



MID-HUDSON ASSOCIATION OF CHIEFS OF POLICE

JOSEPH A. SINAGRA, PRESIDENT

president.mhacop@gmail.com



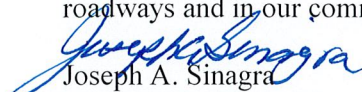
As a law enforcement officer, a member of the Board of Governors of the New York State Association of Chiefs of Police and the president of the Mid-Hudson Police Chiefs Association, I am disappointed in the lack of commonsense by our elected officials who recently voted and supported the legalization of marihuana in New York State. The legalization of Marihuana was bound to happen. However, our state legislature once again failed to listen to the concerns of law enforcement. This marihuana law lacks in enforcement of those who choose to drive under the influence of marihuana. This legislation also fails to adequately address possession of marihuana by persons under the age of 21.

Some in our state legislature apparently believe that a stoned driver is less dangerous than the average drunk driver. Since Colorado legalized recreational marihuana, marihuana related traffic deaths increased 151% while all Colorado traffic deaths increased 35%. During this same period of time traffic deaths involving drivers who tested positive for marijuana more than doubled from 55 in 2013 to 138 people killed in 2017. Statistically in Colorado, prior to the legalization of marihuana 1 person was killed every 6.5 days in a traffic related crash. Post legalization this number has increased to 1 person killed every 2.5 days. Traffic crashes involving marihuana impairment increased from 11.43% in 2013 to 21.3% in 2017. So, the argument that drivers under the influence of marihuana are less dangerous than drunk drivers, is simply not the fact! (*The legalization of Marihuana in Colorado The Impact Vol.5 09/2018*)

Those operating under the influence of Marihuana, THC-impaired drivers in New York State will suffer no legal consequences when they have caused a crash or death. The legislature has yet to address the impaired or the under the influence of marihuana driver. Both the assembly and senate have failed to deal with marihuana impairment/intoxication. The alcohol impaired/intoxicated driver was addressed in the past through the establishment of a legally accepted quantitative threshold, establishing scientific defined blood alcohol concentrations for both impairment and intoxication. Currently there is no legally defined quantitative threshold for determining the amount of marihuana THC (measured in ng/ml) for the purpose of identifying the marihuana impaired or intoxicated driver.

Both houses have yet to explore the use of roadside oral testing units to be used by police for analyzing body fluids for the presence of marihuana when evaluating the impaired driver. On August 27, 2015, I learned firsthand, as did Ulster County, how devastating and deadly a marihuana impaired driver can be and just how inadequate NYS laws involving marihuana impairment were. On that day four young men lost their lives. The driver of the vehicle was never charged for their deaths because of our flawed DUI laws. How many more lives will be lost at the hands of the marihuana impaired driver before our elected officials realize the harm, they have done in not addressing marihuana impairment/intoxication in this legislation.

This same law also states that persons 21 years of age and older may possess up to three ounces of marihuana for personal use. Possession of more than three ounces is illegal. However, the law does not address enforcement or penalty for the possession of marihuana by those less than 21-years of age, unless they possess more than three ounces. Once again, in their haste to pass legislation, both the assembly and senate failed to recognize this major flaw in their plight to be amongst the minority of states that have irresponsibly legalized marihuana. Or, did our state legislature intend to make it lawful for our children to possess marihuana? We are in the midst of an opioid epidemic, in the middle of a pandemic, and the legislative priority was to dump another addicting drug onto society, further endangering those on our roadways and in our communities. This legislation is by far from becoming a national model !


Joseph A. Sinagra
President MHACOP