

114TH CONGRESS
1ST SESSION

H. R. 2598

To amend title 23, United States Code, to establish requirements relating to marijuana-impaired driving, to direct the Administrator of the National Highway Traffic Safety Administration to issue comprehensive guidance on the best practices to prevent marijuana-impaired driving, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 1, 2015

Mr. POLIS (for himself and Mr. PERLMUTTER) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 23, United States Code, to establish requirements relating to marijuana-impaired driving, to direct the Administrator of the National Highway Traffic Safety Administration to issue comprehensive guidance on the best practices to prevent marijuana-impaired driving, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Lucid Act of 2015”.

1 **SEC. 2. SAFETY INCENTIVES TO PREVENT OPERATION OF**
2 **MOTOR VEHICLES BY INTOXICATED PER-**
3 **SONS.**

4 (a) IN GENERAL.—Section 163 of title 23, United
5 States Code, is amended—

6 (1) by redesignating subsection (f) as sub-
7 section (g); and

8 (2) by inserting after subsection (e) the fol-
9 lowing:

10 “(f) MARIJUANA-IMPAIRED DRIVING.—In addition to
11 the other requirements of this section, in the case of a
12 State in which the possession or use of marijuana is legal
13 under the laws of the State with or without medical jus-
14 tification, the State shall be eligible for a grant under sub-
15 section (b), and shall be exempt from withholding under
16 subsection (e), for a fiscal year only if the State—

17 “(1) has in effect a law that prohibits an indi-
18 vidual from driving or being in actual physical con-
19 trol of a motor vehicle while impaired by marijuana,
20 as determined using measures established by the
21 State; and

22 “(2) enforces that law using training and meth-
23 ods for determining cognitive or physical marijuana
24 impairment.”.

25 (b) APPLICABILITY.—The amendment made by sub-
26 section (a) shall apply to—

1 (1) the earlier of—

2 (A) the second fiscal year beginning after
3 the date of enactment of this Act; and

4 (B) the first fiscal year beginning after the
5 90th day following the date of publication of
6 the report required under section 4(b); and

7 (2) each fiscal year thereafter.

8 **SEC. 3. MINIMUM PENALTIES FOR REPEAT OFFENDERS**
9 **FOR DRIVING WHILE INTOXICATED OR DRIV-**
10 **ING UNDER THE INFLUENCE.**

11 (a) IN GENERAL.—Section 164(a)(2) of title 23,
12 United States Code, is amended to read as follows:

13 “(2) DRIVING WHILE INTOXICATED; DRIVING
14 UNDER THE INFLUENCE.—The terms ‘driving while
15 intoxicated’ and ‘driving under the influence’
16 mean—

17 “(A) driving or being in actual physical
18 control of a motor vehicle while having an alco-
19 hol concentration above the permitted limit, as
20 established by each State; and

21 “(B) in the case of a State in which the
22 possession or use of marijuana is legal under
23 the laws of the State with or without medical
24 justification, driving or being in actual physical
25 control of a motor vehicle while impaired by

1 marijuana as determined using measures estab-
2 lished by the State, if the State has imple-
3 mented such measures.”.

4 (b) APPLICABILITY.—The amendments made by sub-
5 section (a) shall apply to fiscal years beginning after the
6 date of enactment of this Act.

7 **SEC. 4. EVALUATION OF MEASURES TO TEST FOR MARI-**
8 **JUANA IMPAIRMENT.**

9 (a) STUDY.—

10 (1) IN GENERAL.—The Administrator of the
11 National Highway Traffic Safety Administration
12 shall conduct scientific testing to determine—

13 (A) the extent to which marijuana impairs
14 an individual’s ability to drive a motor vehicle;

15 (B) how the magnitude of such impairment
16 varies among individuals depending on certain
17 characteristics, including age, sex, body mass
18 index, health status, and history of marijuana
19 use;

20 (C) whether or not it is possible to reliably
21 determine whether and to what extent an indi-
22 vidual is cognitively or physically impaired by
23 marijuana solely by measuring the concentra-
24 tion of tetrahydrocannabinol (in this subsection

1 referred to as “THC”) and derivatives in the
2 individual’s bloodstream or saliva;

3 (D) the most accurate methods for law en-
4 forcement officers to measure THC concentra-
5 tion in the body of an individual who is sus-
6 pected of marijuana-impaired driving, including
7 blood testing and oral fluid testing;

8 (E) how the effectiveness of such testing
9 methods is compromised if there is a delay be-
10 tween when an individual is pulled over on sus-
11 picion of impaired driving and when the indi-
12 vidual is subjected to a physical test to deter-
13 mine the individual’s level of impairment; and

14 (F) the most accurate field sobriety tests
15 to determine the level of physical and cognitive
16 impairment of drivers who have ingested mari-
17 juana.

18 (2) NATURE OF STUDY.—The testing described
19 in paragraph (1) shall—

20 (A) include—

21 (i) laboratory experimentation that
22 measures the impact of marijuana on the
23 physical and cognitive performance areas
24 involved in driving, such as reaction time,
25 tracking, motor coordination, visual func-

1 tions, divided attention, signal detection,
2 concentration, and hazard perception; and

3 (ii) experimentation on a driving
4 course or driving simulator (or both) that
5 measures the impact of marijuana on driv-
6 ing performance; and

7 (B) be completed not later than 2 years
8 after the date of enactment of this Act.

9 (3) AVAILABILITY OF MARIJUANA TO NHTSA
10 FOR RESEARCH PURPOSES.—Not later than 60 days
11 after receiving a request for research-grade mari-
12 juana from the Administrator, the National Institute
13 on Drug Abuse shall make marijuana available to
14 the Administrator in an amount sufficient for the
15 Administrator to carry out the requirements of this
16 subsection. Such marijuana shall be as similar as
17 practicable in THC concentration to marijuana typi-
18 cally sold at marijuana dispensaries in States in
19 which the use of marijuana is legal with or without
20 medical justification.

21 (b) REPORT.—

22 (1) IN GENERAL.—Not later than 180 days
23 after the date of enactment of this Act, the Adminis-
24 trator shall issue a report that—

1 (A) contains recommendations to States on
2 how to prevent marijuana-impaired driving, in-
3 cluding—

4 (i) the most effective measures for de-
5 termining marijuana impairment;

6 (ii) the most effective methods for
7 testing for marijuana impairment at the
8 roadside, including an analysis of the af-
9 fordability and feasibility of such testing
10 for State and local law enforcement agen-
11 cies; and

12 (iii) strategies for addressing the dan-
13 gers posed by drivers who are impaired si-
14 multaneously by marijuana and other sub-
15 stances such as alcohol and prescription
16 opioid medications;

17 (B) incorporates the results of other avail-
18 able cognitive, experimental, and epidemiolog-
19 ical studies; and

20 (C) summarizes any findings from the
21 study conducted under subsection (a) that are
22 available at the time of the report.

23 (2) PUBLICATION.—The Administrator shall—

1 (A) make the report described in para-
2 graph (1) available without cost in an elec-
3 tronic, publicly accessible format;

4 (B) publish updates to the report every 6
5 months to account for further findings derived
6 from the study conducted under subsection (a)
7 and other relevant cognitive, experimental, and
8 epidemiological research; and

9 (C) make all raw statistical data derived
10 from the study conducted under subsection (a)
11 available in an electronic, publicly accessible
12 format, which shall be—

13 (i) made available without charge, li-
14 cense, or registration requirement;

15 (ii) capable of being searched and ag-
16 gregated;

17 (iii) permitted to be downloaded, in-
18 cluding downloaded in bulk; and

19 (iv) updated every 6 months until the
20 study is completed and the entirety of the
21 results of the study has been published.

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