



## Mid-Year Report on Priority State Legislative Activity

In 2015, the Foundation for Advancing Alcohol Responsibility (Responsibility.org) supported, monitored, or opposed key drunk driving, underage drinking and drug impaired driving legislation in 41 states to date (including 12 target states). Target states are chosen each year based on key stakeholder interest, the knowledge of legislative initiatives, potential for success and traditional legislative partnerships.

Occasionally, success is defined as defeating harmful legislation. This year we opposed bills that would have lowered the 21 minimum drinking age in certain circumstances, a bill to establish the highest limit in the nation for driving while using THC, and a bill that would have allowed the expungement of DUI offender records.

To date, 17 drunk driving bills have passed in 14 states (**Arkansas, Colorado, Kentucky, Louisiana, Minnesota, Montana, New York, North Dakota, South Carolina, South Dakota, Tennessee, Texas, Utah, and Virginia**). We opposed bills in five states that would have weakened existing DUI law. There are new underage drinking laws in 14 states (**Arkansas, Hawaii, Illinois, Maine, Maryland, Montana, Nebraska, Nevada, New Hampshire, North Carolina, North Dakota, Utah, Virginia, and West Virginia**) while we opposed legislation to lower the 21 minimum drinking age in four states.

In our efforts, we sought guidance from various state highway safety offices and traffic safety resource prosecutors and have collaborated with organizations such as AAA, the Insurance Institute for Highway Safety, Mothers Against Drunk Driving, National Safety Council, ignition interlock manufacturers, SADD, We Save Lives and state advocacy organizations. Responsibility.org remains active in target states that have not yet adjourned for the year.

### Drunk Driving

Responsibility.org supports legislation that addresses countermeasures aimed at eliminating drunk driving. Below is a summary of 2015 drunk driving legislation as of June 25, 2015.

#### Ignition Interlocks

Responsibility.org supports legislation that would require the use of ignition interlock devices for all convicted DUI offenders, as part of a comprehensive solution to eliminate drunk driving. In 2015, the Foundation for Advancing Alcohol Responsibility supported 11 bills in 9 states.

This law was adopted in two states: **Arkansas (effective August 18, 2015)** and **Texas (effective September 1, 2015)**. A bill also passed in **Kentucky** to require interlocks for people with high BACs and for repeat DUI offenders (**effective July 1, 2015**). We supported a bill in **Arkansas (effective August 19, 2015)** that makes technical changes to the existing interlock law. **South Carolina (June 5, 2015)** also passed a bill that makes technical changes to the existing interlock law. Another interlock law passed in



**Virginia (effective July 1, 2015)** that addresses jurisdictional issues with interlocks. **New York (effective April 13, 2015)**, passed a budget bill that extends its interlock program to 2017.

We are supporting all offender ignition interlock bills still pending in five states (**California, New Jersey, Oregon, Pennsylvania, and Rhode Island**). We are also opposing a bill in **Oregon**, which would eliminate the interlock condition for diversion program participants.

### Low BAC

The illegal per se BAC limit in the United States is .08. Lower BACs exist for certain drivers, namely drivers under the age of 21 and commercial drivers. A few states also have lower BAC laws for certain offenses, such as repeat DUI offenses.

In 2015, only one state, **New York**, introduced a bill which would lower the BAC limit for DWI to .06 and for aggravated DWI from .18 to .14. Responsibility.org opposed the 0.06 language and supported the existing .08 limit. The bill is still pending in the legislature.

### 24/7 Programs

One state, **North Dakota (effective August 1, 2015)**, passed two 24/7 sobriety programs for DUI offenders with one allowing for juveniles to participate in the program and also participants of a pre-trial release 24/7 program to be credited towards their time served, and the other adding language that requires the 24/7 program after incarceration. Responsibility.org is supporting a bill in **Massachusetts**, which would establish a 3-year, county sheriff run 24/7 pilot program. It is still pending.

### Lookback

One state, **North Dakota (effective August 1, 2015)**, passed a measure that would change the lookback period for 4<sup>th</sup> and subsequent DUI offenders from “any timeframe” to 15 years. Responsibility.org opposes legislation to shorten lookback periods and supports legislation that would increase the lookback period, such as in **Rhode Island**, where two pending bills have components extending the lookback period for 3<sup>rd</sup> and subsequent DUIs from five years to ten years and extends the lookback period for persons convicted of DUI as it related to the penalties applicable for first, second, and/or third convictions.

### Enhanced Penalties

Seven states have passed laws that enhance DUI penalties.

We supported a bill in **Colorado (effective June 2, 2015)** that makes DUI with aggravating factors a felony and increases the amount of time an offender must utilize an interlock. In **Louisiana (effective August 1, 2015)** we supported a bill that gives judges the ability to extend the maximum probation



**period** for DWI treatment courts from four years to eight years, if necessary. **Montana** passed two new drunk driving laws (**effective October 1, 2015**). One enhances the penalty for DUI with a minor (under age 16) in the vehicle and the other extends the DUI sentence or program length from 13 months to up to 2 years. We supported a bill in **Utah (effective 5/11/15)** that requires the court to order screening or assessment and treatment (if necessary) for a person convicted of felony DUI and mandates interlock use for a second DUI offense (within 10 years). **Tennessee (effective June 29, 2015)**, passed a bill that would require a conditional bail release, where if a person is charged with vehicular assault, vehicular homicide, or aggravated vehicular homicide and has a prior alcohol-related motor vehicle conviction, a transdermal monitoring device must be administered. **South Dakota (effective July 1, 2015)** passed a law that makes the sixth DUI offense a felony. Lastly, **Minnesota (effective August 1, 2015)** passed a law that lowers the BAC limit from 0.20 to 0.16.

## **Underage Drinking**

Responsibility.org supports legislation aimed at preventing underage drinking, such as Good Samaritan laws, zero tolerance for drinking alcohol underage and driving, and the 21 minimum legal drinking age. In 2015, we supported Good Samaritan (also referred to as medical immunity or 911 Lifeline laws) bills for the first time since adopting a formal position in support of such legislation. Below is a list of new laws that address underage drinking as well as bills we successfully defeated that would have weakened existing laws.

### **Good Samaritan**

11 states, **Arkansas (effective August 19, 2015)**, **Hawaii (effective Pending Governor's Signature)**, **Maine (effective August 1, 2015)**, **Maryland (effective June 1, 2015)**, **Montana (effective October 1, 2015)**, **Nebraska (effective September 5, 2015)**, **Nevada (effective May 29, 2015)**, **New Hampshire (pending Governor's Signature)**, **North Carolina (effective August 1, 2015)**, **Virginia (effective July 1, 2015)**, and **West Virginia (effective July 1, 2015)**, have adopted Good Samaritan policies granting limited immunity from prosecution for underage alcohol offenses for those who seek medical assistance in an alcohol-related overdose.

We supported a bill that passed in **Utah (effective May 11, 2015)** that requires underage drinking offenders to undergo screening, assessment, and treatment (if necessary) and requires driver's license suspension until offenders demonstrate completion of education classes and treatment.

We opposed legislation in four states (**Maryland, Maine, Minnesota, and North Dakota**) that would have lowered the 21 minimum drinking age. None of these bills passed.

## **Drug-Impaired Driving**

Thus far, in 2015, only one state has adopted legislation that specifically addresses driving under the influence of drugs. **Illinois (pending Governor's signature)** passed a bill to decriminalize marijuana. An



FOUNDATION FOR  
ADVANCING ALCOHOL  
RESPONSIBILITY

amendment was added to this bill that establishes the highest limit in the nation for driving while using THC (25 nanograms for oral fluids and 15 nanograms for blood). Responsibility.org joined others in the traffic safety community to oppose the nanogram limit, but took no position on decriminalization.

Many DUID bills were introduced in 2015. Among them were bills to allow oral fluids to be tested, adding blood and other bodily fluids to implied consent laws, banning open containers of marijuana, per se limits for DUID and separate offenses for DUI and DUID. We are continuing to monitor pending legislation in **Illinois, Massachusetts, New York, and Oregon.**

For more information on our programs and policies, please visit [www.Responsibility.org](http://www.Responsibility.org).