



No Refusal Programs

Responsibility.org Position:

Responsibility.org is dedicated to eliminating all forms of impaired driving. With this in mind, we fully support the efforts of law enforcement and prosecutors to effectively identify and prosecute suspected impaired drivers. No Refusal programs serve as a valuable tool in this effort to increase compliance with blood alcohol concentration (BAC) testing and evidential blood draws to strengthen impaired driving cases.

Responsibility.org also advocates for the development and use of electronic search warrant systems which facilitate the timely acquisition of warrants for blood draws, streamlining an important component of driving under the influence (DUI) and driving under the influence of drugs (DUI/D) investigations.

This paper includes the most current and relevant data for this position as of Oct. 1, 2025.

Overview:

Every state has an implied or express consent law that stipulates that drivers consent to be tested if they are suspected of driving under the influence of alcohol and/or drugs. However, test refusal (breath, blood, urine, or oral fluid) is often the first step an impaired driver, particularly a repeat or high-risk offender, takes to avoid prosecution. In many jurisdictions, the penalties for refusal are less severe than those for a DUI/D conviction, creating an incentive to refuse testing. Additionally, many suspects also decline to answer questions or perform standardized field sobriety tests (SFSTs), which can limit the evidence available to law enforcement needed to support a DUI/D charge. Although charges can still be filed based on officer observations, convictions without BAC evidence are harder to secure and may result in offenders avoiding appropriate sentencing, treatment, or identification as repeat offenders the next time they are stopped for suspected impaired driving.

In response to BAC test refusals, several states have implemented No Refusal programs, first launched in Texas in 2005. These programs ensure BAC test results are generated by enabling law enforcement officers to rapidly secure a warrant from a judge or magistrate for evidential samples, such as blood samples, from impaired driving suspects.

The program involves a coordinated effort among law enforcement, judges/magistrates, prosecutors, and medical personnel that facilitates expedited processing of impaired driving cases. Specifically, to initiate the No Refusal process, an officer determines that there is

probable cause for an arrest and the suspect refuses to submit to a breath test. Then, the officer or prosecutor assigned to the effort will review the case and make a warrant application to an on-call judge. If the judge grants the warrant (over the phone or via other electronic means), a blood sample can be quickly collected by qualified personnel who are on-site. In counties that have mobile DUI processing vehicles or [officers trained as phlebotomists](#), the entire process can be handled from start to finish at a checkpoint location. This collaborative and efficient approach ensures that blood draws are performed without delay and assists in building strong impaired driving cases.

While suspects can initially refuse a breath test, they cannot refuse a chemical test, such as a blood draw, if a judge grants a search warrant. Given this, individuals may agree to comply with the less invasive breath test once they realize a warrant for a blood draw can be quickly obtained. The use of warrants to obtain chemical tests can successfully reduce the number of test refusals and subsequently result in more pleas and convictions as well as fewer trials (Hedlund and Beirness, 2007).

Similar to other high visibility enforcement (HVE) efforts, the No Refusal program is effective due to the general deterrence it creates. No Refusal periods, such as No Refusal nights or weekends, can supplement existing HVE initiatives including sobriety checkpoints or DUI mobilizations. To maximize impact, media coverage in advance of No Refusal periods is necessary. The goal of media coverage is to make the public aware of the following:

- There will be an increase in law enforcement presence, increasing the perception that drunk and impaired driving will result in arrest;
- Refusing to submit to a breath test or blood draw will result in law enforcement quickly obtaining a warrant for a forcible blood draw; and
- Refusal will ultimately lead to additional sanctions.

Since the creation of the No Refusal model, electronic warrant systems have become widespread among law enforcement agencies. These platforms enhance the efficiency of the warrant process by enabling officers to submit requests and allowing judges to review and approve them electronically, often eliminating the need for physical paperwork. Electronic warrant systems also expand access to judges and magistrates, which facilitate more timely authorizations. As a result, these systems support the implementation of No Refusal programs on a standardized basis across multiple jurisdictions.

See Responsibility.org's position papers on BAC test refusal penalties and high visibility enforcement programs, available [here](#), for more details. Also explore [our guide to implementing electronic warrants](#), as well as [the National Highway Traffic Safety Administration's \(NHTSA\) recommended practices for expedited search warrant programs](#).

Prevalence:

- Nine states are currently conducting No Refusal programs: Arizona, Florida, Idaho, Illinois, Kansas, Louisiana, Missouri, Texas, and Utah.
- 22 states have legal authority to conduct No Refusal programs: Alabama, Alaska, Arkansas, California, Colorado, Georgia, Indiana, Maryland, Michigan, Mississippi, Nebraska, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Virginia, Washington, West Virginia, and Wisconsin.
- 19 states and Washington, D.C. do not have authorization to conduct No Refusal programs: Connecticut, Delaware, D.C., Hawaii, Iowa, Kentucky, Maine, Massachusetts, Minnesota, Montana, Nevada, New Hampshire, New Mexico, New York, Oregon, Rhode Island, South Carolina, Tennessee, Vermont, and Wyoming.

Access Responsibility.org's interactive [State Laws Map](#) for more details.

While Colorado is not actively conducting a No Refusal program, the Colorado Department of Transportation (CDOT) recently received grant funds from Responsibility.org and the Governor's Highway Safety Association to launch a public awareness campaign focused on the state's [Express Consent law](#) and the consequences of refusal. [The campaign includes](#) video public service announcements, a dedicated webpage with a comprehensive toolkit, and coordinated social media outreach. [CDOT's August 2025 Driving Behavior Survey](#) reveals that 77% of drivers surveyed were aware of the requirement to submit breath or blood samples upon DUI arrest. CDOT and its partners will continue to analyze relevant survey data to evaluate the campaign's effectiveness in increasing public awareness of Colorado's Express Consent law and to guide future initiatives.

Research Highlights:

- Nationwide, an average of 24% of drivers arrested for DUI refuse the BAC test (Jones & Nichols, 2012; Namuswe et al., 2014).
- Three-fourths of prosecutors interviewed indicated that blood alcohol tests are the single most critical piece of evidence needed for convictions; evidence they frequently lack (Simpson & Robertson, 2002).
- In Montgomery County, TX, the average BAC of individuals who refused to submit to breath tests were significantly higher than those who voluntarily complied (.19 compared to .13). After implementation of the program, Montgomery County reduced refusals at sobriety checkpoints from 50% in 2005 to 10% in 2010 (NHTSA, n.d.). Conviction rates have increased, and DUI case dismissals have decreased since No Refusal Weekends have been implemented in Texas (NHTSA, n.d.).

- The Phoenix Police Department reported a decrease in the refusal rate from 40% to 5% after implementation of the No Refusal program (Berning et al., 2007).
- Arizona, Michigan, and Utah found repeat offenders were most likely to refuse breath tests, and the BAC data collected has led to fewer trials and more convictions (Berning et al., 2007).
- In a study of test refusal's effect on DUI prosecutions, Jones and Nichols (2012) found that there was a reasonably strong and negative relationship between the DUI conviction rate in selected study counties and the overall refusal rate for that state. In other words, in states with high refusal rates, DUI conviction rates are likely to be low.
- In a recent NHTSA survey of states, stakeholders noted that refusal rates are likely to remain high if the sanctions that individuals face for failing a BAC test are more severe than those for refusing to submit to the test (Namuswe et al., 2014).

Established in 1991 as a national not-for-profit organization, Responsibility.org leads the fight to eliminate drunk and impaired driving and underage drinking.

References:

Berning, A., Beirness, D., Hedlund, J., & Jones, R., (2007). Traffic Safety Facts: Breath Test Refusals. DOT HS 810 871. Washington, D.C.: U.S. Department of Transportation.

Hedlund, J., & Beirness, D. (2007). Use of Warrants for Breath Test Refusals: Case Studies. DOT HS 810 852. Washington, D.C.: National Highway Traffic Safety Administration.

Jones, R. & Nichols, J. (2012). Breath Test Refusals and Their Effect on DWI Prosecution. DOT HS 811 551. Washington, D.C.: National Highway Traffic Safety Administration.

Namuswe, E., Coleman, H., & Berning, A. (2014). Traffic Safety Facts: Breath Test Refusal Rates in the United States. DOT HS 811 881. Washington, D.C.: National Highway Traffic Safety Administration.

National Highway Traffic Safety Administration (NHTSA). (n.d.). [NHTSA No Refusal Initiative Facts](#).

Simpson, H., & Robertson, R. (2002). DWI System Improvements for Dealing with Hard Core Drinking Drivers: Prosecution. Ottawa: Traffic Injury Research Foundation.