



[Responsibility.org](https://responsibility.org) advocates at the state and federal levels for effective policies to eliminate impaired driving and underage drinking. The organization serves as a resource to policymakers and partners with traffic safety organizations across the country on the recommendations contained in this document.

Responsibility.org and the National Alliance to Stop Impaired Driving (NASID) are dedicated to the elimination of all forms of impaired driving. The organizations take no position on cannabis legalization but are dedicated to ensuring that any cannabis legislation includes strong provisions to prevent impaired driving and underage cannabis consumption.

To learn how we can support or partner with you, contact our government relations team at [govtrelations@responsibility.org](mailto:govtrelations@responsibility.org).

You can also review our [policy position papers](#) to learn more about our recommended countermeasures and related key research to support efforts to combat impaired driving and underage drinking.

### **Preventing Impaired Driving and Underage Drinking from the Outset**

#### **High Visibility Enforcement (HVE)**

Responsibility.org supports the efforts of law enforcement agencies to utilize High Visibility Enforcement (HVE) countermeasures, which is greater law enforcement presence on the roadways, particularly during periods when individuals are most likely to be consuming alcohol and drugs that impair (e.g., night-time, weekends). This can deter people from driving impaired because they think there is greater potential that they will be pulled over and arrested for DUI. These campaigns are an evidenced-based strategy when they are combined with strong messaging around HVE.

#### **Minimum Drinking and Purchase Age Laws**

Responsibility.org supports the minimum legal drinking age law of 21 years of age as well as laws that enforce it, including penalties (e.g., mandatory fines, community service, license suspension) for illegal possession, consumption, purchase, and attempts to purchase alcohol by people under age 21. In states that have legalized recreational cannabis sales, Responsibility.org also supports a minimum legal purchase age of 21. Responsibility.org encourages the use of mandatory screening and assessment among underage offenders to determine whether they would benefit from treatment interventions.

### **Open Container Laws**

Responsibility.org supports open container laws in states as part of a comprehensive strategy to reduce the occurrence of drunk driving. These laws prohibit individuals from possessing open containers of alcohol in a vehicle and can apply to drivers alone or drivers and passengers. We encourage states to pass strong open container laws that meet the criteria outlined by the US Federal Government and to couple the implementation of these statutes with HVE to maximize deterrence. Responsibility.org also supports the passage of open container laws related to cannabis to reduce consumption while driving.

### **Partnering with Traffic Safety and Judicial Partners on Best Practices**

Responsibility.org partners with organizations in state capitols across the United States and in Washington, D.C. to tackle complex traffic safety issues that will lead to safer roadways for all. Additionally, Responsibility.org believes that ongoing practitioner education and training is integral to improve the detection, processing/adjudication, sanctioning, supervision, and effective assessment and treatment of impaired driving offenders. As such, Responsibility.org convenes stakeholders and obtains input from experts and partners to aid in the development of publications and online courses that can guide best prevention practices, improve outcomes, and save lives.

### **Technological Advances in Anti-Drunken Driving Prevention**

Responsibility.org knows that bold, innovative approaches are required to reduce crashes and save lives. New technology ultimately may help prevent drunk, drugged, and multiple substance-impaired driving, as well as distracted driving and fatigued driving. Responsibility.org supported the HALT/RIDE Acts that were signed into law to advance drunk and impaired driving prevention technology becoming the standard in new motor vehicles. Responsibility.org believes technological advances like this are fundamental to saving lives and preventing impaired driving fatalities in the future.

### **Partnering with Policymakers on Impaired Driving and Underage Drinking Prevention**

Responsibility.org partners with policymakers at every level to help spread the word about impaired driving and underage drinking prevention. Two of the most visible ways are through Responsibility.org's annual PSA program with state Attorneys Generals during December's Impaired Driving Prevention Month and April's Alcohol Responsibility Month and working with legislators to film "Responsibility Starts With Me" videos.

### **Preventing Repeat Impaired Driving**

#### **Mandatory Compliance Based Ignition Interlocks for All Convicted DUI Offenders**

One of the most effective countermeasures available to jurisdictions to separate drinking from driving is the alcohol ignition interlock device (IID). An ignition interlock requires a DUI offender to blow into the device, connected to the starter or other on-board computer system, prior to starting the vehicle. If the breath sample registers a blood alcohol concentration (BAC) above a defined pre-set limit (typically .02), the vehicle will not start. The interlock also requires rolling

retests to ensure sobriety throughout the entire duration of the trip. If the driver fails or misses the retest, the vehicle does not automatically shut off. Instead, the device logs the event and, in some cases, alerts the driver with signals like flashing lights or a honking horn until the driver turns the vehicle off or provides a valid breath sample.

State laws should require all DUI offenders, including first-time offenders, to install an IID and adhere to compliance-based removal guidelines, such as refraining from tampering with the device, before it can be removed. IIDs should also be considered for use pre-trial and in Probation Before Judgement programs. Additionally, Responsibility.org supports states' efforts to provide financial assistance for individuals who require it to complete installation.

### **Enhanced Sanctions for High-BAC Drivers and Repeat Offenders**

Drivers with a high blood alcohol concentration (BAC) have greatly increased the risk of crashing, particularly at levels of .15 g/dL or higher, making them 380 times more likely to be involved in a single-vehicle fatal crash compared to a non-drinking driver (Zador et al., 1991). As such, they pose a critical threat to public safety and should be subject to increased criminal penalties. In recognition of the heightened risk these offenders pose to public safety, Responsibility.org also recommends mandatory screening and assessment for mental health and substance use disorders be used to identify issues that require further intervention.

### **Mental Health Screening and Assessment for All Impaired Drivers**

The use of comprehensive mental health screening and assessment in the criminal justice setting is necessary to identify DUI offenders who have substance use and/or mental health disorders that require further intervention to properly address the catalysts of impaired driving. Long-term behavior change is unlikely for these offenders without identifying and treating substance use and co-occurring disorders. The two assessment instruments that practitioners should integrate within their programs are the [Computerized Assessment and Referral System](#) (CARS) and the [Impaired Driving Assessment](#) (IDA). Both tools are available free of cost and are validated among the impaired driver population. Assessment findings can provide direction to practitioners and inform release, sentencing, supervision, and treatment decisions.

### **Supporting DUI Specialty Courts to Keep High BAC and Repeat Offenders Off the Road**

DUI Courts are specialized court programs that provide a structure of appropriate treatment, supervision, and accountability. These specialty courts follow the well-established Drug Court model and are based on the premise that drunk driving can be prevented if the underlying psychiatric co-morbidity causes of the DUI offender (e.g., substance dependence and mental health issues) are identified and addressed.

For jurisdictions that lack the resources to establish a DUI court or are lacking support from stakeholders needed to establish a specialty court, staggered sentencing offers an alternative program within the criminal justice system for handling recidivist impaired drivers. This is a rehabilitative approach for DUI offenders that requires them to address any underlying factors while simultaneously being held responsible for their actions. The basis of staggered sentencing

is that offenders serve a portion of their required incarceration, followed by appearances before a judge to assess progress in program completion.

### **Administrative License Revocation/Suspension (ALR/ALS)**

Administrative license revocation/suspension laws are an immediate countermeasure and deterrent for the offense of drunk driving. In many states, these laws allow law enforcement officers to confiscate a driver's license if an individual fails or refuses to submit to a chemical test. Responsibility.org also supports state programs that allow individuals with a suspended license to obtain limited driving privileges upon the installation of an ignition interlock.

### **Monitoring Strategies for Repeat DUI Offenders**

Responsibility.org supports the use of technology and cost-effective supervision methods, such as 24/7 Sobriety Programs, to provide swift identification, certain punishment, and effective treatment for repeat drunk driving offenders. Under this model, repeat offenders must maintain sobriety to remain in the community and avoid incarceration. Participants undergo twice-daily alcohol testing through scheduled onsite breath tests or with a continuous alcohol monitoring (CAM) device. A positive test results in immediate custody and a court appearance within 24 hours.

Responsibility.org also supports the use of CAM as a supervision tool for repeat DUI offenders. CAM technology, typically in the form of an ankle bracelet, monitors alcohol levels 24/7. Unlike an IID, a CAM device does not prevent driving after alcohol consumption but provides an accurate reflection of blood alcohol concentration for monitoring purposes. While CAM can be an effective monitoring tool, it should be paired with assessment and treatment interventions to target individual risks and needs. Without this intervention, the underlying factors of offending (such as substance use disorders or mental health issues) are not addressed and recidivism is likely to occur once the use of the technology ceases.

### **Oral Fluid Screening for Impaired Drivers**

Oral fluid field screening is a valuable tool for addressing the growing issue of multiple-substance impaired driving. Responsibility.org advocates for the use of oral fluid screening as a technology to quickly identify recent drug consumption when law enforcement suspects a driver may be impaired by a substance other than alcohol. This tool detects recent drug use and presence, not impairment, and can also assist in establishing probable cause in impaired driving cases.

Additionally, many drug and multiple-substance impaired drivers currently avoid detection. Oral fluid technology should supplement existing drug detection processes to help identify these individuals and inform sentencing, supervision, and treatment decisions that take drug use into account. Public education on oral fluid screening is also essential to maximize the deterrence of impaired driving and increase road safety.

### **Implied Consent Laws and Blood Alcohol Concentration (BAC) tests**

Responsibility.org supports the efforts of law enforcement and prosecutors to effectively identify and prosecute suspected DUI offenders. To discourage drunk drivers from refusing to submit to a chemical test (and therefore, avoid prosecution), Responsibility.org supports criminalizing breath test refusal. To create deterrence, the penalties for test refusal should be more punitive than those for a DUI conviction. All 50 states and Washington, D.C. have an “implied consent” law which provides that a driver that has obtained a license and/or is driving on local roads has consented to a chemical test (breath, blood, urine or saliva) should they be arrested for impaired driving. Responsibility.org also believes jurisdictions should be able, upon probable cause, to obtain search warrants for blood samples from suspected impaired drivers who refuse chemical tests. Responsibility.org supports state programs that allow individuals who refuse a BAC test to obtain limited driving privileges upon the installation of an ignition interlock.

In addition to this approach, Responsibility.org also supports the development and use of electronic search warrant systems, which facilitate timely acquisition of search warrants for evidential blood draws, streamlining a critical component of DUI investigations.

### **DUI Child Endangerment Laws**

Responsibility.org supports the passage of driving under the influence (DUI) child endangerment laws that increase penalties for offenders who endanger the lives of children. A comprehensive approach is required to properly address child endangerment that goes beyond the passage and implementation of legislation. To be effective, these laws must be highly publicized (to create deterrence), consistently enforced, and prosecuted. Responsibility.org believes that the decision to drive impaired with a child in the vehicle is especially reckless, and, as such, offenders should not be eligible for plea-bargaining (i.e., charge reduction) or diversion programs.

### **Youth Assessment and Brief Interventions**

Neuroscience has firmly established that young people are hard-wired for risk-taking in their early teens, making potential reckless behavior troubling but not surprising. Research confirms that early alcohol consumption may increase the risk for alcohol dependence later in life. Responsibility.org supports the use of mental health screening and assessment and brief interventions for underage drinkers at the time of an underage alcohol policy violation resulting in arrest or an alcohol-related injury. The screenings and brief interventions should identify potential alcohol use disorders, effective treatment (when indicated), and brief interventions for their parents.