Presentation Goal: Share the high-level blueprint that was used in Utah to pass HB155 in 2017

Credits:
Sutherland Institute provided significant support to prepare this presentation
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A Brief History of BAC in Utah

In 2017, Utah became the first state in the U.S. to pass a law adopting a per se .05 BAC standard. HB155 will go into effect on December 30, 2018.

While it may seem to some that the move to .05 in Utah was fairly fast-paced, there was a lot of important groundwork to prepare the way.

It should be noted that Utah and Oregon were the first two states to lower the per se limit on BAC from .10 to .08 in 1983, so it’s not totally surprising that we should be in the forefront on this policy. Interestingly, that bill passed unanimously in both the House and Senate.

On May 14, 2013, the NTSB issued a report recommending (among other things) that states should lower their per se BAC limit to .05.

On October 16, 2013, the Sutherland Institute arranged for Jim Fell to testify before the Business and Labor Interim Committee on the research behind the NTSB recommendation. While the presentation was well-received, no legislator stepped forward to sponsor a bill and the concept laid dormant.

I was elected a little over a year later (November 2014) and had not given any thought to the issue. In fact, I was completely unaware of the events from 2013.

In the summer of 2016, I started to be interested in policies to reduce drunk driving and
began conversations with the Department of Public Safety about possible policies.

Later that year (2016), I was contacted by the Sutherland Institute to see if I would be interested in working together on this issue. After a review of several policy options with stakeholders and public safety officials, I concluded that the best path forward would be to follow the NTSB recommendation and lower BAC to .05.

In the fall of 2016, I opened a bill file to lower the per se BAC limit in Utah from .08 to .05. I issued a press release in December (New Years Eve weekend) and the effort to pass HB155 was on its way.

The bill was voted up for final passage on March 8 and signed by Governor Herbert on March 23.

For the next 10 minutes or so, I want to reveal some of the key elements in our blueprint that allowed this bill to be passed.
1. It is easier to pass a bill when the policy is clear. The goal is to reduce crashes, injuries, and deaths.

2. .05 BAC is a clear policy everyone can understand, and it is easy to show that it will work.

3. We considered several alternatives:
   • The “lesser offense” approach is complicated to implement and the science doesn’t align as well
   • Lower BAC levels (.00, .02, .04) have been implemented elsewhere and are also easy to explain, but the research is not as comprehensive.

**TAKEAWAY: FOCUS ON CLEAR POLICIES THAT ARE KNOWN TO SAVE LIVES!**
2. Recruit Supportive Stakeholders

- A **BROAD RANGE** of support and perspective is critical.

1. On issues like this it is important to have a broad range of supporting stakeholders
2. They can bring critical resources to bear and provide importance perspectives

**TAKEAWAY:** A BROAD RANGE OF SUPPORT AND PERSPECTIVE IS CRITICAL
2. RECRUIT SUPPORTIVE STAKEHOLDERS

1. Local stakeholders are very helpful. They can meet with lawmakers over extending ranges of time, speak to media, and testify in hearings, often on short notice. Some examples of key local support:
   • Sutherland Institute (a State Policy Network affiliate)
   • Statewide Association of Prosecutors
   • Police chiefs and sheriffs
   • State safety council
   • DUI commission
   • PTA
   • Medical Associations (Doctors, Nurses, etc)
   • Pro-family groups
   • Drunk-driving victims and their families

2. Executive Branch – Sooner or later you need the Governor’s support, and sooner is better. Most governors will trust their internal experts and cabinet members.
   • Public Safety: Office of Highway Safety & Highway Patrol
   • Dept. of Transportation
   • Health Dept.

3. Legislative Branch – Success depends on votes. You have to get the support of some key players. For us, these members were extremely helpful:
   • Committee chairs (Law enforcement and transportation)
   • Willing/committed sponsors (Sen. Adams) – I can’t emphasize enough how crucial it was to have Sen. Adams’ support on this bill.

4. National stakeholders provide significant value because they lend credibility & join
chorus of support

NTSB is willing to help, but you must request assistance. Having Dr. Dinh-Zarr on site for both the House and Senate committee hearings was another major turning point. She was also able to meet with individual legislators.

National Safety Council
Advocates for Highway and Auto Safety
AAA
AMA
3. **LET THE DATA SPEAK**

- You cannot win on pure emotion. **FACTS** will carry the policy.

1. There is a lot of research and data to back up this policy. You can choose the study that most directly applies to a given concern.
2. The best tool in our arsenal is the National Academy of Sciences, Engineering and Medicine report with its strong endorsement of .05 as being an effective policy.
3. We created and launched a web-site specifically targeted to inform legislators about the research: [normthurston.com/dui](http://normthurston.com/dui)

**TAKEAWAY:** You cannot win this argument on pure emotion. The facts will carry the policy.
3. **Let the Data Speak**

1. By far the most powerful data that we shared – This world map.
2. You can easily see that the U.S. is out of touch with both the developed and developing world, which gives a lot of policymakers pause.
3. The most common comment – “I had no idea”
4. Communicate Effectively

- Votes depend on lawmakers’ understanding of the policy.

1. In developing a communication strategy, keep in mind that lawmakers are your priority target – They have to have a solid understanding to be able to respond to constituents.
2. We started well before the 2017 session to get the word out that the bill was coming – Press release timed at New Years Eve just before the session.
3. You can use Utah as a talking point - Dec. 30, 2018 Utah law goes into effect
4. Get constituents and stakeholders to contact lawmakers about it.
5. Schedule “meet-the-expert” opportunities with national experts – We fully leveraged the willingness of NTSB to help us.
6. Get as much one-on-one time as you possibly can with legislators
7. Build a dedicated information source (web-site) to address lawmakers’ concerns

Takeaway: Votes depend on lawmakers’ understanding of the policy solution
5. PREPARE FOR/RESPOND TO OPPOSITION

- There will be opposition. Stay on message – SAVE LIVES!

1. Who will be in opposition?
   - People who profit from alcohol sales, primarily - American Beverage Institute (Sarah Longwell & Candy Lightner)
   - Their strategy is to push for alternate solutions such as increased user of interlock devices and to say that .05 will punish “good actors” or put innocent people in jail

2. Responses
   - Why not BOTH? We can pursue more than one policy at a time.
   - It’s not about REDUCING DRINKING ... It’s about REDUCING DRIVING AFTER DRINKING
   - The research shows that people who drink at ALL LEVELS are less likely to drive with a .05 policy
   - We will continue to arrest based on impairment – so only impaired people will go to jail

3. The Best response is to stay on message - .05 will save lives and the longer we wait, the more lives that are lost.

TAKEAWAY: THERE WILL BE MANY OPPONENTS, BUT STICK TO THE CORE REASON FOR THIS POLICY – IT WILL SAVE LIVES.
Questions?

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