



March 15, 2021

**SENATE HUMAN SERVICES COMMITTEE
House Bill 1420 - Opposition**

Chair Lee and Senate Human Services Committee Members,

I, Amanda Remyse, is writing on behalf of the North Dakota Motor Carriers Association. NDMCA wants to express 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%.



I thank you for the opportunity to provide testimony opposing this legislation. NDMCA appreciates your committees' consideration and urges a **do not pass** recommendation.

Thank you.

AMANDA REMYNSE
NORTH DAKOTA MOTOR CARRIERS ASSOCIATION