

**TANY Position:** The Trucking Association of New York has serious concerns regarding the legalization of cannabis and the impact to highway safety. Additionally, companies whose employees are involved in safety sensitive functions should have the ability to discipline or terminate employees whose ability to perform their duties may be impaired by the use of cannabis.

**Highway Safety.** Research conducted by the Insurance Institute for Highway Safety (IIHS) indicates that legalizing marijuana for all uses is having a negative impact on highway safety. IIHS has found that crashes increased by as much as 6 percent in Colorado, Nevada, Oregon and Washington, as compared with neighboring states that haven't legalized marijuana for recreational use.

Safety is a priority for the trucking industry. Highways are the workplace for the industry. A potential increase in drugged driving without a mechanism to test for impairment at roadside is a concern for both the safety of commercial drivers as well as all drivers on the road. Before moving forward with legalization of marijuana, New York should consider the effect on highway safety and how impaired driving will be controlled.

**Employer Protections.** In industries such as the trucking industry, where safety is of the utmost importance, it is critical that employers be able to maintain the ability to make employment decisions based on drug test results.

Under federal law, drivers that hold a commercial drivers' license (CDL) and are subject to 49 CFR 382 would still be prohibited from using marijuana as a condition of their employment. However, many companies have technicians that work on commercial vehicles as well as drivers' who may not hold a CDL that operate smaller vehicles. In order to ensure the safety of drivers and the vehicles that are operating on our highways, employers that have employees that conduct safety-sensitive functions must be afforded the ability to make employment decisions based on the results of drug tests, despite the legalization of marijuana.