

DUID Per Se Laws w/Cannabis Provisions (2015)

State	Statutory Citation	Per Se Law	Cannabis Provisions
Arizona	Ariz. Rev. Stat. § 28-1381 Effective date: June 28, 1990	Any amount of a drug or metabolite (ZT)	*includes cannabis and metabolites
Colorado	Colo. Rev. Stat. §42-4-1301 Effective date: May 28, 2013	5 nanogram threshold of THC	“(IV) If at such time the driver's blood contained five nanograms or more of delta 9-tetrahydrocannabinol per milliliter in whole blood, as shown by analysis of the defendant's blood, such fact gives rise to a permissible inference that the defendant was under the influence of one or more drugs.”
Delaware	21 Del. Code § 4177 Effective date: July 10, 2007	Any amount of a drug or metabolite (ZT)	*within 4 hours of driving, any cannabis metabolites *medical marijuana exemption
Georgia	Ga. Code Ann. § 40-6-391 Effective date: July 1, 2001	Any amount of a drug or metabolite (ZT)	*includes cannabis and metabolites
Illinois	Ill. Comp. Stat. § 625 ILCS 5/11-501 Effective date: August 15, 1997	Any amount of a prohibited drug (ZT)	*includes cannabis
Indiana	Ind. Code Ann. § 9-30-5-1 Effective date: July 1, 2001	Any amount of a drug or metabolite (ZT)	*includes cannabis and metabolites
Iowa	Iowa Code § 321J.2 Effective date: July 1, 1998	Any amount of a prohibited drug (ZT)	*includes cannabis but excludes metabolites *additional language limits prosecution: “The Department of Public Safety shall adopt nationally accepted standards for determining detectable levels of controlled substances in the division of criminal investigation’s initial laboratory screening test for controlled substances.” Presently, such standards only exist for the carboxy THC metabolite in urine, not for THC in blood. Subsequently, the law typically only criminalizes drivers who possess levels of carboxy THC metabolites in urine above 50 ng/ml.

Michigan	Michigan Vehicle Code § 257.625a Effective date: September 30, 2003	Any amount of a prohibited drug (ZT)	*includes cannabis but excludes cannabis metabolites
Minnesota	Minn. Stat. Ann. §169A.20 Effective date: August 1, 2006	Any amount of a drug or metabolite (ZT)	*specifically excludes cannabis
Montana	2013 MT House Bill 168 Effective date: October 1, 2013	5 nanogram threshold of THC	-
Nevada	Nev. Rev. Stat. Ann. § 484C.120 Effective date: September 23, 2003	Specified amounts of specified prohibited drugs	*2ng for cannabis and 5ng for cannabis metabolites (in blood); 10ng for cannabis and 15ng for cannabis metabolites (in urine)
North Carolina	N.C. Gen. Stat. §§ 20-138.1, 20-138.3 Effective date: December 1, 2006	Any amount of a schedule I substance. Illegal for any person age 21 or under to drive with any amount of a prohibited drug or substance.	*excludes cannabis (law applies to Schedule I controlled substances; cannabis is a Schedule VI substance under state law)
Ohio	Ohio Rev. Code § 4511.19 Effective date: August 17, 2006	Specified amounts of specified prohibited drugs	*2ng for cannabis; 50ng for cannabis metabolites (in blood); 5ng for cannabis metabolites in combination with alcohol or other drugs
Oklahoma	HB 1441 (2013) Effective date: August 29, 2013	Any amount of a drug or metabolite (ZT)	*includes cannabis and metabolites
Pennsylvania	Pa. Con. Stat. §75-3802 Effective date: February 1, 2004	Any amount of a drug or metabolite (ZT)	*includes cannabis and metabolites; must have 1ng/ml evidence to prove per se violation
Rhode Island	R.I. Gen. Laws § 31-27-2 Effective date: July 1, 2006	Any amount of a prohibited drug (ZT)	*includes cannabis
South Dakota	S.D. Codified Laws §32-23-1 32-23-21 Effective date: July 1, 2006	Illegal for any person age 21 or under to drive with any amount of a prohibited drug or substance (ZT)	*includes cannabis

Utah	Utah Code §41-6a-517 Effective date: May 2, 1994	Any amount of a drug or metabolite (ZT)	*includes cannabis and metabolites
Virginia	Va. Code §18.2-266 Effective date: July 1, 2005	Specified amounts of specified drugs	*excludes cannabis and cannabis metabolites; can only convict if impairment proven
Washington	Initiative 502 Effective date: December 6, 2013	5 nanogram threshold of THC	-
Wisconsin	Wis. Stat. Ann. § 346.63 Effective date: December 19, 2003	Any amount of a prohibited drug (ZT)	*includes cannabis but excludes cannabis metabolites

*Sources: [NHTSA, 2009](#) and [NCSL, 2014](#).