




STAFF REPORT

Date: December 13, 2016
To: City Council
From: Bryan Montgomery, City Manager 
Subject: **Resolution urging our State Legislators to propose and adopt Legislation to Set Strict Standards to Determine Driver Impairment from Marijuana Use.**

Background and Analysis

There has been ongoing concern by law enforcement, other public officials and concerned residents that there is no clear standard for impairment from marijuana. For example, the legal limit to determine impairment from alcohol is a .08% blood alcohol content. With the passage of Proposition 64 that allows for the legal recreational use of marijuana, this issue becomes even more critical.

The City Attorney's Office is planning a thorough work session early next year to discuss the various aspects of Proposition 64 and what regulatory authority the City may continue to exercise. The purpose of the attached resolution is not to address those issues, but to encourage our State legislators to propose and adopt clear and enforceable standards to determine driver impairment due to marijuana use.

Fiscal Impact

N/A

Recommendation

Staff recommends that the Council adopt the attached Resolution urging our **State** Legislators to propose and adopt legislation to set strict standards to determine driver impairment from marijuana use.

Attachments

1. Resolution

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY URGING OUR STATE LEGISLATORS TO PROPOSE AND ADOPT LEGISLATION TO SET STRICT STANDARDS TO DETERMINE DRIVER IMPAIRMENT FROM MARIJUANA USE

WHEREAS, Proposition 64 recently passed in the State of California and recreational use of marijuana is now legal here and in a number of other states; and

WHEREAS, studies show that marijuana is the most popular recreational drug in the U.S. after alcohol and tobacco; and

WHEREAS, tetrahydrocannabinol (THC), the active ingredient in marijuana, is the second most common substance, after alcohol, found in the blood of impaired and fatally injured drivers; and

WHEREAS, the National Highway Traffic Safety Administration reports that marijuana negatively affects drivers attentiveness and perception of time and speed; and

WHEREAS, as marijuana legalization becomes more widespread, the lack of research and knowledge about its effects on drivers is becoming more evident; and

WHEREAS, the State of California has yet to accept a legal standard for serum concentrations which constitutes driver impairment from marijuana; and

WHEREAS, the State of California has yet to develop a standardized roadside test, such as a breathalyzer for alcohol, that measures THC levels in a driver's system.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oakley that the State Legislature be urged to adopt strict legislation to establish standards to determine driver impairment from marijuana.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Oakley held on the 13th day of December 2016, by Councilmember _____, who moved its adoption, which motion being duly seconded by Councilmember _____, was upon voice vote carried and the resolution adopted by the following vote:

AYES:

NOES:

ABSTENTION:

ABSENT:

APPROVED:

Sue Higgins, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date