



## The Problem

Drugged driving is an ongoing and critical threat to road safety, resulting in injury and loss of life.

- Recent data shows that in 2022, **10,697** people died in crashes involving drugs, accounting for **25%** of all traffic fatalities. Additionally, one in five drivers killed in a motor vehicle crash tested positive for multiple drugs.
- In 2022, **59%** of drug-positive driver fatalities involved a driver who tested positive for drugs but not alcohol, and **41%** were positive for both alcohol (BAC=.01+) and at least one other drug.<sup>1</sup>
- Among individuals aged 16 and older in 2023:
  - **9.2%** self-reported driving under the influence of alcohol or another illicit drug.
  - **5.6%** self-reported driving under the influence of alcohol.
  - **4.9%** indicated they drove under the influence of an illicit drug.
  - **4.6%** reported driving under the influence of marijuana.<sup>2</sup>

## Preparing to advocate for stronger laws:

Review your state's driving under the influence of drugs (DUID) fatality, crash, an arrest data (contact your state highway safety office and state police agency) to find out the following:

- What is the magnitude of the problem in your state and surrounding states? How has it grown or changed in recent years?
- Which segments of the population are disproportionately at higher risk of driving while drug-impaired?
- What are the gaps in the data regarding drug-impaired driving that need to be filled?
- What drug or drug combinations are most identified by your state's toxicology laboratory in DUID cases?
- Does your state forensic toxicology laboratory stop substance testing if a blood alcohol concentration (BAC) sample meets or exceeds the legal limit of 0.08 g/100mL?
- What is the timeline for sample submission to the state forensic toxicology laboratory to the court?

### Identify legislative gaps in existing impaired driving laws.

- How is drug-impaired driving currently defined in your state's statutes?
- Do your impaired driving statutes facilitate drug testing?
- Does existing law apply equally to alcohol-impaired driving and drug-impaired driving?
- Does your state statute provide the use of oral fluid roadside screening to detect the presence of drugs from recent drug use?
- Does your state's impaired driving statute permit the use of oral fluid as evidence in impaired driving cases?

### Collaborate with stakeholders.

- Identify challenges and legislative opportunities to DUID education, enforcement, prosecution, toxicology testing, sentencing, and treatment.
- Ask practitioners how to increase DUID system efficiency and improve outcomes.
- Ask about resources their state toxicology laboratory needs to conduct enhanced testing and provide better DUID data.

<sup>1</sup>National Highway Traffic Safety Administration. (2024, May). Fatality Analysis Reporting System data.

<sup>2</sup>Substance Abuse and Mental Health Services Administration. (2024, July). National Survey on Drug Use and Health: 2023 annual national report.



# Options to improve DUID laws in your state:

## **Establish or enhance a state DUID task force.**

Adopt legislation or work with your regulatory agency to form or support your existing state impaired driving taskforce that includes every facet of the DUID system, including multiple jurisdictions, advocacy groups, and other key stakeholders, to develop a strategic plan to prevent and reduce impaired driving.

## **Provide more tools to law enforcement.**

- Legislate funding for officer training to detect and respond to impaired driving occurrences (e.g., Standard Field Sobriety Testing, Advanced Roadside Impaired Driving Enforcement, Drug Recognition Experts).
- Amend your state's impaired driving law to create or enhance a state Electronic Search Warrant system, enabling faster blood draws when impaired drivers refuse testing.
- Pass legislation to launch a statewide oral fluid roadside screening program to detect the presence of drugs from recent drug use.
- Add language to your state's impaired driving statutes to include blood, breath, and oral fluid as permissible specimens for detecting substances in a person's system.
- Legislate fingerprinting for all DUI offenders at time of arrest to better track repeat offenders as recommended by the Government Accountability Office (GAO).
- Use the National Highway Traffic Safety Administration (NHTSA) [Drug-Impaired Driving Criminal Justice Evaluation Tool](#) to identify legislative strengths and opportunities for improvement.

## **Strengthen the capability and resources of your state's forensic toxicology laboratory (SFTL).**

- Legislate funding to equip forensic toxicology laboratories with advanced testing instruments, expand testing capabilities for a wide range of substances, and enhance data collection methods.
- Enact legislation to mandate that toxicology reports for fatal crashes document all identified substances and their quantities.

## **Mandate screening and assessment for all impaired drivers.**

- Ensure that your state law requires all impaired drivers, including first time and repeat offenders, to submit to a substance use and mental health disorder screening/assessment, validated for the impaired driving population. This approach can help identify underlying causes of a DUI offense, inform potential treatment decisions, and reduce recidivism.
- Enact legislation that requires treatment completion as a condition for driver's license reinstatement or probation if an assessment indicates the need for treatment.

## **Increase the number of DUI or hybrid DUI/Drug courts.**

Adopt legislation to expand specialized court programs that provide structured treatment, supervision, and accountability for high-risk offenders, including repeat offenders. These programs are evidence-based and highly effective in reducing recidivism and saving costs

## **Equalize penalties between DUI and DUID, while maintaining clear distinctions between alcohol, drug, and polysubstance impairment in statutes.**

- Some states impose unequal penalties for DUI and DUID, creating inconsistencies in how impaired driving is penalized. Enact legislation to equalize these penalties to reflect the risks associated with all forms of impaired driving.
- Establish separate DUI and DUID statutes to accurately distinguish between alcohol, drug, and multiple substance-impaired driving, rather than grouping them as a single behavior. This may allow for more precise tracking and enable more effective legal responses by clearly categorizing each form of impairment.

# Options to improve DUID laws in your state:

## **Establish a zero-tolerance law for all drugs, including cannabis, for drivers under 21.**

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

## **Ensure your DUID statute covers all illegal substances.**

Enact legislation to expand the language in your state's DUID statute to include all impairing substances.

## **Improve your state's DUID data collection.**

- Revise your state's impaired driving law to require alcohol and drug testing of all fatally injured and surviving drivers involved in fatal and serious injury crashes.
- Enact legislation to mandate that data collection and reporting systems differentiate between impaired driving offenses (DUI-Alcohol, DUID, and DUI-Alcohol and Drugs).
- Adopt a law that requires drug quantification for DUID cases in crash and DUI reports.

# Resources

## Establish or enhance a state DUID task force.

- [Tennessee Impaired Driving Advisory Council](#)
- [Washington Impaired Driving Advisory Council](#)
- [Best Practices of Successful State Impaired-Driving Task Forces](#), NHTSA

\*State examples are for informational purposes only.

## Provide more tools to law enforcement.

- [A Guide to Implementing Electronic Warrants](#), Responsibility.org
- [Oral Fluid Roadside Screening—A Tool for Law Enforcement](#), National Alliance to Stop Impaired Driving (NASID)
- [Solutions to Combat Impaired Driving](#), NASID
- [Impaired Driving: Information on Data Used to Identify Repeat Offenders](#), Government Accountability Office

## Strengthen the capability and resources of your state’s forensic toxicology laboratory (SFTL).

- [Standard for the Analytical Scope and Sensitivity of Forensic Toxicological Testing of Blood in Impaired Driving Investigations](#), Approved American National Standard (ANSI), Academy Standards Board (ASB)
- [Factsheet for ANSI/ASB 120](#)
- [Recommendations for Toxicological Investigation of Drug-Impaired Driving and Motor Vehicle Fatalities](#), Journal of Analytical Toxicology

## Mandate screening and assessment for all impaired drivers.

- [Computerized Assessment and Referral Program \(CARS\)](#)
- [Impaired Driving Assessment](#)

## Increase the number of DUI or hybrid DUI/Drug courts.

- [The Ten Guiding Principles of DWI Courts](#), All Rise (formerly known as National Center for DWI Courts)
- [DWI Courts](#), NHTSA Countermeasures that Work

## Improve your state’s DUID data collection.

- [Enhance Drugged Driving Data: State Level Recommendations](#), AAA Foundation for Traffic Safety

For more information about DUID, refer to [Drug-Impaired Driving: A Guide for What States Can Do](#) and [Drug-Impaired Driving: Marijuana and Opioids Raise Critical Issues for States](#), produced by the Governors Highway Safety Association (GHSA) with funding from Responsibility.org, which summarize current knowledge on DUID and identifies state actions to address the problem.

To learn more about the DUID laws in your state, visit the [Responsibility.org State Maps](#). For details on legislative approaches to combat alcohol-impaired driving, see Responsibility.org’s DUI policymaker checklist.

---

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

---