

Driving Under the Influence of Drugs:

A Checklist for Policymakers



CALL TO ACTION

Driving under the influence of drugs (DUID) impairs driver performance and is a significant public safety threat. We urge policymakers to develop and pass practical DUID legislation.



The Problem

As drunk driving has declined, drugged driving is increasing.

- In 2005, **28%** of fatally-injured drivers with known test results were positive for the presence of drugs; by 2009, that number rose to **33%** (NHTSA, 2010).
- In 2015, **43%** of fatally-injured drivers with known test results were found to be positive for drugs (FARS, 2016).
- The 2013-2014 National Highway Traffic Safety Administration's (NHTSA) National Roadside Survey (NRS) found that **22.5%** of night-time drivers tested positive for illegal, prescription, or over-the-counter medications while **1.5%** of night-time drivers had a .08 BAC or higher.

The Solution

Identify issues specific to your state and strengthen laws.

1. **Review your state's DUID fatality, crash, and arrest data (contact your highway safety office and state police agency).**
 - What is the magnitude of the problem?
 - Which drugs are most commonly found in drivers' systems?
 - Are certain segments of the population high-risk?
 - Are there gaps in the data that need to be filled?
2. **Identify legislative gaps in existing impaired driving laws.**
 - How is drug-impaired driving defined?
 - Do implied consent statutes facilitate drug testing?
 - Does existing law apply equally to alcohol-impaired driving and drug-impaired driving?
3. **Collaborate with stakeholders.**
 - Identify challenges to DUID enforcement, prosecution, sentencing, and treatment.
 - Identify legislative changes to assist practitioners in addressing DUID.
 - Ask practitioners how to increase system efficiency and improve outcomes.



POLICY OPTIONS

Establish a state task force to address DUID.



Include every facet of the DUID system, including advocacy groups and other interested parties, to create a strategic plan to prevent and reduce DUID.

Provide more tools to law enforcement.



- Provide funding to train officers (DRE/ARIDE).
- Launch an oral fluid pilot program to identify DUID drivers effectively and efficiently.

Establish enhanced penalties for polysubstance-impaired driving.



Drugs used in combination or with alcohol cause greater impairment and heighten crash risk. This justifies tougher sanctions similar to those in place with drivers who have high blood alcohol concentrations (BACs of .15 >).

Create parity in sanctions between DUI and DUID where appropriate.



Many states have unequal penalties for DUI and DUID.

Mandate screening and assessment.



All impaired drivers need substance use and mental health disorder screening/assessment to identify underlying causes of offending and to reduce recidivism.

Establish a zero tolerance law for all drugs, including marijuana, for drivers under the age of 21.



Impairment plus inexperience increases youth crash risk relative to other age groups. This law establishes parity with existing zero tolerance laws for alcohol for drivers under the age of 21.

Require treatment if indicated by an assessment.



Tie treatment completion to re-licensing as a condition of probation.

Increase the number of DUI or hybrid DUI/Drug Courts.



Increase the number of DUI or hybrid DUI/Drug Courts in your state to deal with the highest-risk offenders (e.g., repeat offenders). These programs are highly effective in reducing recidivism and saving costs.

Improve your state's DUID data collection.



- Mandate alcohol and drug testing of all fatally-injured drivers.
- Encourage alcohol and drugs testing for surviving drivers in fatal and serious-injury crashes.

Separate DUI and DUID statutes.



It is important to accurately quantify alcohol, drug, and polysubstance-impaired driving and not report all three as a single behavior.

Ensure that the language in your DUID statute is broad enough.



Ensure that the language in your DUID statute is broad enough to include inhalants and emerging synthetic/designer drugs.

Additional Sources

For more information about DUID, refer to **Drug-Impaired Driving: A Guide for What States Can Do**, produced by the Governors Highway Safety Association (GHSA) with funding from Responsibility.org. It summarizes the state of knowledge on DUID and identifies state actions to address the problem.