



February 3rd, 2021

**House Human Services Committee
House Bill 1420 - Opposition**

Chairman Weisz and House Human Services Committee members, the North Dakota Motor Carriers Association (NDMCA), are writing to you in opposition to HB 1420. NDMCA represents the trucking and transportation industry in North Dakota and has been in existence since 1937.

The federal government regulates interstate commerce. Because most freight moved by truckers and trucking companies crosses state lines at some point, the vast majority of North Dakota's trucking industry is subject to the regulatory authority of the U.S. Department of Transportation.

The U.S. Department of Transportation's Drug and Alcohol Testing Regulation (49 CFR Part 40) requires commercial drivers license holders (CDL) to take a pre-employment drug test, post-accident drug tests (for most accidents), and random drug tests throughout their employment. Further, these federal regulations don't recognize marijuana use deemed legal under state law to be a valid explanation for an employee's positive drug test because marijuana remains an illegal drug listed in Schedule I of the Controlled Substances Act. A positive drug test will prevent a driver from gaining or maintaining employment regardless of their reason for use.

In states that have legalized recreational marijuana, the trucking industry has seen a marked increase in drivers that fail a pre-employment or random drug test. This compounds the existing shortage of truck drivers that the American Trucking Association estimates to be as large as 80,000 drivers nationwide.

Further, as an organization whose mission is to promote highway safety, NDMCA has concerns about the potential for a rise in the number of impaired drivers on the road, which increases the likelihood of passenger vehicle – large truck accidents. These impacts are contrary to North Dakota's Vision Zero initiative and North Dakota voters' wishes who rejected a 2018 recreational marijuana initiated measure by nearly 60%.

NDMCA thanks the House Human Services Committee for your consideration and urges a **do not pass** recommendation.