Judiciary Committee
JOINT FAVORABLE REPORT

Bill No.: HB-7258

Title: AN ACT CONCERNING DRIVING UNDER THE INFLUENCE OF OR WHILE CONSUMING CANNABIS.

Vote Date: 4/7/2025

Vote Action: Joint Favorable Substitute

PH Date: 3/31/2025

File No.:

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SPONSORS OF BILL:

Judiciary Committee

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REASONS FOR BILL:

As the use of cannabis presents a significant risk to public safety when consumed by drivers on the road, this bill would allow law enforcement officers, who witness the consumption of cannabis in a motor vehicle (by both seeing and smelling it), to pull the vehicle over in an effort to enhance roadway safety and protect Connecticut drivers. The bill also has a provision to task the Department of Emergency Services and Public Protection (DESPP) with conducting a study to obtain more information from other states' data to address the problem of traffic accidents involving drivers who were under the influence of cannabis.

SUBSTITUTE LANGUAGE:

The substitute language keeps the first section concerning the study to be conducted by DESPP but removes all other sections. It also adds "and psilocybin" to everywhere applicable.

RESPONSE FROM ADMINISTRATION/AGENCY:

John R. DelBarba, Assistant Legal Counsel, Office of Chief Public Defender (OCPD):
OCPD opposes Sections 2, 3, and 4 and ask that they be stricken from the bill moving forward, while taking no position on Section 1, which has to do with the feasibility study to be completed by DESPP.

NATURE AND SOURCES OF SUPPORT:

House Republican Caucus, Connecticut General Assembly: The Connecticut House Republican Caucus supports HB 7258 because it acts as a vessel to "increase safety on our roadways by giving law enforcement officers additional tools to prevent and enforce cannabis-related driving under the influence." They highlight that Section 1 can be used to study laws in other states (such as Colorado) regarding testing "in a manner analogous to blood alcohol content" to "address cannabis-related DUI" and present the General Assembly with "a better legal framework" to "help keep our roads safe." They support the second and third sections of this bill, as they "address a current paradox in existing law,"; that is, it is illegal to consume cannabis in a moving motor vehicle but the same statutory sections that criminalize the behavior also explicitly prohibits police from stopping a vehicle for a violation of the law.

Connecticut Police Chiefs Association (CPCA): CPCA supports this bill, calling it a common-sense "change necessary to enhance roadway safety and uphold the integrity of traffic enforcement" in our state. They argue that cannabis usage in a motor vehicle should be held to a similar standard as "a driver consuming an alcoholic beverage while operating a vehicle," for which a police officer can pull over an individual. They also argue that "just as alcohol consumption impairs a driver's ability to operate a vehicle safely," consumption of cannabis presents similar risks. CPCA notes that it has been a "primary" concern of theirs since the legalization of recreational marijuana that there's an "absence of a reliable roadside test for cannabis impairment," as well as a "lack of established legal standards for determining cannabis intoxication."

Zachary Nailon, Program Coordinator, Amplify, Inc.: Zachary Nailon offers support for HB 7258, particularly due to the issue of cannabis-use while driving consistently emerging "as a significant concern" among the "extensive interviews with community stakeholders" that have been conducted. He claims that a lack of testing for cannabis intoxication (unlike when it comes to alcohol) creates what he refers to as a "'resource gap' for law enforcement." He says that examining what has been done in other states, such as Colorado, Illinois, Montana, Nevada, Ohio, and Washington, "will be vital in determining if a THC blood level standard" can be an "effective tool" for law enforcement to address this ongoing problem.

NATURE AND SOURCES OF OPPOSITION:

DeAndre Brown, Executive Director & Affiliate, Evolve Love & BLM860: Testifying in opposition to HB 7258, DeAndre Brown states that this bill targets "the people that work every day," and has issues with some of its provisions. For example, he claims that there's a lack of clear correlation between THC levels and impairment; as it affects individuals differently, there's difficulty in establishing a universal THC limit because "no universally accepted impairment threshold exists." Additionally, there are issues with blood testing for THC since

there's no "widely accepted roadside test" to make any determination of impairment if someone is pulled over. He also has concerns that there may be a potential for an increase in unjust DUI arrests and convictions and that people that "legally use cannabis for medical purposes may face DUI charges" even though they're not impaired. He believes that other states across the country have "seen legal challenges to their per se THC limits due to scientific uncertainty," and that there may be alternative methods of testing that have the possibility of being more effective.

Christina Capitan, Co-Founder, Connecticut CannaWarriors: Christina Capitan opposes HB 7258, stating that using per se THC limits for impaired driving is a "scientifically flawed concept." She claims that the National Highway Traffic Safety Administration has said that "THC levels in the blood do not correlate to impairment," and that the bill "risks criminalizing sober people." She says that what's more concerning is that if police officers are allowed to use the odor and usage of cannabis for stopping and searching a vehicle, then this legislation would open "the door to the kind of pretextual policing Connecticut was supposed to leave behind with [the] legalization" of recreational use cannabis. She offers a list of "smarter, community-based alternatives" and states that "we need equity, science, and civil rights to guide our laws" instead.

Candis Havanick: Candis Havanick opposes this bill because it "will increase spending" and is also "a waste of spending and additional labor." She also questions "how many accidents are due to cannabis use."

Cooper Heard, Student, Three Rivers Community College: Cooper Heard offers a slideshow presentation and speech titled "Addressing Concerns with Current Cannabis Legislation in Connecticut" in opposition to HB 7258, highlighting three main areas of concern: the impact of criminalizing the odor of cannabis, the issue of social equity licenses, and cost analysis.

Eileen Kopec: Eileen Kopec opposes the bill as currently written, stating that clarification is needed as ambiguity could seriously impact people's lives. Additionally, she asks that any legislation regarding a "blood level reading for cannabis" must "include serious medical testimony."

Duncan Markovich, Owner & Founder, Better Ways LLC: Duncan Markovich opposes HB 7258 as currently written, arguing that his primary "points of concern" relate to permitting law enforcement to "search and seizures based on odor, how officers will be able to distinguish the smell of burnt or unburnt cannabis, the design and impact of Drug Recognition Experts, and the considerations made when calculating toxicity levels over impairments." However, he does agree with the underlying safety intentions of the bill, citing last year's 329 alcohol-related vehicular deaths.

Ann Marie Luisi Rosado, Founder, Higher Health LLC: Testifying in opposition to HB 7258 as written, Ann Marie states that there's currently no "universally accepted device for cannabis intoxication. Reliability of existing devices is questionable." With that being said, she argues that without "clear determination of intoxication," the legislature can't "make a definitive law that may negatively impact a person's life." She thinks that Connecticut lawmakers should invest in more training in law enforcement, such as Advanced Roadside

Impaired Driving Enforcement (ARIDE). With this investment in "research, training and education, Connecticut will lead with safety and objectivity."

Josiah Schlee, Connecticut CannaWarriors: Josiah Schlee opposes the bill, stating that its approach is "not supported by scientific evidence and represents a distressing regression in cannabis policy—both for Connecticut and in the broader national context."

Kylah Shafer: Kylah Shafer offers testimony in opposition of the bill, stating that searching a vehicle without a warrant is unconstitutional and she advocates for empowering and educating Connecticut residents instead.

Jess Zaccagnino, Policy Counsel, American Civil Liberties Union of Connecticut (ACLU-CT): Jess Zaccagnino of the ACLU argues that the bill would "remove a key aspect of cannabis legalization in Connecticut by repealing the rule that odor is no longer provable cause or reasonable suspicion to stop and search a person or their vehicle." She claims that relying solely on this doesn't indicate that someone's intoxicated, and that it's "bound to dramatically increase unwarranted searches and seizures which…disproportionately harms Black people [and] people of color." She also states that the section related to the feasibility study conducted by DESPP is flawed since there's "no quantifiable measurement to determine an impairment level for cannabis." Therefore, she opposes the bill, calling it a "detrimental rollback of our cannabis laws that is not based in science or reason."

Anonymous: Testimony submitted without attribution was submitted in opposition to this bill.

Reported by: Austin Hyatt   **Date:** April 17, 2025