



ingredient in marijuana) provisions ([VT SB 225](#) and [SB 241](#)), and requiring the expungement of refusals in instances where the offender is not subsequently convicted of drunk driving ([MD SB 152](#)).

In our efforts, we sought guidance from various traffic safety resource prosecutors (TSRPs) and have collaborated with organizations such as AAA, Family, Career, and Community Leaders of America (FCCLA), Insurance Institute for Highway Safety (IIHS), Mothers Against Drunk Driving (MADD), National Safety Council (NSC), ignition interlock manufacturers, Students Against Destructive Decisions (SADD), We Save Lives, and state advocacy organizations. Responsibility.org remains active in states that have not yet adjourned for the year.

If you are interested in learning more about the impaired driving and underage drinking laws across the country, please refer to Responsibility.org’s [State Laws Map](#). As legislation passes throughout the year, this map will be updated to reflect the new laws.

## Drunk Driving

Each year, Responsibility.org supports legislation that strengthens or seeks to implement countermeasures aimed at eliminating drunk driving. The bills we support cover a range of [proven strategies](#) to address various facets of the DUI problem. Below is a summary of the enacted drunk driving legislation as of June 15, 2016.

**Enhanced penalties for hardcore offenders.** A myriad of sanctions are available for drunk drivers who repeatedly drive under the influence and with high-BACs. Responsibility.org supports the application of intensive monitoring, stricter penalties, treatment, and aftercare for this high-risk population of offenders. The application of harsher penalties (such as fines or imprisonment) may incapacitate these offenders, but absent treatment interventions, it is unlikely that long-term behavior change will be realized. As a result, we actively support those bills that include an assessment and treatment component. Thus far, **Maryland, New Mexico, Tennessee, and Wisconsin** have all enacted laws that apply harsher sanctions to repeat offenders.

State	Bill	Content	Effective	Supported
<b>Maryland</b>	<a href="#">HB 157</a>	Establishes increased subsequent offender penalties for individuals with prior impaired driving (drunk or drugged) convictions who cause collisions that result in life-threatening injuries and/or death. Also provides that impaired driving offenses committed in other states be considered for the application of these penalties.	10/1/2016	
<b>New Mexico</b>	<a href="#">SB 118</a>	Establishes increased penalties for homicide by vehicle while under the influence of alcohol or drugs and increases penalties and the mandatory period of incarceration for eighth and subsequent offenses (second degree felony).	7/1/16	Monitored
<b>Tennessee</b>	<a href="#">HB 1478</a>	Increases penalties for sixth and subsequent offenses; re-classified as a Class C felony. Also clarifies what constitutes prior convictions.	7/1/16	Monitored
<b>Wisconsin</b>	<a href="#">SB 455</a>	Modifies the class of felony attached to fourth through tenth and subsequent OWI offenses.	1/1/2017	Monitored

**Look-back periods.** A look-back period is the length of time that a drunk driving offense remains on a driver’s record. In many states, the look-back period also has criminal sentencing implications as it often is the time frame used to determine whether previous offenses can be taken into consideration. Responsibility.org recommends states establish a look-back period of no less than 10 years to allow judges to take into consideration a sizeable portion of an offender’s

driving record when applying sanctions. Kentucky is the only state that has successfully enacted an extended look-back law this legislative session.

<b>Kentucky</b>	<a href="#">SB 56</a>	Lengthens the look-back period from five to ten years.	4/9/2016	
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**Ignition Interlocks.** One of the most effective countermeasures available to jurisdictions to separate drinking from driving is the ignition interlock. The interlock requires that a DUI offender blow into the device, which is connected to the starter or other on-board computer system, in order to start the vehicle. If the breath sample registers a BAC above a defined pre-set limit, the vehicle will not start. The device also requires repeated breath tests while the vehicle is in use to ensure the DUI offender continues to remain sober throughout the duration of their trip. Ignition interlock devices are highly effective for both repeat drunk drivers and first-time DUI offenders, while they are installed.

Responsibility.org supports mandatory and effective use of ignition interlocks for all convicted DUI offenders. Effective use of interlocks requires proper assessment and treatment, supervision, and verification of installation for all offenders ordered to install a device. This legislative session we supported seven interlock bills (**GA, IN, MD, NH, PA, UT, and VT**) that have been signed into law and one that is awaiting the Rhode Island Governor’s signature. We also continue to support **California SB 1046** which seeks to expand the all offender pilot program (currently in four counties) statewide.

<b>Georgia</b>	<a href="#">HB 205</a>	<b>Voluntary interlock bill</b> Allows first offenders to apply for an interlock limited driving permit. Also allows second offenders to apply for an interlock limited driving permit after serving 120 days of their license suspension.	7/1/2017	
<b>Indiana</b>	<a href="#">HB 1130</a>	<b>Interlock clean-up bill</b> Requires the Indiana Criminal Justice Institute to adopt interlock program rules related to the certification of devices, service centers, and technicians, procedures for device installation, removal, and report submission, and the establishment of program fee limits.	7/1/2016	
<b>Maryland</b>	<a href="#">SB 945</a>	<b>First offender interlock bill</b> “Noah’s Law” – requires ignition interlock installation for all convicted DUI offenders and those who refuse a chemical test. Also allows offenders to opt into the interlock program pre-conviction and receive credit for the time they have the device installed.	10/1/2016	
<b>New Hampshire</b>	<a href="#">HB 1305</a>	<b>Limited license interlock requirement bill</b> Requires a person receiving a limited license to be subject an interlock condition for one year after restoration of driving privileges.	6/3/2016	
<b>Pennsylvania</b>	<a href="#">SB 290</a>	<b>First offender interlock bill</b> Requires ignition interlock installation for all convicted DUI offenders (BAC of .10>).	5/25/2016	
<b>Rhode Island</b>	<a href="#">SB 2370</a>	<b>First offender interlock bill</b> Extends ignition interlock eligibility to first offenders immediately after conviction as a condition of hardship license.	Awaiting Governor’s signature	

<b>Utah</b>	<a href="#">HB 191</a>	<b>Interlock clean-up bill</b> Establishes interlock employer exemption criteria; requires the Driver License Division to post the interlock restriction on a person's electronic driver record so that it is accessible by law enforcement.	5/10/2016	
<b>Vermont</b>	<a href="#">HB 876</a>	<b>First offender interlock bill</b> Requires ignition interlock installation for all convicted DUI offenders as a condition of license reinstatement.	7/1/2016	
<b>Washington</b>	<a href="#">HB 2700</a>	<b>Interlock clean-up bill</b> Modifies various aspects of the interlock program including requirements for removal, employer exemption, foreign jurisdiction, etc.	6/9/2016	Monitored
<b>West Virginia</b>	<a href="#">HB 2665</a>	<b>Deferral bill</b> Clarifies eligibility for DUI deferral and limits participation to first offenders who had a BAC under .1; as part of the deferral, offenders must install an interlock for at least 165 days.	6/12/2016	Monitored

**DUI child endangerment.** Child endangerment laws are designed to deter and punish individuals who endanger the welfare of children. In the context of impaired driving, these laws recognize the seriousness of an adult putting children, who are incapable of protecting themselves, in harm's way by driving drunk. Responsibility.org supports the passage of DUI child endangerment laws that increase penalties for offenders who endanger the lives of children. In order to be effective, these laws must be highly publicized (to create deterrence), consistently enforced, and prosecuted. We supported a DUI child endangerment bill in Connecticut that has been enacted.

<b>Connecticut</b>	<a href="#">SB 365</a>	Establishes that no person shall operate a motor vehicle in which a child under 18 is a passenger if they are under the influence of an intoxicating liquor, and drug, or both OR has an elevated BAC of .08>. Also establishes accompanying penalties including fines, imprisonment, probation, assessment, treatment, etc.	10/1/2016	
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**Courts and programs.** Each year, legislation is introduced that seeks to improve the prosecution, sentencing, and supervision of impaired drivers. These bills include measures that improve court efficiency, offender tracking, and supervision and treatment practices. Responsibility.org supports legislation that strengthens each facet of the DUI system. In particular, Responsibility.org supports the development and implementation of programs that reduce recidivism and facilitate long-term behavior change among repeat offenders such as 24/7 and DUI Courts. These programs are designed for high-risk impaired drivers and integrate intensive supervision, swift accountability, assessment, and treatment.

In 2016, multiple 24/7 bills were introduced across the country in an effort to take advantage of the new incentive grant contained in the [FAST Act](#). There were also a variety of laws enacted that address identified challenges such as the inefficiency of having medical personnel testify to conducting blood draws in **Maryland** and a lack of municipal courts of record in **Oklahoma** (which results in repeat DUI offenders routinely being tried as first offenders due to a lack of tracking of prior convictions). We supported both of these efforts. In addition, we opposed a bill in **Maryland** that sought to expunge refusals when the individual was not subsequently convicted of DUI.

<b>Colorado</b>	<a href="#">HB 16-1017</a>	Increases the fee for attendance of a victim impact panel.	7/1/2016	Monitored
<b>Georgia</b>	<a href="#">SB 367</a>	Expands accountability courts including drug courts, mental health courts, veterans courts, DUI courts, and juvenile/family treatment courts. Allows any superior, state, or juvenile court that has jurisdiction over DUI offenses to establish a DUI court division as an alternative to the traditional justice system.	7/1/2016	
<b>Maryland</b>	<a href="#">HB 773</a>	Eliminates the need for medical professionals who conduct blood draws to testify in court by allowing a law enforcement officer who witnessed the blood draw to testify to that fact.	10/1/2016	
	<a href="#">SB 152</a>	Allows individuals to apply for the expungement of refusals on their driving record if the individual was not subsequently convicted of DUI or if their suspension/disqualification period has expired.	Failed	
<b>Mississippi</b>	<a href="#">SB 2777</a>	Creates the DUI Information-Exchange Improvement Advisory Committee to address the problem of a lack of timely information regarding DUI arrests and convictions being available to law enforcement, prosecutors, and the courts. The purpose of the committee is to work toward producing uniform offense reports and to investigate whether it is possible to require a standardized offense reporting system to get a clearer picture of crime in Mississippi and allow for single-source reporting to the Department of Justice through uniform crime reporting. A major focus of the task force will be to recommend an automated reporting system as opposed to manual reports that are compiled every six months.	5/4/2016	
<b>Oklahoma</b>	<a href="#">HB 3146</a>	Allows a municipality that lacks a court of record to create a limited municipal criminal court of record to establish municipal jurisdiction over violations of ordinances prohibiting driving, operating, or being in physical control of a motor vehicle while under the influence of alcohol or other intoxicating substances. The bill includes guidelines for the establishment and operation of these courts as well as sanctions for offenses.	11/1/2016	
<b>Tennessee</b>	<a href="#">HB 1648</a>	Provides the court with discretion to require any person convicted of DUI to be subject to monitoring using transdermal devices, electronic monitoring with random alcohol and/or drug testing, GPS, or any other monitoring device the court believes is necessary to ensure the person complies with the conditions of probation and, if applicable, the results of the clinical substance abuse assessment.	7/1/2016	
<b>Virginia</b>	<a href="#">HB 172</a>	Clarifies that the recommendations from the Virginia Alcohol Safety Action Program (VASAP) evaluation that must be conducted when a habitual DUI offender petitions for the restoration of his/her driving privileges or for the issuance of	7/1/2016	Monitored

		a restricted license be given such weight as the court deems appropriate.		
<b>Wisconsin</b>	<a href="#">AB 839</a>	Allows a court to order a person who improperly refused to take a sobriety test or who committed certain OUI offenses to participate in a 24/7-style sobriety program that closely monitors participants for drug and alcohol use. A court may order a person who would otherwise be required to install an interlock to participate in the sobriety program in lieu of the interlock program. If the individual completes the program or otherwise stops participating, they must install an interlock.	10/2/2016	Monitored

**Lower blood alcohol concentration (BAC) limit.** The illegal per se BAC limit in the United States is .08. Lower BACs exist for certain classes of drivers, namely those under the age of 21 (.02) and commercial drivers (.04). A few states also have lower BAC laws for certain offenses, such as repeat DUI offenses. Responsibility.org supports the current .08 BAC limit that is in place in every state and the District of Columbia. We oppose legislation that seeks to lower this limit.

In 2016, three states introduced bills to lower the BAC limit. **Hawaii** introduced a bill that would lower the BAC limit to .06. Similarly, **New York** once again introduced a bill proposing a BAC limit of .06 for DWI. As **Vermont** explored the legalization of marijuana, language was added to two bills that advocated lowering the BAC limit to .05 in cases where the driver had any measurable amount of THC (1.5ng) in their blood. We supported the oral fluid language contained in this bill but opposed the lower BAC provision.

<b>Hawaii</b>	<a href="#">SB 2053</a>	Proposes lowering the legal per se BAC limit in Hawaii from .08 to .06.	Measure deferred	
<b>New York</b>	<a href="#">AB 4639</a>	Proposes lowering the legal per se BAC limit in New York from .08 to .06.	Bill remains inactive	
<b>Vermont</b>	<a href="#">SB 225</a>	Proposes lowering the legal per se BAC limit to .05 in cases where a driver is found to also have 1.5> nanograms of THC in their blood.	Failed	
	<a href="#">SB 241</a>	Recreational marijuana legalization bill. Proposes lowering the legal per se BAC limit to .05 in cases where a driver is found to also have 1.5> nanograms of THC in their blood.	Failed	

## Drug-Impaired Driving

Similar to 2015, a multitude of drug-impaired driving legislation was introduced this year. Many of these bills focused on establishing per se limits for drugs (specifically THC), oral fluid pilot programs, marijuana open container provisions, enhanced penalties for polysubstance impaired driving, and interlock exemptions for DUID offenders.

Responsibility.org supports several [commonsense measures to combat DUID](#) including better data collection (e.g., increased testing for drug impairment including mandatory testing for drugs and alcohol in all fatal and serious injury crashes; improved drug testing protocols; and, improved data and record systems which differentiate between arrests for alcohol-impaired and drug-impaired driving), strengthened laws (e.g., state laws that provide separate and distinct sanctions for DUI and DUID; enhanced penalties for polysubstance impaired driving; zero tolerance per se laws for people under 21 for marijuana and

other drugs), and increased education and training for criminal justice practitioners (including law enforcement, prosecutors, and judges).

In 2016, we supported two DUID bills in Arizona and West Virginia that have been enacted. Additionally, we actively supported two oral fluid bills that are currently awaiting the signature of Michigan’s Governor. We continue to support several bills in states that have ongoing legislative sessions including oral fluid bills in **California** ([SB 1462](#)) and **New York** ([SB 1961](#)) and a polysubstance bill in **New York** ([SB 4769](#)).

<b>Arizona</b>	<a href="#">SB 1228</a>	<b>DUID interlock exemption</b>  Gives courts the discretion to order an interlock in drug-impaired driving cases if deemed to be an appropriate intervention. The court must report the interlock requirement to the Department of Transportation. Previously, all DUID offenders were required to install an interlock even if their case did not involve alcohol.	12/31/2016	
<b>Illinois</b>	<a href="#">SB 2228</a>	<b>Marijuana decriminalization/THC per se limit</b>  Establishes a 5 nanogram limit for THC. Illinois currently has a zero tolerance law for marijuana-impaired driving.	Awaiting Governor’s signature	Monitored
<b>Michigan</b>	<a href="#">SB 207</a>	<b>Oral fluid pilot program</b>  Permits drug recognition experts (DREs) in oral fluid pilot counties to conduct preliminary roadside oral fluid testing with suspected drug-impaired drivers. The DREs may arrest a person based upon the results of this testing if it indicates that the person is positive for the presence of a controlled substance. The results of the analysis are admissible in court and at administrative hearings to assist the court or hearing officer in determining a challenge to the validity of arrest or as evidence of the presence/non-presence of a controlled substance in the defendant’s oral fluid. Further establishes that refusal to submit an oral fluid sample is a civil infraction.	Awaiting Governor’s signature	
<b>Michigan</b>	<a href="#">SB 434</a>	<b>Oral fluid pilot program</b>  Allows the Department of State Police to establish preliminary oral fluid analysis pilot programs in five counties. The pilots are to run for a one year period. In order for a county to be eligible to participate, the law enforcement agency must have at least one certified DRE. The State Police is responsible for promulgating pilot program rules and upon completion of the pilots, a report must be submitted to both the Senate and House judiciary committees.	Awaiting Governor’s signature	
<b>Mississippi</b>	<a href="#">SB 2169</a>	<b>Marijuana open container</b>  Establishes that a driver who possesses, knowingly keeps, or allows to be kept in a motor vehicle within the area of the vehicle normally occupied by the driver or passengers, more than one gram, but not more than 30 grams of marijuana or not more than 10 grams of synthetic cannabinoids is guilty of	7/1/2016	Monitored

		a misdemeanor and, upon conviction, may be fined not more than \$1,000 or confined for not more than 90 days in the county jail, or both. The provision excludes the trunk of the vehicle but does include the glove compartment.		
<b>West Virginia</b>	<a href="#">HB 4738</a>	<b>Broadens DUID definition</b>  Adds other 'substances' to existing DUI statute to encompass drugs with modified chemical compounds (i.e., synthetics) that have yet to be classified as controlled substances but can still impair driving performance.	6/12/2016	

## 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 2016, 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.** Fear of police involvement is the most common reason for not calling 911 during a medical emergency. In recognition of this fact, many states have enacted laws that exempt from arrest and prosecution any victim or "Good Samaritan" who renders aid in a drug or alcohol-related emergency. Commonly referred to as 'Good Samaritan,' '911 Lifeline,' or 'Medical Amnesty/Immunity,' these laws seek to offer limited, situational immunity as an incentive for taking life-saving measures. Responsibility.org supports the passage of Good Samaritan laws, efforts to effectively publicize these laws, and further evaluation of these efforts for effectiveness. In 2016, we supported three Good Samaritan laws with alcohol-specific provisions that have been enacted.

<b>Colorado</b>	<a href="#">HB 16-1390</a>	Establishes that an underage person is immune from arrest and prosecution of illegal consumption or possession of alcohol or marijuana if they called 911, provided their name, were the first person to call, and remained on the scene and cooperated with law enforcement and medical personnel. The immunity is also extended to the underage person who was in need of medical assistance.	8/10/2016	
<b>Idaho</b>	<a href="#">HB 521</a>	Establishes that any person under 21 who, acting in good faith and for a medical emergency, shall receive limited use immunity for the underage possession and/or consumption of alcohol. To qualify, the person must be seeking or need emergency medical assistance, remain on the scene, and cooperate with law enforcement and medical personnel.	7/1/2016	
<b>Kansas</b>	<a href="#">SB 133</a>	Establishes that a person, and if applicable, one or two other persons acting in concert are immune from criminal prosecution for underage alcohol possession and/or consumption if they initiated contact with law enforcement or emergency medical services and requested medical assistance. For immunity to apply, the individual(s) must remain at the scene and cooperate with law enforcement and medical personnel.	7/1/2016	

**Social host.** Social host laws and ordinances are designed to reduce underage alcohol consumption by imposing liability on adults who knowingly host parties or allow the consumption of alcohol on the property they own, lease, or control. Under these laws, adults can be held liable for alcohol-impaired driving crashes regardless of whether they are the ones who provided the alcohol to minors. Several jurisdictions also have laws that can be applied even if the adult was unaware that underage alcohol consumption occurred on their property. Responsibility.org supports social host laws that prohibit adults from knowingly providing and/or serving alcohol to individuals under the legal drinking age of 21.

Responsibility.org recommends that adults who knowingly provide alcohol to minors should face sanctions such as driver’s license suspension, mandatory community service, mandatory fines dedicated to underage drinking prevention, potential jail time, graduated penalties for repeat offenses, and other sanctions deemed appropriate by judicial discretion. Thus far, two social host bills have been enacted in 2016.

<b>Maryland</b>	<a href="#">HB 409</a>	Adds new impaired driving provision to existing social host statute. Establishes penalties for adults who provide alcohol to individuals under 21 when the person knew or reasonably should have known that the underage individual would operate a motor vehicle after consuming alcohol and, as a result of driving while under the influence or impaired by alcohol, causes serious physical injury or death. Establishes a fine of not more than \$5,000 and a term of imprisonment not to exceed one year in cases that lead to serious injury or death.	10/1/2016	
<b>Mississippi</b>	<a href="#">HB 1292</a>	Increases the maximum period of imprisonment from 90 days to six months for violating social host law.	7/1/2016	Monitored

**Lowering minimum legal drinking age (MLDA).** Responsibility.org supports the MLDA of 21 years of age as well as laws that enforce it, including penalties (mandatory fines, community service, license suspension) for illegal possession, consumption, purchase, and attempts to purchase alcohol by people under age 21. Responsibility.org also encourages the use of mandatory screening and assessment among underage drinking offenders to determine whether they would benefit from treatment interventions. In 2016, we continued to oppose a pair of **Minnesota** bills that propose lowering the MLDA.

<b>Minnesota</b>	<a href="#">HF 2141</a> <a href="#">SF 2046</a>	Proposes lowering the minimum legal drinking age from 21 to 19.	Carry-over from 2015 session; bills remain inactive	
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