DECP State Coordinator

Cathy Childers – Louisiana Highway Safety Commission