

Drug-Impaired Driving: What States Can Do

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DRUG- IMPAIRED DRIVING

A GUIDE FOR WHAT STATES CAN DO




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

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- ▶ Available at www.GHSA.org

3

Why This Report?

- ▶ **States asked for it:**
 - "State Highway Safety Offices are increasingly being asked to focus more attention and funding on drug impaired drivers."
 - "The legalization of marijuana in Colorado and Washington has added urgency to the need to address drugged driving."
 - Studies with key words "drugs" and "driving" in the title as of April 2016
 - 1990 and later: 581
 - 2000 and later: 440
 - 2010 and later: 170
 - States don't know what to do ...

4

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**

5

Very Brief Background

- ▶ **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 2014, dead drivers, known test results**
 - 41% with drugs; almost 1/3 of these were marijuana
 - 39% 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

6



Very Brief Background

- ▶ **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

7

Recommendations for States

1. Planning
2. Education
3. Laws and sanctions
4. Training
5. Testing
6. Prosecution and adjudication
7. Data

8

1. Planning Recommendations

- ▶ **Assess your state's drugged driving issues** – know where you stand
 - Data, laws, enforcement, education, public knowledge and beliefs
- ▶ **Build broad partnerships** – it's not just law enforcement
 - Impaired driving task force
- ▶ **Create a drugged driving strategic plan** – sooner rather than later
 - Plan for the next stage of legal marijuana
 - As of April 2016:
 - 19 states: considering marijuana legalization
 - 13 states: considering marijuana decriminalization


9

Education Challenge: Public Knowledge

- ▶ **There are many common misperceptions about drugged driving, specifically marijuana-impaired driving. Some people think that:**
 - Drugged driving is not a serious problem.
 - Drug use does not adversely affect driving and may improve it (due to compensation strategies).
 - There are no laws prohibiting drugged driving (i.e., it is not illegal).
 - The likelihood of detection and apprehension for drugged driving is low.

Education: Examples from the States

- ▶ **Prescription medications**
 - Arkansas: Arkansas Take Back (disposed of unused meds)
 - New York: Drugged Driving is Impaired Driving
 - Oklahoma: incorporated into End DUI campaign
- ▶ **Marijuana**
 - Colorado and Washington: Drive High, Get a DUI
- ▶ **Young drivers**
 - Ohio: Drugged Driving = Done Driving



**Links to programs and campaigns in report*

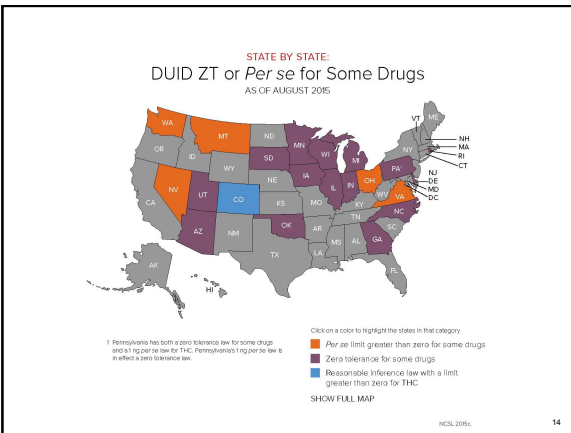
2. Education Recommendations

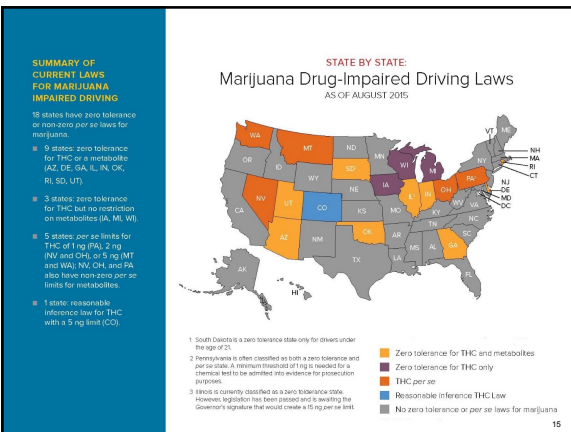
- ▶ **Develop and implement a campaign**
 - Define target audiences, message points, and delivery mechanisms
 - Include drugged driving in driver ed, high school, and employer programs
 - Educate physicians and pharmacists on prescription medication risks

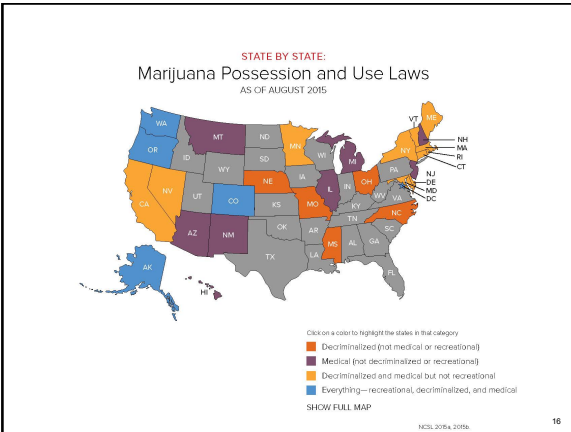
Laws: Types, Current Status

- ▶ **Impairment laws (driving under the influence of drugs-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: chemical evidence of drug
- ▶ **Zero tolerance laws**
 - Illegal to drive with any measurable amount (could include metabolites)
 - 15 states, for some drugs
 - To enforce: chemical evidence of drug

13








3. Law Recommendations

- ▶ **Zero tolerance for illegal drugs**
- ▶ **Zero tolerance for drivers under 21 for all drugs**
- ▶ **Per se law for marijuana if recreational use is legal**
- ▶ **Examine your DUI laws and revise as needed**
 - Screening tests, implied consent, separate DUI and DUI charges, etc.

Enforcement: SFST, DEC, Blood, Oral Fluid

- ▶ **At the roadside**
 - Stop driver for traffic violation, observe impairment
 - Screening: SFSTs can screen for some drugs
 - Oral fluid screening kits: 5 minutes, \$20
- ▶ **At the station**
 - DEC: need trained DRE, exam takes 90 minutes
 - Chemical evidence, usually blood: must draw quickly
- ▶ **At the lab**
 - Drug analysis can cost \$150-300; labs often backed up
- ▶ **Training**
 - Advanced Roadside Impaired Driving Enforcement (ARIDE)
 - Drug Evaluation and Classification (DEC) Program



Prosecution and Adjudication

- ▶ **Prosecutors and judges**
 - Often not familiar with DUID cases; different from DUI
 - If both alcohol and drug charges, often drop drug charge
 - Alcohol is simpler, easier to convict
- ▶ **Training**
 - **National:**
 - National Traffic Law Center (NTLC)
 - National Center for DWI Courts (NCDC)
 - National Judicial College (NJC)
 - **State:**
 - Traffic Safety Resource Prosecutors (TSRP)
 - Judicial Outreach Liaisons (JOL)



19

Sanctions and Treatment

- ▶ **Drug and alcohol screening**
- ▶ **Drug treatment:** used in most states
- ▶ **Intensive supervision:** used in many states
- ▶ **DWI and Drug Courts**
 - 448 combined DWI/drug (hybrid) courts concentrating on DUID offenders
 - 2,800 drug courts

20

4. Training Recommendations

- ▶ **Law enforcement:** ARIDE and DEC
- ▶ **Prosecutors and judges:** through NTLC, TSRPs, NJC, JOLs

21

5. Testing Recommendations

- ▶ Test all fatally-injured drivers for drugs
- ▶ Test all DUID arrestees for drugs
- ▶ Ensure that labs provide timely drug test results

22

6. Prosecution and Adjudication Recommendations

- ▶ Screen and assess all DUID and DUI offenders
- ▶ Use drug courts, intensive supervision, and drug treatment

23

7. Data Recommendations

- ▶ Track DUID and DUI separately in crash, arrest, court data
 - Use surveys to track public knowledge and attitudes

24

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