Drug-Impaired Driving: What’s New

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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
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 measurable 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

Click on a color to highlight the states in that category
- Orange: Per se limit greater than zero for some drugs
- Purple: Zero tolerance for some drugs
- Dark purple: 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.
What’s New: Data

- Drug use increasing; alcohol decreasing

![Dead drivers, known test results graph]

Year:
2005 | 2009 | 2013 | 2015
---|---|---|---
Percent:
0 | 10 | 20 | 30 | 40 | 50

- Blue line: >.00
- Red line: >.08
- Green line: drugs
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

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

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

1 Louisiana has a medical marijuana law but implementation is limited; NCSL does not consider Louisiana a medical marijuana state.

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

Source: National Conference of State Legislatures

GHSA
Governors Highway Safety Associations
The State’s View 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
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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