



Strengthening Measures to Prevent Cannabis-Impaired Driving



Georgians for Responsible Marijuana Policy

Advocating for a balanced, science-based and compassionate approach to marijuana policy

Proposal

1. Improve tracking of marijuana-related traffic incidents at the local and state level.
2. Improve prosecution of drug-impaired driving offenses and bolster deterrence of impaired driving.



Problems

Cannabinoids Impair Driving and Increase Crash Risks

Cannabinoid usage can significantly impair driving abilities, including reaction time, judgment, and motor coordination, increasing the risk of traffic crashes.¹

Unprecedented Cannabinoid Access in Georgia:

- “Low THC Oil” is now broadly available in Georgia’s medical marijuana program, with over 24,000 Georgians registered.
- “SB 494 (2024) created a legal framework for recreational sale of intoxicating delta-9 THC edibles in convenience stores and other locations throughout the state.
- Semi-synthetic cannabinoids (like Delta-8 THC) can be sold legally in Georgia with THC levels over 90%.



Insufficient Tracking of Drug-Impaired Driving Data in Georgia

There are major gaps in data collection regarding cannabis involvement in traffic incidents, which limits the ability to develop effective countermeasures.

Weakened Prosecution of Drug-Impaired Driving Cases

Outdated and impractical laws limit efficient handling of impaired driving cases. Many law enforcement agencies are unable to use electronic search warrants and gold standard drug impairment assessments face redundant, resource-intensive challenges in every court.

Proposed Solutions

1 Develop a Statewide Data Collection Protocol for Drug-Impaired Driving

- Mandate courts to submit detailed impaired driving case records, including OCGA 40-6-391 subsections and alleged substances.
- Require blood specimen testing for all fatally injured at-fault drivers and assign responsibility for collections.
- Ensure law enforcement includes toxicology results in crash reports and updates prior reports, with state oversight for compliance.

2 Enable More Efficient Use of Electronic Search Warrants

- Repeal OCGA 17-5-21.1(e)2 to remove logistical burdens of recording and maintaining video conferences with judges for electronic search warrants.
- Align electronic search warrant requirements with those for electronic arrest warrants to streamline processes.

3 Recognize Admissibility of Technical Evidence and Expert Testimony

- Codify admissibility of Drug Recognition Experts (DREs) and their evaluations (DIEs).
- Establish Georgia precedent for admitting DRE testimony under Daubert standards.
- A law or rule on admissibility of protocols and expert testimony would improve court efficiency and handling of drug-impaired driving cases, while preserving defense rights to cross-examine and present competing evidence.
- Reference North Carolina, Oklahoma, and Canadian models to enhance court efficiency and case handling.

References

1. National Safety Council. (n.d.). Position on cannabis and driving. <https://www.nsc.org/getmedia/8840b317-9960-48b9-a3ae-3fec77a9448b/position-on-cannabis-and-driving.pdf>
2. OCGA 17-5-21.1 (e): A video recording of the application hearing and any documents submitted in conjunction with the application shall be maintained as part of the record.



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