

News from Senator George M. Borrello

57th Senate District

Representing Allegany, Cattaraugus, Chautauqua, and portions of Livingston County

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SENATOR BORRELLO CALLS FOR DRUG RECOGNITION EXPERTS (DRE) TO BE COMPONENT OF MARIJUANA LEGALIZATION

Lack of definitive onsite tests undermines enforcement of marijuana-related DUI and DWI violations

ALBANY – As New York State legislators finalize negotiations on a measure to legalize recreational marijuana, Senator George Borrello is calling for the deal to include the requirement that all police officers be trained and certified as Drug Recognition Experts (DREs) and \$600 million to fund the mandate. He noted that with reports showing that traffic accidents and fatalities typically rise following legalization, DREs are critical to ensuring that people driving under the influence can be properly identified, arrested and convicted.

In calling for the expansion of this specialty training for law enforcement, Senator Borrello noted that he is opposed to legalization of marijuana for many reasons, including its impacts on public health, rates of substance abuse and traffic safety. Yet, with the momentum towards legalization growing, he noted that legislators have a responsibility to incorporate provisions to help mitigate the risks.

“One of the most troubling consequences of marijuana legalization is the rise it produces in impaired driving, because that threat becomes a problem for every law-abiding person on the road,” said Senator Borrello. “Unlike impaired driving resulting from alcohol use which can be measured with a breathalyzer, there isn’t a definitive test that can be administered onsite to confirm marijuana impairment and this creates a major enforcement problem.”

He cited concerning statistics confirming increases in traffic accidents where recreational marijuana was legalized. A study by the AAA Foundation for Traffic Safety found that following Washington’s legalization, the number of drivers testing positive for marijuana after a fatal crash doubled, rising from approximately 9 percent to 18 percent. The first year following Colorado’s legalization, the state saw a 62 percent increase in fatalities.

“The best answer to this problem is ensuring our police officers are trained DREs. This expertise enables an officer to classify the type of drug a person has taken by using a 12-step evaluation process that includes factors like a person’s pulse rate, eye movements, pupil size, and body temperature,” Borrello added.

“We have only about 350 DREs statewide right now, but 55,000 police officers. At a cost of \$11,000 per officer, it will take an initial commitment of approximately \$600 million to ensure this training for our police and then approximately \$60 million annually for re-certification. While I recognize that this represents a major cost to the state and even exceeds the projected revenue from legalization, it is the responsibility of those pushing for this legislation to mitigate the dangers it will create on our roadways.”

“The Senate Democrats’ have advanced a one-house budget with an unprecedented 15 percent increase in spending, much of it on items far less critical than preventing traffic fatalities resulting from impaired driving,” he added. “We saw what happened when they rushed to pass and immediately implement bail reform without

establishing any of the accompanying system supports and programs needed to protect the public, as they did in other states. We are still paying the price for this lack of due diligence.”

“Every police officer in New York State goes to work each day with the tools and training to identify someone under the influence of alcohol. We need to hold marijuana consumption to the same public safety standard,” he concluded.

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