Today

- **Drug-impaired driving: very brief background**
- **What's new since 2015**
  - **Data**
  - **Laws**
  - **Research**
  - **Programs**
- **Questions**

What's in the Report

▸ **Definition:** what drugs can impair

▸ **Data:** problem size and characteristics

▸ **Science:** drug levels, impairment, and crash risk

▸ **Laws:** different types, what states have in place now

▸ **Enforcement:** SFST, DEC, oral fluid, blood testing

▸ **Prosecution and adjudication:** challenges and strategies

▸ **Training:** what's available and useful

▸ **Sanctions and treatment:** what's effective

▸ **Education:** what are states doing now

▸ **Recommendations for states**

Very Brief Background: Drugs

▶ **Four drug types**
- ◦ Illegal, legal non-medicinal, prescription meds, OTC

▶ **Hundreds of drugs, more created daily**
- ◦ FARS has codes for 430 specific drugs or metabolites

▶ **FARS 2015, dead drivers, known test results**
- ◦ 43% with drugs; more than 1/3 of these were marijuana
- ◦ 38% with alcohol (any BAC)

▶ **NHTSA roadside survey 2013-14**
- ◦ 22.5% with drugs, both weekday days and weekend nights
- ◦ 13% with marijuana on weekend nights
- ◦ 8% with alcohol on weekend nights; 1.5% with BAC .08 or above

Very Brief Background: Impairment

- **Any drug can impair – experimental studies**
  - ◦ Impairment can increase if drugs are used in combination or with alcohol
- **Drug presence ≠ impairment**
  - ◦ Some drugs dissipate rapidly while impairment remains; other drugs remain in the body long after impairment has dissipated
  - ◦ Wide ranges of drug concentrations in different individuals produce similar levels of impairment in experimental situations
- **Any drug can increase crash risk**
  - ◦ Good crash risk studies are difficult; lots of not-so-good studies
  - ◦ No equivalent of .08 BAC for any drug

Very Brief Background: Laws

▸ **Impairment laws (driving under the influence - DUID)**
  ◦ Illegal to drive while abilities impaired
  ◦ All states
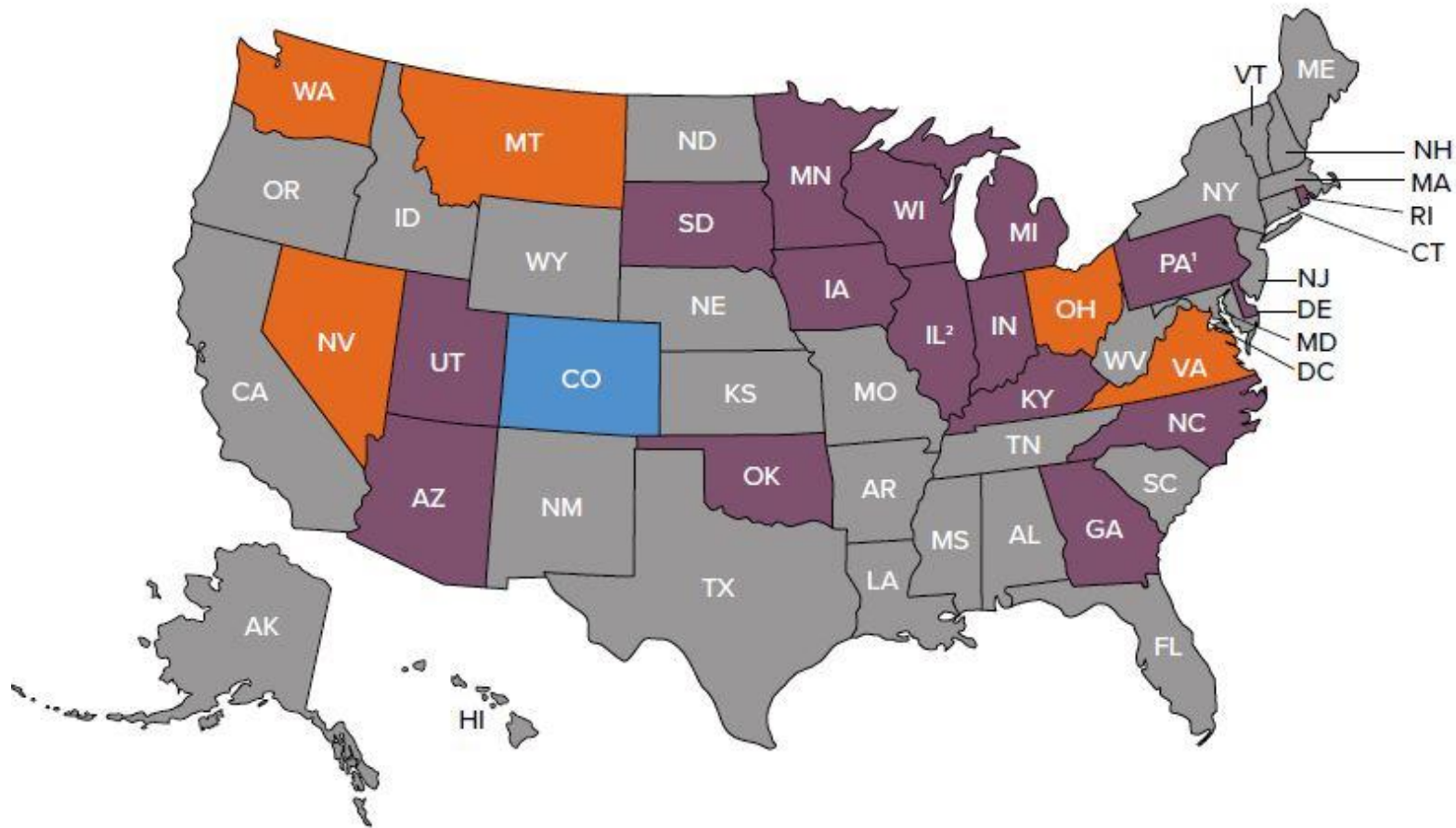 ◦ To enforce: observe behavior, link to evidence of a drug

▸ *Per se* **laws**
  ◦ Illegal to drive with amounts over the *per se* limit
  ◦ 6 states, for some drugs
  ◦ To enforce: observe behavior, then chemical evidence of drug

▸ **Zero tolerance laws**
  ◦ Illegal to drive with any measureable amount (could include metabolites)
  ◦ 15 states, for some drugs
  ◦ To enforce: observe behavior, then chemical evidence of drug

STATE BY STATE:
DUID ZT or *Per se* for Some Drugs
AS OF APRIL 2017

State labels on map: WA, MT, ND, MN, WI, MI, VT, ME, NH, MA, RI, CT, NY, OR, ID, SD, PA¹, NJ, DE, MD, DC, WY, IA, OH, NV, UT, CO, NE, IL², IN, WV, VA, CA, KS, MO, KY, NC, TN, SC, AZ, NM, OK, AR, MS, AL, GA, TX, LA, FL, AK, HI

Click on a color to highlight the states in that category

- *Per se* limit greater than zero for some drugs
- Zero tolerance for some drugs
- Reasonable inference law with a limit greater than zero for THC

1 Pennsylvania has both a zero tolerance law for some drugs and a 1 ng *per se* law for THC. Pennsylvania's 1 ng *per se* law is in effect a zero tolerance law*.
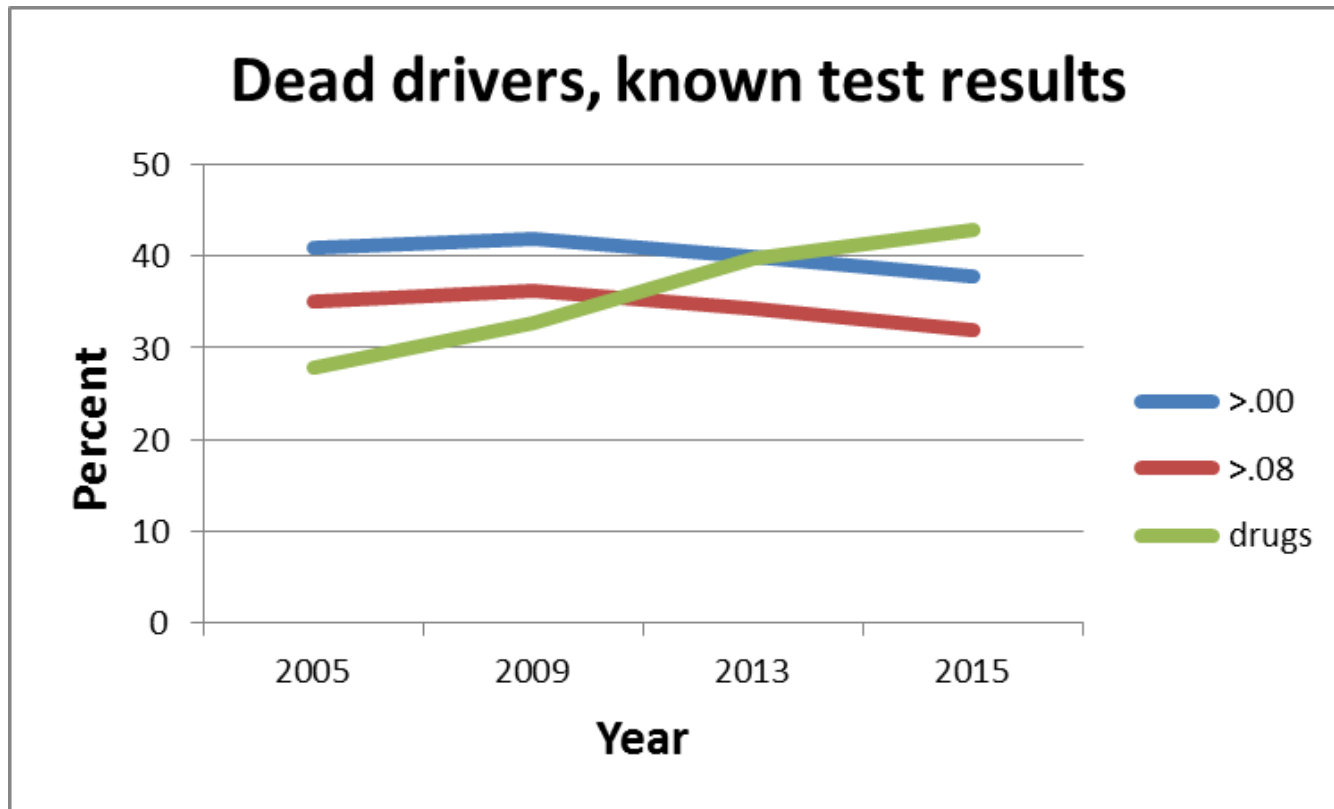
2 Illinois has both a zero tolerance law for some drugs and a 5 ng per se law for THC.

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What's New: Data

▸ **Drug use increasing; alcohol decreasing**

Dead drivers, known test results

Current marijuana users

▸ Almost one quarter of adults use marijuana

115 million adults
have never tried
marijuana

78m
have tried, but don't
currently use

20m
use
mj.
yearly

35m
use
mj.
monthly

WAPO.ST/**WONKBLOG**
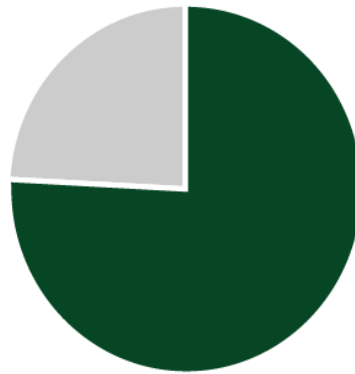
Source: Yahoo News/Marist survey
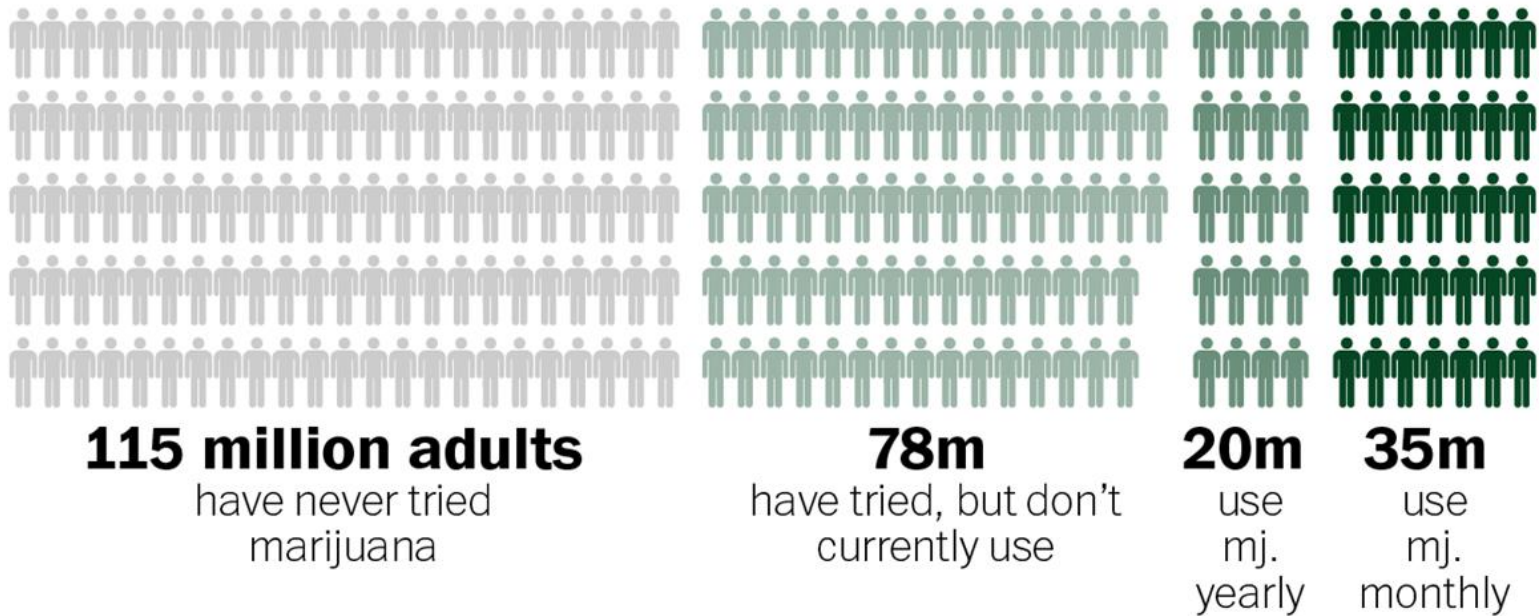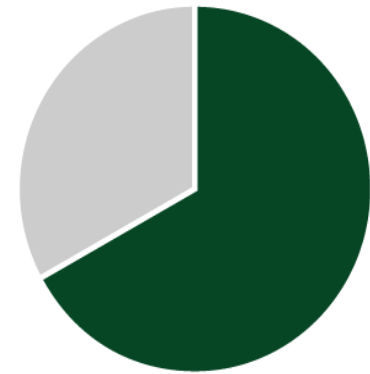
Beliefs about marijuana risks

70%
say marijuana's less
risky than alcohol
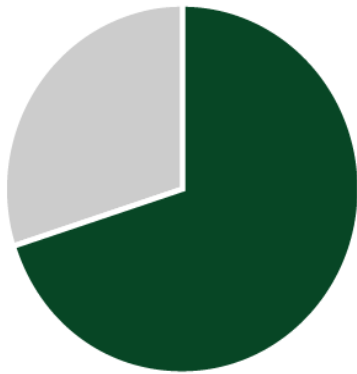
76%
say marijuana's less
risky than tobacco

67%
say marijuana's less
risky than opiates

WAPO.ST/**WONKBLOG**

Source: Yahoo News/Marist survey

What's New: Marijuana Laws

▸ **Recreational marijuana now allowed in 8 states and DC**
- ◦ **Voters approved in CA, MA, ME, and NV in 2016**
- ◦ **Previously legal in AK, CO, OR, WA, and DC**

▸ **Medical marijuana now allowed in 29 states and DC**
- ◦ **Up from 23 in 2015**
- ◦ **West Virginia law signed April 19, 2017; use allowed July 1, 2019**

▸ **Marijuana use decriminalized in 21 states and DC**
- ◦ **Up from 20 in 2015; these include recreational states**

▸ **Canada considering legalizing marijuana use**

STATE BY STATE:
Marijuana Drug-Impaired Driving Laws
AS OF APRIL 2017
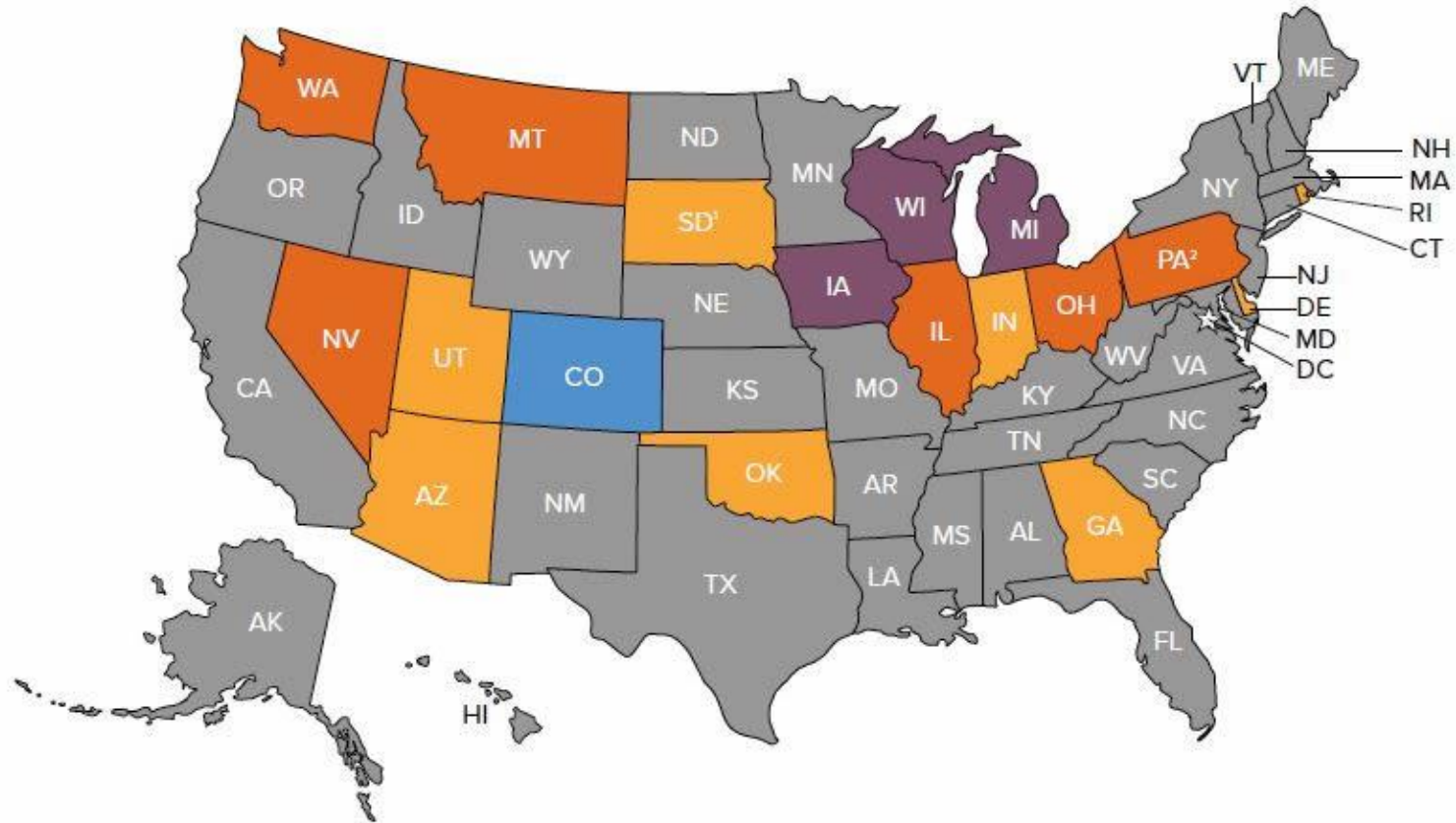
1 South Dakota is a zero tolerance state only for drivers under the age of 21.

2 Pennsylvania is often classified as both a zero tolerance and *per se* state. A minimum threshold of 1 ng is needed for a chemical test to be admitted into evidence for prosecution purposes.

Click on a color to highlight the states in that category

- Zero tolerance for THC and metabolites
- Zero tolerance for THC only
- THC *per se*
- Reasonable inference THC Law
- No zero tolerance or *per se* laws for marijuana

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STATE BY STATE:
Marijuana Possession and Use Laws
AS OF APRIL 2017

Legend:

- 4 States: Decriminalized (not medical or recreational)
- 10 States: Medical (not decriminalized or recreational)
- 9 States: Decriminalized and medical but not recreational
- 9 States + DC: Everything— recreational, decriminalized, and medical
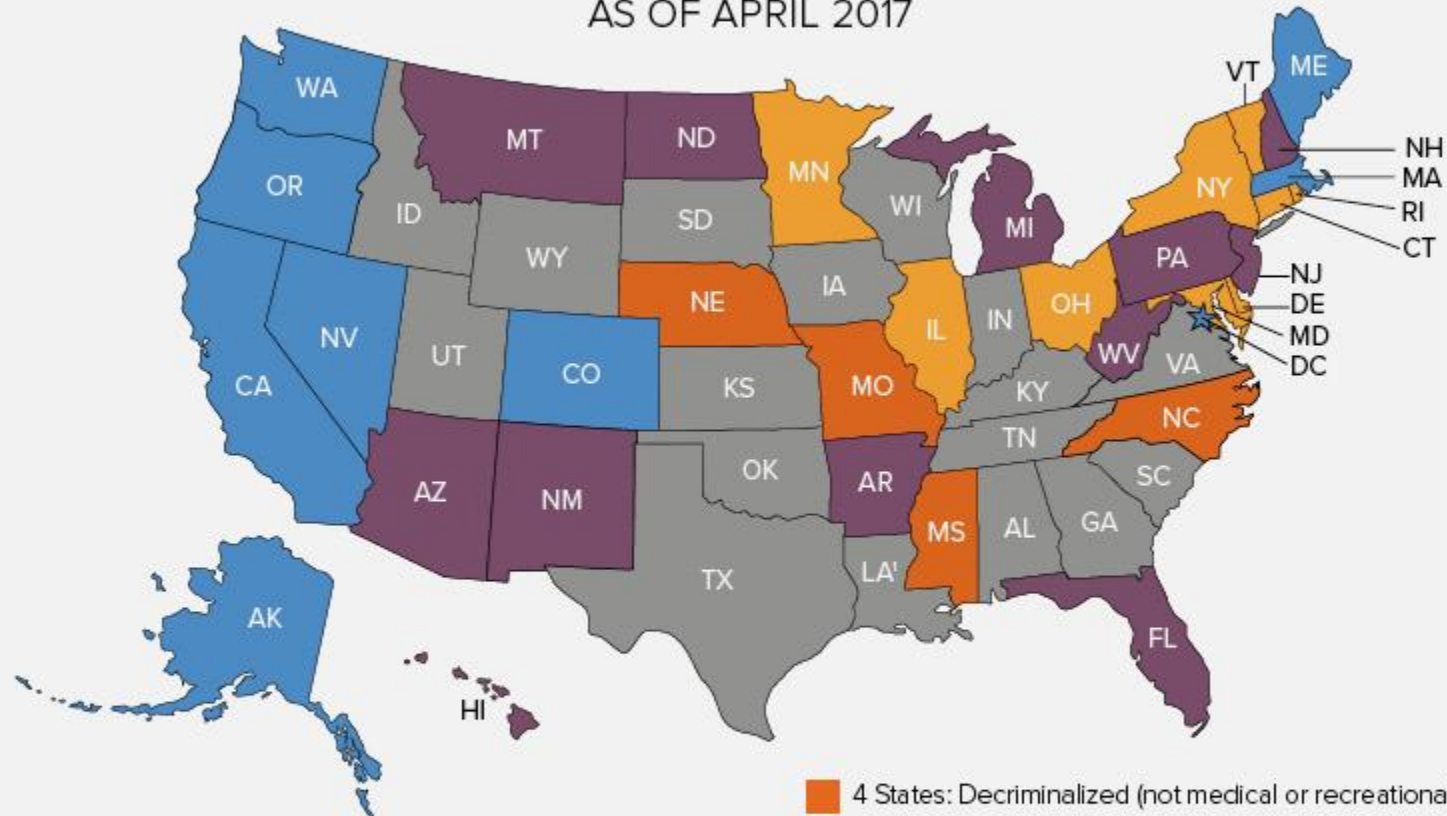
1 Louisiana has a medical marijuana law but implementation is limited; NCSL does not consider Louisiana a medical marijuana state.

Source: National Conference of State Legislatures

GHSA
Governors Highway Safety Association®
The States' Voice on Highway Safety

RESPONSIBILITY.ORG

What's New: Research

33 new studies cited in 2017 update

- ▶ **Driver knowledge, beliefs, behavior – 3 studies**
- ▶ **Crash risk of drugs – 1**
  - ◦ **NHTSA case-control study**
- ▶ **Roadside drug test devices – 3**
  - ◦ **Oral fluid – 2 new summaries of evaluations**
    - **Several devices available, about $20 per test; results in 5 minutes Field tests continuing; results promising**
  - ◦ **Marijuana breath test research – ongoing, will take several years**

What's New: Research

- **Laws – 3**
  - **European DUID laws**
  - **Scientific basis for *per se* laws**
- **Information and data – 4**
  - **DUID prevalence and trends – US, Canada**
  - **Sources of DUID information – NCSL for laws, NIDA for drug facts, TIRF *Drug-Impaired Driving Learning Centre***
  - **Data needs**
- **Drugs and belt use – 1**

What's New: Research

- **Marijuana-specific studies – 10**
    - ◦ **Overall marijuana effects on society – NAS, Colorado**
    - ◦ **Policy analyses**
    - ◦ **Public knowledge and beliefs**
        - **"Safer to drive after using marijuana than after drinking alcohol"**
    - ◦ **Crash risk increase**
    - ◦ **Driver tolerance**
    - ◦ **DRE detection of marijuana – quite good**
- **Effects of recreational marijuana in CO and WA – 7**
    - ◦ **Trends in driver marijuana use, crashes**
    - ◦ **Driver beliefs**
    - ◦ **Overall impact of legalization**

What's New: Programs

- Law enforcement : DEC and ARIDE
- State programs

Law Enforcement: DEC and ARIDE

- **DEC: Drug Evaluation and Classification**
  - ◦ **DRE officers can identify impairment by 7 drug categories**
  - ◦ **7,584 DREs active in all 50 states as of December 2014**
  - ◦ **1,444 new DREs added in 2014**
  - ◦ **26,471 evaluations conducted in 2014, in all 50 states**
  - ◦ **Several states entering DRE evaluations directly onto tablet computers, making the data available immediately**
- **ARIDE: Advanced Roadside Impaired Driving Enforcement**
  - ◦ **Trained officers can recognize drug impairment symptoms**
  - ◦ **10,419 officers trained in 2014; over 40,000 trained officers on the road**

State Programs

- Arkansas: Arkansas Take Back (unused medications)
- California: DUI prescription drugs, marijuana
- Colorado: Drive High, Get a DUI
- Maine: Driving and Drugs in Maine
- Minnesota: Deadly Decisions
- New York: Drugged Driving Is Impaired Driving
- Ohio: Drugged Driving = Done Driving
- Oklahoma: End DUI
- Oregon: Mariju What Was I Thinking?
- Washington: Drive High, Get a DUI BBQ

Questions

Drug-Impaired Driving:
A Guide for What States Can Do
Updated April 2017

Available **@** www.GHSA.org

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