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CRAIG WOLF, PRESIDENT AND CEO

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Dear Governor Haley,

The Wine & Spirits Wholesalers of America (WSWA) recognizes that marijuana legalization is no longer a unique policy challenge only impacting voters and policymakers in a few states. Momentum for legalization is spreading rapidly, and state governments must take appropriate action to regulate the marijuana marketplace, and ensure that public safety officials are armed with adequate tools to enforce public safety, including impaired driving laws.

Two years ago, I wrote to you noting that the push for legalization would require regulators and lawmakers to establish a clear, consistent and effective oversight structure to govern the new marijuana marketplace in those jurisdictions. And, as I pointed out to you in my second letter a year ago, those threats have proven true. As the Colorado example has shown, beyond regulatory concerns, the legalization of marijuana presents clear and compelling public health concerns—especially impaired driving—that must be addressed.

The issue will soon need to be addressed by a majority of state officials: at present, 23 states and the District of Columbia have legalized medicinal marijuana while Alaska, Colorado, Oregon, Washington and the District of Columbia have legalized possession and recreational use of the drug under certain parameters. Colorado law enforcement officials have documented a 100 percent increase in traffic fatalities in which drivers tested positive for marijuana—just in the years since the state legalized medicinal marijuana (Rocky Mountain High Intensity Drug Trafficking Area Report, 2015).

Recognizing these threats, WSWA has worked to help public safety officials develop the tools necessary to address marijuana impaired driving. The Fixing America's Surface Transportation (FAST) Act recently signed into law by President Obama, and passed by broad, bipartisan majorities in both houses of Congress, includes important provisions, supported by WSWA, to help define clear standards and establish assessment protocols for law enforcement to use in fighting marijuana-impaired driving.

This is crucial scientific work because there is currently no consensus regarding the level at which marijuana consumption impairs a driver, and no effective way to measure this impairment in the field. This is problematic for law enforcement and public safety officials—and stands in stark contrast to the assessment of alcohol impairment that is scientifically based and legally consistent across the states.

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The FAST Act requires:

- A federal government review of driving under the influence of marijuana impairment standards research;
- An outline of methods to differentiate marijuana from alcohol impairment in drivers;
- Formulation of recommended state-based policies on marijuana-impaired driving;
- And, examination of the role and extent of marijuana impairment in motor vehicle accidents nationwide.

The law also stipulates that the Secretary of Transportation prepare a detailed policy report and deliver it within one year to congressional leaders to guide future policymaking.

Although WSWA remains neutral on the question of legalization, we are passionate advocates in support of a three-tier system for the newly-legalized marijuana sector. The beverage alcohol industry, government and law enforcement, have worked in partnership across the eight decades since Prohibition was repealed. Together, we have made great strides in addressing key public health concerns such as underage access and impaired driving. The same cannot be said of the nascent marijuana industry.

The question of marijuana legalization is not going away—and as time passes, the pressure will increase for policymakers and regulators to actively engage to establish an effective regulatory structure as well as strong law enforcement-supported provisions to protect public safety. These important federal provisions are one step, and they must be supported by equally robust action at the state level.

In the days ahead, please do not hesitate to contact me if we can be of further assistance. Thank you in advance for your consideration.

Regards,

CRAIG WOLF  
President and CEO

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