



John Bel Edwards  
Governor

# State of Louisiana

OFFICE OF THE GOVERNOR  
DRUG POLICY

Kristy Miller  
Director

## GOVERNOR'S DWI TASK FORCE February 16, 2022; 10:00 AM - 12:00 PM

### MINUTES

#### **Call to Order**

Lisa Freeman, Chair of the DWI Task Force and Executive Director of the Louisiana Highway Safety Commission (LHSC), called the meeting to order at 10:10 AM. She announced that there were 12 members or proxies in attendance which achieved a quorum.

#### **Welcome and Introductions**

Because the meeting was being held virtually, Lisa asked Kristy Miller, Director of the Office of Drug Policy, to verbally identify all voting members on the Zoom meeting. During the identification of voting members, Lisa indicated to Kristy that she recently met the new Chief of Police for the town of Olla and was told that Daniel Smith was no longer the Chief. This means that Daniel Smith is likely no longer the LACP designee for the DWI Task Force. After confirming quorum of voting members, Kristy requested that interested stakeholders and members of the public type their names and organizations in the chat so they could be recognized in the minutes. A complete list of meeting attendees is included at the end of this document.

#### **Old Business**

##### *A. Discuss and Approve: Minutes from November 2021 meeting*

Lisa indicated that Kristy included the minutes from the November 2021 meeting in the email packet. She asked everyone to review them, and when appropriate, a motion could be made to accept them as written. Jules Edwards, At-Large Member, made a motion to approve the minutes. Kristy Miller, ODP Member, seconded the motion. All members accepted the motion. None rejected the motion and none abstained.

#### **New Business**

##### *A. Action Planning: Blueprint for 2022/2023 DWI Task Force Priorities*

To recap, Lisa explained that the Task Force had lengthy and deliberative discussions over the past several meetings which were condensed into Recommendations. These Recommendations were approved at the November 2021 meeting. Now, she feels as though the Task Force is ready to confirm a blueprint of its priorities for the next two years by assigning action steps, timelines, action step leads, and priority levels to these Recommendations.

With that introduction, Lisa turned things over to Dortha Cummins, Deputy Director for the LA Highway Safety Commission, to facilitate the discussion. Dortha referred everyone to the document titled *Planning for Action: Blueprint for 2022/2023 DWI Task Force Priorities* so everyone would be on the same page. A "completed" version of the Blueprint document is included in this document in lieu of a narrative documentation of meeting proceedings.

**DOCUMENT UPDATED DURING FEBRUARY 2022 MEETING**

**Planning for Action: Blueprint for 2022/2023 DWI Task Force Priorities**

The following recommendations were approved during the November 2021 meeting of the DWI Task Force.  
At the February 2022 meeting, members volunteered action steps, timelines, workgroup, and designated priority levels.

RECOMMENDATION	MAJOR ACTION STEPS (Some were offered previously; more can be added)	TIMELINE/ DEADLINES	WORKGROUP MEMBERS	PRIORITY LEVEL
<p><b>RECOMMENDATION #1:</b> Ensure a statewide multi-disciplinary impaired driving task force is institutionalized in perpetuity through legislative action</p>	<ul style="list-style-type: none"> <li>• Draft bill language. <i>On 2/18, Kristy forwarded draft language to Lisa for consideration.</i></li> <li>• Identify an author. Approach legislators who are on the TF first.</li> <li>• Work diligently to get into 2022 session.</li> </ul>	<ul style="list-style-type: none"> <li>• Members advocated to make an attempt during 2022 session which means bill must be drafted and author must be recruited <u>immediately</u></li> </ul>	<ul style="list-style-type: none"> <li>• ✓ <b>Kristy Miller</b> to draft language</li> <li>• <b>Lisa Freeman</b> to recruit author</li> <li>• 2 legis on TF or 2 legis on DPB</li> <li>• <b>Cordell Williams/LSP Op Dev</b> can assist w/finding author</li> </ul>	<p><u>Very high;</u> Attempt to get something passed in 2022</p>

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<p><b>RECOMMENDATION #2:</b> Secure 2 volunteers to serve as “data leads” to evaluate relevant data systems</p>	<ol style="list-style-type: none"> <li>1. Identify relevant data systems</li> <li>2. Communicate with the Traffic Records Coordinating Committee members about available data specific to MJ impairment</li> <li>3. Communicate with members and stakeholders about collecting MJ attitudinal data in the future</li> <li>4. Work with LPCIC member to query APCIA (American Property Casualty Insurance Association) and NAMIC (National Association of Mutual Insurance Companies) about data directly connecting marijuana legalization to increased car insurance premiums in legalization states</li> <li>5. Communicate with LA State Board of Medical Examiners (LSBME) and LA Board of Pharmacy (LBP) about possible relevant MJ data</li> </ol> <p style="color: red;">These steps were added during the discussion and will be reconsidered to determine appropriate approach at/after August meeting data briefing.</p> <ol style="list-style-type: none"> <li>a. Brainstorm and confirm parameters for a data collection project to be proposed to DAs</li> </ol>	<ul style="list-style-type: none"> <li>• Attempt first 5 action steps within 6 months (by August 24 meeting)</li> </ul>	<p>Leads = Dortha and Kristy</p> <ul style="list-style-type: none"> <li>• <b>Dortha Cummins</b> – TRCC access and LHSC attitudinal data sources</li> <li>• <b>Tom Travis</b> - insurance data</li> <li>• <b>Leslie Freeman</b> - CCYS [6-12 students] and Core survey [college students]; any attitudinal &amp; incidents data available through these sources</li> <li>• <b>Dr. Beau Clark</b> – any medical data he can access; fentanyl &amp; MJ overdoses</li> <li>• <b>Kristy Miller</b> – LSBME data</li> <li>• <b>Rachel Smith</b> – LBP data</li> <li>• <b>Joey Jones &amp; Rebecca Chaisson</b> – Crime lab data</li> <li>• <b>Adriane McRae</b>– any crash data</li> <li>• <b>Michael Wilkerson</b> - LSP insurance guru [offered by Cordell]</li> <li>• <b>Jared David</b> – DRE data</li> </ul>	<p>High priority to achieve these first five steps.</p> <p>Workgroup members agreed to make their assigned outreach by June 17. Dortha and Kristy will host a Zoom meeting between June 20-30 for check-in and trouble shooting.</p> <p>Shortly after, workgroup members will be asked to provide updates so Dortha and Kristy can organize a briefing for Aug mtg.</p>

	<p>which would request counts of MJ impaired driving cases.</p> <ul style="list-style-type: none"><li>b. Host a focus group with DAs to discuss data collection on MJ impaired driving cases</li><li>c. Based on results above, formulate a request to all/some DAs regarding MJ impaired driving cases in an attempt to get a baseline.</li></ul> <p>In the interim, Rebecca and Joey have data from criminal cases that are sent to them and they can tell you how many of those cases have marijuana in them.</p> <p>From Rebecca, in 2021, the LSP Crime Lab had 40% of our blood samples have THC or its metabolites. 33% of our blood samples have THC. Both are higher percentages than 2020.</p> <p>From Joey, what if we asked MT David to report the number of DRE evaluations that are “cannabis only” and then compare them to the Crime Lab data. Then, we could find a friendly DA who would be willing to do a count from the previous six months and do a comparison to that. And, what if we can find a way to pull Rachel/LDAA into this to find gaps in DRE evals so we can do more promo of the DECP.</p>			
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<p><b>RECOMMENDATION #3:</b> Develop a subcommittee comprised of, at a minimum, LDAA, LSP, OMV, and the JOL. The purpose of the subcommittee is to hash out and draft language to make identified changes to various laws related to DUIs</p> <p>A. Tighten up definitions within our law, specifically definition of impairment (N. DuBois)</p> <p>B. Look at adding the word “impairment” to our statute (R. Smith)</p> <p>C. Develop language that is more clear and directive about how law enforcement should respond to an impaired driving stop and to include what the evidence collection looks like and how the drug impairment determination was made (J. Edwards)</p> <p>D. Add language to RS 32:667 to seize an arrested subject’s driver’s license for driving under the influence of controlled dangerous substances or a combo with alcohol when a DRE determines a person is impaired (B. Spinney)</p>	<ul style="list-style-type: none"> <li>• Related to item D only, review the law Alabama recently passed to obtain model language. In addition, former Senator Ryan Gatti filed a bill in 2019 to do this (SB 206); he never moved it forward due to covid. We have the language for that bill.</li> </ul>	<p>Workgroup to try to meet once before May 18 meeting of the Task Force. Then, commit to hit the ground immediately after session.</p> <p>Draft legis by October 2022 and begin shopping bill by November</p>	<ul style="list-style-type: none"> <li>• JOL – Jules Edwards</li> <li>• LDAA TSRP - Rachel Smith</li> <li>• LDAA – Norma DuBois</li> <li>• LSP – Barry Spinney and Shawn Owens</li> <li>• DPS legal - Laura Ellender (Agreed to be added to the workgroup for Item D at least)</li> </ul>	<p>Norma agreed this is perfect timing to start working on this now, but won’t be done right away. It’s going to be a long undertaking to extensively review these and come to consensus on changes to all the bills referenced to the left. There is an inhalants (huffing) case being worked right now by the AG’s office that could provide good case law for addressing impairment other than alcohol.</p> <p>We want to be sure we do it in a way that is based on other states’ laws and is intentional.</p> <p>Plus, some serious education will need to happen before and after any attempts to pass legis. Target for 2023 session.</p>

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<p><b>RECOMMENDATION #4:</b> Support the good work of the various member agencies and stakeholder groups that are using their respective resources to <u>develop and implement education campaigns to help residents understand the difference between medical and recreational marijuana.</u></p>	<ul style="list-style-type: none"> <li>• Continue monitoring legislative actions and MJ normalization messaging coming from the MJ Industry and proponents</li> <li>• Convene a working group if landscape changes</li> </ul>	Ongoing	All in the sense that we are all working on this recommendation from our respective spheres and have integrated/will integrate efforts into our usual practices, as appropriate	Level 1 – Ongoing implementation

RECOMMENDATION	MAJOR ACTION STEPS (Some were offered previously; more can be added)	TIMELINE/ DEADLINES	WORKGROUP MEMBERS	PRIORITY LEVEL
<p><b>RECOMMENDATION #5:</b> Encourage the collection of blood evidence in all impaired driving crashes. As a way to support this shift, advocate for training and certification of state and local law enforcement as phlebotomists to support increased demand for blood draws.</p>	<ul style="list-style-type: none"> <li>• Continue discussions and advocacy efforts when appropriate</li> <li>• Provide training to LEs as this approach is approved for adoption</li> </ul>	Timeline is fluid and we don't want to impose timelines because we need to allow all invested parties to continue to do research and feel comfortable with adoption	<ul style="list-style-type: none"> <li>• Jules Edwards – JOL</li> <li>• LSP/DPS Legal – various stakeholders</li> </ul>	High priority – We want to ensure this continues to move forward so we want to keep the conversation going, but realize implementation may not happen right away.

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<p><b>RECOMMENDATION #6:</b> Engage the LA Sheriff's Association (LSA) and the LA Association of Chiefs of Police (LACP) to ultimately obtain an endorsement from their respective organizations on the concept of requesting a DRE assessment or committing to a DRE consult after the fact for all impaired driving arrests, where breath test results are inconsistent with observed impairment or a crash that results in severe bodily injury or death.</p>	<ul style="list-style-type: none"> <li>A. Compile sample language of the policies from state and local LEAs that have already been adopted to share with LSA and LACP</li> <li>B. Meet with DWI Task Force members representing LSA and LACP to discuss strategy</li> <li>C. Through LSA and LACP members, plan opportunities to conduct brief presentations to their assoc.</li> <li>D. Draft language for an endorsement from each assoc.</li> </ul>	<p>Prior to May meeting</p>	<p><b>Kristy and Lisa</b> to reach out to LSA rep as well as LSA president to hold prelim calls</p> <p>Reach out to LACP president (Chief Tommy Clark) to hold prelim calls</p>	<p>High priority</p>
	<ul style="list-style-type: none"> <li>A. Work to change language in RS 32:681 to better align with RS 32:666 which requires probable cause of impairment (R. Smith)</li> <li>B. Formally request that LHSC adopt language in future funding contracts that would "highly recommend" LEAs that receive funding become better informed about the DRE program as a resource and adopt a "DRE call out" policy for all impaired driving crashes.</li> </ul>	<p>Related to B, try to make decision prior to next grant period</p>	<p>Related to A, ask <b>workgroup members addressing Rec 3</b> to also take a look at this.</p> <p>Related to B, <b>LHSC leadership</b> will work on</p>	

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<p><b>RECOMMENDATION #7:</b> Advocate for more training for LEAs, prosecutors, and judges</p>	<p>A. Investigate with LCLE and others whether POST recertification requirements could be amended to require a course on drug impairment</p> <p>B. Encourage the Louisiana District Judges Association to request to the Louisiana Judicial College to ensure judges in Louisiana are offered training on the JOL program</p> <p>C. Promote/conduct training through any and all professional development opportunities available through members and stakeholders</p>	<p>Ongoing</p>	<ul style="list-style-type: none"> <li>• LSP – Major Cordell Williams (item A)</li> <li>• JOL – Jules Edwards (item B)</li> <li>• LDAA – Rachel Smith (item C)</li> <li>• Behavioral Health – Kristy and Leslie (item C)</li> </ul>	<p>High level in that we want to make sure this continues with emphasis, but also realize training is ongoing</p>



RECOMMENDATION	MAJOR ACTION STEPS (Some were offered previously; more can be added)	TIMELINE/ DEADLINES	WORKGROUP MEMBERS	PRIORITY LEVEL
<p><b>RECOMMENDATION #8:</b> Actively monitor legislative actions as well as continue to ensure that the Chair of the DWI Task Force represents the interests of the group through her role as the Governor’s Highway Safety Representative and through her membership on the Drug Policy Board so the DWI Task Force can be well situated to advise on <u>needed features of a regulatory agency that has full enforcement authority from seed to sale to adequately control recreational marijuana, if legalized.</u></p>	<ul style="list-style-type: none"> <li>• Share data and information regarding MJ legalization’s impact on highway safety with legislators, Chair of the Task Force, and members and stakeholders who can also ensure it is widely disseminated</li> </ul>	Ongoing	All in the sense that we are all working on this recommendation from our respective spheres and have integrated/will integrate efforts into our usual practices and ongoing work, as appropriate	Level 1 – Immediate and ongoing implementation
<p><b>RECOMMENDATION #9:</b> Actively monitor legislative actions as well as continue to ensure that the Chair of the DWI Task Force represents the interests of the group through her role as the Governor’s Highway Safety Representative and through her membership on the Drug Policy Board so the DWI Task Force can be well situated to advise on <u>dedicated funding priorities which would be allocated from tax revenues earned from recreational marijuana sales.</u></p>	<ul style="list-style-type: none"> <li>• Consult with national associations, counterparts in legalization states, and other subject matter experts to begin to estimate economic costs of MJ legalization to their respective sectors and be prepared to present estimates to legislators and fellow stakeholders if landscape changes</li> </ul>	Ongoing	All in the sense that we are all working on this recommendation from our respective spheres and have integrated/will integrate efforts into our usual practices and ongoing work, as appropriate	Level 1 – Immediate and ongoing implementation

## **Other Business**

### *A. Office of Drug Policy update*

Kristy shared two pieces of news. First, she shared that the Drug Policy Board, the parent board of the DWI Task Force, recently approved a Resolution in which it took a position to oppose efforts to legalize marijuana for recreational use in Louisiana. Secondly, Kristy shared that she will monitor legislation as usual as it is filed and will provide updates to members as needed.

### *B. Member agency updates*

Kelly Dair, MADD Representative, shared that when it comes to DWI legislative efforts, her organization ask our Louisiana constituents and victims to support this task force's efforts, reach out to legislators, share their stories, etc.

Rebecca announced that the LSP Crime Lab has a new Commander, Captain Chad Guidry. Also, she announced that the 2021 stats have been updated by the Toxicology Unit; Alcohol was detected in 52% of samples, THC was the second most detected substance, and the third most detected substance was fentanyl (at 22% of samples).

Adriane McRae, DOTD Representative, LA is showing the highest number of fatalities on record in 2021; likely over 1,000. This represents about a 20% increase from 2020; 2020 was a 13% increase from 2019. Seems to be a slightly higher increase in LA than most other states which also saw increases.

## **Comments from stakeholders and members of the public**

No public comments were submitted in writing prior to the meeting. The floor was opened for public comments from meeting attendees. No comments were offered.

## **Upcoming Meetings of Other Office of Drug Policy boards**

Dates for the next meetings of the boards and commissions under the Office of Drug Policy were provided. Members were reminded that they are welcome to attend meetings of other boards. The next DWI Task Force meeting is scheduled for May 18, 2022.

## **Adjournment**

Lisa announced that all business was completed. A motion to adjourn was offered by Kristy Miller. It was seconded by Rebecca Chaisson, LSP Crime Lab. All favored. No members dissented or abstained from approving the motion. Meeting adjourned at 12:09 PM.

## DWI TASK FORCE MEMBERS

Member Agency	Appointee/Designee	Present
Attorney General's Office	Amanda Martin	No
Governor's Office of Drug Policy	Kristy Miller Kristy.miller@la.gov	Yes
House of Representatives member	Marcus Bryant	No
Office of Behavioral Health	Dr. Leslie Freeman Leslie.BroughamFreeman@La.Gov	Yes
Office of Motor Vehicles	Kelly Sittig	Yes
LA District Attorneys Association	Norma DuBois ndubois@jpda.us	Yes
Louisiana Highway Safety Commission	Lisa Freeman Lisa.Freeman@la.gov	Yes
Louisiana Alcohol and Tobacco Control	Ernest Legier	No
Department of Transportation and Development	Adriane McRae	Yes
Louisiana Sheriffs' Association	Sheriff K.P. Gibson kp@apso.org	No
Louisiana State Police Crime Lab	Rebecca Chaisson Rebecca.Chaisson@la.gov	Yes
Louisiana State Police	Major Cordell Williams (for Lt. Col. Chavez Cammon) Cordell.Williams@la.gov	Yes
Property and Casualty Insurance Commission	Tom Travis Thomas.Travis@ldi.la.gov	Yes
Senate Member	Rick Ward	No
Mothers Against Drunk Driving	Kelley Dair	Yes
LA Restaurant Association	Jeff Conaway	No
LA Association of Chiefs of Police	Vacant	--
At-Large	Delia Brady	No
At-Large	Dr. Beau Clark	Yes
At-Large	Judge Jules Edwards (Ret.) jules.edwards.iii@gmail.com	Yes

### Guests

Joey Jones (jjones@nlcl.org) – N. LA Crime Lab  
 Sgt. Barry Spinney (Barry.Spinney@la.gov) – LA State Police  
 Cathy Childers (catherinechilders@yahoo.com) – LA Highway Safety Commission  
 Autumn Goodfellow-Thompson, DOTD  
 Sam Robison, LSU SREC  
 Robyn Temple, OMV  
 Laura Ellender (Laura.Ellender@La.Gov), DPS Legal  
 Chela Mitchell Burks, LHSC  
 Lt. Shawn Owens (Robert.S.Owens@la.gov), LA State Police  
 Dortha Cummins (Dortha.cummins@la.gov), Louisiana Highway Safety Commission  
 Rachel Smith (rachel@ldaa.org), LDAA  
 Bobby Breland, LHSC  
 Betsey Tramonte, FHWA