



# Advancing Drugged Driving Data at the State Level: State-by-State Assessment

April 2018

## **Title**

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Advancing Drugged Driving Data at the State Level: State-by-State Assessment

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## **Authors**

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## Foreword

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Drugged driving remains an important traffic safety concern; yet, there are clear gaps in our knowledge of and data concerning its correlation to crashes, injuries, and fatalities. In an earlier report, *Advancing Drugged Driving Data at the State Level: Synthesis of Barriers and Expert Panel Recommendations* (2016), the AAA Foundation for Traffic Safety disseminated a series of expert panel recommendations aimed at improving data and records concerning drugged driving, the majority of which were directed at the U.S. states.

The current report assessed and documented state policies and practices in all 50 states and the District of Columbia to determine whether and to what degree they align with the state-level recommendations aimed at improving drugged driving data. The report should be a useful reference to traffic safety advocates and practitioners.

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## About the Sponsor

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## Executive Summary

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This study assessed and documented current state policies and practices in all 50 states and the District of Columbia (D.C.) as they relate to the state-level recommendations listed in the AAA Foundation for Traffic Safety publication titled [\*Advancing Drugged Driving Data at the State Level: Synthesis of Barriers and Expert Panel Recommendations\*](#) (2016).

Based upon legal research and responses to a survey, state laws, policies and practices were assessed to determine whether and to what degree they align with recommendations aimed at improving drugged driving data. State laws, policies, and practices vary across states and substantial progress is still needed.

While most law enforcement officers (LEOs) have been trained in the Standardized Field Sobriety Tests, very few have been trained in the “Drugs That Impair Driving” curriculum and the “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course, which is critical. The SFST training was developed for detecting alcohol impairment while the other two courses are for detecting impairment by drugs other than alcohol.

At the time of the review, 15 states reported they authorize the collection and testing of oral fluid for alcohol and/or other drugs and 10 states reported having pilot test programs. Most states authorize the testing of drivers fatally injured in crashes and surviving drivers only when there is probable cause. Most states also reported they have improved the implementation and utilization of the Drug Evaluation and Classification program. The majority of states do not expressly authorize electronic warrants, which reduce delays in collecting specimens from drivers arrested for DUI. Finally, 41 states reported that LEOs report observed behavioral impairment among surviving drivers in fatal crashes.

## Background

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The 2013-2014 National Roadside Survey (NRS) found that 22.5 percent of drivers on weekend nights tested positive for drugs other than alcohol. Among all drivers in the survey, 15.2 percent tested positive for illegal drugs (U.S. Department of Transportation, 2015). These 2013-2014 NRS results suggest a significant increase from the 2007 NRS, when 12.4 percent of drivers on weekend nights tested positive for illegal drugs. In addition, the 2007 NRS found that between 26 and 33 percent of drivers with illegal blood alcohol concentrations (BACs) (those greater than .08 g/dL) also tested positive for illegal drugs, suggesting that alcohol combined with other drugs is a significant problem (Voas, Lacey, Jones, Scherer and Compton, 2013). The use of drugs other than or in combination with alcohol by drivers has emerged as a serious traffic safety concern. There is an urgent need for better data on the drugged driving situation at both the state and national levels as this affects our understanding of the extent of the problem and how it is changing over time, ways of communicating the risks to the general public and measurements of the effectiveness of efforts to reduce it.

In order to address this need for better data, in 2015 the AAA Foundation for Traffic Safety (AAAFTS) conducted a synthesis of scientific literature on barriers that impede state efforts to collect and compile drugged driving data, and existing recommendations aimed at addressing the identified barriers. An expert panel of law enforcement officials,

toxicologists and other traffic safety professionals then used that information to formulate recommendations to improve drugged driving data at the state level (Arnold & Scopatz, 2016). Some of the recommendations in that report were at the national level such as authorizing federal funds for roadside surveys and developing national model specifications for oral fluid drug test devices. Twelve recommendations were at the state level to improve drugged driving data, and are addressed in this report. These were (in order of prioritization by the expert panel):

1. All law enforcement officers (LEOs) should be trained in Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum<sup>1</sup>.
2. States should authorize and encourage LEOs to collect and test specimens for drugs and alcohol for all DUI arrestees.
3. Law enforcement use of point-of-contact oral fluid test technology should be optimized.
4. States should update their data collection and reporting systems to distinguish among impaired-driving offenses (i.e., DUI-alcohol and DUI-other drugs) in all relevant data.
5. Implied consent laws should extend to drugs other than alcohol and support collection of blood and oral fluid for drug testing, law enforcement should be authorized to collect multiple specimens from suspected impaired drivers, and suspects should not be permitted to choose the test(s).
6. States should authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.
7. States should enact laws and/or the appropriate agencies should implement policies mandating alcohol and other drug testing and reporting of the results for all fatally injured drivers.
8. Improve implementation and utilization of Drug Evaluation and Classification (DEC) programs, including testing surviving drivers in fatal crash investigations.
9. Sanctions for refusing to provide a specimen for alcohol and/or drug testing, whether criminal or administrative, should be as severe as those for testing positive.
10. Electronic warrants should be used to reduce delays in collecting specimens when a warrant is necessary.
11. Enhance reporting of observed behavioral impairment among surviving drivers in fatal crashes.
12. States should amend their insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.

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<sup>1</sup> NHTSA’s “Drugs that Impair Driving” curriculum is no longer supported by the agency. The Advanced Roadside Impaired Driving Enforcement (ARIDE) program developed by NHTSA is intended to replace it.

## Objectives

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Study objectives were to: (a) use a variety of methods to gather and document current laws, policies and practices in each state and the District of Columbia pertaining to data on drugged driving; (b) relate those findings to the 12 recommendations cited above; (c) develop a final report that indicates the current status of data on drugged driving in each state and the District of Columbia; and (d) identify strategies that could improve the process of aligning state laws, policies, and practices with the expert panel recommendations.

As noted, the focus of this project is on improving data on drugged driving in the United States. As was the case for the preceding project that produced the expert panel recommendations, the focus is not improving our understanding of or addressing the drugged driving problem; however, improved data should assist in these efforts.

## Methods

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In this report, the term “drugged driving” refers to driving with any detectable amount of potentially impairing drug in one’s system, legal or illegal, including prescription or over-the-counter medications. This includes driving while impaired by any of these types of drugs. “Drug-impaired driving” refers specifically to driving while impaired by a drug or drugs other than or in addition to alcohol.

The following methods were employed to gather the necessary data. These were:

### Legal Research

All states and the District of Columbia generally prohibit operating a vehicle while intoxicated, which includes being under the influence of drugs. The types of specimens that may be tested for drugs under state law were documented. Prohibitions for commercial drivers and those younger than 21 were not tracked as these likely align with more general prohibitions as well as complicate the reporting of those restrictions that apply to the majority of drivers. From secondary sources, the following were documented:

- Implied consent laws that extend to drugs other than alcohol;
- The minimum length of time that driver’s licenses are suspended or revoked for both refusing a test and for a first DUI conviction<sup>2</sup>;
- State laws regarding denial of insurance payment on the basis of alcohol or drug use.

Any laws pertaining to the following were searched for and identified:

- Laws that authorize LEOs to collect and test specimens for drugs and alcohol for all DUI arrestees (which can also include whether the arrestee can choose the type of

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<sup>2</sup> This was changed from a “positive test result” in the original recommendation in order to make it relevant to all states, since only 16 states have zero tolerance per se laws that apply to one or more drugs (NCSL, 2017).



specimen and whether LEOs are authorized to collect a specimen or specimens for multiple tests).

- Laws authorizing LEOs to use oral fluid test technology devices on suspected drugged drivers;
- Laws that authorize and/or encourage alcohol and drug testing for all surviving drivers in fatal and serious injury crashes;
- Laws that mandate alcohol and other drug testing and reporting results on all fatally injured drivers;
- Laws that authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing.

The following were mostly reflected in policies and practice rather than in laws. The status of these five recommendations were established during interviews with key state officials:

- All LEOs should be trained in the SFST and the NHTSA “Drugs that Impair Driving” curriculum.
- State reporting systems should distinguish between DUI-alcohol and DUI-other drugs.
- Implementation and utilization of the Drug Evaluation and Classification (DEC) program should be improved.
- Reporting of observed behavioral impairment among surviving drivers in fatal crashes should be enhanced.
- Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a DUI conviction.

The legal research was conducted in two steps: (1) a review of existing legal research on drugged driving laws (alcohol-impaired driving laws were also reviewed because these statutes may include references to drugs) and (2) original research using the online legal research service Westlaw.

Below is a list of the secondary sources that were reviewed. These resources were chosen based on the reliability of the producer and/or comprehensiveness of their coding. Specific citations were checked for accuracy while more general discussions were used to affirm the reliability of the original research. In each state, a search was carried out using a tailored keyword string. All results were reviewed for applicability. Language describing all relevant prohibitions was recorded.

### *Secondary Sources*

Alcohol Policy Information System (APIS)

[https://alcoholpolicy.niaaa.nih.gov/Blood\\_Alcohol\\_Concentration\\_Limits\\_Adult\\_Operators\\_of\\_Noncommercial\\_Motor\\_Vehicles.html](https://alcoholpolicy.niaaa.nih.gov/Blood_Alcohol_Concentration_Limits_Adult_Operators_of_Noncommercial_Motor_Vehicles.html)

Governors Highway Safety Association (GHSA)

<http://www.ghsa.org/state-laws/issues/drug%20impaired%20driving>

National Conference of State Legislatures

[http://www.ncsl.org/documents/transportation/PerSeChart\\_Jan2017.pdf](http://www.ncsl.org/documents/transportation/PerSeChart_Jan2017.pdf)

National Highway Traffic Safety Administration (NHTSA)

Drug Per Se Laws

[https://www.nhtsa.gov/staticfiles/nti/impaired\\_driving/pdf/811317.pdf](https://www.nhtsa.gov/staticfiles/nti/impaired_driving/pdf/811317.pdf)

Stop Drugged Driving

<http://www.stopdruggeddriving.org/pdfs/2014StopDUIDReport.pdf>

The statutes found during the legal research were coded at the state level using a consistent coding scheme and following a legal research guide. Key data from the legal research are included in the detailed state summaries in Appendix A.

## **Interviews/Surveys**

Following the literature and legal research review, key officials from state highway safety offices, departments of transportation, courts, and law enforcement who would be knowledgeable about drugged driving laws and policies were identified. NHTSA Regional Offices were contacted via email to inform them of the study efforts and to obtain any information and direction they offered. After informing the Governors Highway Safety Association (GHSA) of the study, each State Highway Safety Office was contacted. This was accomplished in order to provide an overview of their state's policies and assistance in obtaining contact information for the most informed state officials on drugged driving. To obtain specific information on practices, officials from the State Highway Safety Offices, state Drug Recognition Expert (DRE) coordinators, and in some cases officials from the state police were contacted. In addition, each Traffic Safety Resource Prosecutor (TSRP) was contacted for further information.

Most state officials who were contacted indicated that they were very busy and preferred to respond to the interview by completing a survey online. Consequently, only 16 interviews were completed by telephone. Most participants were able to provide qualitative explanations and details about their state's policies. The qualitative and quantitative data collected in the interviews were coded and categorized.

Given the time needed to interview the potentially large number of key contacts and the preference of most state officials who were contacted, an online survey option was provided. Adding this online survey enabled the collection of more information from varied sources. Many of the surveys were completed by multiple state officials.

The survey was programmed using the NORC Liberty software and was limited to the items in the interview (for comparability and to reduce respondent burden). A progress bar was featured for each question to encourage respondents to fully complete the survey. Open-ended features were incorporated to allow respondents to indicate "other" responses when the preset categories did not apply. A link to the website was emailed to suggested contacts not available to complete the survey by telephone with a description of the study's objectives and project timeline. The survey was also made available by email upon request. As with the phone interviews, the survey was guided by the state-level recommendations from Arnold and Scopatz (2016). See Appendix B for the survey protocol.

Data from the survey were coded and analyzed and the results were integrated with the data from the phone interviews. Fifty-eight surveys were completed online.

Table 1 shows the completed telephone, email and online surveys. At least one official completed the survey and/or interview in each state and as many as eight officials responded in one state. Some states may have provided one response with multiple people providing input.

**Table 1. Completed Interviews/Surveys in Each State<sup>3</sup>**

State	Email complete	Web Complete	Telephone Complete	Total
ALABAMA		1	1	2
ALASKA		1		1
ARIZONA	1			1
ARKANSAS	1			1
CALIFORNIA		1	1	2
COLORADO		2		2
CONNECTICUT		1		1
DELAWARE		1		1
DISTRICT OF COLUMBIA		1		1
FLORIDA		1		1
GEORGIA		1		1
HAWAII			1	1
IDAHO		2		2
ILLINOIS		1		1
INDIANA		1	1	2
IOWA		1	1	2
KANSAS			2	2
KENTUCKY			1	1
LOUISIANA		2		2
MAINE			1	1
MARYLAND		1	2	3
MASSACHUSETTS		1		1
MICHIGAN		1		1
MINNESOTA		1	1	2
MISSISSIPPI		1		1
MISSOURI		1		1
MONTANA		1		1
NEBRASKA		2		2
NEVADA		2		2
NEW HAMPSHIRE		2		2
NEW JERSEY		1		1
NEW MEXICO		4	1	5
NEW YORK		1		1
NORTH CAROLINA		1		1
NORTH DAKOTA		1	1	2

<sup>3</sup> Incomplete surveys were not included in this table.

OHIO		1		1
OKLAHOMA		1	1	2
OREGON		1		1
PENNSYLVANIA		1		1
RHODE ISLAND		1		1
SOUTH CAROLINA		1		1
SOUTH DAKOTA		1		1
TENNESSEE		1		1
TEXAS		1		1
UTAH		1		1
VERMONT		1		1
VIRGINIA		2		2
WASHINGTON		3		3
WEST VIRGINIA		1		1
WISCONSIN	1	2		3
WYOMING		1	1	2
Total	3	58	16	77

Findings from the legal research, telephone interviews and online survey results were synthesized and documented. The data were then examined based on the recommendations to assess which states are aligned with the state-level recommendations documented by the AAFTS drugged driving expert panel and which are not. Key data points from the legal review and completed surveys (interview, email and web responses) were combined and summarized at the state level. Individual summaries were created for each state.

## Results

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### Part 1: Summary of Findings

[Appendix A](#) contains the individual state summaries based on the legal research and survey responses. In summary, the following was ascertained with regard to each recommendation:

- 1) How many officers have been trained in SFST and NHTSA’s “Drugs that Impair Driving” curriculum?
  - From the surveys, 21 states indicated that 100% of their LEOs have been trained in SFST. Another six states indicated that more than 90% of their LEOs have been trained in SFST. Eight states reported that 75% of their LEOs had SFST training while two states reported that 66% of their LEOs completed SFST training. In total, 37 states reported that at least two-thirds of their LEOs have completed SFST training.
  - Four states reported that less than 50% of LEOs have completed the SFST training: 40 percent in two states and 20 percent in two others. Respondents in the remaining 10 states could not give an estimate on this question.
  - Thirteen states indicated that more than 20% of their LEOs have been trained in the “Drugs That Impair Driving” curriculum.
  - Seventeen states said that 20% or more of their LEOs have been trained in the “Advanced Roadside Impaired Driving Enforcement” (ARIDE) curriculum.
  - Forty-seven states reported having between seven and 1,699 LEOs actively practicing as DREs. The number was not reported in the remaining states.
- 2) Does the state authorize officers to order the collection and testing of oral fluid/breath/blood/urine specimens for drugs for all DUID arrestees?
  - According to the results of the legal review, in 15 states oral fluid may be collected for drug testing, in 35 states breath may be tested for drugs<sup>4</sup>, in 49 states blood may be collected for drug testing and in 39 states urine may be collected for drug testing.
- 3) Do any of the state’s police officers use oral fluid screening test devices on suspected drugged drivers?
  - Most states responded “no” and 10 states reported use as part of a pilot program.
- 4) Do the state reporting systems distinguish between DUI-alcohol and DUI-other drugs?
  - Thirty-four states and D.C. indicated that DUI-alcohol and DUI-drugs arrests are reported separately. Only two states—Maryland and Washington—have state laws that distinguish between DUI-alcohol and DUI-drugs.

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<sup>4</sup> Although breath testing is generally connected to testing of alcohol, some laws did not restrict breath testing to alcohol.

- 5) Does the state's implied consent law extend to drugs other than alcohol?
  - According to the review of state law, 47 states have an implied consent law that extends to drugs other than alcohol; four states did not.
- 6) Does the state authorize alcohol and drug testing for all surviving drivers in fatal and serious injury crashes?
  - According to the legal review, 37 states permit or mandate alcohol and drug testing for all surviving drivers in fatal and/or serious injury crashes.
- 7) Does the state mandate alcohol and other drug testing and reporting on all fatally injured drivers?
  - Thirty-nine states responded "yes" to this question; 12 states responded "no."
- 8) Has the state done anything to improve the implementation and utilization of the DEC program?
  - Forty-six states responded "yes" to this question; three states responded "no" and in two states there was no response provided.
- 9) Are the state sanctions for refusing to provide a specimen for alcohol and/or other drug testing as severe as for a DUI conviction (including, but not limited, to a driver's license suspension)?
  - Eighteen states responded "yes" to this question; 28 states responded "no" and it was not reported by five states. Most of the states that responded "yes" were referring to administrative sanctions, such as license suspension, not criminal sanctions.
- 10) Does the state authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing?
  - The majority of states do not have laws regarding electronic warrants and a majority of states indicated these were not authorized (based on survey responses). Even for states that authorize their use, most states clarified that, in practice, use of electronic warrants is police department specific and depends on regional law enforcement practices and whether judges accept them.
- 11) Do the state's LEOs report observed behavioral impairment among surviving drivers in fatal crashes?
  - Forty-one states responded "yes" to this question, eight states responded "no" and no response was provided in two states.
- 12) Does the state have a law that prohibits denial of insurance payment on the basis of alcohol or drug use?
  - Ten states had laws prohibiting the denial of insurance payments; 25 states had a law explicitly permitting the denial of insurance payments; 16 states had no law regarding the denial of insurance payments.

## Part 2: Detailed State-By-State Results

The results for each state are shown in Appendix A. As shown in Table 1, 31 states (61%) submitted a response from just one official or a single response that was a collaborative effort involving several respondents (law enforcement, prosecution, etc.) while 20 states submitted responses from more than one official. When analyzing the multiple responses for the state summaries, short answers were combined to create a comprehensive picture of drugged driving laws in the state. In instances where respondents cited different numbers, the larger figure was selected. In cases where the answers did not align, as in a few cases where the question appeared to be misinterpreted, the more nuanced answer was selected. The items on these pages explicitly state whether data was sourced from the legal research or survey.

## Discussion and Limitations

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The overall results of this study indicate that most states have not implemented a majority of the 12 recommendations made to the states in Arnold and Scopatz (2016). Substantial progress has been made in some areas while it appears that little progress has been made on many issues. For example, a large percentage of LEOs in most states have been trained in SFST and that course has become standard in many state police academies. However, very few officers have been trained in “Drugs That Impair Driving” and the ARIDE curricula, which emphasize drugs other than alcohol. In most states, a very small number of LEOs are DREs. In 15 states, oral fluid specimens may be collected for drug testing and 10 states reported that they are pilot testing the use of oral fluid screening devices to detect certain drugs. Also, the majority of state’s implied consent laws (47) extend to drugs other than alcohol.

Testing for alcohol and other drugs on surviving drivers in fatal and serious injury crashes is typically only accomplished when there is probable cause to suspect the driver of impairment. So testing on surviving drivers is not done routinely. Most states either mandate or authorize alcohol and other drug testing and reporting on all fatally injured drivers. However, funding for the testing is an issue in some states and so the testing is not always accomplished. Forty-six states reported working to improve the implementation and utilization of the Drug Evaluation and Classification (DEC) program. Many states reported increases in funding, training, and/or the number of DREs.

Eighteen states reported that state sanctions for refusing to provide a specimen for alcohol and/or other drug testing are as severe as for a DUI conviction. Most sanctions include a license suspension up to a year and a fine. In the majority of states, electronic warrants are not expressly authorized for collecting specimens for alcohol and other drug testing in order to reduce the inherent delays in obtaining a hard copy warrant.

In most states (41), LEOs report observed behavioral impairment among surviving drivers in fatal crashes. A total of 10 states have insurance laws that prohibit denial of insurance payment on the basis of alcohol or other drug use while 41 states either expressly permit the denial of insurance payments or do not have a law concerning the issue.

The information in this report is subject to several limitations. The data, which were collected in 2017, may become outdated as policies, practices, and legislation evolve or change. The scope of the legal research was based on the 12 recommendations and not intended to be comprehensive or exhaustive; it did not necessarily include review of all relevant statutes, nor was the legal review intended to be construed as legal advice. Exceptions, special circumstances, and policies that apply only to subgroups (e.g., commercial drivers, drivers younger than 21 years of age, multiple offenders) were not catalogued, except when noted by survey respondents.

The coding for refusal to provide a specimen was limited specifically to license suspension because it is the most clear and common penalty for refusal and may be imposed regardless of a conviction for DUI, which may not be the case for other penalties such as fines or jail time. The coding is further limited to first-time offenses to make it possible to clearly compare the penalties for refusal and a DUI offense.

While extensive efforts were made to gather responses from a variety of respondents in each state, the data that were gathered through the survey are also subject to potential limitations, including bias (e.g., selection or response bias) and misinterpretation of the questions and/or responses. In some cases, responses were not provided, likely due to unavailability of or lack of access to the data. As noted in the Methods, in some cases, multiple responses from within a state did not align; the larger figure was used for numerical responses, and the more nuanced answer was used for open-ended responses.

From a broader perspective, it is important to note that the current scope was limited to state-level recommendations; the expert panel from the Arnold and Scopatz report (2016) also noted several national-level recommendations that could further help ameliorate the consistency, comparability, and availability of state-level drugged driving data. Lastly, it is important to consider that even the most uniform and comprehensive drugged driving data has an inherent and critical limitation: Due to the complexity of the metabolism of drugs—particularly in comparison to that of alcohol, the variability of effects and tolerance among individuals, the lack of established thresholds for impairment, and the often combined use of multiple drugs other than or in addition to alcohol, drug presence is not necessarily indicative of effect or impairment.



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## **Appendix A: Detailed State-By-State Results**

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## Alabama

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

<b>Approximate number or percentage of LEOs (based on survey responses)</b>	
Total in state	15,300
Trained on SFST	15,300
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	200
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	707
Certified as Drug Recognition Experts (DREs)	61
Actively practicing as DREs	51

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

<b>Specimen types that may be collected for drug testing (per state law)</b>	
Breath	Yes
Blood	Yes
Urine	Yes
Oral Fluid	No <sup>5</sup>

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no law regarding whether drivers may elect the type of specimen.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **Two officers are currently field testing the Alere and Drager. The testing is not yet used for evidentiary purposes.**

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<sup>5</sup> Oral fluid is in the testing stage according to survey responses.

## Alabama

### Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.

Reporting DUI-alcohol and DUI-drugs	
State law distinguishes DUI-alcohol from DUI-drugs	No
DUI-alcohol and DUI-drugs arrests are reported separately	No
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately	No
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs	The electronic citation system specifies whether someone is charged for alcohol or for other substances.

based on survey response(s)

### Recommendation 5: Implied consent laws should extend to drugs other than alcohol.

State implied consent law	
Extends to drugs other than alcohol per state law	No
Covers the following drugs based on survey response(s)	Not applicable
Law or policy provided from survey response(s)	32-5-200

### Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	State law allows for testing for the presence of amphetamines, cannabis, or opiates.
State law regarding testing a driver involved in a crash resulting in serious injury	There is no law regarding the reporting of test results.
State law regarding reporting post-collision test results for purposes other than prosecution	32-5-200
Law or policy provided from survey response(s)	32-5-200

### Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	Testing required
State law mandates reporting test results for fatally injured drivers	Yes
Law or policy provided	32-5-200

## Alabama

**Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **The state has issued grant money and funding for the program. "The program was revived in 2014, with officers who are passionate about traffic safety."**

**Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

Sanctions for alcohol and/or drug test refusal versus DUI	
Per state law, minimum length of time that driver's license will be suspended or revoked for refusing a test (first offense)	None <sup>6</sup>
Per state law, minimum length of time that driver's license will be suspended or revoked for a first DUI conviction	3 months
Sanctions (including, but not limited to, driver's license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	No, though there is a driver's license suspension of 90 days-1 year if there is a second refusal within a 5 year period.

**Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no state law regarding the authorization of electronic warrants.**

Types of cases for which electronic warrants are/are not authorized based on survey response(s): **Not applicable**

**Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **Yes**

Data are reported in the following system based on survey response(s): **E-crash system, and fatalities are reported through ALEA (Alabama Law Enforcement Agency)**

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver's alcohol/drug use: **No, state law permits the denial of insurance payments on the basis of driver's alcohol/drug use.**

Law or policy provided from survey response(s): **Not reported**

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<sup>6</sup> Law applies only to "under the influence of intoxicating liquor."

## Alaska

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

<b>Approximate number or percentage of LEOs (based on survey responses)</b>	
Total in state	1,000
Trained on SFST	1,000
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	1,000
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	Unknown
Certified as Drug Recognition Experts (DREs)	39
Actively practicing as DREs	39

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

<b>Specimen types that may be collected for drug testing (per state law)</b>	
Breath	No
Blood	Yes
Urine	Yes
Oral Fluid	No

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no law regarding whether drivers may elect the type of specimen collected.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **LEOs do not use oral fluid screening tests on suspected drugged drivers.**

## Alaska

### Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.

Reporting DUI-alcohol and DUI-drugs	
State law distinguishes DUI-alcohol from DUI-drugs	No
DUI-alcohol and DUI-drugs arrests are reported separately	Yes
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately	Yes
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs	Yes

based on survey response(s)  
The system distinguishes between DUI-alcohol and DUI-drugs if the crash/arrest involves drugs only. If the driver has a BAC of .08 or greater they are not tested further for drugs.

### Recommendation 5: Implied consent laws should extend to drugs other than alcohol.

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	AS28.35.031

### Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	State law allows for testing.
State law regarding testing a driver involved in a crash resulting in serious injury	State law allows for testing.
State law regarding reporting post-collision test results for purposes other than prosecution	There is no law concerning the reporting of test results.
Law or policy provided from survey response(s)	AS28.35.035

### Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	Testing required
State law mandates reporting test results for fatally injured drivers	Yes
Law or policy provided	AS28.35.035

## Alaska

**Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **The Department of Public Safety runs the statewide DRE program.**

**Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

Sanctions for alcohol and/or drug test refusal versus DUI	
Per state law, minimum length of time that driver’s license will be suspended or revoked for refusing a test (first offense)	6 months
Per state law, minimum length of time that driver’s license will be suspended or revoked for a first DUI conviction	6 months
Sanctions (including, but not limited to, driver’s license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	Yes for the minimum, but sanctions also depend on prior DUI convictions.

**Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **Yes**

Types of cases for which electronic warrants are/are not authorized based on survey response(s): **Alaska Court rules allow for electronic search warrants, which are approved on a case-by-case basis by the judge.**

**Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **Yes**

Data are reported in the following system based on survey response(s): **“Motor vehicle crash report sent to the Alaska Highway Safety Office for entrance into FARS.”**

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver’s alcohol/drug use: **There is no law regarding the denial of insurance payments on the basis of driver’s alcohol/drug use.**

Law or policy provided from survey response(s): **Not applicable**



## Arizona

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

<b>Approximate number or percentage of LEOs (based on survey responses)</b>	
Total in state	14,500
Trained on SFST	14,500
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	1,615
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	699
Certified as Drug Recognition Experts (DREs)	470
Actively practicing as DREs	276

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

<b>Specimen types that may be collected for drug testing (per state law)</b>	
Breath	Yes
Blood	Yes
Urine	Yes
Oral Fluid	Yes

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no law regarding whether the driver may elect the type of specimen collected.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **Approximately eight to 10 LEO agencies use oral fluid screening devices, which are used at the completion of a DRE evaluation.**

## Arizona

**Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.**

Reporting DUI-alcohol and DUI-drugs	
State law distinguishes DUI-alcohol from DUI-drugs	No
DUI-alcohol and DUI-drugs arrests are reported separately	Not answered
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately	Yes
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs	State proprietary Governor's Office of Highway Safety reporting system

based on survey response(s)

**Recommendation 5: Implied consent laws should extend to drugs other than alcohol.**

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	ARS 28-1321

**Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.**

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	State law does not address testing.
State law regarding testing a driver involved in a crash resulting in serious injury	
State law regarding reporting post-collision test results for purposes other than prosecution	There is no state law regarding reporting test results.
Law or policy provided from survey response(s)	Not applicable

**Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.**

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	Testing not required
State law mandates reporting test results for fatally injured drivers	No
Law or policy provided	Not applicable

## Arizona

### **Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **“We have a very strong DEC/DRE program. Our law enforcement phlebotomy and e-warrant programs has greatly improved the implementation of the DEC/DRE program in our state. We have participated in several national DRE studies and lead the way in DRE.”**

### **Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

<b>Sanctions for alcohol and/or drug test refusal versus DUI</b>	
Per state law, minimum length of time that driver’s license will be suspended or revoked for refusing a test (first offense)	12 months
Per state law, minimum length of time that driver’s license will be suspended or revoked for a first DUI conviction	0 days
Sanctions (including, but not limited to, driver’s license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	No

### **Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no state law authorizing electronic warrants.**

Types of cases for which electronic warrants are/are not authorized based on survey response(s): **“We have email warrants in a large portion of our state and are quickly expanding that system. We have telephonic and fax warrants in the remainder of the state. Both systems reduce delays.”**

### **Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **No**

Data are reported in the following system based on survey response(s): **Not applicable**

### **Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver’s alcohol/drug use: **No, state law permits the denial of insurance payments.**

Law or policy provided from survey response(s): **Not applicable**

## Arkansas

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

Approximate number or percentage of LEOs (based on survey responses)	
Total in state	Not reported
Trained on SFST	Not reported
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	Not used
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	Not reported
Certified as Drug Recognition Experts (DREs)	179
Actively practicing as DREs	Not reported

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

Specimen types that may be collected for drug testing (per state law)	
Breath	No
Blood	Yes
Urine	Yes
Oral Fluid	Yes

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no state law regarding whether the driver may elect the type of specimen collected.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Not reported**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **Oral fluid screening test devices are not used.**

## Arkansas

**Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.**

<b>Reporting DUI-alcohol and DUI-drugs</b>		
State law distinguishes DUI-alcohol from DUI-drugs		No
DUI-alcohol and DUI-drugs arrests are reported separately	based on survey response(s)	Yes
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately		Yes
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs		BAC/Tox results, citations

**Recommendation 5: Implied consent laws should extend to drugs other than alcohol.**

<b>State implied consent law</b>	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	Not reported
Law or policy provided from survey response(s)	Not reported

**Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.**

<b>Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes</b>	
State law regarding testing a driver involved in a crash resulting in death	State law mandates testing a driver involved in a crash resulting in death or serious injury.
State law regarding testing a driver involved in a crash resulting in serious injury	
State law regarding reporting post-collision test results for purposes other than prosecution	State law mandates the reporting of test results.
Law or policy provided from survey response(s)	Not reported

**Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.**

<b>Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)</b>	
State law regarding testing a driver fatally injured in a crash	State law mandates testing a driver fatally injured in a crash.
State law mandates reporting test results for fatally injured drivers	Yes
Law or policy provided	Not reported

## Arkansas

**Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Not reported**

State improvement based on survey response(s): **Not reported**

**Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

<b>Sanctions for alcohol and/or drug test refusal versus DUI</b>	
Per state law, minimum length of time that driver’s license will be suspended or revoked for refusing a test (first offense)	6 months
Per state law, minimum length of time that driver’s license will be suspended or revoked for a first DUI conviction	6 months
Sanctions (including, but not limited to, driver’s license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	Not reported

**Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no state law regarding electronic warrants.**

State authorizes electronic warrants based on survey response(s): **Not reported**

Types of cases for which electronic warrants are authorized based on survey response(s): **Not reported**

**Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **LEOs report observed behavioral impairment.**

Data are reported in the following system based on survey response(s): **Data are reported in the state crash database.**

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver’s alcohol/drug use: **No, state law permits the denial of insurance payments on the basis of driver’s alcohol/drug use.**

Law or policy provided from survey response(s): **Not reported**

## California

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

<b>Approximate number or percentage of LEOs (based on survey responses)</b>	
Total in state	90,000
Trained on SFST	15,000
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	2,000
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	17,000
Certified as Drug Recognition Experts (DREs)	1,699
Actively practicing as DREs	1,699

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

<b>Specimen types that may be collected for drug testing (per state law)</b>	
Breath	No
Blood	Yes
Urine	Yes
Oral Fluid	No

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no law regarding whether drivers may choose the type of specimen.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **Los Angeles and San Diego currently have oral fluid pilot programs to test suspected drugged drivers (when a driver is found to show signs of impairment but also has a low BAC). Several bills concerning oral fluid screening test devices have been introduced in the past couple of years. However “CA is worried about contamination from THC edibles, would lead to false-positive readings and false arrests.” They favor “reporting behavioral information about impairment to prevent false arrests.”**

## California

### Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.

Reporting DUI-alcohol and DUI-drugs		
State law distinguishes DUI-alcohol from DUI-drugs		No
DUI-alcohol and DUI-drugs arrests are reported separately	based on survey response(s)	Yes
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately		Yes
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs		Not answered

### Recommendation 5: Implied consent laws should extend to drugs other than alcohol.

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	23152G

### Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	State law does not address testing.
State law regarding testing a driver involved in a crash resulting in serious injury	
State law regarding reporting post-collision test results for purposes other than prosecution	There is no state law regarding reporting test results.
Law or policy provided from survey response(s)	Not applicable

### Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	Testing not required by law <sup>7</sup>
State law mandates reporting test results for fatally injured drivers	No
Law or policy provided	Not applicable

<sup>7</sup> While not required by law, "90% of fatally injured drivers are tested for BAC (except if they can't get blood from the dead person). Only 2 labs (out of 18) test for other drugs. There is a movement to get all labs to test for other drugs."



## California

### **Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **California is “training 400 new DREs each year. All personnel are trained in ARIDE (4000 a year). By the end of 2017, all highway patrol will be trained in ARIDE (8,000 Highway Patrol).”**

### **Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

<b>Sanctions for alcohol and/or drug test refusal versus DUI</b>	
Per state law, minimum length of time that driver’s license will be suspended or revoked for refusing a test (first offense)	12 months
Per state law, minimum length of time that driver’s license will be suspended or revoked for a first DUI conviction	6 months
Sanctions (including, but not limited to, driver’s license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	No <sup>8</sup>

### **Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **Yes, but only in Los Angeles and San Diego.**

Types of cases for which electronic warrants are/are not authorized based on survey response(s): **“We have e-mail warrants in a large portion of our state and are quickly expanding that system. We have telephonic and fax warrants in the remainder of the state. Both systems reduce delays.”**

### **Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **Yes, but only if there is probable cause for arrest for DUI.**

Data are reported in the following system based on survey response(s): **Not answered**

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<sup>8</sup> “If they are asked to give a test by the officer and they refuse, the officer can get a blood warrant that cannot be refused (need probable cause for a blood warrant). If they refuse a BAC [breath] test, it’s an automatic revocation of their license.”

## California

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver's alcohol/drug use: **Yes, state law prohibits the denial of health insurance payments.**

Law or policy provided from survey response(s): **Not applicable**

## Colorado

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

<b>Approximate number or percentage of LEOs (based on survey responses)</b>	
Total in state	15,000
Trained on SFST	10,000
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	Not reported
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	4,000
Certified as Drug Recognition Experts (DREs)	135
Actively practicing as DREs	124

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

<b>Specimen types that may be collected for drug testing (per state law)</b>	
Breath	No
Blood	Yes
Urine	Yes
Oral Fluid	Yes

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **State law permits drivers to elect the type of specimen (drivers can elect a blood or breath test).**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **Oral fluid screening test devices are not used widely. The Colorado State Patrol uses the oral fluid screening test devices as part of a pilot, though participation has not been high.**

# Colorado

**Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.**

Reporting DUI-alcohol and DUI-drugs		
State law distinguishes DUI-alcohol from DUI-drugs	based on survey response(s)	No
DUI-alcohol and DUI-drugs arrests are reported separately		Yes
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately		Yes
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs		Not reported

**Recommendation 5: Implied consent laws should extend to drugs other than alcohol.**

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	42-4-1301.1

**Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.**

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	State law mandates testing a driver involved in a crash resulting in death.
State law regarding testing a driver involved in a crash resulting in serious injury	There is no state law regarding testing a driver involved in a crash resulting in serious injury.
State law regarding reporting post-collision test results for purposes other than prosecution	State law mandates the reporting of test results.
Law or policy provided from survey response(s)	42-4-1301

**Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.**

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	State law mandates testing a driver fatally injured in a crash.
State law mandates reporting test results for fatally injured drivers	Yes
Law or policy provided	42-4-1301

## Colorado

### **Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **“With legalized marijuana Colorado has increased the number of DREs by 62%, elevated the State DRE Coordinator position within the HSO, and updated qualifications for acceptance into the DRE program.”**

### **Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

<b>Sanctions for alcohol and/or drug test refusal versus DUI</b>	
Per state law, minimum length of time that driver’s license will be suspended or revoked for refusing a test (first offense)	12 months
Per state law, minimum length of time that driver’s license will be suspended or revoked for a first DUI conviction	9 months
Sanctions (including, but not limited to, driver’s license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	No

### **Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no state law regarding electronic warrants.**

State authorizes electronic warrants based on survey response(s): **Yes**

Types of cases for which electronic warrants are authorized based on survey response(s): **Electronic warrants are not in the state statutes but are used by some judicial districts.**

### **Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **LEOs report observed behavioral impairment.**

Data are reported in the following system based on survey response(s): **Data are reported in the crash reports, FARS, and case filings.**

### **Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver’s alcohol/drug use: **There is no state law regarding the denial of insurance payments on the basis of driver’s alcohol/drug use.**

Law or policy provided from survey response(s): **Not applicable**

## Connecticut

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

<u>Approximate number or percentage of LEOs (based on survey responses)</u>	
Total in state	8,625
Trained on SFST	8,625
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	432
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	432
Certified as Drug Recognition Experts (DREs)	40
Actively practicing as DREs	40

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

<u>Specimen types that may be collected for drug testing (per state law)</u>	
Breath	Yes
Blood	Yes
Urine	Yes <sup>9</sup>
Oral Fluid	No

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no state law concerning whether a driver may elect the specimen.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **If it appears that the driver may be under the influence of drugs, urine would be collected in addition to breath and/or blood.**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **LEOs do not conduct oral fluid testing on suspected drugged drivers.**

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<sup>9</sup> According to survey respondent(s), urine would be collected if it appears that the driver may be under the influence of drugs other than alcohol.

## Connecticut

### Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.

Reporting DUI-alcohol and DUI-drugs	
State law distinguishes DUI-alcohol from DUI-drugs	No
DUI-alcohol and DUI-drugs arrests are reported separately	No
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately	No
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs	Not answered

based on survey response(s)

### Recommendation 5: Implied consent laws should extend to drugs other than alcohol.

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	Not answered
Law or policy provided from survey response(s)	Not answered

### Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	Testing required if there is probable cause that operator is under the influence
State law regarding testing a driver involved in a crash resulting in serious injury	There is no state law regarding reporting test results.
State law regarding reporting post-collision test results for purposes other than prosecution	Connecticut General Statutes 14-227c (b) (1) and (2)
Law or policy provided from survey response(s)	

### Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	Testing required
State law mandates reporting test results for fatally injured drivers	Yes
Law or policy provided	Connecticut General Statutes 14-227c

## Connecticut

**Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **“The HSO conducts a yearly DRE training for 9 DRE applicants and when Law Enforcement manpower permits, conducts ongoing ARIDE trainings at the police academy and at regional agencies. The HSO also reimburses agencies to send their DREs to the annual IACP DECP conference for update training.”**

**Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

<b>Sanctions for alcohol and/or drug test refusal versus DUI</b>	
Per state law, minimum length of time that driver’s license will be suspended or revoked for refusing a test (first offense)	1.5 months
Per state law, minimum length of time that driver’s license will be suspended or revoked for a first DUI conviction	1.5 months
Sanctions (including, but not limited to, driver’s license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	No—see the statutory scheme under Connecticut General Statutes 14-227a.

**Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no state law regarding electronic warrants.**

Types of cases for which electronic warrants are/are not authorized based on survey response(s): **Not answered**

**Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **Yes**

Data are reported in the following system based on survey response(s): **Data are reported in the narrative of crash report.**

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver’s alcohol/drug use: **Yes, state law prohibits the denial of insurance payments.**

Law or policy provided from survey response(s): **Connecticut General Statutes 14-227B**



## Delaware

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

<b>Approximate number or percentage of LEOs (based on survey responses)</b>	
Total in state	2,300
Trained on SFST	2,300
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	unknown
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	unknown
Certified as Drug Recognition Experts (DREs)	23
Actively practicing as DREs	20

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

<b>Specimen types that may be collected for drug testing (per state law)</b>	
Breath	Yes
Blood	Yes
Urine	Yes
Oral Fluid	No

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no state law regarding whether the driver may elect the type of specimen collected.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **LEOs do not use oral fluid screening tests.**

## Delaware

**Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.**

Reporting DUI-alcohol and DUI-drugs		
State law distinguishes DUI-alcohol from DUI-drugs	based on survey response(s)	No
DUI-alcohol and DUI-drugs arrests are reported separately		Yes
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately		Yes
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs		Not answered

**Recommendation 5: Implied consent laws should extend to drugs other than alcohol.**

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	Not answered

**Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.**

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	State law allows for testing a driver involved in a crash resulting in death.
State law regarding testing a driver involved in a crash resulting in serious injury	There is no state law regarding testing a driver involved in a crash resulting in serious injury.
State law regarding reporting post-collision test results for purposes other than prosecution	There is no law regarding reporting results.
Law or policy provided from survey response(s)	Not reported

**Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.**

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	Testing not required
State law mandates reporting test results for fatally injured drivers	No
Law or policy provided	No law

## Delaware

**Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **“We continue to hold classes in state to increase our number of DREs. The Office of Highway Safety provides overtime funds for DRE enforcement and funds DRE training.”**

**Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

<b>Sanctions for alcohol and/or drug test refusal versus DUI</b>	
Per state law, minimum length of time that driver’s license will be suspended or revoked for refusing a test (first offense)	1 year
Per state law, minimum length of time that driver’s license will be suspended or revoked for a first DUI conviction	12 months
Sanctions (including, but not limited to, driver’s license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	No

**Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no law specifically authorizing electronic warrants.**

Types of cases for which electronic warrants are/are not authorized based on survey response(s): **Survey respondents noted that in practice electronic warrants were used in all cases.**

**Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **Yes**

Data are reported in the following system based on survey response(s): **Crash reports involving fatalities**

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver’s alcohol/drug use: **No, state law permits the denial of insurance payments.**

Law or policy provided from survey response(s): **Not applicable**

## District of Columbia

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

<u>Approximate number or percentage of LEOs (based on survey responses)</u>	
Total in state	3,200 <sup>10</sup>
Trained on SFST	1,280
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	0
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	480
Certified as Drug Recognition Experts (DREs)	7
Actively practicing as DREs	7

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

<u>Specimen types that may be collected for drug testing (per state law)</u>	
Breath	Yes
Blood	Yes
Urine	Yes
Oral Fluid	No

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no law regarding whether drivers may choose the type of specimen.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **LEOs do not use oral fluid screening tests.**

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<sup>10</sup> Includes U.S. Park Police, Metropolitan Police Department, U.S. Capitol Police, and U.S. Secret Service Uniformed Division.

## District of Columbia

### Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.

Reporting DUI-alcohol and DUI-drugs		
State law distinguishes DUI-alcohol from DUI-drugs		No
DUI-alcohol and DUI-drugs arrests are reported separately	based on survey response(s)	Yes
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately		Yes
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs		Not answered

### Recommendation 5: Implied consent laws should extend to drugs other than alcohol.

State implied consent law	
Extends to drugs other than alcohol per state law	No
Covers the following drugs based on survey response(s)	Not applicable
Law or policy provided from survey response(s)	Not answered

### Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	State law addressing testing (DC Code § 50-1902) was repealed
State law regarding testing a driver involved in a crash resulting in serious injury	
State law regarding reporting post-collision test results for purposes other than prosecution	There is no state law regarding the reporting of test results.
Law or policy provided from survey response(s)	Not applicable

### Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	Yes
State law mandates reporting test results for fatally injured drivers	Yes
Law or policy provided	36 CFR 4.23

## District of Columbia

### **Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **“We have DREs on call for fatal crashes.”**

### **Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

<b>Sanctions for alcohol and/or drug test refusal versus DUI</b>	
Per state law, minimum length of time that driver’s license will be suspended or revoked for refusing a test (first offense)	12 months
Per state law, minimum length of time that driver’s license will be suspended or revoked for a first DUI conviction	3 months
Sanctions (including, but not limited to, driver’s license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	Yes-- Additional jail time and fines

### **Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no state law authorizing electronic warrants.**

Types of cases for which electronic warrants are/are not authorized based on survey response(s): **There is a “telephonic” warrant system in place for U.S. Park Police only.**

### **Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **Yes**

Data are reported in the following system based on survey response(s): **Not answered**

### **Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver’s alcohol/drug use: **There is no law regarding the denial of insurance payments on the basis of driver’s alcohol/drug use.**

Law or policy provided from survey response(s): **Not applicable**

## Florida

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

<b>Approximate number or percentage of LEOs (based on survey responses)</b>	
Total in state	48,000
Trained on SFST	unknown <sup>11</sup>
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	unknown
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	unknown
Certified as Drug Recognition Experts (DREs)	302
Actively practicing as DREs	302

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

<b>Specimen types that may be collected for drug testing (per state law)</b>	
Breath	No <sup>12</sup>
Blood	No
Urine	Yes
Oral Fluid	No

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no state law regarding drivers electing the type of specimen collected.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Not answered**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **LEOs do not use oral fluid screening tests.**

<sup>11</sup> State does not keep database and there are multiple training agencies.

<sup>12</sup> Blood and breath are reserved for alcohol testing only.

## Florida

### Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.

Reporting DUI-alcohol and DUI-drugs		
State law distinguishes DUI-alcohol from DUI-drugs		No
DUI-alcohol and DUI-drugs arrests are reported separately	based on survey response(s)	Yes
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately		Yes
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs		Crash report system

### Recommendation 5: Implied consent laws should extend to drugs other than alcohol.

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	Not reported
Law or policy provided from survey response(s)	Not reported

### Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	A driver may be tested when involved in a collision that results in death or injury.
State law regarding testing a driver involved in a crash resulting in serious injury	
State law regarding reporting post-collision test results for purposes other than prosecution	There is no law concerning the reporting of test results.
Law or policy provided from survey response(s)	Not reported

### Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	Testing required by policy
State law mandates reporting test results for fatally injured drivers	"Reported to Dept. of Motor Vehicles as part of the fatality investigation"
Law or policy provided	No law; policy not reported



## Florida

### **Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **“We receive federal grants to train new DREs. We currently had over 300 last year. Funding for 100 more is approved for 2018.”**

### **Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

<b>Sanctions for alcohol and/or drug test refusal versus DUI</b>	
Per state law, minimum length of time that driver’s license will be suspended or revoked for refusing a test (first offense)	1 year
Per state law, minimum length of time that driver’s license will be suspended or revoked for a first DUI conviction	180 days
Sanctions (including, but not limited to, driver’s license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	No

### **Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **No; currently e-warrants in Florida pertain to property searches.**

Types of cases for which electronic warrants are/are not authorized based on survey response(s): **“Some jurisdictions allow for this with more coming on board.”**

### **Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **No**

Data are reported in the following system based on survey response(s): **Not applicable**

### **Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver’s alcohol/drug use: **No, state law permits the denial of insurance payments.**

Law or policy provided from survey response(s): **Not reported**

## Georgia

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

<u>Approximate number or percentage of LEOs (based on survey responses)</u>	
Total in state	55,000
Trained on SFST	49,500
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	27,500
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	27,500
Certified as Drug Recognition Experts (DREs)	1,100
Actively practicing as DREs	283

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

<u>Specimen types that may be collected for drug testing (per state law)</u>	
Breath	Yes
Blood	Yes
Urine	Yes
Oral Fluid	Yes <sup>13</sup>

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no state law regarding whether the driver may choose the type of specimen collected.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **LEOs do not use oral fluid screening tests.**

<sup>13</sup> Included in the statute as “bodily fluid.”

## Georgia

### Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.

Reporting DUI-alcohol and DUI-drugs		
State law distinguishes DUI-alcohol from DUI-drugs		No
DUI-alcohol and DUI-drugs arrests are reported separately	based on survey response(s)	Yes
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately		Yes
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs		Not reported

### Recommendation 5: Implied consent laws should extend to drugs other than alcohol.

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	Not reported

### Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	A driver must be tested for DUID when involved in a collision that results in death or injury.
State law regarding testing a driver involved in a crash resulting in serious injury	
State law regarding reporting post-collision test results for purposes other than prosecution	There is no state law regarding reporting test results.
Law or policy provided from survey response(s)	Not reported

### Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	Testing required
State law mandates reporting test results for fatally injured drivers	Yes
Law or policy provided	Not reported

## Georgia

### **Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **“The state has increased to four DRE schools per year. One school is dedicated to just state officers.”**

### **Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

<b>Sanctions for alcohol and/or drug test refusal versus DUI</b>	
Per state law, minimum length of time that driver’s license will be suspended or revoked for refusing a test (first offense)	12 months
Per state law, minimum length of time that driver’s license will be suspended or revoked for a first DUI conviction	6 months
Sanctions (including, but not limited to, driver’s license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	Not reported

### **Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no state law regarding electronic warrants.**

Types of cases for which electronic warrants are/are not authorized based on survey response(s): **Not reported**

### **Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **No**

Data are reported in the following system based on survey response(s): **Not applicable**

### **Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver’s alcohol/drug use: **No, state law permits the denial of insurance payments.**

Law or policy provided from survey response(s): **Not reported**

## Hawaii

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

<b>Approximate number or percentage of LEOs (based on survey responses)</b>	
Total in state	4,000
Trained on SFST	4,000
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	4,000
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	300
Certified as Drug Recognition Experts (DREs)	unknown
Actively practicing as DREs	~90

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

<b>Specimen types that may be collected for drug testing (per state law)</b>	
Breath	Yes
Blood	Yes
Urine	Yes
Oral Fluid	No

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **Yes**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Not reported**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **LEOs do not use oral fluid screening tests. While there are currently no laws concerning oral fluid test devices, agencies are interested in a pilot.**

## Hawaii

### Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.

Reporting DUI-alcohol and DUI-drugs	
State law distinguishes DUI-alcohol from DUI-drugs	No
DUI-alcohol and DUI-drugs arrests are reported separately	No
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately	No
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs	Reported within departments for record keeping

based on survey response(s)

### Recommendation 5: Implied consent laws should extend to drugs other than alcohol.

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	291E-61

### Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	A driver may be tested when involved in a collision that results in death or injury.
State law regarding testing a driver involved in a crash resulting in serious injury	There is no state law regarding reporting test results.
State law regarding reporting post-collision test results for purposes other than prosecution	Not reported
Law or policy provided from survey response(s)	Not reported

### Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	Testing required <sup>14</sup>
State law mandates reporting test results for fatally injured drivers	No
Law or policy provided	Not reported

<sup>14</sup> There is a mandatory blood draw, but some county prosecutors need a search warrant.

## Hawaii

### **Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **The state continues to grow the number of DREs and is looking to raise the standard on DRE school expectations.**

### **Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

<b>Sanctions for alcohol and/or drug test refusal versus DUI</b>	
Per state law, minimum length of time that driver's license will be suspended or revoked for refusing a test (first offense)	1 year <sup>15</sup>
Per state law, minimum length of time that driver's license will be suspended or revoked for a first DUI conviction	1 year
Sanctions (including, but not limited to, driver's license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	No, refusal was recently decriminalized.

### **Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no state law regarding electronic warrants.**

Types of cases for which electronic warrants are/are not authorized based on survey response(s): **There are no electronic warrants, though in some cases telephone warrants are issued.**

### **Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **Yes**

Data are reported in the following system based on survey response(s): **NHTSA**

### **Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver's alcohol/drug use: **No, state law permits the denial of insurance payments.**

Law or policy provided from survey response(s): **Not reported**

<sup>15</sup> Only applies to alcohol. No state law regarding refusal for test for drugs other than alcohol.

## Idaho

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

<b>Approximate number or percentage of LEOs (based on survey responses)</b>	
Total in state	2,743
Trained on SFST	2,743
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	275
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	1,090
Certified as Drug Recognition Experts (DREs)	105
Actively practicing as DREs	105

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

<b>Specimen types that may be collected for drug testing (per state law)</b>	
Breath	Yes
Blood	Yes
Urine	Yes
Oral Fluid	No

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no law regarding whether the driver may choose the type of specimen.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **The state is “monitoring the current research and development of oral fluid testing.”**

**Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.**

<b>Reporting DUI-alcohol and DUI-drugs</b>		
State law distinguishes DUI-alcohol from DUI-drugs		No
DUI-alcohol and DUI-drugs arrests are reported separately	based on survey response(s)	No
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately		No
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs		Not reported



## Idaho

**Recommendation 5: Implied consent laws should extend to drugs other than alcohol.**

<b>State implied consent law</b>	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	18-8002, 18-8002A, 18-8004

**Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.**

<b>Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes</b>	
State law regarding testing a driver involved in a crash resulting in death	State law requires testing a driver involved in a crash resulting in death.
State law regarding testing a driver involved in a crash resulting in serious injury	There is no law requiring testing a driver in a crash resulting in serious injury.
State law regarding reporting post-collision test results for purposes other than prosecution	State law requires the reporting of test results.
Law or policy provided from survey response(s)	18-8000

**Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.**

<b>Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)</b>	
State law regarding testing a driver fatally injured in a crash	State law mandates testing a driver fatally injured in a crash
State law mandates reporting test results for fatally injured drivers	Yes
Law or policy provided	49-1314

**Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **“Idaho has an active DEC program with a Statewide Coordinator who works diligently in implementing and improving the program.”**

## Idaho

**Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

<b>Sanctions for alcohol and/or drug test refusal versus DUI</b>	
Per state law, minimum length of time that driver's license will be suspended or revoked for refusing a test (first offense)	1 year
Per state law, minimum length of time that driver's license will be suspended or revoked for a first DUI conviction	90 days
Sanctions (including, but not limited to, driver's license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	Yes

**Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no law regarding electronic warrants.**

Types of cases for which electronic warrants are authorized based on survey response(s): **"A statewide electronic warrant system is not in place, but nothing statutorily prevents such a system from being considered." Use of electronic warrants is department specific.**

**Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **LEOs report observed behavioral impairment.**

Data are reported in the following system based on survey response(s): **Not reported**

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver's alcohol/drug use: **No, state law permits the denial of insurance payments on the basis of driver's alcohol/drug use.**

Law or policy provided from survey response(s): **49-1232**

## Illinois

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

Approximate number or percentage of LEOs (based on survey responses)	
Total in state	38,000
Trained on SFST	34,200
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	Not reported <sup>16</sup>
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	Not reported <sup>17</sup>
Certified as Drug Recognition Experts (DREs)	130
Actively practicing as DREs	108

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

Specimen types that may be collected for drug testing (per state law)	
Breath	Yes
Blood	Yes
Urine	Yes
Oral Fluid	Yes <sup>18</sup>

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no law regarding whether a driver may choose the type of specimen collected.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **LEOs do not use oral fluid screening tests.**

<sup>16</sup> One of five police academies include this in their basic curriculum; it has not been widely taught in this state.

<sup>17</sup> 90% of Illinois State Police Troopers, and about 1,500 additional police officers within the past five years.

<sup>18</sup> "other bodily substance"

# Illinois

**Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.**

Reporting DUI-alcohol and DUI-drugs	
State law distinguishes DUI-alcohol from DUI-drugs	No
DUI-alcohol and DUI-drugs arrests are reported separately	No
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately	No
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs	Not reported

based on survey response(s)

**Recommendation 5: Implied consent laws should extend to drugs other than alcohol.**

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	625 ILCS 5/ 11-501

**Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.**

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	A driver may be tested when involved in a collision that results in death or injury.
State law regarding testing a driver involved in a crash resulting in serious injury	There is no state law regarding reporting test results.
State law regarding reporting post-collision test results for purposes other than prosecution	Not reported
Law or policy provided from survey response(s)	Not reported

**Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.**

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	State law mandates testing a driver fatally injured in a crash.
State law mandates reporting test results for fatally injured drivers	Yes
Law or policy provided	Not reported

# Illinois

## Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **“We receive funding to conduct one DRE class per year. We ask agencies to award Traffic Safety Enforcement Grants, conduct special enforcement on specific high incident holidays, and report their data. The TSRP is conducting training on obtaining search warrants for blood in repeat offender cases for our officers and prosecutors throughout the state.”**

## Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.

Sanctions for alcohol and/or drug test refusal versus DUI	
Per state law, minimum length of time that driver’s license will be suspended or revoked for refusing a test (first offense)	12 months
Per state law, minimum length of time that driver’s license will be suspended or revoked for a first DUI conviction	6 months
Sanctions (including, but not limited to, driver’s license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	No. “The driver’s license penalty is about half of what would occur upon conviction, and is in addition to conviction penalty. These are civil penalties only, whereas conviction may include incarceration and behavior modification programs.”

## Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no state law regarding electronic warrants.**

Types of cases for which electronic warrants are/are not authorized based on survey response(s): **“We are utilizing electronic warrants in a few counties, but only progressive ones. They must be authorized by a State Attorney, and generally for serious crashes, or drivers with prior DUI arrests.”**

## Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **No, LEOs do not report observed behavioral impairment.**

Data are reported in the following system based on survey response(s): **Not applicable**

## Illinois

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver's alcohol/drug use: **Yes, state law prohibits the denial of insurance payments.**

Law or policy provided from survey response(s): **Not reported**

## Indiana

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

Approximate number or percentage of LEOs (based on survey responses)	
Total in state	11,000
Trained on SFST	11,000
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	Not reported
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	5,500
Certified as Drug Recognition Experts (DREs)	160
Actively practicing as DREs	120

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

Specimen types that may be collected for drug testing (per state law)	
Breath	No
Blood	Yes
Urine	Yes
Oral Fluid	Yes

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **No, drivers cannot elect the type of specimen collected.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **“Some departments are exploring oral fluid use through pilot programs.”**

**Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.**

Reporting DUI-alcohol and DUI-drugs	
State law distinguishes DUI-alcohol from DUI-drugs	No
DUI-alcohol and DUI-drugs arrests are reported separately	No
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately	No
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs	Not reported

based on survey response(s)

## Indiana

**Recommendation 5: Implied consent laws should extend to drugs other than alcohol.**

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	Not reported

**Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.**

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	State law allows testing a driver involved in a crash resulting in death or serious injury.
State law regarding testing a driver involved in a crash resulting in serious injury	
State law regarding reporting post-collision test results for purposes other than prosecution	There is no law requiring the reporting of test results.
Law or policy provided from survey response(s)	9-30-7-3

**Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.**

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	State law mandates testing a driver fatally injured in a crash.
State law mandates reporting test results for fatally injured drivers	Yes
Law or policy provided	9-30-7-3

**Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **Indiana “expanded training as well as ARIDE to recruit officers who are good candidates for DEC.” They are “rolling out a tablet data collection program.”**



## Indiana

**Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

Sanctions for alcohol and/or drug test refusal versus DUI	
Per state law, minimum length of time that driver's license will be suspended or revoked for refusing a test (first offense)	1 year
Per state law, minimum length of time that driver's license will be suspended or revoked for a first DUI conviction	180 days
Sanctions (including, but not limited to, driver's license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	Not when including the penalties for conviction in addition to the license revocation

**Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no law regarding electronic warrants.**

State authorizes electronic warrants based on survey response(s): **Yes**

Types of cases for which electronic warrants are authorized based on survey response(s): **While there is no specific state statute, use of electronic warrants is "county-specific, depends on circuit court judge."**

**Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **LEOs report observed behavioral impairment.**

Data are reported in the following system based on survey response(s): **"Standard officer report form through automated system"**

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver's alcohol/drug use: **No, state law permits the denial of insurance payments on the basis of driver's alcohol/drug use.**

Law or policy provided from survey response(s): **Not reported**

## Iowa

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

<b>Approximate number or percentage of LEOs (based on survey responses)</b>	
Total in state	6,000
Trained on SFST	6,000
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	Not reported
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	675
Certified as Drug Recognition Experts (DREs)	135
Actively practicing as DREs	124

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

<b>Specimen types that may be collected for drug testing (per state law)</b>	
Breath	Yes
Blood	Yes
Urine	Yes
Oral Fluid	No

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **Yes, state law permits drivers to elect the type of specimen collected.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **Oral fluid screening test devices are not used.**

**Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.**

<b>Reporting DUI-alcohol and DUI-drugs</b>		
State law distinguishes DUI-alcohol from DUI-drugs		No
DUI-alcohol and DUI-drugs arrests are reported separately	based on survey response(s)	Yes
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately		Yes
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs		Not reported

## Iowa

### Recommendation 5: Implied consent laws should extend to drugs other than alcohol.

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	321J.6

### Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	State law allows testing a driver involved in a crash resulting in death or serious injury.
State law regarding testing a driver involved in a crash resulting in serious injury	There is no law requiring the reporting of test results.
State law regarding reporting post-collision test results for purposes other than prosecution	Not reported
Law or policy provided from survey response(s)	Not reported

### Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	State law does not mandate testing a driver fatally injured in a crash.
State law mandates reporting test results for fatally injured drivers	No
Law or policy provided	Not applicable

### Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **“We continue to not only improve our curriculum and instructors, but also educate our judiciary and citizens about the program.”**

## Iowa

**Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

<b>Sanctions for alcohol and/or drug test refusal versus DUI</b>	
Per state law, minimum length of time that driver's license will be suspended or revoked for refusing a test (first offense)	12 months
Per state law, minimum length of time that driver's license will be suspended or revoked for a first DUI conviction	6 months
Sanctions (including, but not limited to, driver's license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	Yes

**Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no state law regarding electronic warrants.**

State authorizes electronic warrants based on survey response(s): **Yes**

Types of cases for which electronic warrants are authorized based on survey response(s): **Electronic warrants are not used as there are no procedures in place to use them.**

**Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **LEOs report observed behavioral impairment.**

Data are reported in the following system based on survey response(s): **Data are reported in the crash reports, which are "sent to the Department of Transportation who compiles statistics on driver and crash data."**

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver's alcohol/drug use: **Yes, state law prohibits the denial of insurance payments on the basis of driver's alcohol/drug use.**

Law or policy provided from survey response(s): **Not reported**

## Kansas

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

<b>Approximate number or percentage of LEOs (based on survey responses)</b>	
Total in state	4,000
Trained on SFST	95-100%
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	Not reported
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	<1,000
Certified as Drug Recognition Experts (DREs)	86
Actively practicing as DREs	86

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

<b>Specimen types that may be collected for drug testing (per state law)</b>	
Breath	No
Blood	Yes
Urine	Yes
Oral Fluid	Yes

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no law regarding whether the driver may choose the type of specimen.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **“They just completed a study with the Sedgwick County Crime Lab that is under peer review. The goal is to use oral fluid. This is allowed by state statute, but not used. They are a “Daubert” state so all hearings would require proof of the validity of the oral test. This is another legislative consideration they are looking at.”**

## Kansas

**Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.**

Reporting DUI-alcohol and DUI-drugs	
State law distinguishes DUI-alcohol from DUI-drugs	No
DUI-alcohol and DUI-drugs arrests are reported separately	No
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately	No
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs	Not reported

based on survey response(s)

**Recommendation 5: Implied consent laws should extend to drugs other than alcohol.**

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	Not reported

**Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.**

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	State law requires testing a driver involved in a crash resulting in death or serious injury.
State law regarding testing a driver involved in a crash resulting in serious injury	There is no state law regarding reporting test results.
State law regarding reporting post-collision test results for purposes other than prosecution	Not reported
Law or policy provided from survey response(s)	Not reported

**Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.**

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	State law mandates testing a driver fatally injured in a crash
State law mandates reporting test results for fatally injured drivers	Yes
Law or policy provided	Not reported

## Kansas

### **Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **“The state offers training every year. KDOT provides scholarships for smaller agencies to offset the cost.”**

### **Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

<b>Sanctions for alcohol and/or drug test refusal versus DUI</b>	
Per state law, minimum length of time that driver’s license will be suspended or revoked for refusing a test (first offense)	1 year
Per state law, minimum length of time that driver’s license will be suspended or revoked for a first DUI conviction	30 days
Sanctions (including, but not limited to, driver’s license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	No—the Supreme Court ruled the refusal statute unconstitutional

### **Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no law regarding electronic warrants.**

Types of cases for which electronic warrants are authorized based on survey response(s): **Electronic warrants are only used “for DUI cases for a refusal to submit. The officer can get an electronic warrant for drawing of blood. The use of electronic warrants varies by district.”**

### **Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **LEOs report observed behavioral impairment.**

Data are reported in the following system based on survey response(s): **Data are recorded in the narrative of the crash report.**

### **Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver’s alcohol/drug use: **No, state law permits the denial of insurance payments on the basis of driver’s alcohol/drug use.**

Law or policy provided from survey response(s): **Not reported**

## Kentucky

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

Approximate number or percentage of LEOs (based on survey responses)	
Total in state	Not reported
Trained on SFST	All officers
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	Not reported
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	Not reported
Certified as Drug Recognition Experts (DREs)	Not reported
Actively practicing as DREs	Not reported

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

Specimen types that may be collected for drug testing (per state law)	
Breath	Yes
Blood	Yes
Urine	Yes
Oral Fluid	No

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no state law regarding drivers choosing the type of specimen collected.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **LEOs do not do oral fluid screening testing.**



## Kentucky

**Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.**

Reporting DUI-alcohol and DUI-drugs	
State law distinguishes DUI-alcohol from DUI-drugs	No
DUI-alcohol and DUI-drugs arrests are reported separately	No
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately	No
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs	Citations have a box to check whether it is for alcohol, drugs, or other substances.

based on survey response(s)

**Recommendation 5: Implied consent laws should extend to drugs other than alcohol.**

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	625 ILCS 5/ 11-501

**Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.**

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	A driver may be tested when involved in a collision that results in death or injury.
State law regarding testing a driver involved in a crash resulting in serious injury	There is no state law regarding reporting test reports.
State law regarding reporting post-collision test results for purposes other than prosecution	Not reported
Law or policy provided from survey response(s)	Not reported

**Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.**

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	State law mandates testing a driver fatally injured in a crash
State law mandates reporting test results for fatally injured drivers	Yes
Law or policy provided	Not reported

## Kentucky

### **Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **“There is no statute or policy, but Kentucky’s Office of Highway Safety supports the DEC program through grants, but there are no regulations that requires that the program be there.”**

### **Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

<b>Sanctions for alcohol and/or drug test refusal versus DUI</b>	
Per state law, minimum length of time that driver’s license will be suspended or revoked for refusing a test (first offense)	30 days
Per state law, minimum length of time that driver’s license will be suspended or revoked for a first DUI conviction	30 days
Sanctions (including, but not limited to, driver’s license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	No <sup>19</sup>

### **Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no state law regarding electronic warrants.**

Types of cases for which electronic warrants are/are not authorized based on survey response(s): **“There are e-warrants, but they don’t apply to DUI by statute. Statute says they shall get a warrant for a blood test if serious bodily injury or death. Court says unless there is bodily injury or death you cannot seek a warrant. Trend is that we should get more warrants, but the statute precludes seeking warrants. The legislature hasn’t addressed the issue but needs to.”**

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<sup>19</sup> “If you refuse on 2nd or greater offence, there is an enhanced penalty--if convicted, jail time is double the original jail time. But there is no criminal charge for actual refusal—you can’t charge for DUI and also DUI refusal. However if you refuse the DUI and don’t get conviction for DUI, you can request license suspended for refusal alone. The refusal correlates to DUI charge, but is an administrative issue. If prosecutor didn’t get a conviction, prosecutor can still suspend license, but whether prosecutors follow through, that’s another issue.”

## Kentucky

**Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **Yes, "It is part of the investigation. The officers report field testing and other observations. For officers not trained in ARIDE, the documentation may be limited (less detailed), but observed behavioral impairment is expected to document impairment by alcohol and other drugs."**

Data are reported in the following system based on survey response(s): **Data are reported on the citation and on the DUI arrest forms.**

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver's alcohol/drug use: **No, state law permits the denial of insurance payments.**

Law or policy provided from survey response(s): **Not reported**

## Louisiana

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

<b>Approximate number or percentage of LEOs (based on survey responses)</b>	
Total in state	18,000
Trained on SFST	13,500
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	13,500
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	5,400
Certified as Drug Recognition Experts (DREs)	123
Actively practicing as DREs	116

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

<b>Specimen types that may be collected for drug testing (per state law)</b>	
Breath	Yes
Blood	Yes
Urine	Yes
Oral Fluid	Yes

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no law regarding whether the driver may choose the type of specimen.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **No oral fluid screening test devices are currently used, but they are looking at different instruments and the “Applied Technology section of the LA State Police initiated dialog with the various manufacturers, but has had only one live demonstration thus far.”**

## Louisiana

**Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.**

Reporting DUI-alcohol and DUI-drugs	
State law distinguishes DUI-alcohol from DUI-drugs	No
DUI-alcohol and DUI-drugs arrests are reported separately	Yes
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately	Yes
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs	Not reported

based on survey response(s)

**Recommendation 5: Implied consent laws should extend to drugs other than alcohol.**

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	L.R.S. 32:661-32:670

**Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.**

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	State law requires testing a driver involved in a crash resulting in death or serious injury.
State law regarding testing a driver involved in a crash resulting in serious injury	There is no state law regarding reporting test results.
State law regarding reporting post-collision test results for purposes other than prosecution	L.R.S. 32:681
Law or policy provided from survey response(s)	

**Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.**

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	State law mandates testing a driver fatally injured in a crash.
State law mandates reporting test results for fatally injured drivers	Yes
Law or policy provided	L.R.S. 32:681

## Louisiana

### **Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **“Two DEC courses are held each year to add more DREs. The LA State Police presents at professional associations (LDAA, PIPS, SHSP) about the program. The ARIDE program is used to generate interest in the DEC program and to encourage the call out of certified DREs. Overtime is made available for DREs upon call out.” They are “currently working on a call out system with State Police Regional Dispatch.”**

### **Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

<b>Sanctions for alcohol and/or drug test refusal versus DUI</b>	
Per state law, minimum length of time that driver’s license will be suspended or revoked for refusing a test (first offense)	1 year
Per state law, minimum length of time that driver’s license will be suspended or revoked for a first DUI conviction	90 days
Sanctions (including, but not limited to, driver’s license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	Yes

### **Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **State law authorizes electronic warrants.**

State authorizes electronic warrants based on survey response(s): **Yes**

Types of cases for which electronic warrants are authorized based on survey response(s): **Electronic warrants are only used in jurisdictions where “judges are amenable to the practice.”**

### **Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **LEOs report observed behavioral impairment.**

Data are reported in the following system based on survey response(s): **Data are recorded in the crash report.**

## Louisiana

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver's alcohol/drug use: **No, state law permits the denial of insurance payments on the basis of driver's alcohol/drug use.**

Law or policy provided from survey response(s): **Not reported**

## Maine

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

<u>Approximate number or percentage of LEOs (based on survey responses)</u>	
Total in state	3,500 (1,000 are part-time)
Trained on SFST	2,000
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	1,500
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	600
Certified as Drug Recognition Experts (DREs)	100
Actively practicing as DREs	100

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

<u>Specimen types that may be collected for drug testing (per state law)</u>	
Breath	Yes
Blood	Yes
Urine	Yes
Oral Fluid	No

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no state law regarding whether a driver may choose the type of specimen collected.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **Not used**



## Maine

**Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.**

Reporting DUI-alcohol and DUI-drugs	
State law distinguishes DUI-alcohol from DUI-drugs	No
DUI-alcohol and DUI-drugs arrests are reported separately	No
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately	No
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs	Not reported

based on survey response(s)

**Recommendation 5: Implied consent laws should extend to drugs other than alcohol.**

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	Not reported

**Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.**

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	State law requires testing a driver involved in a crash resulting in death.
State law regarding testing a driver involved in a crash resulting in serious injury	There is no state law regarding testing a driver involved in a crash resulting in serious injury.
State law regarding reporting post-collision test results for purposes other than prosecution	There is no state law regarding reporting test results.
Law or policy provided from survey response(s)	29-A.2522

**Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.**

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	State policy mandates testing a driver fatally injured in a crash.
State law mandates reporting test results for fatally injured drivers	Yes
Law or policy provided	Not reported

## Maine

### **Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **No**

State improvement based on survey response(s): **There is a movement to adopt the NHTSA standardized curriculum.**

### **Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

<b>Sanctions for alcohol and/or drug test refusal versus DUI</b>	
Per state law, minimum length of time that driver's license will be suspended or revoked for refusing a test (first offense)	275 days
Per state law, minimum length of time that driver's license will be suspended or revoked for a first DUI conviction	150 days
Sanctions (including, but not limited to, driver's license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	Not reported

### **Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no state law regarding electronic warrants.**

Types of cases for which electronic warrants are/are not authorized based on survey response(s): **No law, but they are "working on [the law] and are hoping to have it in place by the end of the year."**

### **Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **Not answered**

Data are reported in the following system based on survey response(s): **Not reported**

### **Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver's alcohol/drug use: **State law permits the denial of insurance payments on the basis of driver's alcohol/drug use, but only in group or blanket policies.**

Law or policy provided from survey response(s): **Not reported**

## Maryland

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

<b>Approximate number or percentage of LEOs (based on survey responses)</b>	
Total in state	42,000
Trained on SFST	31,500
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	21,000
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	2,100
Certified as Drug Recognition Experts (DREs)	160
Actively practicing as DREs	156

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

<b>Specimen types that may be collected for drug testing (per state law)</b>	
Breath	No
Blood	Yes
Urine	No
Oral Fluid	No

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no state law regarding whether a driver may choose the type of specimen collected.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **“No oral fluid test devices are currently used on drugged drivers.” “Montgomery County Police Department is working on getting a pilot program for confirmation purposes to confirm the devices are accurate and then move to the legislature.” “Legislature could put a stop to oral fluid pilot, so would like to get pilot approved through them.”**

## Maryland

**Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.**

Reporting DUI-alcohol and DUI-drugs		
State law distinguishes DUI-alcohol from DUI-drugs	based on survey response(s)	Yes
DUI-alcohol and DUI-drugs arrests are reported separately		Yes
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately		Yes
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs		Not reported

**Recommendation 5: Implied consent laws should extend to drugs other than alcohol.**

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	Not reported

**Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.**

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	State law requires testing a driver involved in a crash resulting in death or serious injury.
State law regarding testing a driver involved in a crash resulting in serious injury	There is no state law regarding reporting test results.
State law regarding reporting post-collision test results for purposes other than prosecution	Not reported
Law or policy provided from survey response(s)	Not reported

**Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.**

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	State law mandates testing a driver fatally injured in a crash.
State law mandates reporting test results for fatally injured drivers	Yes
Law or policy provided	Not reported

## Maryland

**Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **“The Highway Safety Office fully funds a statewide DRE Coordinator whose primary purpose is to manage the state's DEC program and recruit & train more DREs.” Maryland has “implemented and funded a full-time DRE coordinator since 2014. The state has funding to do two DRE classes, and gave lab money to buy liquid chromatograph, and pay toxicologist on part time basis. It costs \$400,000 for testing. HSO funds toxicologist.”**

**Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

Sanctions for alcohol and/or drug test refusal versus DUI	
Per state law, minimum length of time that driver’s license will be suspended or revoked for refusing a test (first offense)	270 days
Per state law, minimum length of time that driver’s license will be suspended or revoked for a first DUI conviction	0 days
Sanctions (including, but not limited to, driver’s license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	Not when considering jail times

**Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no state law regarding electronic warrants.**

State authorizes electronic warrants based on survey response(s): **Yes**

Types of cases for which electronic warrants are authorized based on survey response(s): **Electronic warrants are only used in fatal or life-threatening situations. However, some judges do not allow them.**

**Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **LEOs report observed behavioral impairment if they suspect drug use.**

Data are reported in the following system based on survey response(s): **Data are recorded in the narrative description of the crash report.**

## Maryland

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver's alcohol/drug use: **Yes, state law prohibits the denial of insurance payments on the basis of driver's alcohol/drug use.**

Law or policy provided from survey response(s): **Not reported**

## Massachusetts

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

Approximate number or percentage of LEOs (based on survey responses)	
Total in state	Not reported
Trained on SFST	All officers
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	Not reported
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	Not reported
Certified as Drug Recognition Experts (DREs)	Not reported
Actively practicing as DREs	150

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

Specimen types that may be collected for drug testing (per state law)	
Breath	No <sup>20</sup>
Blood	No
Urine	No
Oral Fluid	No

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no state law regarding whether drivers may elect the type of specimen collected.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Not reported**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid test devices on suspected drugged drivers based on survey response(s): **LEOs are using the Alere and Drager oral fluid screening test devices as part of a pilot program.**

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<sup>20</sup> State law applies to alcohol only.

## Massachusetts

**Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.**

Reporting DUI-alcohol and DUI-drugs		
State law distinguishes DUI-alcohol from DUI-drugs		No
DUI-alcohol and DUI-drugs arrests are reported separately	based on survey response(s)	Yes
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately		Yes
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs		Not reported

**Recommendation 5: Implied consent laws should extend to drugs other than alcohol.**

State implied consent law	
Extends to drugs other than alcohol per state law	No
Covers the following drugs based on survey response(s)	Not applicable
Law or policy provided from survey response(s)	Not applicable <sup>21</sup>

**Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.**

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	No state law regarding testing a driver involved in a crash resulting in serious injury or death
State law regarding testing a driver involved in a crash resulting in serious injury	No state law regarding reporting test results
State law regarding reporting post-collision test results for purposes other than prosecution	Not applicable
Law or policy provided from survey response(s)	Not applicable

**Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.**

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	No state law regarding testing a driver fatally injured in a crash
State law mandates reporting test results for fatally injured drivers	No law
Law or policy provided	Not applicable

<sup>21</sup> Legislation for an implied consent laws for drugs other than alcohol is filed yearly.



## Massachusetts

**Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **“We have a very active state DEC Coordinator who is always looking to expand and improve the program.”**

**Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

Sanctions for alcohol and/or drug test refusal versus DUI	
Per state law, minimum length of time that driver’s license will be suspended or revoked for refusing a test (first offense)	Implied consent does not apply to drugs other than alcohol in Massachusetts.
Per state law, minimum length of time that driver’s license will be suspended or revoked for a first DUI conviction	6 months
Sanctions (including, but not limited to, driver’s license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	No

**Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no state law regarding electronic warrants.**

Types of cases for which electronic warrants are/are not authorized based on survey response(s): **Not applicable**

**Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **Yes**

Data are reported in the following system based on survey response(s): **Not reported**

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver’s alcohol/drug use: **There is no state law regarding the denial of insurance payments.**

Law or policy provided from survey response(s): **Not applicable**

## Michigan

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

<b>Approximate number or percentage of LEOs (based on survey responses)</b>	
Total in state	13,000
Trained on SFST	Not reported
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	Not reported
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	2,600
Certified as Drug Recognition Experts (DREs)	260
Actively practicing as DREs	125

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

<b>Specimen types that may be collected for drug testing (per state law)</b>	
Breath	Yes
Blood	Yes
Urine	Yes
Oral Fluid	No <sup>22</sup>

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no law regarding whether the driver may choose the type of specimen that may be collected.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid test devices on suspected drugged drivers based on survey response(s): **State law allows for oral fluid testing to be used as part of a pilot program. “We are the only state that has a law to allow for oral fluid testing of drivers. The process to take the samples most likely will begin later this year.” Only DREs are authorized to collect oral fluid as part of a pilot program.**

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<sup>22</sup> See information under Recommendation 3.

## Michigan

### Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.

Reporting DUI-alcohol and DUI-drugs	
State law distinguishes DUI-alcohol from DUI-drugs	No
DUI-alcohol and DUI-drugs arrests are reported separately	Yes
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately	Yes
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs	Not reported

based on survey response(s)

### Recommendation 5: Implied consent laws should extend to drugs other than alcohol.

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	Not reported

### Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	State law mandates testing a driver involved in a crash resulting in death.
State law regarding testing a driver involved in a crash resulting in serious injury	State law allows for testing a driver involved in a crash resulting in serious injury.
State law regarding reporting post-collision test results for purposes other than prosecution	State law mandates the reporting of results from tests for drugs.
Law or policy provided from survey response(s)	Not reported

### Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	State mandates testing a driver fatally injured in a crash.
State law mandates reporting test results for fatally injured drivers	Yes
Law or policy provided	Not reported

## Michigan

### **Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **Not reported**

### **Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

<b>Sanctions for alcohol and/or drug test refusal versus DUI</b>	
Per state law, minimum length of time that driver's license will be suspended or revoked for refusing a test (first offense)	12 months
Per state law, minimum length of time that driver's license will be suspended or revoked for a first DUI conviction	6 months
Sanctions (including, but not limited to, driver's license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	Yes—refusal results in 6 points and a 1 year suspension.

### **Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no state law regarding electronic warrants.**

Types of cases for which electronic warrants are/are not authorized based on survey response(s): **Not applicable**

### **Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **Yes**

Data are reported in the following system based on survey response(s): **Not reported**

### **Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver's alcohol/drug use: **There is no state law regarding the denial of insurance payments.**

Law or policy provided from survey response(s): **Not applicable**

## Minnesota

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

Approximate number or percentage of LEOs (based on survey responses)	
Total in state	10,000
Trained on SFST	9,000
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	9,000
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	6,000
Certified as Drug Recognition Experts (DREs)	500
Actively practicing as DREs	200

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

Specimen types that may be collected for drug testing (per state law)	
Breath	Yes
Blood	Yes
Urine	Yes
Oral Fluid	No

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no law regarding whether the driver may choose the type of specimen.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **Oral fluid screening test devices have been used but are not a legally accepted method and cannot be used for evidentiary purposes.**

**Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.**

Reporting DUI-alcohol and DUI-drugs		
State law distinguishes DUI-alcohol from DUI-drugs		No
DUI-alcohol and DUI-drugs arrests are reported separately	based on survey response(s)	Yes
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately		Yes
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs		Not reported

## Minnesota

**Recommendation 5: Implied consent laws should extend to drugs other than alcohol.**

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	169A.52

**Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.**

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	State law requires testing a driver involved in a crash resulting in death or serious injury.
State law regarding testing a driver involved in a crash resulting in serious injury	
State law regarding reporting post-collision test results for purposes other than prosecution	There is no state law regarding reporting test results.
Law or policy provided from survey response(s)	Not reported

**Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.**

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	State law mandates testing a driver fatally injured in a crash.
State law mandates reporting test results for fatally injured drivers	Yes
Law or policy provided	169A.51

**Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **The state has “increased the amount of classes held in a year and improved our data collection.” The DEC program is “funded and active and the traffic safety office is on board.”**

## Minnesota

**Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

Sanctions for alcohol and/or drug test refusal versus DUI	
Per state law, minimum length of time that driver’s license will be suspended or revoked for refusing a test (first offense)	1 year
Per state law, minimum length of time that driver’s license will be suspended or revoked for a first DUI conviction	90 days
Sanctions (including, but not limited to, driver’s license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	Yes

**Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no state law regarding electronic warrants.**

State authorizes electronic warrants based on survey response(s): **Yes**

Types of cases for which electronic warrants are authorized based on survey response(s): **Not reported**

**Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **LEOs report observed behavioral impairment.**

Data are reported in the following system based on survey response(s): **Data are recorded in the crash reports.**

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver’s alcohol/drug use: **There is no state law regarding the denial of insurance payments on the basis of driver’s alcohol/drug use.**

Law or policy provided from survey response(s): **Not applicable**

## Mississippi

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

Approximate number or percentage of LEOs (based on survey responses)	
Total in state	Unknown
Trained on SFST	4,743
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	Unknown
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	Unknown
Certified as Drug Recognition Experts (DREs)	30
Actively practicing as DREs	15

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

Specimen types that may be collected for drug testing (per state law)	
Breath	Yes
Blood	Yes
Urine	Yes
Oral Fluid	No

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no state law regarding whether drivers may elect the type of specimen collected.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **No**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **“Some agencies are looking [at] piloting, but they are not highly used.”**

**Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.**

Reporting DUI-alcohol and DUI-drugs	
State law distinguishes DUI-alcohol from DUI-drugs	No
DUI-alcohol and DUI-drugs arrests are reported separately	Yes
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately	Yes
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs	Not reported

based on survey response(s)



## Mississippi

**Recommendation 5: Implied consent laws should extend to drugs other than alcohol.**

<b>State implied consent law</b>	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	Not reported
Law or policy provided from survey response(s)	Not reported

**Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.**

<b>Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes</b>	
State law regarding testing a driver involved in a crash resulting in death	Testing required
State law regarding testing a driver involved in a crash resulting in serious injury	Testing allowed
State law regarding reporting post-collision test results for purposes other than prosecution	There is no state law regarding reporting test results.
Law or policy provided from survey response(s)	Not reported

**Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.**

<b>Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)</b>	
State law regarding testing a driver fatally injured in a crash	Mandates testing a driver fatally injured in a crash
State law mandates reporting test results for fatally injured drivers	Yes
Law or policy provided	Not reported

**Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **“We have gotten our training division back on the ground and have begun sending officers to training once again. We are hoping to have a class in the state within 2019.”**

## Mississippi

**Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

<b>Sanctions for alcohol and/or drug test refusal versus DUI</b>	
Per state law, minimum length of time that driver's license will be suspended or revoked for refusing a test (first offense)	90 days
Per state law, minimum length of time that driver's license will be suspended or revoked for a first DUI conviction	120 days
Sanctions (including, but not limited to, driver's license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	No

**Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no state law regarding electronic warrants.**

Types of cases for which electronic warrants are/are not authorized based on survey response(s): **Not reported**

**Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **Yes**

Data are reported in the following system based on survey response(s): **Crash report**

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver's alcohol/drug use: **No, state law permits the denial of insurance payments on the basis of driver's alcohol/drug use.**

Law or policy provided from survey response(s): **Not reported**

## Missouri

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

<b>Approximate number or percentage of LEOs (based on survey responses)</b>	
Total in state	15,000
Trained on SFST	14,250
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	Not reported
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	1,500
Certified as Drug Recognition Experts (DREs)	575
Actively practicing as DREs	212

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

<b>Specimen types that may be collected for drug testing (per state law)</b>	
Breath	Yes
Blood	Yes
Urine	No
Oral Fluid	Yes

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no law regarding whether the driver may elect the type of specimen collected.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **Not reported**

# Missouri

**Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.**

Reporting DUI-alcohol and DUI-drugs	
State law distinguishes DUI-alcohol from DUI-drugs	No
DUI-alcohol and DUI-drugs arrests are reported separately	Yes
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately	Yes
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs	based on survey response(s)  Justice Information System (JIS), DWI Tracking System (DWITS)

**Recommendation 5: Implied consent laws should extend to drugs other than alcohol.**

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	Not reported

**Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.**

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	State law allows for testing a driver involved in a crash resulting in death or serious injury.
State law regarding testing a driver involved in a crash resulting in serious injury	State law mandates the reporting of results to the state highway patrol.
State law regarding reporting post-collision test results for purposes other than prosecution	State law mandates the reporting of results to the state highway patrol.
Law or policy provided from survey response(s)	Not reported

**Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.**

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	State mandates testing a driver fatally injured in a crash.
State law mandates reporting test results for fatally injured drivers	Yes
Law or policy provided	Not reported

## Missouri

### **Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **The state has implemented a better selection process to increase the longevity of active DREs and made reporting requirements easier.**

### **Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

<b>Sanctions for alcohol and/or drug test refusal versus DUI</b>	
Per state law, minimum length of time that driver's license will be suspended or revoked for refusing a test (first offense)	1 year
Per state law, minimum length of time that driver's license will be suspended or revoked for a first DUI conviction	90 days
Sanctions (including, but not limited to, driver's license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	Not when considering criminal sanctions

### **Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no state law regarding electronic warrants.**

Types of cases for which electronic warrants are/are not authorized based on survey response(s): **In practice, when capabilities exist in that jurisdiction, electronic warrants are used.**

### **Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **Yes**

Data are reported in the following system based on survey response(s): **Not reported**

### **Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver's alcohol/drug use: **No, state law permits the denial of insurance payments on the basis of driver's alcohol/drug use.**

Law or policy provided from survey response(s): **Not reported**

## Montana

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

<b>Approximate number or percentage of LEOs (based on survey responses)</b>	
Total in state	1,563
Trained on SFST	1,563
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	150
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	110
Certified as Drug Recognition Experts (DREs)	Not reported
Actively practicing as DREs	56

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

<b>Specimen types that may be collected for drug testing (per state law)</b>	
Breath	Yes
Blood	Yes
Urine	No
Oral Fluid	No

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no state law regarding whether a driver may choose the type of specimen collected.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **No**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **Not used**

**Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.**

<b>Reporting DUI-alcohol and DUI-drugs</b>		
State law distinguishes DUI-alcohol from DUI-drugs		No
DUI-alcohol and DUI-drugs arrests are reported separately	based on survey response(s)	Yes
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately		Yes
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs		Petition/Conviction Information

## Montana

### Recommendation 5: Implied consent laws should extend to drugs other than alcohol.

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	MCA 61-8-402

### Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	There is no state law regarding testing a driver resulting in death.
State law regarding testing a driver involved in a crash resulting in serious injury	State law allows testing a driver involved in a crash resulting in serious injury.
State law regarding reporting post-collision test results for purposes other than prosecution	There is no state law regarding reporting test results.
Law or policy provided from survey response(s)	MCA 61-8-402

### Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	State mandates testing a driver fatally injured in a crash.
State law mandates reporting test results for fatally injured drivers	Yes
Law or policy provided	MCA 61-8-402

### Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **“Montana has a dedicated Traffic Safety Resource Officer. Montana has received a grant award from GHSA and Responsibility.org to help train Law Enforcement in recognizing drug-impaired drivers.”**

## Montana

**Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

<b>Sanctions for alcohol and/or drug test refusal versus DUI</b>	
Per state law, minimum length of time that driver's license will be suspended or revoked for refusing a test (first offense)	6 months
Per state law, minimum length of time that driver's license will be suspended or revoked for a first DUI conviction	0 days
Sanctions (including, but not limited to, driver's license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	No

**Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing:  
**There is no state law regarding electronic warrants.**

Types of cases for which electronic warrants are/are not authorized based on survey response(s):  
**Electronic warrants are authorized per Montana Code 46-5-221; however, they are not used in all cases.**

**Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **Yes**

Data are reported in the following system based on survey response(s): **Safety Information Management System (SIMS)**

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver's alcohol/drug use: **No, state law permits the denial of insurance payments on the basis of driver's alcohol/drug use.**

Law or policy provided from survey response(s): **Not reported**



## Nebraska

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

Approximate number or percentage of LEOs (based on survey responses)	
Total in state	3,800
Trained on SFST	3,230
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	1,140
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	1,520
Certified as Drug Recognition Experts (DREs)	358
Actively practicing as DREs	124

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

Specimen types that may be collected for drug testing (per state law)	
Breath	Yes
Blood	Yes
Urine	Yes
Oral Fluid	No

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no law regarding whether the driver may choose the type of specimen.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **Oral fluid screening test devices are not used. “Oral fluid testing would require legislative changes and none are underway or planned.”**

**Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.**

Reporting DUI-alcohol and DUI-drugs		
State law distinguishes DUI-alcohol from DUI-drugs		No
DUI-alcohol and DUI-drugs arrests are reported separately	based on survey response(s)	Yes
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately		Yes
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs		Not reported

## Nebraska

### Recommendation 5: Implied consent laws should extend to drugs other than alcohol.

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	60-6,197; 60-6,196

### Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	State law permits testing a driver involved in a crash resulting in death or serious injury.
State law regarding testing a driver involved in a crash resulting in serious injury	There is no state law regarding reporting test results.
State law regarding reporting post-collision test results for purposes other than prosecution	
Law or policy provided from survey response(s)	60-6,103

### Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	State law mandates testing a driver fatally injured in a crash.
State law mandates reporting test results for fatally injured drivers	Yes
Law or policy provided	60-6,101—60-6,103

### Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **“Have continued to increase efforts to solicit qualified applicants and to monitor to ensure that current DREs maintain their certifications with the required number of annual evaluations.”**

## Nebraska

**Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

<b>Sanctions for alcohol and/or drug test refusal versus DUI</b>	
Per state law, minimum length of time that driver's license will be suspended or revoked for refusing a test (first offense)	6 months
Per state law, minimum length of time that driver's license will be suspended or revoked for a first DUI conviction	6 months
Sanctions (including, but not limited to, driver's license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	Yes

**Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no state law regarding electronic warrants.**

State authorizes electronic warrants based on survey response(s): **Yes**

Types of cases for which electronic warrants are authorized based on survey response(s): **"Any search warrant may be submitted electronically."**

**Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **LEOs report observed behavioral impairment.**

Data are reported in the following system based on survey response(s): **Data are recorded in the DMV Legal Division reports and in the Investigator's Accident Report.**

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver's alcohol/drug use: **No, state law permits the denial of insurance payments on the basis of driver's alcohol/drug use.**

Law or policy provided from survey response(s): **Not reported**

## Nevada

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

<b>Approximate number or percentage of LEOs (based on survey responses)</b>	
Total in state	10,000
Trained on SFST	1,000
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	1,000
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	5,000
Certified as Drug Recognition Experts (DREs)	200
Actively practicing as DREs	50

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

<b>Specimen types that may be collected for drug testing (per state law)</b>	
Breath	Yes
Blood	Yes
Urine	Yes
Oral Fluid	Yes <sup>23</sup>

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no law regarding whether the driver may choose the type of specimen.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **Fifteen LEOs use oral fluid screening test devices when the driver volunteers to be tested.**

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<sup>23</sup> “bodily substance”

## Nevada

**Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.**

Reporting DUI-alcohol and DUI-drugs	
State law distinguishes DUI-alcohol from DUI-drugs	No
DUI-alcohol and DUI-drugs arrests are reported separately	Yes
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately	Yes
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs	Not reported

based on survey response(s)

**Recommendation 5: Implied consent laws should extend to drugs other than alcohol.**

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	NRS 484c.110

**Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.**

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	State law requires testing a driver involved in a crash resulting in death.
State law regarding testing a driver involved in a crash resulting in serious injury	State law allows testing a driver involved in a crash resulting in serious injury.
State law regarding reporting post-collision test results for purposes other than prosecution	State law requires reporting test results in the case of a fatal crash.
Law or policy provided from survey response(s)	Not reported

**Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.**

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	State law does not mandate testing a driver fatally injured in a crash
State law mandates reporting test results for fatally injured drivers	No
Law or policy provided	Not applicable

## Nevada

### **Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **There is more training being conducted.**

### **Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

<b>Sanctions for alcohol and/or drug test refusal versus DUI</b>	
Per state law, minimum length of time that driver's license will be suspended or revoked for refusing a test (first offense)	1 year
Per state law, minimum length of time that driver's license will be suspended or revoked for a first DUI conviction	90 days
Sanctions (including, but not limited to, driver's license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	Yes

### **Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no state law regarding electronic warrants.**

State authorizes electronic warrants based on survey response(s): **Yes**

Types of cases for which electronic warrants are authorized based on survey response(s): **Not reported**

### **Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **LEOs report observed behavioral impairment.**

Data are reported in the following system based on survey response(s): **Police reports**

### **Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver's alcohol/drug use: **Yes, state law prohibits the denial of insurance payments on the basis of driver's alcohol/drug use.**

Law or policy provided from survey response(s): **Not reported**

## New Hampshire

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

Approximate number or percentage of LEOs (based on survey responses)	
Total in state	4,500
Trained on SFST	4,500
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	Not reported
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	250
Certified as Drug Recognition Experts (DREs)	165
Actively practicing as DREs	98

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

Specimen types that may be collected for drug testing (per state law)	
Breath	Yes
Blood	Yes
Urine	Yes
Oral Fluid	No

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no law regarding whether the driver may choose the type of specimen.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **Oral fluid screening test devices are not used.**

**Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.**

Reporting DUI-alcohol and DUI-drugs		
State law distinguishes DUI-alcohol from DUI-drugs		No
DUI-alcohol and DUI-drugs arrests are reported separately	based on survey response(s)	Yes
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately		Yes
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs		Not reported

## New Hampshire

### Recommendation 5: Implied consent laws should extend to drugs other than alcohol.

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	265-A:2

### Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	State law requires testing a driver involved in a crash resulting in death or serious injury.
State law regarding testing a driver involved in a crash resulting in serious injury	State law requires testing a driver involved in a crash resulting in death or serious injury.
State law regarding reporting post-collision test results for purposes other than prosecution	There is no law concerning reporting test results.
Law or policy provided from survey response(s)	Not reported

### Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	State law mandates testing a driver fatally injured in a crash.
State law mandates reporting test results for fatally injured drivers	Yes
Law or policy provided	265-A:16

### Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **No**

State improvement based on survey response(s): **Not applicable**



## New Hampshire

**Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

Sanctions for alcohol and/or drug test refusal versus DUI	
Per state law, minimum length of time that driver’s license will be suspended or revoked for refusing a test (first offense)	180 days
Per state law, minimum length of time that driver’s license will be suspended or revoked for a first DUI conviction	9 months
Sanctions (including, but not limited to, driver’s license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	No

**Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no state law regarding electronic warrants.**

State authorizes electronic warrants based on survey response(s): **Yes; 595-A:4-a**

Types of cases for which electronic warrants are authorized based on survey response(s): **While it’s dependent on the law enforcement officers and judges, search warrants can be approved electronically.**

**Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **LEOs report observed behavioral impairment.**

Data are reported in the following system based on survey response(s): **Police reports**

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver’s alcohol/drug use: **There is no law regarding the denial of insurance payments on the basis of driver’s alcohol/drug use.**

Law or policy provided from survey response(s): **Not applicable**

## New Jersey

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

Approximate number or percentage of LEOs (based on survey responses)	
Total in state	Not reported
Trained on SFST	30%
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	0
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	165
Certified as Drug Recognition Experts (DREs)	Not reported
Actively practicing as DREs	456

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

Specimen types that may be collected for drug testing (per state law)	
Breath	Yes
Blood	Yes
Urine	Yes
Oral Fluid	No

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **Yes**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Not reported**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **Not used**

## New Jersey

### Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.

Reporting DUI-alcohol and DUI-drugs	
State law distinguishes DUI-alcohol from DUI-drugs	No
DUI-alcohol and DUI-drugs arrests are reported separately	No
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately	No
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs	Not reported

based on survey response(s)

### Recommendation 5: Implied consent laws should extend to drugs other than alcohol.

State implied consent law	
Extends to drugs other than alcohol per state law	No
Covers the following drugs based on survey response(s)	Not applicable
Law or policy provided from survey response(s)	Not applicable

### Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	State policy (not law) allows testing a driver involved in a crash resulting in death or serious injury.
State law regarding testing a driver involved in a crash resulting in serious injury	There is no law regarding reporting test results.
State law regarding reporting post-collision test results for purposes other than prosecution	Attorney General Law Enforcement Directive No. 2004-2
Law or policy provided from survey response(s)	

### Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	State policy mandates testing a driver fatally injured in a crash.
State law mandates reporting test results for fatally injured drivers	Yes
Law or policy provided	Attorney General Law Enforcement Directive No. 2004-2

## New Jersey

**Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **“We have continued to maintain and locate facilities that allow us to remain in our state and perform phase III training. We also extend the use of our facilities to other states to perform their training here as well.”**

**Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

Sanctions for alcohol and/or drug test refusal versus DUI	
Per state law, minimum length of time that driver’s license will be suspended or revoked for refusing a test (first offense)	None (only for alcohol breath test)
Per state law, minimum length of time that driver’s license will be suspended or revoked for a first DUI conviction	3 months for alcohol; 7 months for DUID
Sanctions (including, but not limited to, driver’s license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	Yes

**Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no state law regarding electronic warrants.**

Types of cases for which electronic warrants are/are not authorized based on survey response(s): **Not reported**

**Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **Yes**

Data are reported in the following system based on survey response(s): **Accident reports and DWI reports**

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver’s alcohol/drug use: **No, state law permits the denial of insurance payments on the basis of driver’s alcohol/drug use.**

Law or policy provided from survey response(s): **Not reported**

## New Mexico

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

<b>Approximate number or percentage of LEOs (based on survey responses)</b>	
Total in state	5,000
Trained on SFST	100%
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	Every officer that has been through a POST academy in the last 4-5 years, though the total academy numbers are unknown
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	Approx. 375
Certified as Drug Recognition Experts (DREs)	Approx. 150
Actively practicing as DREs	Approx. 100

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

<b>Specimen types that may be collected for drug testing (per state law)</b>	
Breath	Yes
Blood	Yes
Urine	No
Oral Fluid	No

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **No, the driver may not elect the type of specimen(s) to be collected.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes, “police are authorized to conduct breath testing in all DWI [alcohol] cases” however, “blood can only be obtained with consent or through a warrant for a felony case.” Blood is collected in addition to breath.**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **LEOs do not use oral fluid screening devices, as the courts do not recognize oral fluid tests as reliable.**

## New Mexico

### Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.

Reporting DUI-alcohol and DUI-drugs		
State law distinguishes DUI-alcohol from DUI-drugs		No
DUI-alcohol and DUI-drugs arrests are reported separately	based on survey response(s)	Yes
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately		Yes
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs		Not reported

### Recommendation 5: Implied consent laws should extend to drugs other than alcohol.

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	Not reported
Law or policy provided from survey response(s)	NMSA 66-8-102, 66-8-107

### Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	Testing allowed but not mandated
State law regarding testing a driver involved in a crash resulting in serious injury	
State law regarding reporting post-collision test results for purposes other than prosecution	Does not specify whether findings from a test after a collision are reported for purposes other than prosecution
Law or policy provided from survey response(s)	Not reported

### Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	Allowed but not mandated <sup>24</sup>
State law mandates reporting test results for fatally injured drivers	Yes
Law or policy provided	Not reported

<sup>24</sup> Per survey response(s), blood toxicology will be performed by the Office of the Medical Investigator in nearly all cases.

## New Mexico

**Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **New Mexico is conducting more ARIDE classes and initiating the drugged driving educational initiative. The state's Department of Transportation has renewed a contract with the statewide DRE coordinator. The program is in the process of re-certifying officers whose DRE certifications have lapsed and increasing the number of DRE officers statewide (with an emphasis on placing more DRE officers in rural areas of the state).**

**The Toxicology Bureau staff independently reviews the DEC report in conjunction with toxicology drug results and renders their opinion in court as an expert witness.**

**Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

<b>Sanctions for alcohol and/or drug test refusal versus DUI</b>	
Per state law, minimum length of time that driver's license will be suspended or revoked for refusing a test (first offense)	1 year
Per state law, minimum length of time that driver's license will be suspended or revoked for a first DUI conviction	1 year
Sanctions (including, but not limited to, driver's license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	<p>"Because of recent changes in the law, the state can no longer impose criminal sanctions for refusing blood testing. However, the state continues to impose an aggravated enhancement to cases in which the driver refuses a breath test. The enhancement creates a mandatory minimum sentence, but does not impose greater overall penalties."</p>

**Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **State law does not address electronic warrants. Survey responses expressed that "there have been attempts to create an electronic warrant authorization system. These attempts have been hampered by a lack of willingness on the part of the legislature, as well as a lack of on-call judges in most parts of the state. [The] transportation department, however, has offered to make funding available to ease the burdens currently identified."**

Types of cases for which electronic warrants are/are not authorized based on survey response(s): **Not answered**

## New Mexico

**Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **Yes**

Data are reported in the following system based on survey response(s): **Not reported**

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver's alcohol/drug use: **There is no law regarding the denial of insurance payments on the basis of driver's alcohol/drug use.**

Law or policy provided from survey response(s): **Not applicable**



## New York

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

<u>Approximate number or percentage of LEOs (based on survey responses)</u>	
Total in state	71,000
Trained on SFST	17,000
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	Not reported
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	3,000
Certified as Drug Recognition Experts (DREs)	358
Actively practicing as DREs	244

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

<u>Specimen types that may be collected for drug testing (per state law)</u>	
Breath	Yes
Blood	Yes
Urine	Yes
Oral Fluid	Yes

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no state law regarding whether the driver may choose the type of specimen collected.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Not reported**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **One agency uses the Drager DrugTest 5000 in serious injury/fatal crashes.**

## New York

### Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.

Reporting DUI-alcohol and DUI-drugs	
State law distinguishes DUI-alcohol from DUI-drugs	No
DUI-alcohol and DUI-drugs arrests are reported separately	Yes
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately	Yes
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs	Not reported

based on survey response(s)

### Recommendation 5: Implied consent laws should extend to drugs other than alcohol.

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	Not reported <sup>25</sup>
Law or policy provided from survey response(s)	Not reported

### Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	State law allows for testing a driver involved in a crash resulting in death or serious injury.
State law regarding testing a driver involved in a crash resulting in serious injury	There is no law regarding reporting test results.
State law regarding reporting post-collision test results for purposes other than prosecution	1194(1)(b)
Law or policy provided from survey response(s)	1194(1)(b)

### Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	State law mandates testing a driver fatally injured in a crash.
State law mandates reporting test results for fatally injured drivers	Yes
Law or policy provided	1194(1)(b)

<sup>25</sup> “There is no requirement in an implied consent situation that the specific drug be named at that time, only reasonable cause to believe that the driver was operating a MV while impaired by alcohol and/or drugs. However, the only drugs that we can successfully prosecute under an 1194 or 1194-a in theory are those listed in NY State Public Health Law 3306.”

## New York

### **Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **“We have made all counties more aware of what is available to them and are looking to provide more opportunities.”**

### **Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

<b>Sanctions for alcohol and/or drug test refusal versus DUI</b>	
Per state law, minimum length of time that driver’s license will be suspended or revoked for refusing a test (first offense)	12 months
Per state law, minimum length of time that driver’s license will be suspended or revoked for a first DUI conviction	6 months
Sanctions (including, but not limited to, driver’s license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	Not when considering total sanctions

### **Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no state law regarding electronic warrants.**

Types of cases for which electronic warrants are/are not authorized based on survey response(s): **No law, but “NY State allows for telephonic orders to compel blood draws only in cases of serious physical injury or death to someone other than the impaired driver. The section of the VTL dealing w/ oral applications for orders to compel is VTL 1194(d)(2)(3)”**

### **Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **No**

Data are reported in the following system based on survey response(s): **Done in some agencies, but not statewide.**

### **Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver’s alcohol/drug use: **No, state law permits the denial of insurance payments on the basis of driver’s alcohol/drug use.**

Law or policy provided from survey response(s): **Not reported**

## North Carolina

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

Approximate number or percentage of LEOs (based on survey responses)	
Total in state	23,500
Trained on SFST	8,225
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	2,350
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	1,175
Certified as Drug Recognition Experts (DREs)	235
Actively practicing as DREs	150

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

Specimen types that may be collected for drug testing (per state law)	
Breath	Yes
Blood	Yes
Urine	Yes
Oral Fluid	No

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no state law regarding whether the driver may choose the type of specimen for drug testing.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **Oral fluid screening tests are not used at this time.**

**Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.**

Reporting DUI-alcohol and DUI-drugs	
State law distinguishes DUI-alcohol from DUI-drugs	No
DUI-alcohol and DUI-drugs arrests are reported separately	Yes
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately	Yes
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs	Not reported

based on survey response(s)

## North Carolina

**Recommendation 5: Implied consent laws should extend to drugs other than alcohol.**

<b>State implied consent law</b>	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	G.S. 20-138.1 and 20-138.2

**Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.**

<b>Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes</b>	
State law regarding testing a driver involved in a crash resulting in death	There is no state law regarding testing a driver involved in a crash resulting in death.
State law regarding testing a driver involved in a crash resulting in serious injury	State law allows testing a driver involved in a crash resulting in serious injury.
State law regarding reporting post-collision test results for purposes other than prosecution	There is no law regarding reporting test results.
Law or policy provided from survey response(s)	Not reported

**Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.**

<b>Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)</b>	
State law regarding testing a driver fatally injured in a crash	State law mandates testing a driver fatally injured in a crash.
State law mandates reporting test results for fatally injured drivers	Yes
Law or policy provided	G.S. 20-139.1(b5)

**Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **The state has trained every state highway police officer in ARIDE and offered more ARIDE and Intro to Drugged Driving classes.**

## North Carolina

**Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

<b>Sanctions for alcohol and/or drug test refusal versus DUI</b>	
Per state law, minimum length of time that driver's license will be suspended or revoked for refusing a test (first offense)	12 months
Per state law, minimum length of time that driver's license will be suspended or revoked for a first DUI conviction	12 months
Sanctions (including, but not limited to, driver's license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	No

**Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing:  
**There is no state law regarding electronic warrants.**

State authorizes electronic warrants based on survey response(s): **Yes**

Types of cases for which electronic warrants are authorized based on survey response(s): **Not reported**

**Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **No**

Data are reported in the following system based on survey response(s): **Not applicable**

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver's alcohol/drug use: **Yes, state law prohibits the denial of insurance payments on the basis of driver's alcohol/drug use.**

Law or policy provided from survey response(s): **Not reported**

## North Dakota

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

<b>Approximate number or percentage of LEOs (based on survey responses)</b>	
Total in state	1,700
Trained on SFST	1,275
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	1,275
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	400
Certified as Drug Recognition Experts (DREs)	62
Actively practicing as DREs	62

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

<b>Specimen types that may be collected for drug testing (per state law)</b>	
Breath	Yes
Blood	Yes
Urine	Yes
Oral Fluid	No

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no law regarding whether the driver may choose the type of specimen.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Not reported**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **Oral fluid screening test devices are not used at this time.**

## North Dakota

### Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.

Reporting DUI-alcohol and DUI-drugs		
State law distinguishes DUI-alcohol from DUI-drugs		No
DUI-alcohol and DUI-drugs arrests are reported separately	based on survey response(s)	No
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately		No
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs		Not reported

### Recommendation 5: Implied consent laws should extend to drugs other than alcohol.

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	Not reported
Law or policy provided from survey response(s)	Not reported

### Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	State law requires testing a driver involved in a crash resulting in death or serious injury.
State law regarding testing a driver involved in a crash resulting in serious injury	There is no law concerning reporting for purposes other than prosecution.
State law regarding reporting post-collision test results for purposes other than prosecution	Not reported
Law or policy provided from survey response(s)	Not reported

### Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	State law mandates testing a driver fatally injured in a crash.
State law mandates reporting test results for fatally injured drivers	Yes
Law or policy provided	39-20-01.1



## North Dakota

### **Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **“We hold ARIDE classes on a regular basis throughout the year and encourage agencies to consider having officers trained as a DRE. A DEC class is held every other year.”**

### **Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

<b>Sanctions for alcohol and/or drug test refusal versus DUI</b>	
Per state law, minimum length of time that driver’s license will be suspended or revoked for refusing a test (first offense)	6 months
Per state law, minimum length of time that driver’s license will be suspended or revoked for a first DUI conviction	3 months
Sanctions (including, but not limited to, driver’s license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	Yes

### **Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no state law regarding electronic warrants.**

Types of cases for which electronic warrants are/are not authorized based on survey response(s): **The state is testing the process, but currently electronic warrants are not used.**

### **Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **LEOs report observed behavioral impairment.**

Data are reported in the following system based on survey response(s): **In the crash report and police narrative, as well as the FARS database.**

### **Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver’s alcohol/drug use: **Yes, state law prohibits the denial of insurance payments on the basis of driver’s alcohol/drug use.**

Law or policy provided from survey response(s): **Not reported**

## Ohio

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

Approximate number or percentage of LEOs (based on survey responses)	
Total in state	21,500
Trained on SFST	16,125
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	12,900
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	6,000
Certified as Drug Recognition Experts (DREs)	223
Actively practicing as DREs	213

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

Specimen types that may be collected for drug testing (per state law)	
Breath	Yes
Blood	Yes
Urine	Yes
Oral Fluid	No

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no state law regarding whether a driver may choose the type of specimen.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **Oral fluid tests are not used at this time. “The Ohio State Highway Patrol Lab testing equipment are set up to test oral fluid when it becomes available.”**

**Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.**

Reporting DUI-alcohol and DUI-drugs	
State law distinguishes DUI-alcohol from DUI-drugs	No
DUI-alcohol and DUI-drugs arrests are reported separately	Yes
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately	Yes
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs	Not reported

based on survey response(s)

# Ohio

**Recommendation 5: Implied consent laws should extend to drugs other than alcohol.**

<b>State implied consent law</b>	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	Not reported

**Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.**

<b>Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes</b>	
State law regarding testing a driver involved in a crash resulting in death	There is no state law regarding testing a driver involved in a crash resulting in death or serious injury.
State law regarding testing a driver involved in a crash resulting in serious injury	
State law regarding reporting post-collision test results for purposes other than prosecution	There is no state law regarding reporting test results.
Law or policy provided from survey response(s)	Not reported

**Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.**

<b>Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)</b>	
State law regarding testing a driver fatally injured in a crash	State law mandates testing a driver fatally injured in a crash.
State law mandates reporting test results for fatally injured drivers	Yes
Law or policy provided	Not reported

**Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **“The program is established with a State Coordinator and Assistant State Coordinator in full time positions. The program is well funded and supported by the Traffic Safety Office.”**

# Ohio

**Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

Sanctions for alcohol and/or drug test refusal versus DUI	
Per state law, minimum length of time that driver's license will be suspended or revoked for refusing a test (first offense)	12 months
Per state law, minimum length of time that driver's license will be suspended or revoked for a first DUI conviction	3 months
Sanctions (including, but not limited to, driver's license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	Yes—there are longer terms for license suspension.

**Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no state law regarding electronic warrants.**

State authorizes electronic warrants based on survey response(s): **No**

Types of cases for which electronic warrants are authorized based on survey response(s): **Not applicable**

**Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **No**

Data are reported in the following system based on survey response(s): **Not applicable**

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver's alcohol/drug use: **Yes, state law prohibits the denial of insurance payments on the basis of driver's alcohol/drug use.**

Law or policy provided from survey response(s): **Not reported**

## Oklahoma

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

<b>Approximate number or percentage of LEOs (based on survey responses)</b>	
Total in state	9,500
Trained on SFST	7,600
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	7,600
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	3,800
Certified as Drug Recognition Experts (DREs)	200
Actively practicing as DREs	125

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

<b>Specimen types that may be collected for drug testing (per state law)</b>	
Breath	No (only for alcohol)
Blood	Yes
Urine	Yes
Oral Fluid	Yes

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There’s no law concerning whether drivers can elect the type of specimen that may be collected for drug testing.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **There are only two pilot projects, but the results are not used for prosecution.**

# Oklahoma

**Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.**

Reporting DUI-alcohol and DUI-drugs	
State law distinguishes DUI-alcohol from DUI-drugs	No
DUI-alcohol and DUI-drugs arrests are reported separately	No
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately	No
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs	Not applicable <sup>26</sup>

based on survey response(s)

**Recommendation 5: Implied consent laws should extend to drugs other than alcohol.**

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	47-67-751 A.1

**Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.**

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	State law permits testing a driver involved in a crash resulting in death or serious injury.
State law regarding testing a driver involved in a crash resulting in serious injury	There is no law concerning reporting for purposes other than prosecution.
State law regarding reporting post-collision test results for purposes other than prosecution	Not reported
Law or policy provided from survey response(s)	Not reported

**Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.**

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	There is no state law mandating testing a driver fatally injured in a crash.
State law mandates reporting test results for fatally injured drivers	No
Law or policy provided	Not reported

<sup>26</sup> "Legislation is complete and an impaired driving database which all officers will be required to use and this will distinguish between DUI and DUI-D. Training on this system is being implemented and is about 80% complete for all agencies."

## Oklahoma

### **Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **“They have a DRE oversight committee with a rough strategic plan on how to improve the program. The AAA of OK provided funding for an in service training for DREs (provided rooms for 85 DREs and meals for 100 to attend the conference) AAA said to expect support next year. This was the first time they had an instate training.” “Created a State DRE Committee and creating new policies to help with call outs. Utilizing the training coordinator to ensure larger access to training events.”**

### **Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

<b>Sanctions for alcohol and/or drug test refusal versus DUI</b>	
Per state law, minimum length of time that driver’s license will be suspended or revoked for refusing a test (first offense)	6 months
Per state law, minimum length of time that driver’s license will be suspended or revoked for a first DUI conviction	6 months
Sanctions (including, but not limited to, driver’s license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	No <sup>27</sup>

### **Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no state law regarding electronic warrants.**

State authorizes electronic warrants based on survey response(s): **Yes**

Types of cases for which electronic warrants are authorized based on survey response(s): **Electronic warrants are used by some agencies.**

### **Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **LEOs report observed behavioral impairment.**

Data are reported in the following system based on survey response(s): **There is a “mandatory box on the state collision report or in the arrest paperwork” for reporting behavioral impairment.**

<sup>27</sup> “New law goes into effect 1 Nov 2017 which allows for a misdemeanor charge for refusal of breath test, not for blood draw”

## Oklahoma

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver's alcohol/drug use: **There is no law regarding the denial of insurance payments on the basis of driver's alcohol/drug use.**

Law or policy provided from survey response(s): **Not applicable**



## Oregon

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

<u>Approximate number or percentage of LEOs (based on survey responses)</u>	
Total in state	5,600
Trained on SFST	5,600
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	5,600
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	1,000
Certified as Drug Recognition Experts (DREs)	450
Actively practicing as DREs	220

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

<u>Specimen types that may be collected for drug testing (per state law)</u>	
Breath	No
Blood	Yes
Urine	Yes
Oral Fluid	No

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no law that the driver may elect the type of specimen collected.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **“I use the Draeger DT5000 at my in-state DRE Field Certifications for confirmation of DRE student opinions (in conjunction with urine analysis). There hasn't been much conversation at the legislative level to grant a pilot project. The DRE Program is very interested in utilizing oral fluid to augment Driving Under the Influence of Intoxicants (DUII)-Drug investigations, though how it would be utilized (evidentiary vs confirmatory, by arresting officers or DREs, etc.) has not been explored.”**

# Oregon

## Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.

Reporting DUI-alcohol and DUI-drugs	
State law distinguishes DUI-alcohol from DUI-drugs	No
DUI-alcohol and DUI-drugs arrests are reported separately	Yes
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately	Yes
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs	Not reported

based on survey response(s)

## Recommendation 5: Implied consent laws should extend to drugs other than alcohol.

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	Controlled substances and inhalants
Law or policy provided from survey response(s)	ORS 813. 131

## Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	There is no state law regarding testing a driver involved in a crash resulting in death or serious injury.
State law regarding testing a driver involved in a crash resulting in serious injury	There is no state law regarding reporting test results.
State law regarding reporting post-collision test results for purposes other than prosecution	Not reported <sup>28</sup>
Law or policy provided from survey response(s)	

<sup>28</sup> “There is no mandatory testing of surviving drivers. Breath, blood, and/or urine samples from surviving drivers must be obtained via consent, a search warrant, or probable cause and exigent circumstances. We are encouraging DREs to get involved in fatal collision teams so they can evaluate surviving drivers and attempt to secure biological samples via one of the three routes mentioned.”

## Oregon

### Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.

<u>Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)</u>	
State law regarding testing a driver fatally injured in a crash	State law mandates testing a driver fatally injured in a crash.
State law mandates reporting test results for fatally injured drivers	Yes
Law or policy provided	ORS 146.113 <sup>29</sup>

### Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **“There has been state-wide implementation of DRE callout system, doubled the number of DRE schools for the last three years (trained 90 new DREs), actively researching ways to improve retention of experienced DREs, multi-partner approach to integrating DREs into major/fatal crash teams, encouraging use of DREs in non-traffic homicides, annual in-state DRE conference, and currently evaluating the use of Institute for Traffic Safety Management and Research tablet-based evaluation program with broad database capabilities.”**

### Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.

<u>Sanctions for alcohol and/or drug test refusal versus DUI</u>	
Per state law, minimum length of time that driver’s license will be suspended or revoked for refusing a test (first offense)	3 months
Per state law, minimum length of time that driver’s license will be suspended or revoked for a first DUI conviction	1 month
Sanctions (including, but not limited to, driver’s license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	“No. In light of SCOTUS case law, there is no intent to criminalize breath/blood/urine test refusal. It remains a traffic violation with a base fine of \$650. ORS 813.095”

<sup>29</sup> “State Medical Examiner also recently advised they would begin drug screening all fatally injured drivers”

## Oregon

**Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no state law regarding electronic warrants.**

State authorizes electronic warrants based on survey response(s): **Yes**

Types of cases for which electronic warrants are authorized based on survey response(s): **“It's a decision made by the presiding judges in each county, depending on their wishes and capabilities. Some counties have e-warrant options, but most are in-person or telephonic. Some counties do not do search warrants outside of business hours.”**

**Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **Yes**

Data are reported in the following system based on survey response(s): **“They report signs and symptoms of drug impairment on our DMV collision forms, but it's sporadic and inconsistently applied. Most crash reports are completed and submitted immediately, so they do not have the results of complete DUII investigations at that time.”**

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver's alcohol/drug use: **There is no state law regarding the denial of insurance payments on the basis of driver's alcohol/drug use.**

Law or policy provided from survey response(s): **Not applicable**

## Pennsylvania

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

<u>Approximate number or percentage of LEOs (based on survey responses)</u>	
Total in state	Not reported
Trained on SFST	Not reported
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	Not reported
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	Not reported
Certified as Drug Recognition Experts (DREs)	Not reported
Actively practicing as DREs	Not reported

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

<u>Specimen types that may be collected for drug testing (per state law)</u>	
Breath	No
Blood	Yes
Urine	Yes
Oral Fluid	No

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no state law regarding whether the driver may choose the type of specimen.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **Oral fluid screening tests are not used at this time, but the state is “investigating the use of oral fluid testing as a tool for law enforcement officers roadside.”**

# Pennsylvania

**Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.**

Reporting DUI-alcohol and DUI-drugs		
State law distinguishes DUI-alcohol from DUI-drugs	based on survey response(s)	No
DUI-alcohol and DUI-drugs arrests are reported separately		Yes
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately		Yes
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs		Not reported

**Recommendation 5: Implied consent laws should extend to drugs other than alcohol.**

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	75 Pa.C.S. 1547

**Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.**

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	There is no state law regarding testing a driver involved in a crash resulting in death or serious injury.
State law regarding testing a driver involved in a crash resulting in serious injury	There is no state law regarding reporting test results.
State law regarding reporting post-collision test results for purposes other than prosecution	Not reported
Law or policy provided from survey response(s)	

**Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.**

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	State law mandates testing a driver fatally injured in a crash.
State law mandates reporting test results for fatally injured drivers	Yes
Law or policy provided	75 Pa.C.S. 3749

## Pennsylvania

**Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **“There has been an overall focus on increasing the number of DREs in the Commonwealth through efforts to have more DRE classes each year in different geographic areas.”**

**Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

<b>Sanctions for alcohol and/or drug test refusal versus DUI</b>	
Per state law, minimum length of time that driver’s license will be suspended or revoked for refusing a test (first offense)	12 months
Per state law, minimum length of time that driver’s license will be suspended or revoked for a first DUI conviction	Not applicable
Sanctions (including, but not limited to, driver’s license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	Yes <sup>30</sup>

**Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no state law regarding electronic warrants.**

State authorizes electronic warrants based on survey response(s): **No. “There is a movement towards authorizing electronic warrants, but it is a function of judicial rule and requires a change mandated by our Supreme Court.”**

Types of cases for which electronic warrants are authorized based on survey response(s): **Not applicable**

**Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **Not answered**

Data are reported in the following system based on survey response(s): **Not reported**

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<sup>30</sup> “Breath is sentenced at highest tier, license suspension. Blood receives license suspension, but no sentencing enhancement post Birchfield. See 75 Pa.C.S. 3804”

## Pennsylvania

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver's alcohol/drug use: **No, state law permits the denial of insurance payments on the basis of driver's alcohol/drug use.**

Law or policy provided from survey response(s): **Not reported**



## Rhode Island

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

Approximate number or percentage of LEOs (based on survey responses)	
Total in state	2,500
Trained on SFST	1,700
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	110
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	275
Certified as Drug Recognition Experts (DREs)	110
Actively practicing as DREs	75

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

Specimen types that may be collected for drug testing (per state law)	
Breath	Yes
Blood	Yes
Urine	Yes
Oral Fluid	No

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no law regarding whether a driver may elect the type of specimen collected.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s):

**Oral fluid screening tests are not used at this time.**

**Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.**

Reporting DUI-alcohol and DUI-drugs		
State law distinguishes DUI-alcohol from DUI-drugs		No
DUI-alcohol and DUI-drugs arrests are reported separately	based on survey response(s)	Yes
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately		Yes
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs		Narrative of report

## Rhode Island

### Recommendation 5: Implied consent laws should extend to drugs other than alcohol.

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	Not reported

### Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	There is no state law regarding testing a driver involved in a crash resulting in death or serious injury.
State law regarding testing a driver involved in a crash resulting in serious injury	There is no law regarding reporting test results.
State law regarding reporting post-collision test results for purposes other than prosecution	Not reported
Law or policy provided from survey response(s)	Not reported

### Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	State law does not mandate testing a driver fatally injured in a crash.
State law mandates reporting test results for fatally injured drivers	No
Law or policy provided	Not applicable

### Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **The state is constantly offering training to all law enforcement agencies.**

## Rhode Island

**Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

Sanctions for alcohol and/or drug test refusal versus DUI	
Per state law, minimum length of time that driver’s license will be suspended or revoked for refusing a test (first offense)	6 months
Per state law, minimum length of time that driver’s license will be suspended or revoked for a first DUI conviction	1 month
Sanctions (including, but not limited to, driver’s license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	Yes, longer license suspension

**Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing:  
**There is no state law regarding electronic warrants.**

State authorizes electronic warrants based on survey response(s): **No**

Types of cases for which electronic warrants are authorized based on survey response(s): **Not applicable**

**Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **LEOs do not report observed behavioral impairment.**

Data are reported in the following system based on survey response(s): **“Officers interview surviving drivers - and if there is something to report, it is put into the report narrative.”**

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver’s alcohol/drug use: **Yes, state law prohibits the denial of insurance payments on the basis of driver’s alcohol/drug use.**

Law or policy provided from survey response(s): **Not reported**

## South Carolina

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

<u>Approximate number or percentage of LEOs (based on survey responses)</u>	
Total in state	Not reported
Trained on SFST	Not reported
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	Not reported
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	Not reported
Certified as Drug Recognition Experts (DREs)	Not reported
Actively practicing as DREs	Not reported

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

<u>Specimen types that may be collected for drug testing (per state law)</u>	
Breath	Yes
Blood	Yes
Urine	Yes
Oral Fluid	No

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no state law regarding whether the driver can elect the type of specimen collected.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **Oral fluid screening tests are not used at this time.**

## South Carolina

**Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.**

Reporting DUI-alcohol and DUI-drugs	
State law distinguishes DUI-alcohol from DUI-drugs	No
DUI-alcohol and DUI-drugs arrests are reported separately	No
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately	No
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs	Not reported

based on survey response(s)

**Recommendation 5: Implied consent laws should extend to drugs other than alcohol.**

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	56-5-2950

**Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.**

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	State law allows for testing a driver involved in a crash resulting in death or serious injury.
State law regarding testing a driver involved in a crash resulting in serious injury	There is no law concerning test results.
State law regarding reporting post-collision test results for purposes other than prosecution	56-5-2945, et. seq <sup>31</sup>
Law or policy provided from survey response(s)	

**Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.**

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	State law does not mandate testing a driver fatally injured in a crash.
State law mandates reporting test results for fatally injured drivers	No
Law or policy provided	56-5-2945 <sup>31</sup>

<sup>31</sup> “Drivers are tested only if there is probable cause to believe they have violated the felony DUI statute”

## South Carolina

### **Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Not reported**

State improvement based on survey response(s): **Not reported**

### **Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

<b>Sanctions for alcohol and/or drug test refusal versus DUI</b>	
Per state law, minimum length of time that driver's license will be suspended or revoked for refusing a test (first offense)	6 months
Per state law, minimum length of time that driver's license will be suspended or revoked for a first DUI conviction	6 months
Sanctions (including, but not limited to, driver's license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	No <sup>32</sup>

### **Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no state law regarding electronic warrants.**

State authorizes electronic warrants based on survey response(s): **No; "SC law requires personal testimony (i.e., live) by the officer to establish probable cause for a search warrant."**

Types of cases for which electronic warrants are authorized based on survey response(s): **Not applicable**

### **Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **LEOs report observed behavioral impairment.**

Data are reported in the following system based on survey response(s): **Not reported**

<sup>32</sup> "Various bills have been proposed that would enhance refusals, but the current law only results in an administrative suspension of the driver's license."

## South Carolina

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver's alcohol/drug use: **No, state law permits the denial of insurance payments on the basis of driver's alcohol/drug use.**

Law or policy provided from survey response(s): **Not reported**

## South Dakota

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

<b>Approximate number or percentage of LEOs (based on survey responses)</b>	
Total in state	2,022
Trained on SFST	2,022
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	Unknown <sup>33</sup>
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	325
Certified as Drug Recognition Experts (DREs)	70
Actively practicing as DREs	56

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

<b>Specimen types that may be collected for drug testing (per state law)</b>	
Breath	Yes
Blood	Yes
Urine	Yes
Oral Fluid	Yes

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no law regarding whether the driver may choose the type of specimen collected.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **LEOs do not use oral fluid screening test devices.**

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<sup>33</sup> This training is no longer conducted. It was replaced with ARIDE six years ago.



## South Dakota

**Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.**

Reporting DUI-alcohol and DUI-drugs	
State law distinguishes DUI-alcohol from DUI-drugs	No
DUI-alcohol and DUI-drugs arrests are reported separately	Yes
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately	Yes
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs	Not reported

based on survey response(s)

**Recommendation 5: Implied consent laws should extend to drugs other than alcohol.**

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	32-23-1

**Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.**

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	There is no state law regarding testing a driver involved in a crash resulting in death or serious injury.
State law regarding testing a driver involved in a crash resulting in serious injury	There is no law concerning reporting for purposes other than prosecution.
State law regarding reporting post-collision test results for purposes other than prosecution	Not applicable <sup>34</sup>
Law or policy provided from survey response(s)	Not applicable <sup>34</sup>

**Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.**

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	State law permits testing a driver fatally injured in a crash.
State law mandates reporting test results for fatally injured drivers	No
Law or policy provided	Not reported

<sup>34</sup> “We ask the driver if they would voluntarily provide us with a sample of his/her blood/urine if we do not suspect impairment. If they refuse and we do not suspect impairment, no sample is taken.”

## South Dakota

**Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **“The South Dakota Highway Patrol has made it a priority that all troopers and above take ARIDE. We also offer numerous ARIDE classes each year. We encourage anybody that is interested in becoming a DRE to do so. We have one DRE school each year.”**

**Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

<b>Sanctions for alcohol and/or drug test refusal versus DUI</b>	
Per state law, minimum length of time that driver’s license will be suspended or revoked for refusing a test (first offense)	No mandatory license revocation
Per state law, minimum length of time that driver’s license will be suspended or revoked for a first DUI conviction	30 days
Sanctions (including, but not limited to, driver’s license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	No

**Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **Yes**

State authorizes electronic warrants based on survey response(s): **Yes; 23A-35-4.2**

Types of cases for which electronic warrants are authorized based on survey response(s): **All**

**Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **LEOs report observed behavioral impairment.**

Data are reported in the following system based on survey response(s): **Case reports**

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver’s alcohol/drug use: **Yes, state law prohibits the denial of insurance payments on the basis of driver’s alcohol/drug use.**

Law or policy provided from survey response(s): **Not reported**

## Tennessee

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

<b>Approximate number or percentage of LEOs (based on survey responses)</b>	
Total in state	16,000
Trained on SFST	16,000
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	Unknown <sup>35</sup>
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	2,400
Certified as Drug Recognition Experts (DREs)	200
Actively practicing as DREs	200

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

<b>Specimen types that may be collected for drug testing (per state law)</b>	
Breath	No
Blood	Yes
Urine	No
Oral Fluid	No

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no state law regarding whether a driver may elect the type of specimen collected.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s):

**Oral fluid screening tests are not used at this time.**

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<sup>35</sup> “Typically this would be in a specialty training course not generally offered through the academies and would be part of specialized training, like ARIDE et cetera”

## Tennessee

### Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.

Reporting DUI-alcohol and DUI-drugs	
State law distinguishes DUI-alcohol from DUI-drugs	No
DUI-alcohol and DUI-drugs arrests are reported separately	Yes
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately	Yes
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs	"TITAN System notes drug only, alcohol only distinctions in fatalities"

based on survey response(s)

### Recommendation 5: Implied consent laws should extend to drugs other than alcohol.

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	TCA 55-10-401 through - 55-10-408

### Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	State law requires testing a driver involved in a crash resulting in death or serious injury.
State law regarding testing a driver involved in a crash resulting in serious injury	There is no law concerning reporting test results.
State law regarding reporting post-collision test results for purposes other than prosecution	TCA 55-10-406 <sup>36</sup>
Law or policy provided from survey response(s)	

### Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	State law mandates testing a driver fatally injured in a crash
State law mandates reporting test results for fatally injured drivers	Yes
Law or policy provided	TCA 55-10-406 & TCA 55-10-407

<sup>36</sup> "TN's Implied Consent Statute (TCA 55-10-406) requires mandatory testing for all drivers involved in a fatality; the driver can refuse and TN will honor their refusal subject to a Search Warrant or recognized exigent circumstances."

## Tennessee

**Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **No**

State improvement based on survey response(s): **Not applicable**

**Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

<b>Sanctions for alcohol and/or drug test refusal versus DUI</b>	
Per state law, minimum length of time that driver’s license will be suspended or revoked for refusing a test (first offense)	12 months
Per state law, minimum length of time that driver’s license will be suspended or revoked for a first DUI conviction	12 months
Sanctions (including, but not limited to, driver’s license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	Yes

**Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no law regarding electronic warrants.**

State authorizes electronic warrants based on survey response(s): **Yes; Rule 41 of the Tennessee Rules of Criminal Procedure**

Types of cases for which electronic warrants are authorized based on survey response(s): **“If a system has been set up in a particular jurisdiction then it is authorized by our legislature.”**

**Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **LEOs report observed behavioral impairment.**

Data are reported in the following system based on survey response(s): **“The behaviors of the DUI-Drug drivers are made note of on the officers' reports/incident reports and added to the Tennessee Integrated Traffic Analysis Network.”**

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver’s alcohol/drug use: **There is no law regarding the denial of insurance payments on the basis of driver’s alcohol/drug use.**

Law or policy provided from survey response(s): **Not applicable**

## Texas

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

<b>Approximate number or percentage of LEOs (based on survey responses)</b>	
Total in state	28,000
Trained on SFST	25,200
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	Unknown
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	Unknown
Certified as Drug Recognition Experts (DREs)	>300
Actively practicing as DREs	300

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

<b>Specimen types that may be collected for drug testing (per state law)</b>	
Breath	Yes
Blood	Yes
Urine	No
Oral Fluid	No

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no law regarding whether a driver may choose the type of specimen collected.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **Oral fluid screening tests are not used at this time.**<sup>37</sup>

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<sup>37</sup> “Oral fluid testing results in a tremendous number of false negatives. This produces a very negative effect on enforcement and prosecution. Negative results are likely admissible in court, while positive results are not. The Impaired Driving Prosecutor Task Force in 2016 and 2017, both universally opposed efforts to sell this bunk technology that does far greater harm than good. Great for manufacturer profits, but it will cripple law enforcement and prosecution.”

## Texas

### Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.

Reporting DUI-alcohol and DUI-drugs	
State law distinguishes DUI-alcohol from DUI-drugs	No
DUI-alcohol and DUI-drugs arrests are reported separately	No
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately	No
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs	Not applicable <sup>38</sup>

based on survey response(s)

### Recommendation 5: Implied consent laws should extend to drugs other than alcohol.

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	Penal Code 49.02

### Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	State law permits testing a driver involved in a crash resulting in death or serious injury.
State law regarding testing a driver involved in a crash resulting in serious injury	There is no law concerning reporting test results.
State law regarding reporting post-collision test results for purposes other than prosecution	Transportation Code 724.012
Law or policy provided from survey response(s)	

### Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	State law does not mandate testing a driver fatally injured in a crash.
State law mandates reporting test results for fatally injured drivers	No
Law or policy provided	Not applicable

<sup>38</sup> “For every alcohol only or drug only impaired driving case there are an equal number of poly use cases. To implement such a policy would make every DWI case much harder to prosecute, would not help in anyway in actually tracking, and would create all new defenses to actual impaired drivers.”

## Texas

### **Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **Not reported**<sup>39</sup>

### **Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

<b>Sanctions for alcohol and/or drug test refusal versus DUI</b>	
Per state law, minimum length of time that driver's license will be suspended or revoked for refusing a test (first offense)	3 months
Per state law, minimum length of time that driver's license will be suspended or revoked for a first DUI conviction	3 months
Sanctions (including, but not limited to, driver's license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	No

### **Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **State law authorizes electronic warrants.**

State authorized electronic warrants based on survey response(s): **Yes; Beeman v. State**

Types of cases for which electronic warrants are authorized based on survey response(s): **All cases**

### **Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **LEOs report observed behavioral impairment.**

Data are reported in the following system based on survey response(s): **"Data are reported in individual police reports. But more reporting requirements of police means less arrests for DWI which causes more death on the highway."**

<sup>39</sup> "Every stakeholder, including myself, is aware of the need for more DREs. The chief impediment is that there is no police agency in Texas that is not strained to the breaking point for personnel resources. The DRE program training requires massive time away for personnel, the best and most productive personnel."



## Texas

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver's alcohol/drug use: **There is no law regarding the denial of insurance payments on the basis of driver's alcohol/drug use.**

Law or policy provided from survey response(s): **Not applicable**

## Utah

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

<b>Approximate number or percentage of LEOs (based on survey responses)</b>	
Total in state	8,735
Trained on SFST	8,735
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	0
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	1,621
Certified as Drug Recognition Experts (DREs)	152
Actively practicing as DREs	113

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

<b>Specimen types that may be collected for drug testing (per state law)</b>	
Breath	Yes
Blood	Yes
Urine	Yes
Oral Fluid	Yes

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no law regarding whether the driver may choose the type of specimen for testing.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **Oral fluid screening test devices are “in the testing phase.”**

**Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.**

<b>Reporting DUI-alcohol and DUI-drugs</b>		
State law distinguishes DUI-alcohol from DUI-drugs		No
DUI-alcohol and DUI-drugs arrests are reported separately	based on survey response(s)	Yes
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately		Yes
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs		Driver’s License Division

## Utah

**Recommendation 5: Implied consent laws should extend to drugs other than alcohol.**

<b>State implied consent law</b>	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	Utah Code 41--6a--5

**Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.**

<b>Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes</b>	
State law regarding testing a driver involved in a crash resulting in death	State law permits testing a driver involved in a crash resulting in death or serious injury.
State law regarding testing a driver involved in a crash resulting in serious injury	There is no law concerning reporting of test results.
State law regarding reporting post-collision test results for purposes other than prosecution	Not reported
Law or policy provided from survey response(s)	Not reported

**Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.**

<b>Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)</b>	
State law regarding testing a driver fatally injured in a crash	State law mandates testing a driver fatally injured in a crash.
State law mandates reporting test results for fatally injured drivers	Yes
Law or policy provided	Utah code 26---4-7

**Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **“We have pushed the ARIDE program to all over the state.”**

# Utah

**Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

<b>Sanctions for alcohol and/or drug test refusal versus DUI</b>	
Per state law, minimum length of time that driver's license will be suspended or revoked for refusing a test (first offense)	18 months
Per state law, minimum length of time that driver's license will be suspended or revoked for a first DUI conviction	4 months
Sanctions (including, but not limited to, driver's license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	No <sup>40</sup>

**Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no state law regarding electronic warrants.**

State authorizes electronic warrants based on survey response(s): **Yes; Utah Courts Rule 40**

Types of cases for which electronic warrants are authorized based on survey response(s): **All cases**

**Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **LEOs report observed behavioral impairment.**

Data are reported in the following system based on survey response(s): **accident reports**

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver's alcohol/drug use: **There is no law regarding the denial of insurance payments on the basis of driver's alcohol/drug use.**

Law or policy provided from survey response(s): **Not applicable**

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<sup>40</sup> "All sanctions are not as severe as a DUI conviction. Driver License sanctions are, but there are no further penalties for a refusal beyond the DL implications."

## Vermont

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

<b>Approximate number or percentage of LEOs (based on survey responses)</b>	
Total in state	1,800
Trained on SFST	1,800
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	0
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	536
Certified as Drug Recognition Experts (DREs)	75
Actively practicing as DREs	38

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

<b>Specimen types that may be collected for drug testing (per state law)</b>	
Breath	Yes
Blood	Yes
Urine	No
Oral Fluid	No

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no law regarding whether the driver may choose the type of specimen.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **No**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **Oral fluid screening test devices are not used. “We did a pilot program for oral fluid testing two years ago. There currently is a bill pending in the Vermont Legislature to allow this type of testing.”**

## Vermont

### Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.

Reporting DUI-alcohol and DUI-drugs	
State law distinguishes DUI-alcohol from DUI-drugs	No
DUI-alcohol and DUI-drugs arrests are reported separately	Yes
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately	Yes
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs	Not reported

based on survey response(s)

### Recommendation 5: Implied consent laws should extend to drugs other than alcohol.

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	23 Vermont Statutes Annotated 1200 (2)

### Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	State law requires testing a driver involved in a crash resulting in death or serious injury.
State law regarding testing a driver involved in a crash resulting in serious injury	There is no law concerning reporting of test results.
State law regarding reporting post-collision test results for purposes other than prosecution	Not reported
Law or policy provided from survey response(s)	Not reported

### Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	State law mandates testing a driver fatally injured in a crash.
State law mandates reporting test results for fatally injured drivers	Yes
Law or policy provided	23 Vermont Statutes Annotated 1201(a)(2)

## Vermont

**Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **“The Police Academy mandates all new police officers be ARIDE trained within three years of graduation from the basic academy. The Academy has just hired a Training Assistant to handle the bulk of DUI-related trainings and grant administration.”**

**Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

Sanctions for alcohol and/or drug test refusal versus DUI	
Per state law, minimum length of time that driver’s license will be suspended or revoked for refusing a test (first offense)	6 months
Per state law, minimum length of time that driver’s license will be suspended or revoked for a first DUI conviction	3 months
Sanctions (including, but not limited to, driver’s license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	Yes

**Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no state law regarding electronic warrants.**

State authorizes electronic warrants based on survey response(s): **No**

Types of cases for which electronic warrants are authorized based on survey response(s): **Not applicable**

**Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **LEOs report observed behavioral impairment.**

Data are reported in the following system based on survey response(s): **Crash repository at the Agency of Transportation**

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver’s alcohol/drug use: **There is no law regarding the denial of insurance payments on the basis of driver’s alcohol/drug use.**

Law or policy provided from survey response(s): **Not applicable**

## Virginia

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

Approximate number or percentage of LEOs (based on survey responses)	
Total in state	18,769
Trained on SFST	14,077
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	Not reported
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	200
Certified as Drug Recognition Experts (DREs)	18
Actively practicing as DREs	18

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

Specimen types that may be collected for drug testing (per state law)	
Breath	No
Blood	Yes
Urine	No
Oral Fluid	No

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no law regarding whether the driver may choose the type of specimen.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **Oral fluid screening test devices are not used.**

**Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.**

Reporting DUI-alcohol and DUI-drugs	
State law distinguishes DUI-alcohol from DUI-drugs	No
DUI-alcohol and DUI-drugs arrests are reported separately	Yes
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately	Yes
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs	Not reported

based on survey response(s)



## Virginia

**Recommendation 5: Implied consent laws should extend to drugs other than alcohol.**

<u>State implied consent law</u>	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	VA Code 18.2-268.2

**Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.**

<u>Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes</u>	
State law regarding testing a driver involved in a crash resulting in death	There is no state law regarding testing a driver involved in a crash resulting in death.
State law regarding testing a driver involved in a crash resulting in serious injury	State law permits testing a driver involved in a crash resulting in serious injury.
State law regarding reporting post-collision test results for purposes other than prosecution	There is no law concerning reporting for purposes other than prosecution.
Law or policy provided from survey response(s)	Not reported

**Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.**

<u>Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)</u>	
State law regarding testing a driver fatally injured in a crash	State law does not mandate testing a driver fatally injured in a crash <sup>41</sup>
State law mandates reporting test results for fatally injured drivers	No
Law or policy provided	Not reported

**Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **“We started a DEC program in Virginia in 2016.” The state is working closely with other states to send Virginia officers to their schools.**

<sup>41</sup> “Alcohol and drug testing are requested by law enforcement (LE) in the suspected DUI or drug cases.”

## Virginia

**Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

<b>Sanctions for alcohol and/or drug test refusal versus DUI</b>	
Per state law, minimum length of time that driver's license will be suspended or revoked for refusing a test (first offense)	12 months
Per state law, minimum length of time that driver's license will be suspended or revoked for a first DUI conviction	12 months
Sanctions (including, but not limited to, driver's license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	Not reported

**Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no state law regarding electronic warrants.**

State authorizes electronic warrants based on survey response(s): **No; "VA Code 18.2- 268.3C requires that the officer 'under oath, before the Magistrate execute the form...'"**

Types of cases for which electronic warrants are authorized based on survey response(s): **Not applicable**

**Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **LEOs report observed behavioral impairment.**

Data are reported in the following system based on survey response(s): **Crash narrative section of crash reports**

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver's alcohol/drug use: **There is no law regarding the denial of insurance payments on the basis of driver's alcohol/drug use.**

Law or policy provided from survey response(s): **Not applicable**

## Washington

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

<b>Approximate number or percentage of LEOs (based on survey responses)</b>	
Total in state	10,000
Trained on SFST	8,000
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	Not reported
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	2,000
Certified as Drug Recognition Experts (DREs)	300
Actively practicing as DREs	206

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

<b>Specimen types that may be collected for drug testing (per state law)</b>	
Breath	No
Blood	Yes
Urine	No
Oral Fluid	No

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no law regarding whether the driver may choose the type of specimen.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **“There is interest by the administration but we need to evaluate its effectiveness. The incidents of false positives and negatives is a concern. The value of the test is questionable since officers make arrests under the impairment prong of the impaired driving statute.” “Several devices have been examined, but no active consideration is afoot to approve an oral fluid device for use. “**

## Washington

### Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.

Reporting DUI-alcohol and DUI-drugs		
State law distinguishes DUI-alcohol from DUI-drugs		Yes
DUI-alcohol and DUI-drugs arrests are reported separately	based on survey response(s)	Yes
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately		Yes
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs		Activity collection, toxicology reports

### Recommendation 5: Implied consent laws should extend to drugs other than alcohol.

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	RCWA 46.20.308; RCWA 46.61.540

### Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	There is no law regarding testing a driver involved in a crash resulting in death.
State law regarding testing a driver involved in a crash resulting in serious injury	State law permits testing a driver involved in a crash resulting in serious injury.
State law regarding reporting post-collision test results for purposes other than prosecution	There is no law concerning reporting of test results.
Law or policy provided from survey response(s)	Not reported <sup>42</sup>

<sup>42</sup> “If impairment is not detected then the person may be told to seek their own test to help protect them from civil liability. The problem arises when an officer doesn't detect impairment but requests a blood sample that comes back with drugs in the system. Now the liability for failing to detect the impairment falls on the officer.” “Officers are trained to seek warrants where possible, and seek consent to test for others.”

## Washington

**Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.**

<u>Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)</u>	
State law regarding testing a driver fatally injured in a crash	State law allows testing a driver fatally injured in a crash.
State law mandates reporting test results for fatally injured drivers	Allows for, but does not mandate
Law or policy provided	RCWA 68.50.106

**Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **“The Traffic Safety Commission, the WSP Impaired Driving Section, and the Traffic Safety Program constantly strive to expand the program. This includes advertising its accomplishments to agencies, recruiting new talent, expanding the role of DREs, and looking for new ways to utilize their skills.”**

**Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

<u>Sanctions for alcohol and/or drug test refusal versus DUI</u>	
Per state law, minimum length of time that driver’s license will be suspended or revoked for refusing a test (first offense)	12 months
Per state law, minimum length of time that driver’s license will be suspended or revoked for a first DUI conviction	Mandatory minimum of license suspension is for alcohol only
Sanctions (including, but not limited to, driver’s license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	Not reported

**Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no state law regarding electronic warrants.**

State authorizes electronic warrants based on survey response(s): **Yes**

Types of cases for which electronic warrants are authorized based on survey response(s): **Not applicable**

## Washington

**Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **LEOs report observed behavioral impairment.**

Data are reported in the following system based on survey response(s): **Police report of search warrant**

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver's alcohol/drug use: **Yes, state law prohibits the denial of insurance payments on the basis of driver's alcohol/drug use.**

Law or policy provided from survey response(s): **Not reported**

## West Virginia

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

Approximate number or percentage of LEOs (based on survey responses)	
Total in state	3,200
Trained on SFST	3,200
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	2,400
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	800
Certified as Drug Recognition Experts (DREs)	35
Actively practicing as DREs	32

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

Specimen types that may be collected for drug testing (per state law)	
Breath	Yes
Blood	Yes
Urine	No
Oral Fluid	No

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no law regarding whether the driver may choose the type of specimen.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **Oral fluid screening test devices are not used.**

**Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.**

Reporting DUI-alcohol and DUI-drugs	
State law distinguishes DUI-alcohol from DUI-drugs	No
DUI-alcohol and DUI-drugs arrests are reported separately	Yes
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately	Yes
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs	DUI information sheet

## West Virginia

**Recommendation 5: Implied consent laws should extend to drugs other than alcohol.**

<b>State implied consent law</b>	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	17C-5-2

**Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.**

<b>Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes</b>	
State law regarding testing a driver involved in a crash resulting in death	There is no law concerning testing a driver involved in a crash resulting in death or serious injury.
State law regarding testing a driver involved in a crash resulting in serious injury	
State law regarding reporting post-collision test results for purposes other than prosecution	There is no law concerning reporting test results.
Law or policy provided from survey response(s)	Not applicable

**Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.**

<b>Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)</b>	
State law regarding testing a driver fatally injured in a crash	State policy allows for testing a driver fatally injured in a crash.
State law mandates reporting test results for fatally injured drivers	Yes
Law or policy provided	Not reported

**Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **“Yes, we were able to join the DEC Program in October of 2013. Since then we have done a significant amount of training in ‘Drugs that Impair’, ARIDE, and DREs. We have 1 DRE school and plan to have one a year for several more years at a minimum. We will do 8-20 ARIDE courses a year for the foreseeable future as a means to facilitate the identification of drug impaired drivers.”**



## West Virginia

**Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

Sanctions for alcohol and/or drug test refusal versus DUI	
Per state law, minimum length of time that driver’s license will be suspended or revoked for refusing a test (first offense)	12 months
Per state law, minimum length of time that driver’s license will be suspended or revoked for a first DUI conviction	6 months
Sanctions (including, but not limited to, driver’s license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	Yes

**Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing:  
**There is no state law regarding electronic warrants.**

State authorizes electronic warrants based on survey response(s): **No**

Types of cases for which electronic warrants are authorized based on survey response(s): **Not applicable**

**Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **LEOs report observed behavioral impairment.**

Data are reported in the following system based on survey response(s): **DMV and West Virginia Governor’s Highway Safety Program systems.**

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver’s alcohol/drug use: **No, state law permits the denial of insurance payments on the basis of driver’s alcohol/drug use.**

Law or policy provided from survey response(s): **Not reported**

## Wisconsin

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

Approximate number or percentage of LEOs (based on survey responses)	
Total in state	12,772
Trained on SFST	99%
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	1,277
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	2,000
Certified as Drug Recognition Experts (DREs)	255
Actively practicing as DREs	248

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

Specimen types that may be collected for drug testing (per state law)	
Breath	No
Blood	Yes
Urine	Yes
Oral Fluid	No

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **There is no law regarding whether the driver may choose the type of specimen.**

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **Oral fluid screening test devices are currently being piloted, to be used “any time drugs are suspected, and used like a PBT on a traffic stop.”**

**Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.**

Reporting DUI-alcohol and DUI-drugs		
State law distinguishes DUI-alcohol from DUI-drugs		No
DUI-alcohol and DUI-drugs arrests are reported separately	based on survey response(s)	No
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately		No
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs		Not reported

## Wisconsin

### Recommendation 5: Implied consent laws should extend to drugs other than alcohol.

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	s. 346.63; s. 343.305(3); s. 340.01

### Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	State law permits testing a driver involved in a crash resulting in death or serious injury.
State law regarding testing a driver involved in a crash resulting in serious injury	There is no law concerning reporting test results.
State law regarding reporting post-collision test results for purposes other than prosecution	s. 343.305(3)(ar)2
Law or policy provided from survey response(s)	

### Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	State law mandates testing a driver fatally injured in a crash.
State law mandates reporting test results for fatally injured drivers	Yes
Law or policy provided	s. 346.71

### Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes**

State improvement based on survey response(s): **“There is heavy promotion of the program.”**  
**“Obtaining additional funding through the Wisconsin Department of Health Services has allowed the program to hold 2 DRE schools per year instead of one. This has allowed the program to target geographical areas that are in need of DREs.”**

## Wisconsin

**Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

Sanctions for alcohol and/or drug test refusal versus DUI	
Per state law, minimum length of time that driver's license will be suspended or revoked for refusing a test (first offense)	12 months
Per state law, minimum length of time that driver's license will be suspended or revoked for a first DUI conviction	6 months
Sanctions (including, but not limited to, driver's license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	Yes

**Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no state law regarding electronic warrants.**

State authorizes electronic warrants based on survey response(s): **Yes**

Types of cases for which electronic warrants are authorized based on survey response(s): **"It is up to each agency to decide how they wish to utilize the law. Missouri v. McNeely, 569 U.S. \_\_\_ (2013), was a case decided by United States Supreme Court, on appeal from the Supreme Court of Missouri, regarding exceptions to the Fourth Amendment to the United States Constitution under exigent circumstances.[1] The United States Supreme Court ruled that police must generally obtain a warrant before subjecting a drunken-driving suspect to a blood test, and that the natural metabolism of blood alcohol does not establish a per se exigency that would justify a blood draw without consent. WI ss 968.13. Search warrant; property subject to seizure."**

**Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **LEOs report observed behavioral impairment.**

Data are reported in the following system based on survey response(s): **DT4000 crash report**

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver's alcohol/drug use: **There is no law regarding the denial of insurance payments on the basis of driver's alcohol/drug use.**

Law or policy provided from survey response(s): **Not applicable**

## Wyoming

**Recommendation 1: All law enforcement officers (LEOs) should be trained in the Standardized Field Sobriety Tests (SFST) and the National Highway Traffic Safety Administration (NHTSA) “Drugs that Impair Driving” curriculum.**

<b>Approximate number or percentage of LEOs (based on survey responses)</b>	
Total in state	2,000
Trained on SFST	2,000
Trained on NHTSA’s “Drugs that Impair Driving” curriculum	Not reported
Trained on NHTSA’s “Advanced Roadside Impaired Driving Enforcement” (ARIDE) course	800
Certified as Drug Recognition Experts (DREs)	140
Actively practicing as DREs	80

**Recommendation 2: Authorize LEOs to collect specimens for alcohol and other drug testing for all DUI arrestees.**

<b>Specimen types that may be collected for drug testing (per state law)</b>	
Breath	Yes
Blood	Yes
Urine	Yes
Oral Fluid	Yes

Per state law, the driver may choose the type of specimen(s) that may be collected for drug testing when suspected of DUI: **No**<sup>43</sup>

Collection of a specimen or specimens for multiple tests is authorized based on survey response(s): **Yes**

**Recommendation 3: LEOs should use oral fluid test technology on suspected drugged drivers.**

LEO use of oral fluid screening test devices on suspected drugged drivers based on survey response(s): **Oral fluid screening test devices are not used.**<sup>44</sup>

<sup>43</sup> The driver may choose only when alcohol use alone is suspected.

<sup>44</sup> “Currently there are some detention centers around the state (in southeast WY, near Colorado) that have oral testing devices for suspected DUIs, however, these are utilized on a voluntary basis only (i.e. the offender has to volunteer/agree to take the test). The results are currently being used for data collection on the prominence of drug use, however, the results cannot be used against the offender in court proceedings.”

## Wyoming

### Recommendation 4: State reporting systems should distinguish between DUI-alcohol and DUI-drugs.

Reporting DUI-alcohol and DUI-drugs	
State law distinguishes DUI-alcohol from DUI-drugs	No
DUI-alcohol and DUI-drugs arrests are reported separately	Yes
DUI-alcohol and DUI-drugs among crash-involved drivers are reported separately	Yes
Other state reporting systems that distinguish between DUI-alcohol and DUI-drugs	Not reported

based on survey response(s)

### Recommendation 5: Implied consent laws should extend to drugs other than alcohol.

State implied consent law	
Extends to drugs other than alcohol per state law	Yes
Covers the following drugs based on survey response(s)	All drugs
Law or policy provided from survey response(s)	Wyoming Statue 31-6-102 (a)

### Recommendation 6: Authorize and encourage alcohol and drug testing for all surviving drivers involved in fatal and serious injury crashes.

Alcohol and drug testing for surviving drivers involved in fatal and serious injury crashes	
State law regarding testing a driver involved in a crash resulting in death	State law allows testing a driver involved in a crash resulting in death or serious injury.
State law regarding testing a driver involved in a crash resulting in serious injury	There is no law concerning reporting test results.
State law regarding reporting post-collision test results for purposes other than prosecution	Not reported
Law or policy provided from survey response(s)	Not reported

### Recommendation 7: Mandate alcohol and other drug testing and reporting results on all fatally injured drivers.

Alcohol and drug testing and reporting results on fatally injured drivers from survey response(s)	
State law regarding testing a driver fatally injured in a crash	There is no state law regarding testing a driver fatally injured in a crash; some coroners do testing as a standard procedure.
State law mandates reporting test results for fatally injured drivers	No
Law or policy provided	Not reported

## Wyoming

**Recommendation 8: Improve implementation and utilization of the Drug Evaluation and Classification (DEC) program.**

State has worked to improve the implementation and utilization of the DEC program based on survey response(s): **Yes, despite severe budget cuts.**

State improvement based on survey response(s): **“We have tried to ensure there is an available DRE for every section of the state, we have educated law enforcement to utilize a DRE in drug impaired driving cases. We have further encouraged officers to attend ARIDE to be educated on drugged driving detection in order to recognize a drug impaired driver and subsequently utilize a DRE in these situations.”**

**Recommendation 9: Sanctions for refusing to provide a specimen for alcohol and/or other drug testing should be as severe as for a positive test result.**

Sanctions for alcohol and/or drug test refusal versus DUI	
Per state law, minimum length of time that driver’s license will be suspended or revoked for refusing a test (first offense)	No sanctions
Per state law, minimum length of time that driver’s license will be suspended or revoked for a first DUI conviction	6 months
Sanctions (including, but not limited to, driver’s license suspension or revocation) for refusing to provide a specimen for testing are as severe as for a DUI conviction based on survey response(s)	No

**Recommendation 10: Authorize electronic warrants to reduce delays in collecting specimens for alcohol and/or other drug testing when a court order is necessary.**

State law authorizes electronic warrants when a court order is needed to collect a specimen for testing: **There is no state law regarding electronic warrants.**

State authorized electronic warrants based on survey response(s): **Yes**

Types of cases for which electronic warrants are authorized based on survey response(s): **“Electronic warrants are only authorized for DUI cases, though used across the state. In some areas of the state, even with a warrant, they will not force a draw.”**

**Recommendation 11: LEOs should report observed behavioral impairment among surviving drivers in fatal crashes.**

LEOs report observed behavioral impairment among surviving drivers in fatal crashes based on survey response(s): **LEOs report observed behavioral impairment.**

Data are reported in the following system based on survey response(s): **Reported in the crash report and/or a police narrative of the arrest report.**

## Wyoming

**Recommendation 12: States should amend insurance laws to prohibit denial of insurance payment on the basis of alcohol or drug use.**

State law prohibits the denial of insurance payments on the basis of driver's alcohol/drug use: **No, state law permits the denial of insurance payments on the basis of driver's alcohol/drug use.**

Law or policy provided from survey response(s): **Wyoming Statute 26-18-126**



## Appendix B: Survey Protocol

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### WEB SCRIPT

### STATE DATA ON DRUGGED DRIVING

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#### Sponsored by the AAA Foundation for Traffic Safety

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The National Opinion Research Center (NORC) at the University of Chicago is conducting research on state drugged driving laws and their enforcement. This effort is sponsored by the AAA Foundation for Traffic Safety (AAAFTS). We hope that you will complete a few questions about drugged driving in your state. This information will be summarized in a final report. We will not use your name in any of our research reports (unless you give us permission to do so). You do not have to answer any questions that you don't want to answer. You can end the interview at any time. The survey will take from 10 to 20 minutes to complete depending upon how much information you give us. If you feel you are not the right person to answer these questions, please tell us who might have this information by emailing [Fell-James@norc.org](mailto:Fell-James@norc.org).

We plan to summarize all of the responses to our interviews in our final report to the AAA Foundation for Traffic Safety. Our objectives are to (a) use a variety of methods to gather and document laws, policies and practices in each state and the District of Columbia pertaining to data on drugged driving; (b) relate those findings to recommendations made in a previous AAA Foundation for Traffic Safety report; (c) develop a final report that indicates the current status of data on drugged driving in each state and the District of Columbia; and (d) identify strategies that could improve the process of implementing the AAA Foundation recommendations.

Please check this box if you are willing to proceed.

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The first few questions have to do with **DETECTION** of drugged drivers:

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Approximately how many law enforcement officers (including state, municipal, sheriffs, etc.) are there in your state? \_\_\_\_\_

How many or what percent have been *trained* in:

Standardized Field Sobriety Testing (SFST)\_\_\_\_\_

The National Highway Traffic Safety Administration's (NHTSA's) "Drugs that Impair Driving" curriculum\_\_\_\_\_

NHTSA's "Advanced Roadside Impaired Driving Enforcement" (ARIDE) course\_\_\_\_\_ and as Drug Recognition Experts (DREs) by completing the Drug Evaluation and Classification (DEC) program? \_\_\_\_\_

How many active (practicing) DREs are there currently in your state?\_\_\_\_\_

What geographic areas do they cover in your state?\_\_\_\_\_

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Does your state authorize law enforcement officers to order the collection and testing of **specimens** (e.g., breath, blood, urine, oral fluid) for drugs and alcohol for drivers arrested for driving under the influence (DUI)?

Yes\_\_\_\_ For which of the following:  breath,  blood,  urine,  oral fluid For all DUI arrestees?\_\_\_\_\_

If not for all arrestees, for how many and under what circumstances? \_\_\_\_\_

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If an offender has a BAC >.08 g/dL, are they tested further for other drugs?

Yes\_\_\_\_\_ Under what circumstances?\_\_\_\_\_

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No\_\_\_\_\_

No\_\_\_\_\_

Is there any movement underway to do so? Please explain:\_\_\_\_\_

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Do any of your state's law enforcement officers use **oral fluid screening test devices** on suspected drugged drivers?

(a) Yes \_\_\_\_ How many?\_\_\_\_\_ What screening tester do you use?\_\_\_\_\_

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Under what circumstances? \_\_\_\_\_

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(b) No\_\_\_\_\_ Is there a movement underway to do so? Please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Does your state **mandate** alcohol and other drug testing and reporting on all **fatally** injured drivers?

(a) Yes\_\_\_\_\_ By law?\_\_\_\_\_ (law citation)  
By policy?\_\_\_\_\_ (policy citation)  
(b) No\_\_\_\_\_ Is there a movement underway to do so? Please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Has your state done anything to improve the implementation and utilization of the **DEC (Drug Evaluation and Classification)** program?

(a) Yes\_\_\_\_\_ How so? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(b) No\_\_\_\_\_ Is there a movement underway to do so? Please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Does your state authorize **alcohol and drug testing** for all surviving drivers in fatal and serious injury crashes?

(a) Yes\_\_\_\_\_ By law?\_\_\_\_\_ (law citation)  
By policy?\_\_\_\_\_ (policy citation)  
Other? \_\_\_\_\_  
(b) No\_\_\_\_\_ Is there a movement underway to do so? Please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is the testing encouraged? \_\_\_\_\_ In what way? \_\_\_\_\_  
\_\_\_\_\_

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The next questions have to do with the **REPORTING** of drugged driving in your state.

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Do your state's reporting systems distinguish between *DUI-alcohol and DUI-other drugs*?

(a) Yes\_\_\_\_\_ What reporting systems? DUI Arrests?\_\_\_\_\_

Crash reports involving DUI? \_\_\_\_\_

Other systems?\_\_\_\_\_

(b) No\_\_\_\_\_ Is there a movement underway to do so? Please explain: \_\_\_\_\_

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Do your state's law enforcement officers report *observed behavioral impairment* among surviving drivers in fatal crashes?

(a) Yes\_\_\_\_\_ For all cases? \_\_\_\_\_ How many annually? \_\_\_\_\_

Where are the data reported? \_\_\_\_\_

(b) No\_\_\_\_\_ Is there a movement underway to do so? Please explain: \_\_\_\_\_

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Does your state have enhanced penalties for an offender that has both alcohol and other drugs in their system?

(a) Yes\_\_\_\_\_ By law? \_\_\_\_\_ (law citation)

By policy? \_\_\_\_\_ (policy citation)

Other? \_\_\_\_\_

(b) No\_\_\_\_\_ Is there a movement underway to do so? Please explain: \_\_\_\_\_

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The next few questions have to do with drugged driving **LEGISLATION** in your State:

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Are your state sanctions for *refusing* to provide a specimen (breath, blood, oral fluid) for alcohol and/or other drug testing **as severe** as for a *DUI conviction*?

Yes \_\_\_\_\_ What are those sanctions? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What is the law citation? \_\_\_\_\_

(b) No \_\_\_\_\_ Is there a movement underway to do so? Please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Does your state authorize **electronic warrants** to reduce delays in collecting specimens for alcohol and/or other drug testing?

(a) Yes \_\_\_\_\_ In all cases (arrests, crashes?) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What is the law citation? \_\_\_\_\_

(b) No \_\_\_\_\_ Is there a movement underway to do so? Please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Does your state's **implied consent law** extend to drugs other than alcohol?

(a) Yes \_\_\_\_\_ All drugs? \_\_\_\_\_ Specific drugs? \_\_\_\_\_  
\_\_\_\_\_

What is the law citation? \_\_\_\_\_

Does the law support collection of blood and/or oral fluid? Yes \_\_\_\_\_ No \_\_\_\_\_

Is law enforcement authorized to collect a specimen or specimens for multiple tests?

Yes \_\_\_\_\_ No \_\_\_\_\_

Are suspects permitted to choose the type of specimen? Yes \_\_\_\_\_ No \_\_\_\_\_

(b) No \_\_\_\_\_ Is there a movement underway to do so? Please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Does your state have a law that *prohibits denial of insurance* payments on the basis of alcohol or drug use?

Yes \_\_\_\_\_ (b) No \_\_\_\_\_

If Yes \_\_\_\_\_ What year? \_\_\_\_\_ What is the law citation? \_\_\_\_\_

Is it for both alcohol and drugs? \_\_\_\_\_

Yes \_\_\_\_ No \_\_\_\_\_

(If No) Is there a movement underway to do so? Please explain: \_\_\_\_\_

That concludes our questions. Would you like to add anything? \_\_\_\_\_

Please enter your name and title if you give permission for us to list your name and/or title in our report to the AAA Foundation for Traffic Safety.

Name: \_\_\_\_\_

Title: \_\_\_\_\_

If you have any questions about the survey, please contact the Principal Investigator Jim Fell at [Fell-Jim@norc.org](mailto:Fell-Jim@norc.org) or by telephone (301) 634-9576. Thank you for your time.