

Clearing the Haze: Cannabis Impairment & Operator Responsibility in Light of Legalization

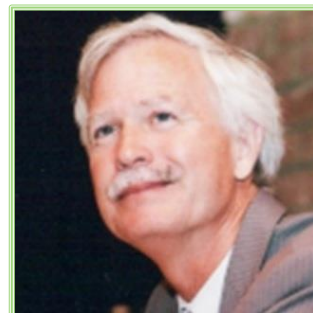
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Session Overview

- ✿ Canada's Legal Cannabis Landscape
- ✿ Cannabis & Gambling: Evidence Review
- ✿ Nevada: Cannabis + Gaming Policy Timeline
- ✿ Q&A



Legal Cannabis in Canada: **Retail**



Legal Cannabis in Canada: Consumption

PRIVATE SPACES



PUBLIC SPACES



Cannabis & Gambling: **Evidence Review**

- ✿ What proportion of **non-problematic** gamblers use cannabis?
- ✿ Does cannabis consumption **impact gambling behaviour**?
- ✿ Is cannabis **use and/or abuse** correlated with problem gambling?
- ✿ Cannabis **impairment & intoxication**: what are the risks and implications?

Cannabis Use Among **Non-Problematic** Gamblers



Survey of **high school students** revealed

50% of **low-risk** gamblers **have used cannabis**

Survey of **university students** indicated

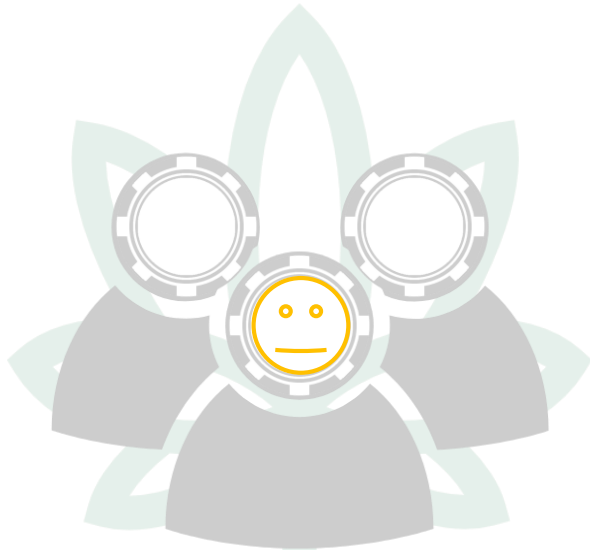
33% of **social** gamblers **use cannabis monthly**



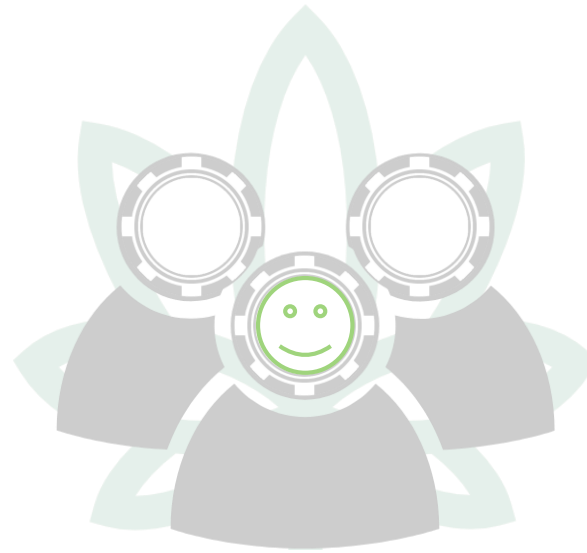
Study of gamblers **aged 18-29** found

30% of “**subsyndromal**” gamblers were **current cannabis users**

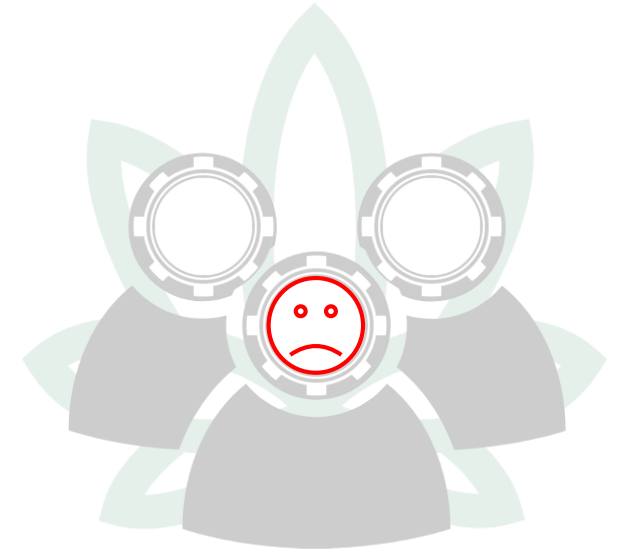
Impact of **Cannabis Consumption** on Gambling



Ramaekers et al., (2006):
Use of high potency cannabis associated with impaired executive function and motor control but **did not impact performance on a gambling task.**



Acheson et al., (2015):
Some evidence to suggest that adolescent cannabis users may actually be **more sensitive to both monetary rewards and losses.**



Cronce et al. (2017):
Cannabis alone or + alcohol before/while gambling: **greater gambling qty, frequency, negative consequences, and problem severity.**

Impact of **Alcohol Consumption** on Gambling

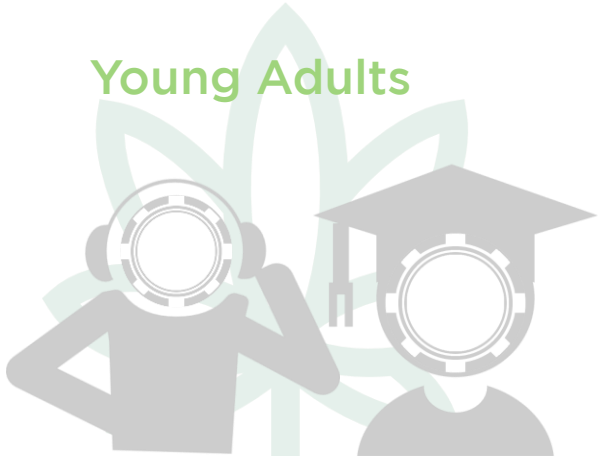


Large body of evidence indicates **risk effects of alcohol on gambling:**

- Larger average bets
- More money spent overall
- More rapid loss of available funds
- Self-reported impaired control
- Significantly longer duration of play
- Greater persistence (despite losses)
- Shorter latency b/w betting decisions

Cannabis Use/Abuse & **Problem Gambling**

Young Adults



ON Youth Smoking Survey (2012/13): **50% of PGs** use cannabis once a week or more.

Barnes et al. (2009): Rate of heavy gambling more than double (**36% vs. 15%**) among those who smoked cannabis **52+ days/year** vs. those who did not.

Engwall et al. (2004): **52% of problem gamblers**, and **56% of pathological gamblers** identify as marijuana users vs. **28% of non-gamblers**.

Adults



Barnes et al. (2015): **33% of pathological gamblers** (3+ DIS criteria) endorse past-year cannabis dependence vs. **14%** (tobacco dependence); **17%** (alcohol dependence).

Other Substance Use/Abuse & **Problem Gambling**



Odlaug et al. (2013): **63.4%** of treatment-seeking PGs reported daily tobacco use.

Lorains et al. (2011): Nicotine dependence most prevalent comorbidity in PGs (**60.1%**).

Stinchfield et al. (2005): Compared to a PG rate of **2-5%** in the gen. pop'n, rates among alcoholism treatment patients ranges from **9-33%**.

Welte et al. (2001): “Risk for either current alcohol dependence or PG was **increased by a factor of over 23**, given the presence of the other.”

Operator Perspective: Impairment vs. Intoxication

Impairment

The level at which a user's abilities and functioning are considered to be impacted, **according to the law.**

Intoxication

A **more severe state** than impairment; user's abilities and functioning are impacted to a more significant degree.

→ An intoxicated user is always impaired.

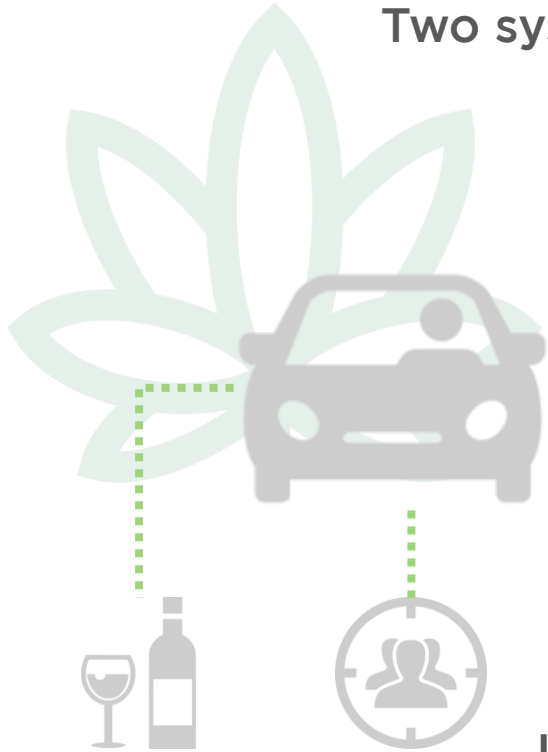
→ However, a **legally impaired user may not necessarily be intoxicated.**

Operator Perspective: Risks of Patron Intoxication



Impaired driving	Inconclusive; can increase risk if combined with alcohol
Causing other serious injury or death (e.g. through violence, neglect)	Not common effects of cannabis intoxication
Regulatory penalties	Venues do not currently sell/provide cannabis Consumption restricted to smoking areas (if permitted at all according to prov. reg'n)
Legal claims by patrons (e.g. "too drunk" to be responsible for losses)	Not provable to a legal standard ("too high" to be responsible)
General disruption (aggression, harassment)	Not common effects of cannabis intoxication

Cannabis & Impaired Driving



Two systematic reviews (2012) of **17** total studies came to similar conclusions:

- Driving under the influence of cannabis **increased risk of crash** by **+/- 2x** (1.92 – 2.66).
- Risk increases further when cannabis combined with alcohol.

Canadian study (2013) compared coroner data & roadside surveys:

- Cannabis use **increased risk of dying in a car crash** by **5x**
- When cannabis combined with alcohol, increased by **40x**

Updated evidence review by the **Canadian Drug Policy Coalition** (2017) found:

When studies controlled for demographic factors and alcohol, odds of cannabis-related accidents are **comparable to those of driving with a BAC < 0.5 g/L** (legally acceptable level in many jurisdictions).

Cannabis & Gambling: **Evidence Summary**

- ✿ A proportion of non-problematic gamblers are likely **already gambling under the influence of cannabis**.
- ✿ Evidence on the impact of cannabis consumption on gambling behaviour is mixed; some data indicates it may have negative effects BUT **arguably less severe than effects of alcohol on gambling**.
- ✿ Comorbidity of cannabis use/abuse & PG **similar to that of other legal substances** (e.g. nicotine, alcohol).
- ✿ The implications of cannabis intoxication from the operator perspective **may be minimal**.

Nevada: Cannabis + Gaming Policy Timeline

Jan: Possession; consumption legalized

Jul: Recreational sales begin

2017

2018

Mar: NV Governor committee concludes **consumption and sales should be banned** from all casino properties.

Apr: NGC **amends reg'n** prohibiting "persons who are visibly intoxicated" from gambling, **to include people impaired by drugs.**

May: NGC rules in case that opens door to growing relationship b/w gaming and cannabis industries.

Aug: LV City Council seeks policy permission to open consumption lounges on the Strip

Jan: LV City Council continues to seek policy permission to open consumption lounges on the Strip

2019

NGC Regulation Amendment:

Regulation prohibiting “persons who are visibly intoxicated” from gambling, amended **to include people impaired by drugs.**

- ✿ “Spurred in part” by NV’s legalization of cannabis.
- ✿ Amendment “may result” in additional staff training.
- ✿ Enforcement/disciplinary action involving intoxicated patrons are rare (only cited case resulted in \$25k fine to licensee and additional staff training).
- ✿ To date, no publicized case of disciplinary action, patron ejection involving cannabis.

No High Rollers Allowed: Stoned Marijuana Users Cannot Gamble In Nevada



Mike Adams Contributor
I cover various facets of the cannabis culture.



Shutterstock

Nevada Rules Casinos Must Eject Players Too Stoned to Gamble

Nevada gaming board OKs amendment regarding drug impairment

Warning: Gamble Stoned, Get Bounced ~ Nevada Gaming Commission

Apr 26, 2018 • POLITICS & POLICY • By [Rick Schettino](#)

Where does this leave operators?

Q&A

- ✿ Operator Policies
- ✿ The “Science” of Cannabis Impairment
- ✿ Cannabis & Social Justice
- ✿ The Future of Legal Cannabis



Operator Policies



The “Science” of Cannabis Impairment



Impaired Driving: Per Se Laws

Per se law (as applied to impaired driving):

- Establishes a threshold (quantity of a substance in one's blood) believed to impair (e.g. 0.5 g/L of alcohol).
- If an individual is found to have said quantity of substance in their blood, they are automatically defined as driving while impaired (regardless of whether they truly are impaired).



Blood THC level 2 – 5 ng/mL

Summary offence; up to \$1,000 fine

Blood THC level > 5 ng/mL

Federal offence; min. \$1,000 fine; up to 10yrs in prison



BAC 0.5 – 0.8 g/L (most provinces)

Suspension of license; min. \$250 fine

BAC 0.8 – 1.6 g/L

Federal offence; suspension; min. \$1,000 fine; up to 10yrs

> 1.6 g/L

Federal offence; suspension; min. \$2,000 fine; up to 10yrs

Per Se Law: Cannabis vs. Alcohol

“Legal limits, also known as per se limits, for marijuana and driving are arbitrary and unsupported by science.”

- American Automobile Association Foundation for Traffic Safety



THC levels vary by method of ingestion

One method of ingesting alcohol

Fat soluble; can build up and release over long period

Water soluble; dissipates at measurable rate

THC metabolizes at exponentially declining rate
(when ingested by smoking; not edibles)

Alcohol metabolizes at steady rate

Poorer correlation of THC blood levels and impairment

Fairly good correlation of BAC and impairment

THC levels can be detected for many hours post-ingestion; cannabinoid metabolites up to 30 days

BAC has consistent rates of absorption, distribution, and elimination across humans

Cannabis Impairment: Testing

Standard Field Sobriety Test

- Roadside test

Oral Fluid Screen

(e.g. *Draeger DrugTest 5000*)

- Not yet in use by all forces due to proven limitations
- Screening device only; gives grounds for further testing (e.g. DRE, blood test)
- Legal limitations (e.g. requires detention of approx. 30min., stores saliva/DNA)
- Studies in Norway and Aus show significant rates of false positives and false negatives
- Practical issues e.g. mobility, operation in cold temps

Drug Recognition Expert (DRE)

- 12-step process of detecting visual cues
- Executed by certified DREs
- Conducted at precincts
- Scientific limitations due to reliance on visual cues

Blood Test (for THC only)

- Only if other screens have detected impairment (oral fluid, DRE)
- Executed by medical professional only
- Significant time delay b/w apprehension and test – results may not be reflective of impairment at time of apprehension
- Scientific limitations in terms of per se cutoffs

Legalizing pot is the way to social justice

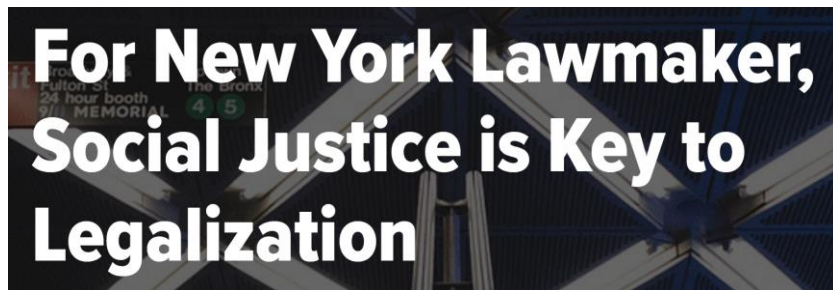
Marijuana and Social Justice: Implications for Regulation in California

Democrats Say Illinois Marijuana Bill Will Create Social Justice, But Black Leaders Aren't Sold Yet

Cannabis & Social Justice

Cannabis Legalization and the Quest for Social and Economic Justice

Marijuana Bills Increasingly Focus on Social Justice



The Future of Legal Cannabis

