

**American Trucking Associations  
Controlled Substances and Driver Health & Wellness Working Group**

***Recommendations on Marijuana Legalization***

**Preamble**

**T**he Controlled Substances and Driver Health & Wellness (CSDHW) Working Group's mission is to investigate the real-world impacts of marijuana legalization, controlled substances, and driver health and wellness trends in the trucking industry. While there were a variety of potential issues to discuss, including opioid use, vaping, and sleep apnea, the Working Group focused on the growing trend of marijuana legalization both in the United States and globally. Experts in the medical, legal, law enforcement, and insurance fields along with Canadian counterparts assisted the CSDHW Working Group in developing a set of recommendations for the Safety Policy Committee's consideration.

Currently, over 93 million people in the United States live in jurisdictions that have legalized recreational marijuana, plus 37 million people in Canada. Over 130 million people in North America have varying degrees of legal access to marijuana. With the advancement of State legalization efforts, the CSDHW Working Group found a tremendous increase in public support for marijuana legalization efforts. Still, more conversations about the impact of legalization on highway and workplace safety are needed. Improving highway and workplace safety involves public education, research, funding, and law enforcement training. Additionally, with a wide variety of state marijuana-impaired driving laws and no established consensus on marijuana impairment, support for research to develop an *enforceable* national driving impairment standard for marijuana is critical.

The CSDHW Working Group members are confident implementation of the Working Group's recommendations is the first step to help mitigate the impacts of marijuana legalization on highway safety or the trucking industry's ability to recruit and hire qualified individuals. Below are the recommendations developed by the Working Group:

**Recommendations**

- ATA should develop, adopt, and support a policy to maintain an employer's ability to test for marijuana if that employer determines use could adversely affect the safety of others. Any ATA policy on marijuana legalization should work to protect all members.
- ATA should advocate for research to understand impairment and the development of standards to test for impairment.
  - Support lifting federal restrictions on marijuana research.
  - Research on marijuana should include the effects of mixed-use (alcohol and marijuana) and polydrug use (marijuana and other controlled substances).
  - Support research regarding the use of oral fluid testing in developing impairment standards.

## Recommendations on Marijuana Legalization

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- ATA should continue to pursue regulatory and/or legislative changes to permit alternative specimens, such as hair and oral fluid, to be used to comply with federal drug testing requirements.
- ATA should support the creation of a marijuana victim's compensation fund, paid for by marijuana dispensaries and manufacturers of THC infused products.
- ATA should support DUI laws that empower law enforcement to remove and prosecute impaired drivers.
- ATA should support increasing the federal funding for Drug Recognition Expert and Advanced Roadside Impaired Driving Enforcement training.
- ATA should support increased federal funding for state toxicology labs for the testing of specimens for suspected DUI charges or contraband.
- ATA should support non-discretionary and universal drug and alcohol toxicology testing for all drivers involved in fatal crashes.
- ATA should establish industry FAQs to aid in compliance with state and federal regulations, including educating employers and employees on hemp and marijuana legalization.
- ATA should advocate for the Working Group's recommendations through, but not limited to, Capitol Hill messaging, public affairs messaging, TAEC, ATA's image and outreach programs, and aligning with organizations advocating for similar interests.
- ATA should work with CVSA and other stakeholders to support consistent and independent educational programs to educate the public about the impairment effects of marijuana on driving.
- ATA should pursue regulatory and/or legislative changes to require certified medical examiners to query a qualified state prescription drug monitoring program (PDMP), if available, before issuing a medical certificate.
- ATA should support state and federal legislation that requires that each time marijuana is dispensed to an individual, it is reported to the state PDMP.
- The CSDHW working group should examine the science and data behind the Canadian Armed Forces' prohibition of the use of cannabis before and during the performance of specific duties that are hours/days based ([DAOD 9004-1](#))