

I would like the message to be included as part of my testimony at the next Interim Committee and shared with the committee members.

The first meeting on Jan 17th indicated a lot of confusion and misunderstanding of the Nevada DUI law. All the substances in the law have a per se number. The marijuana per se is 2ng per milliliter. Any driver found to have that amount or more in there system when driving or being in physical control of a motor vehicle is deemed to be guilty of Driving Under the Influence, NOT Driving Impaired. The reason is that each individual reacts differently to the use of marijuana for many reasons. Therefore, the DUI law is designed to provide the maximum safety on the highways possible for the public. Impairment only becomes an issue when the level found in the drivers system is less than the per se number and law enforcement uses DRE, Aride, and SFST to determine if impairment is present and the blood test shows marijuana less than 2ng.. This provides equal treatment under the law for all who test over the per se limit without discrimination and no one at or over the limit is innocent. Additionally, there can be no exception for marijuana card holders because it is not FDA approved, doctors cannot and do not provide for dosages or number of times per day nor are they required to see the patient monthly to review need an dosage etc. as required by all prescription drugs that require a doctors approval. Also, it is the only controlled substance that legally used recreationally which would not provide equal protection under the law. This rational applies to all the per se numbers included in the DUI law including alcohol. Since this is how our law is written it is imperative the 2ng law be maintained and in order to properly enforce and prosecute we need a requirement in the law that all driver involved in a crash be blood tested for all the substances in the law. In addition, we need approval and mandatory use of roadside breath or swab tests for marijuana to help provide probable cause for blood tests when DUI is suspected when there is no crash. Statewide data collection of all DUI information from all jurisdiction in the State need to be provided to a single commission so we can track our effectiveness and determine the extent of the problem by levels, age, sex etc.

Thank you.

Gerard Mager