

# Get the Facts About Marijuana

## DRIVING HIGH IS A DUI



Driving impaired is illegal and unsafe.

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[marijuana.dhss.alaska.gov](http://marijuana.dhss.alaska.gov)



More than 40 people die in motor vehicle crashes every year in Alaska; thousands more are hospitalized. A large percentage of these crashes involve impaired drivers. As part of our mission to promote and protect the health and well-being of Alaskans, the Alaska Department of Health and Social Services, in conjunction with the Alaska Department of Public Safety, presents these facts about marijuana use and driving.

### Driving High is a DUI

Even though recreational marijuana use is now legal for adults in Alaska, driving while impaired is illegal and unsafe. Getting high before you drive could get you arrested for driving under the influence (DUI). This is true for driving a car or operating any motorized vehicle—including motorcycles, scooters, snowmachines, and ATVs; and any boats or planes, whether motorized or not. (AS 28.35.030)

### How Does Marijuana Affect My Driving?

Marijuana use has been shown to impair:<sup>1</sup>

- Reaction time
- Short-term memory
- Hand-eye coordination
- Concentration
- Perception of time and distance

Marijuana also affects your ability to judge your own level of impairment, so even though you may think you're capable of driving, you are probably more impacted than you realize.

Any amount of marijuana consumption puts you at risk of driving impaired.

Some people may think that they are "safe" drivers when they are stoned because they drive more slowly. However, research shows that driving high may double your risk of a crash.<sup>2</sup>

Even if marijuana is used for medical reasons, officers can arrest you based on impaired driving behaviors.

### How Long Should I Wait to Drive After Using Marijuana?

Like alcohol and other drugs, marijuana affects people differently. Many factors come into play. Marijuana can impact your ability to drive and do other activities.<sup>3</sup> The effects can last longer than some users think. Here are a few simple rules of thumb:

- The more delta-9-tetrahydrocannabinol (THC), the active ingredient in marijuana, a person takes in, the greater the impairment will be.
- The effects of marijuana can take longer to develop and last longer when eating or consuming marijuana as opposed to smoking it.
- Although a person might feel safe to drive after two to three hours, impairment can last much longer.<sup>1</sup> As with other drugs, judgment is impacted when you are high.
- Using alcohol and marijuana at the same time results in greater driving impairment than using either one alone.<sup>3</sup>
- If you are impaired and need to get somewhere, do not get behind the wheel; let someone who is sober drive. If you have no designated driver, take a bus, call a cab, or organize some other safe means of transportation.
- In the end, a law enforcement officer decides whether to arrest an individual for driving while impaired.
- Driving high is a DUI.

### Teens and Driving High<sup>4</sup>

Vehicle crashes are the leading cause of death among young people from 16 to 19 years old. When a relative lack of driving experience combines with the use of marijuana or other substances to impair cognitive and motor abilities, the results can be tragic.

In 2011, 12 percent of high school seniors responding to the *Monitoring the Future*<sup>5</sup> survey admitted to driving under the influence of marijuana in the two weeks prior to the survey.

Talk to your teens about not driving under the influence or getting in the car with someone who has been drinking or using drugs. Let them know that they can always call you for a ride.

# Frequently Asked Questions<sup>3</sup>

## Q: What drugs contribute to accidents?<sup>4</sup>

A: After alcohol, THC, the active ingredient in marijuana, is the substance most commonly found in the blood of impaired drivers, fatally injured drivers, and motor vehicle crash victims.

## Q: Is there a legal limit for marijuana impairment while operating a vehicle?

A: Not yet. However, no matter the level of THC consumption, law enforcement officers may base DUI arrests on observed impairment.

## Q: What if I use marijuana medicinally?

A: If a substance has impaired your ability to operate a motor vehicle, it is illegal for you to be driving, even if that substance is prescribed or legally acquired.

## Q: What are the fines and penalties for a DUI?

A: First offense is 72 hours jail time, \$1,500 fine, license suspended for 90 days and an ignition interlock device (IID). Second offense is 20 days in jail, \$3,000 fine, license suspended for a minimum of one year, and an IID. Third offense is 60 to 120 days in jail, \$4,000 to \$10,000 fine, license suspended for a minimum of three years, and an IID. Plus any court costs and lawyer fees.

## Q: Are there additional potential penalties for marijuana-impaired driving if there are children in the vehicle?

A: Additional charges for impaired drivers include child abuse if children are present in the vehicle.

## Q: Is it legal to have marijuana or marijuana paraphernalia in the passenger cabin of the vehicle?

A: Yes, you may have marijuana or marijuana paraphernalia in the passenger cabin of a vehicle, so long as you are 21 years of age or older and have no court or parole board imposed restrictions regarding the possession of marijuana or marijuana paraphernalia.

## Q: How can law enforcement determine if I am impaired by the use of marijuana?

A: Alaska law enforcement officers are trained in the detection of impairment caused by drugs. Many have received training in *Advanced Roadside Impaired Driving Enforcement (ARIDE)*. Alaska law enforcement agencies have specially trained *Drug Recognition Experts (DRE)* on staff who can detect impairment.

## Q: What if I refuse to take a blood test to detect THC?

A: Alaska revokes driving privileges for any individual who fails to cooperate with the chemical testing process requested by an officer during the investigation of an alcohol or drug-related DUI arrest. Any driver who refuses to take a blood test will immediately be considered a high-risk driver.

Consequences include: mandatory ignition interlock for two years and level two alcohol education and therapy classes as specified by law. These penalties are administrative and are applied regardless of a criminal conviction.

## Q: How do marijuana-impaired violations differ between the Alaska Division of Motor Vehicles and Alaska courts?

A: Like any other substance, marijuana-impaired infractions result in criminal fines and penalties, as well as points against your license.

## Q: Are there stricter penalties for those individuals who are arrested driving under the influence of a combination of marijuana and alcohol or other drugs?

A: The penalties are the same regardless of the substance or combination of substances. However, when combining substances, there is a greater degree of impairment. This significantly increases the chances of crashes, penalties and charges.

1. National Institute on Drug Abuse. Common resources include the Drug Facts: [Marijuana, Marijuana Research Report](#) and the [Drug Facts: Is Marijuana Medicine?](#)

2. Asbridge, M. et al. (2012). [Acute cannabis consumption and motor vehicle collision risk: systematic review of observational studies and meta-analysis](#). British Medical Journal.

3. Colorado Department of Public Health and Environment: Retail Marijuana Public Health Advisory Committee's [http://dhss.alaska.gov/dph/Director/Documents/marijuana/Monitoring\\_Health\\_Concerns\\_Related\\_to\\_Marijuana\\_in\\_Colorado\\_2014.pdf](http://dhss.alaska.gov/dph/Director/Documents/marijuana/Monitoring_Health_Concerns_Related_to_Marijuana_in_Colorado_2014.pdf). Public health statements include information on dose response, cognitive, mental health, respiratory, extra-pulmonary effects, injury and impacts on youth and pregnant/breastfeeding women. The Alaska departments of Health and Social Services and Public Safety would like to thank the Colorado Department of Public Health and Environment for the free and unrestricted use of their extensive marijuana research and educational materials.

4. National Institute on Drug Abuse, <http://www.drugabuse.gov/publications/drugfacts/drugged-driving>

5. Monitoring the Future, <http://www.monitoringthefuture.org/>

Additional Resources: State of Colorado, Department of Public Health and Environment, <https://sites.google.com/a/state.co.us/marijuana/getthefacts/driving>

