



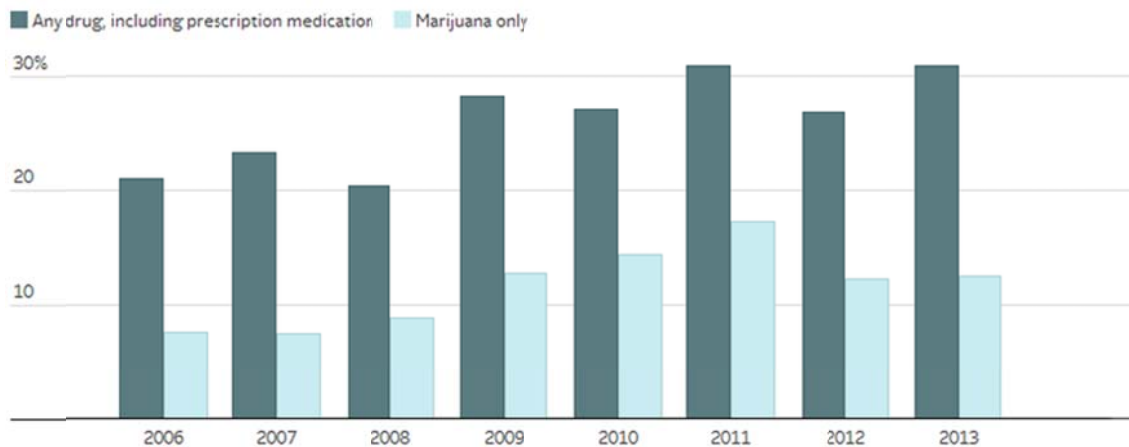
Marijuana and Driving



JUST THE FACTS

- Marijuana has a negative effect on one’s judgment, reaction time, and coordination.¹
- Studies have indicated a direct relationship between THC (the active component of marijuana) in the blood and impaired driving.² More specifically, a meta-analysis of studies related to the effect marijuana use has on driving concluded that marijuana use almost doubles the risk of being involved in an automobile crash.³
- Recreational use of marijuana has recently been legalized for adults in states such as Colorado, Massachusetts, and Washington. Just because it may be legal in certain jurisdictions does not make it safe. It is well known that even though alcohol is legal for adults 21 years old or older, drinking and driving is extremely dangerous. Marijuana is no different.
- The following chart shows the percentage of drivers in fatal crashes in Colorado that tested positive for all drugs and those who tested positive for marijuana. Based on this, between 2006-2013, roughly one in 10 drivers involved in fatal crashes had marijuana in his or her system:

Percent of tested Colorado drivers involved in fatal crashes who were positive for drugs



Source: Colorado Department of Transportation

IT'S THE LAW

- Drivers of any age can be charged with a Driving While Intoxicated (DWI) for driving under the influence of marijuana under Section 49.01 of the Texas Penal Code.
- “Intoxicated” means that one does not have “normal use of mental or physical faculties by reason of the introduction of alcohol, a controlled substance...[or] a drug.”⁴
- If a person receives a DWI in Texas for driving while under the influence of marijuana, the penalties for a first offense might include:
 1. A fine up to \$2,000;⁵
 2. Up to 180 days in jail; and/or⁶
 3. A license suspension for up to one year.⁷
- On top of the above penalties, the offender will be assessed a \$1,000 annual surcharge for the three years following conviction.⁸
- Marijuana is illegal in Texas.⁹ Thus, there is not an amount of marijuana that one can legally have in her or her system while driving in Texas – any amount is illegal for drivers of all ages.



KEEP IT SAFE

Responsible drivers should remember:

- Do not use marijuana. It is illegal in Texas and can be extremely dangerous – or even deadly.
- Never drive a vehicle under the influence of marijuana, even if you are in a state where marijuana is legal.

- Never ride in a vehicle where the driver is or may be under the influence of marijuana, even if you are in a state where marijuana is legal.
- Do not assume that you are less likely to get in legal trouble for driving while under the influence of marijuana than driving under the influence of alcohol. Law enforcement is becoming increasingly skillful in identifying indicators of drug use by motorists. Many officers are even designated as “drug recognition experts” if they have received specialized training in identifying and testing for marijuana and other drugs.

What Other Safety Tips Can You Suggest?

¹ National Institute on Drug Abuse, available at <https://www.drugabuse.gov/publications/research-reports/marijuana/does-marijuana-use-affect-driving>.

² *Id.*

³ Minnesota Department of Health, *Marijuana and Impaired Driving*, available at <http://www.health.state.mn.us/divs/hpcd/chp/cdr/alcohol/alcpdf/MarijuanaandImpairedDriving.pdf>.

⁴ Section 49.01, Texas Penal Code.

⁵ Section 12.22(1), Texas Penal Code.

⁶ Section 12.22(2), Texas Penal Code.

⁷ Section 524.022(a)(2), Texas Transportation Code.

⁸ Section 708.102(c), Texas Transportation Code.

⁹ Section 481.121, Texas Health and Safety Code.