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**National Organisation for the Reform of Marijuana Laws, New Zealand Inc.**

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14<sup>th</sup> December 2007

Transport and Industrial Relations Committee

Parliament Buildings

Molesworth Street

Wellington

## **Land Transport No 4 Bill**

### **Submission on behalf of the National Organisation for the Reform of Marijuana Laws**

#### **1. Summary**

NORML offers cautious support for Part One of this Bill. However, we are wary of several matters, including the threshold considered for impairment. We offer no opinion on Part 17. **NORML would like to make an oral submission before the committee.**

NORML's own Principles of Responsible Use supports the intent of this Bill. "The responsible cannabis consumer does not operate a motor vehicle while impaired by cannabis, nor impaired by any other substance or condition, including prescription medicines or fatigue." That said, NORML would like to draw attention to the array of research that concludes that the link between cannabis intoxication and accidents is tenuous or, at best, a weak link.

NORML suspends opinion on the subjective impairment test to be used by police, which has yet to be published in the *Gazette*. Suffice it to say, we would welcome reassurance that the test would be similar to alcohol impairment tests, and would not provide a means of harassment by police.

While we support a more accurate scientific test that measures current intoxication of cannabis, as opposed to previous regimes where historic or passive use appears in tests that react to metabolites. A blood test for THC, while an improvement on THC-COOH test, still has its drawbacks.

## **2. Driving and Cannabis**

Many studies have shown little to **no link between cannabis consumption and increased accident rates**. For example, a 2002 paper by Chesher and Longo concluded, “The results to date of crash culpability studies have failed to demonstrate that drivers with cannabinoids in the blood are significantly more likely than drug-free drivers to be culpable in road crashes.”

According to the UK’s Transport Research Laboratory, drivers under the influence of alcohol tend to be more risky in their driving, **consumers of marijuana compensate for their intoxication by driving more cautiously**. As New Zealand comedian Jeremy Elwood once observed, “If you smoke and drive, you’re a bloody slow driver.”

NORML would like to draw the select committee’s attention to the latest relevant study conducted by Grotenhermen, et al, recently published in the medical journal, *Addiction* (August 2007). The Grotenhermen study concludes that “**serum concentrations of THC below 10 ng/ml are not associated with an elevated accident risk.**” This, and a list of studies collated by NORML, is included as an appendix to this submission.

The only notable research that contradicts these studies was the recently released press statement from the Christchurch School of Medicine’s Professor David Fergusson. The media release cited a report that concluded “the risks of driving under the influence of cannabis may be greater than the risks of driving under the influence of alcohol.” This heavily-qualified statement is based on self-reported statements and not observed events.

Although evidence has yet to demonstrate a causal link between cannabis intoxication and motor vehicle accidents, especially when compared with alcohol, NORML concedes that one should drive in a responsible matter at all times. As our Principles of Responsible Use states, NORML believes one should not drive or use heavy machinery impaired by **any** form of substance and condition detrimental to the well-being of road users. Hence NORML’s cautious support for this bill.

## **3. Cannabis Testing**

In the absence of any precedent for cannabis testing of drivers, NORML’s main concern lies in how cannabis testing is to be performed. Cannabis use is so widespread, consideration should be given to this bill’s intent on preventing accidents, not catching drug users through traffic enforcement tools. Police should be explicitly prevented from using positive tests as a method for Misuse of Drugs Act convictions.

The compulsory subjective impairment roadside tests for drugged impairment may be open to misuse by police. Unlike the breath-test machine objectivity for drunk driving, a subjective impairment test may provide false negatives and an excuse to harass unimpaired drivers. NORML raises significant concern that the Bill of Rights Act may be weakened by this bill.

Any test for impaired driving under the influence of cannabis must be an objective standard. NORML strongly supports a blood test for THC only and not the metabolite THC-COOH, which can remain in a person's body for months. As it is, THC is detectable in blood for up to two days (Grotenhermen pg. 2).

Because of this, as well as cannabis consumption being so prevalent, NORML strongly rejects a zero-limit policy. A zero-limit would result in prosecution of literally tens of thousands of people who are no risk to road users, as well as cause an unreasonable strain on the court system.

NORML tentatively supports a limit of 10 nanograms of THC per millilitre of blood as the threshold for cannabis impairment. Grotenhermen's research concludes that a level of 10ng/ml corresponds under similar intoxication indicators (such as the BAC) to a level of 0.05 percent alcohol in many European countries. NORML would be more supportive of a level comparable to New Zealand's alcohol limit.

#### **4. About NORML New Zealand Inc.**

NORML New Zealand is a non-profit incorporated society founded in 1979 that campaigns to end to marijuana prohibition. We are committed to reducing harms relating to drugs.. NORML believes that current measures ostensibly taken to reduce harms are in reality designed to reduce use, whether harmful, non-harmful or even beneficial. Such an approach is inherently unjust (being an attack on those who use drugs responsibly - including medically) and risks inflicting greater harms on those punished than would be caused by the drugs themselves.

NORML supports the right of all adults to use, possess and grow their own cannabis. We recognise that a commercial market for marijuana will always exist, and we therefore promote ways to best to control that market.

#### **Our aims are:**

- To reform New Zealand's marijuana laws;
- To provide neutral, unbiased information about cannabis and its effects;
- To engage in political action appropriate to our aims;
- To inform people of their rights;
- To inform give advice and support to victims of prohibition.

**NORML believes drug policy should:**

- have realistic goals;
- be regularly evaluated, be shown to be effective or be changed;
- take account of the different patterns and types of harms caused by specific drugs;
- separate arguments about the consequences of drug use from arguments about morals;
- be developed in the light of the costs of control as well as the benefits;
- ensure that the harms caused by the control regimes themselves do not outweigh the harms prevented by them;
- provide the greatest level of harm reduction for drug users, their families and their communities;
- minimise the number of drug users who experience problems resulting from their drug use;
- be evidence based, as well as having the support of the community.

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