

2019

Year-End Report: State Legislative Activity



RESPONSIBILITY.ORG

Overview: 2019 State Legislative Activity

Every year, the traffic safety community works to eliminate fatalities on our roadways and supports policies to achieve that goal. In 2018, traffic deaths declined 2.4% according to The National Highway Traffic Safety Administration ([NHTSA, 2019](#)). Still, 36,560 people died on our roadways. Alcohol-impaired driving deaths accounted for 29% of all traffic fatalities, the lowest percentage since NHTSA began reporting fatality data in 1982 and a 3.6% reduction from 2017. Despite this progress, these deaths are preventable. More must be done to stop them.

This is especially true regarding the critical threat posed by high-risk impaired drivers (repeat offenders, drivers at high blood alcohol concentrations (.15>), drive impaired repeatedly, or drive after consuming a combination of alcohol and drugs or multiple drugs). They must be screened and assessed for substance use disorders and co-occurring mental health disorders to eliminate impaired driving in the future.

[Responsibility.org](#) offers technical assistance and guidance to state legislators and local coalitions working to strengthen and enforce existing laws. We advocate for proven countermeasures to eliminate impaired driving and reduce underage drinking. We promote [evidence-based strategies](#) to create deterrence, reduce recidivism, improve treatment outcomes, and create long-term behavior change.

Figure 1: Alcohol-impaired driving fatalities 1982-2018

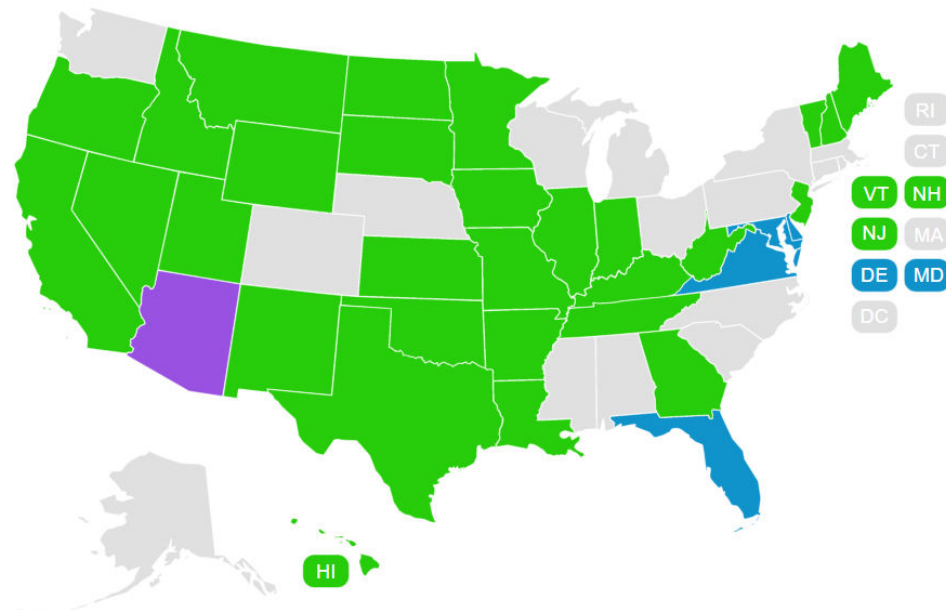


The 2019 legislative session was dominated by technical corrections or minor modifications to existing laws. Since many states have enacted major DUI legislation, recent efforts have focus improving implementation and/or enforcement of existing laws. To date, Responsibility.org has identified nearly **200** pieces of impaired driving and underage drinking legislation in **46 states**.

To date, **59 impaired driving bills** have been signed into law in **34 states** (**Arizona, Arkansas, California, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Minnesota, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, and Wyoming**). States that successfully passed underage drinking bills are **Arizona** (HB 2281), **Florida** (HB 595), **Maryland** (HB 88), and **Virginia** (SB 1349).

Implementation and enforcement of these laws will better position **34 states** to reduce impaired driving and underage drinking. Details on the new laws, emerging legislative trends, and Responsibility.org state-level activities are included in this report. The resources section provides useful tools for policymakers, practitioners, and advocates to use in the 2020 legislative sessions to support evidence-based public policy.



Figure 2: Enacted impaired driving and underage drinking legislation





STATE LAW: 2019 ENACTED IMPAIRED DRIVING & UNDERAGE DRINKING LEGISLATION








Analysis: Impaired driving and underage drinking legislation (enacted as of November 8, 2019)




State	Bill	Primary Sponsor(s)	Focus	Provisions	Effective Date
Arizona 	HB 2281	Rep. Jeff Weninger (R)	Underage drinking – social host	<p>A person at least 18 years old who is also an occupant of an unlicensed premises is guilty of a Class 1 misdemeanor if s/he knowingly hosts a gathering of 2+ persons under the legal drinking age and s/he knows they possess or are consuming alcohol on the unlicensed premises.</p> <p>“Hosts” is defined as allowing or promoting a party, gathering, or event at a person’s place of residence or other premises under the person’s ownership or control where alcohol is served to, in the possession of, or consumed by an underage person.</p>	08/27/2019
	SB 1307	Sen. David Livingston (R)	Drunk driving – ignition interlock; assessment	DUI offenders ordered to a certified ignition interlock device for 12+ months are eligible for license reinstatement upon successful completion of alcohol/drug screening, education, or treatment program requirements. If reinstating from an alcohol or drug-related revocation, an evaluation from previous 12 months is acceptable (by a physician, psychologist, physician assistant, registered nurse practitioner, substance abuse counselor) if it indicates the condition does not affect or impair the person’s ability to safely drive.	08/27/2019
Arkansas 	HB 1411	Rep. LeAnne Burch (D) & Rep. Eddie Cheatham (D)	Drunk driving – definitions; testing	“Jacob’s Law” adds all-terrain and agricultural vehicles to the definition of a motor vehicle in instances where impaired driving leads to serious physical injury. Also modifies mandatory testing statutes and requires blood alcohol testing in all	07/23/2019 *estimate legislation became



				crashes where a person sustains serious physical injury (previously limited to crashes resulting in a fatality).	effective 90 days from session end
California 	AB 127	Assemblyman Tom Lackey (R)	Impaired driving - research	Facilitates impaired driving research by allowing a person who is under the influence of a drug or the combined influence of alcohol and a drug to drive impaired under the supervision of, and on the property of, the Department of the California Highway Patrol. Exempts from prohibitions in current statute.	07/10/2019
	AB 397	Assemblyman Ed Chau (D)	Impaired driving - reporting; cannabis open container	When superior courts provide disposition reports to the Department of Justice, the law requires that they indicate whether convictions of driving under the influence involve cannabis. Also makes technical changes to existing cannabis open container statute.	01/01/2022
Delaware 	SB 37	Senators Darius Brown (D), David McBride (D), Bryan Townsend (D) et al.	Drunk driving - expungement	Outlines offenses that qualify for expungement of arrest and conviction after a predetermined period; excludes traffic offenses, including DUI, from eligible offense categories.	01/01/2020
	SB 44	Senators Laura Sturgeon (D), David McBride (D), Mimi Minor-Brown (D), Pete Schwartzkopf (D), Franklin Cooke (D)	Underage drinking - penalties	People under 21 found possessing or consuming alcohol or having consumed alcohol face civil infractions for 1 st and 2 nd violations. Eliminates driver license suspension penalty. Information may not appear on the individual's criminal record.	07/23/2019



Florida 	HB 595	Rep. David Silvers (D) , House Committee on Judiciary, Subcommittee on Criminal Justice	Underage drinking – Good Samaritan	A person who gives alcohol to a person under 21 and acting in good faith, seeks medical assistance for that person experiencing an alcohol-related overdose may not be arrested, charged, prosecuted, penalized if the evidence was obtained due to seeking medical assistance. The person must remain at the scene until EMS arrives and must cooperate with EMS/law enforcement. Same extends to a person experiencing an overdose who calls for medical assistance.	07/01/2019
	HB 7125	Rep. Paul Renner (R) , Rep. Kimberly Daniels (D) , House Committee on Appropriations, House Committee on Judiciary	Impaired driving – felony	An individual is guilty of a third degree felony on 3+ convictions if the current violation or the most recent prior violation are related to driving while license canceled, suspended, revoked, or suspension or revocation equivalent status resulting from a DUI violation, test refusal; a traffic offense causing death or serious bodily injury; or fleeing or eluding.	10/01/2019
Georgia 	HB 471	Reps. Steven Sainz, Barry Fleming, Trey Kelley, Dewayne Hill, Bill Hitchens, Randy Robertson, (R) et al.	Drunk driving – implied consent	<p>Clarifies that at the time chemical tests are requested for a DUI investigation, the arresting officer is required to read to the person the appropriate implied consent warning.</p> <p>This legislation includes exact language to be used and highlights that Georgia has conditioned the possession of a license to drive, operate a vessel on waters, or hunt upon submission to state administered chemical tests of blood, breath, urine, or other bodily substances for purposes of determining whether an individual is under the influence of alcohol or drugs. Refusal results in license suspension.</p>	04/29/2019


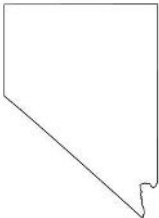
Hawaii 	HB 703	Rep. Christopher Lee (D), Rep. Sharon Har (D), Rep. John Mizuno (D)	Drunk driving – enhanced penalties; habitual offenders	Overhauls OVUII statute, increases fines, license revocation period for 1 st offenders and modified habitual offender definition as 2+ prior OVUII convictions within 10 years. The new law allows habitual offenders to be sentenced up to 5 years in prison or under probation supervision, mandatory ALR for 3-5 years and fines from \$2,000-5,000. Offender vehicles may also be subject to forfeiture.	07/01/2019
	HB 757	Rep. Henry Aquino (D), Rep. Tom Brower (D), Rep. Ty Cullen (D), Rep. Mark Hashem (D), et al.	Impaired driving – Vision Zero	Requires state and county collaboration to provide safe roads. Encourages Hawaii to adopt a Vision Zero policy to end traffic fatalities through a combination of engineering, enforcement, education, and emergency response strategies. This plan requires data-driven enforcement strategies to reduce OVUII.	01/01/2020
Idaho 	HB 78	House Committee on Judiciary, Rules, and Administration	Drunk driving – ignition interlock; diversion	Requires ignition interlocks to be camera equipped. Creates diversion program for DUI offenders. (Eligibility criteria: no other DUI convictions in the past 10 years, no injuries to others as a result of the offense, and no previous participation in a diversion program). Prosecutors have discretion to establish diversion programs. An alcohol/drug evaluation must be completed if requested. Ignition interlock and at least 24 hours of alcohol/drug education, therapy, or treatment from approved provider are conditions of participation.	07/01/2019
Illinois 	SB 728	Senators Martin Sandoval (D), Don DeWitte (R), Camille Lilly (D), John D’Amico (D)	Drunk driving – task force	Establishes DUI Prevention and Education Commission to create rules and guidelines for grant applications and eligibility. Creates State Treasury fund to award grants for crash victim programs and materials, law enforcement support, and other impaired driving prevention programs.	01/01/2020


	HB 1438	Rep. Omar Aquino (D), Rep. Toi Hutchinson (D), Rep. Heather Steans (D), Rep. Neil Anderson (R), et al.	Impaired driving – cannabis provisions; study	Requires dispensaries to display a placard stating “cannabis consumption can impair cognition and driving, is for adult use only...” Requires annual reports from Illinois State Police to General Assembly and Governor re: impact of cannabis on highway safety, impaired driving rates, methods for detecting THC metabolites in bodily fluids (blood and saliva), effectiveness of DUI laws, improvement recommendations. Establishes a DUI Cannabis Task Force to study drug-impaired driving and examine best practices for enforcement and roadside testing. Study results and recommendations must be presented to the General Assembly and Governor. Allows law enforcement to rely on “validated roadside chemical tests.”	06/25/2019
	SB 1750	Senator Rachelle Crowe (D) & Senator Monica Bristow	Impaired driving – enhanced penalties	Establishes a new aggravating factor for consideration at sentencing for individuals who leave the scene of a crash resulting in death when under the influence of alcohol, drugs, intoxicating compounds, or a combination of substances.	01/01/2020
Iowa 	SF 113	Rep. Zach Nunn (R) & Rep. Dustin Hite (R)	Drunk driving – definitions	Clarifies that an individual can be sentenced as a habitual operating while intoxicated offender after a third or subsequent offense.	07/01/2019
Indiana 	SB 186	Sen. Erin Houchin, Dennis Kruse, Mac McNamara, Eric Koch, & Jon Ford (R)	Drunk driving – felony	Increases felony level for OUI and causing bodily injury (moderate/serious/catastrophic), or death. Also allows a court to order terms of imprisonment imposed on a person convicted of more than one offense to run consecutively.	07/01/2019


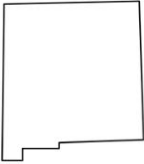

Kansas 	HB 2104	House Committee on Judiciary	Impaired driving – refusal; testing	New penalties for test refusal: 1-year license suspension. Those who submit have a license suspension of 30 days- 1 year). Also changes “saliva” to “oral fluid” in testing and implied consent laws. Notes that any preliminary screening of a person’s oral fluid shall be conducted in accordance with any rules and regulations that have been set forth.	07/01/2019
Kentucky 	SB 85	Sen. Morgan McGarvey, Whitney Westerfield, Danny Carroll, Steve Meredith (R), & Reggie Thomas (D)	Drunk driving – ignition interlock (first offender)	Allows individuals convicted of a first DUI to voluntarily install an ignition interlock in lieu of a hard license suspension period. Makes technical program corrections (performance-based exit criteria, non-compliance offenses, new indigent fund). Previously, only high-BAC and repeat offenders were required to install an interlock.	07/01/2020
Louisiana 	HB 157	Rep. Joe Stagni (R)	Drunk driving – ignition interlock	For individuals with license revocations who are subject to ignition interlock, the new law allows temporary instructional permits to be issued without an interlock requirement for behind-the-wheel portion of the driver education program or while administering the road skills test. If the driving instructor suspects a person is impaired, the testing shall not be conducted, and the incident must be reported to the Office of Motor Vehicles.	08/01/2019
	HB 278	Rep. Sherman Mack (R)	Drunk driving – ignition interlock	Establishes that ignition interlocks installed as a bail condition, pre-trial diversion program, or suspended or deferred sentence shall be credited towards suspension time or reinstatement requirement if: Device installation and monitoring is reported by the manufacturer to the Dept. of Public Safety and Correction or the offender obtains an interlock restricted license. Credit is not given if two or more	08/01/2019

				violations occur in a month (includes tampering, circumvention, missed service appointment, missed/failed running re-test, failed start test, use of emergency override without justification, or unauthorized removal of the interlock). Credit is also denied if the offender re-arrested for impaired driving during the interlock installation period.	
Maine 	LD 648	Rep. Patrick Corey (R)	Impaired driving – data collection	Requires an annual report beginning on April 1, 2020 from the State Bureau of Identification to the joint standing committee of the legislature. The report must include separate categories for offenses involving alcohol, intoxicating substances other than alcohol, or a combination of alcohol and other intoxicating substances.	09/18/2019 * estimate legislation effective 90 days post session
	LD 1676	Rep. AJ McLean (D)	Impaired driving – testing	Specifies that labs conducting BAC analysis or drug/metabolite testing must be certified by the Department of Health and Human Services or be licensed to do so under the laws of Maine or any other state and be certified under the Federal Clinical Laboratory Improvement Amendments of US Code. Specifies collection tubes to utilize and which individuals are qualified to perform a blood draw.	09/18/2019
Maryland 	HB 55 / SB 245	Del. Erek Barron & Del. Charles Snyder (D) Sen. Ben Kramer (D)	Drunk driving – ignition interlock	Requires that approved ignition interlock devices be equipped with a camera capable of recording the image of the driver of the motor vehicle in which the device is installed.	10/01/2019



	HB 88	Del. Lorig Charkoudian (D)	Public consumption; open container	Changes public alcohol consumption or possession of an open container from a criminal to a civil offense (citation and \$100 fine).	10/01/2019
	HB 707	Del. Charlotte Crutchfield (D)	Impaired driving – enhanced penalties	Increases maximum imprisonment terms from 5-10 years to 15-20 years for manslaughter by vehicle/vessel, homicide by vehicle/vessel while under the influence of alcohol or under the influence of alcohol per se, homicide by vehicle/vessel while impaired by alcohol, homicide by vehicle/vessel while impaired by drugs, and homicide by vehicle/vessel while impaired by a controlled dangerous substance.	10/01/2019
Minnesota 	SF 8	Sen. Warren Limmer, Mark Johnson, Bruce Anderson, & Andrew Lang (R)	Impaired driving – laboratory appropriations	Public safety omnibus bill; sets aside appropriations of \$2,429,000 each year from the highway fund for laboratory analysis related to driving while impaired (DWI) cases.	07/01/2020
Missouri 	HB 547	Rep. Dave Griffith (R)	Impaired driving – veterans treatment court	Encourages establishment of veterans and other treatment courts to provide an alternative method for case disposal for military personnel and veterans with substance use, mental health and co-occurring disorders. Gives prosecutors authority to screen and divert cases. Upon agreement with a defendant, cases can be diverted to a prosecution diversion program for 6 months-2 years. Participants must adhere to all conditions. To qualify, alleged crimes cannot be violent, sexual, or involve a child. Impaired driving offenses appear to be eligible for deferred prosecution under the new statute.	08/28/2019



Montana 	SB 362	Sen. Mike Lang (R)	Drunk driving – 24/7 program	Outlines primary testing methods for 24/7 program include twice daily in-person breath testing and other approved methodologies. BAC test devices must be on current NHTSA conforming products list for evidential breath alcohol measurement devices. Allows hardship testing (via transdermal alcohol monitoring devices, remote breath test devices, etc.) if the court or agency determines reasonable use of a primary test method isn't available (including but not limited to distance from or lack of access to a primary testing method site). All court-ordered alcohol or drug testing must utilize a data management technology system. Testing methods must be capable of direct data transfer.	10/01/2019
Nevada 	AB 316	Assemblyman Tom Roberts, Glen Leavitt, Alexis Hansen, Jill Tolles, & Heidi Seevers Gansert (R)	Drunk driving – 24/7 program	Establishes a statewide 24/7 program. Any county may participate. A county law enforcement agency must enforce the program. Courts in participating counties may assign repeat impaired drivers (2+ within 7 years) to the program. Participants must: (1) abstain from alcohol and prohibited substances; (2) at least twice daily testing; (3) at least twice a week random testing; (4) be subject to sanctions for consuming alcohol/prohibited substances or failing/refusing to undergo testing; and (5) if the person's driver's license is suspended or revoked, be eligible for a restricted driver's license for the purpose of driving to and from a testing location or work or to receive regularly scheduled medical care.	07/01/2019
	AB 164	Assemblyman Steve Yeager (D)	Impaired driving – cannabis provisions	Requires dispensaries (both medical and recreational sales) to provide written notification with the purchase of any cannabis products that consuming cannabis in any form can lead to	10/01/2019 and 01/02/2020


				impairment and that individuals should not operate a motor vehicle under the influence. Furthermore, the notification must acknowledge that ingestion of any amount of cannabis before driving may result in criminal prosecution for DUI.	
	SB 408	Sen. Marilyn Dondero Loop (D), Joyce Woodhouse (D), David Parks (D)	Drunk driving – ignition interlock	Eliminates ignition interlock program exemptions (1) installing a device would cause economic hardship; (2) use of the motor vehicle is needed to travel to/from work; or (3) use of the motor vehicle is required to obtain medicine, food or other necessities or to obtain health care services for the person or a family member of the person.	07/01/2019
New Hampshire 	SB 50	Senator Shannon Chandley (D)	Drunk driving – testing	Clarifies when a blood draw can be performed to determine blood alcohol concentration.	08/20/2019
	SB 212	Senator David Watters (D)	Drunk driving – limited privileges	Specifies that a license issued with limited driving privileges shall not be effective beyond the suspension period ordered by the court. Before an individual is eligible to operate a motor vehicle, he/she must apply for and be issued a limited license by the Department of Motor Vehicles.	07/19/2019


New Jersey 	SB 824	Senators Nicholas Scutari (D), Joe Lagana (D), Joann Downey (D), Dan Benson (D)	Impaired driving – ignition interlock (first offender); drug- impaired driving definitions	Expands mandatory ignition interlock provisions to first offenders as follows: BACs of .08-.10 = 30-day suspension, 3-6 months interlock; BACs between .10-.15 = 45-day suspension, 6 months- 1-year interlock; BACs over .15 = 90-day suspension, 1 year-18 months interlock. Compliance-based exit criteria (90 days) added. Requires the Chief Administrator of the Motor Vehicle Commission to issue a semi-annual summary report of information on DUI offenders that are required to install an interlock. Amends language to specify “narcotic, hallucinogenic, or habit-producing drug.”	12/01/2019
New Mexico 	HB 267	Reps. Daymon Ely (D), Andrea Romero (D), Sander Rue (R), Greg Nibert (R), Abbas Akhil (D)	Impaired driving – testing	A booking facility shall electronically collect biometric identifying information from persons arrested for municipal/county violations carrying criminal penalties for driving while under the influence of alcohol or drugs.	07/01/2019
	SB 517	Sen. Daniel Ivey-Soto (D)	Drunk driving – child endangerment	Makes DWI with a minor (under 18) in the vehicle a misdemeanor that must be charged separately from the DWI.	07/01/2019
North Dakota 	HB 1179	Rep. Shannon Roers Jones (R), Thomas Beadle (R), Josh Boschee (D), Pat Heinert (R), Judy Lee (R), Erin Oban (D), David Rust (R)	Drunk driving – 24/7 program; restricted license	Permits temporary restricted licenses for offenders participating in 24-7 sobriety programs. Repeat DUI (3+ in 7 years) offenders drivers’ licenses will be suspended until the offender has completed addiction treatment and had no alcohol/drug-related offenses for 2 consecutive years. Allows temporary restricted license.	08/01/2019


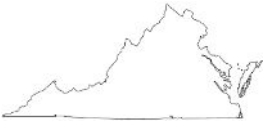
	HB 1334	Reps. Dennis Johnson (R), Pamela Anderson (D), Pat Heinert (R), Brandy Pyle (R), Cindy Schreiber-Beck (R), JoNell Bakke (D), et al.	Drunk driving - expungement	Establishes that the court shall seal an individual's criminal record for an impaired driving offense if the individual has not been found guilty of a subsequent DUI or any other criminal offense, within 7 years of the first violation. This provision does not apply to commercial drivers. It does not limit a prosecutor's access to a prior offense for purposes of penalty enhancement.	08/01/2019
	HB 1534	Reps. Kim Koppelman (R), Karla Hanson (D), Gary Paur (R), Mike Dwyer (R), David Rust (R)	Impaired driving – implied consent; testing; affirmative defense	Modifies existing implied consent law to align with jurisprudence. Notes that a refusal does not apply to an individual unless the individual has been advised of the consequences of refusing a chemical test consistent with the Constitution of the United States and the Constitution of North Dakota. Creates an affirmative defense when a drug was used only as directed or cautioned by a practitioner who legally prescribed or dispensed the drug to that person.	04/10/2019
	HCR 3052	Reps. Corey Mock (D), Dan Ruby (R), JoNell Bakke (D), & David Rust (R)	Impaired driving - research	Resolution passed to consider study of traffic fines and penalties and a complete analysis of North Dakota Century Code Title 39 during the 2019-20 interim. The study must include a comprehensive assessment addressing inconsistencies, conflicting chapters/sections, lack of clarity, and a comparison of North Dakota traffic fines, fees, and penalty with other states and include an analytical evaluation of methods to improve traffic safety, decrease motor vehicle crashes, fatalities, and injuries, and discourage impaired driving, speeding, distracted driving, and lack of seatbelt use in North Dakota. These findings and recommendations should be reported to the 67 th Legislative Assembly.	N/A


Oklahoma 	SB 712	Sen. Kim David (R) & Sen. Chris Kannady	Impaired driving – administrative license revocation; ignition interlock; testing	<p>Modifies ALR provisions for various impaired driving offenses; requires revocation and interlock periods to run concurrently (180 days-3 years depending on offense/driver history).</p> <p>Revises ignition interlock program. Requires device manufacturers to report violations to the Board of Tests for Alcohol and Drug Influence. To exit interlock program, offenders must complete interlock time and be violation free for 180 consecutive days before release.</p> <p>Establishes the Impaired Driver Accountability Program (IADP) at the Department of Public Safety. Participation ranges from 6-36 months and can be extended if ignition interlock violations are reported.</p> <p>Modifies testing statute; law enforcement agency may designate blood or breath for alcohol and blood, saliva (newly added), or urine for presence of any other intoxicating substance.</p>	11/01/2019
Oregon 	HB 3005	N/A	Drunk driving – ignition interlock	<p>Modifies ignition interlock vendor oversight requirements. In Oregon service center and device manufacturers must be certified.</p> <p>Outlines technician hiring requirements. They must undergo a fingerprint background check. Ineligible hires include those convicted of misdemeanors within 2 years, misdemeanor DUI within 5 years, and felonies within 10 years of the background check.</p>	07/01/2019
	HB 3214	N/A	Drunk driving – hardship permit	Modifies permissible driving purposes for hardship permits. Now a person may operate a motor vehicle	01/01/2020

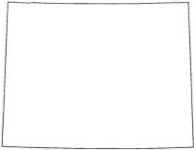
				to provide for family members 'necessary services' (grocery shopping, driving to/from school, medical appointments, and elder care).	
South Dakota 	HB 1049	Rep. Tim Johns (R) & Rep. Bob Ewing (R)	Impaired driving – definitions; administrative license suspension; affirmative defense	Changes zero tolerance law for youth. Class 2 misdemeanor for anyone under 21 to drive, operate, physically control a vehicle at a BAC of 0.02% or more; or after consuming marijuana/controlled drug or substance, <i>other than a lawfully prescribed for the person</i> , while physical evidence remains in the person's body. Penalties: 1 st offense – mandatory license suspension for 30 days, 2 nd offense - 180 days, 3 rd + offense - 1 year. Restricted permit can be issued driving to work, school, or counseling.	07/01/2019
	SB 12	N/A	Impaired driving – refusal; testing	Amends commercial vehicle disqualification statute to include drugs in refusal statute and expand the available methods for testing for the presence of drugs (i.e., in blood or "other bodily substances").	07/01/2019
Tennessee 	HB 761	Rep. Johnny Garrett (R)	Impaired driving - testing	Revises provisions re: blood/breath tests for presence of drugs and alcohol. Details circumstances a law enforcement officer shall administer tests; reiterates when a driver has given implied consent; refusal instructions and charging actions; outlines the blood collection procedures when suspect involved in a collision is unconscious; etc.	07/01/2019
	HB 839	Rep. William Lamberth (R)	Impaired driving – restricted license	Modifies restricted license travel. Includes employment, school, religious worship, participation in a recovery court (including drug, DUI, mental health, and veterans treatment courts), or to attend to a serious illness.	07/01/2019

	HB 950	Rep. William Lamberth (R)	Drunk driving – ignition interlock	Creates an electronic monitoring indigency fund with 2 accounts used for the following purposes: (a) eligible costs for lease, purchase, installation, removal, fees and maintenance of ignition interlocks indigent participants; and (b) eligible costs for transdermal monitoring devices, alternative monitoring devices, or GPS monitoring device, if required by the court for indigent persons.	07/01/2019
	SB 636	Sen. Jack Johnson (R)	Impaired driving – testing	Adds physician assistants to those who are qualified to draw blood from drivers for evidentiary purposes in a DUI investigation.	07/01/2019
	SB 1342	Sen. Becky Massey (R)	Impaired driving – testing; implied consent	Identifies testing circumstances for breath and blood tests to be administered in DUI investigations. Drivers in TN are deemed to have given implied consent to breath, blood, or both tests, to determine alcohol or drug content of their blood. No tests may be administered without direction of a law enforcement officer having probable cause to believe the driver violated one or more impaired driving offenses or the driver signs a standardized waiver developed by the department of safety and made available to law enforcement agencies.	07/01/2019
Texas 	HB 2048	Rep. John Zerwas (R), Rep. Drew Darby (R), Rep. Matt Krause (R), Rep. Sarah Davis (R), et al.	Drunk driving – fines	Increases fines for certain DWI offenses; establishes that the court can waive fines and fees if a defendant is found to be indigent.	09/01/2019

	HB 3582	Rep. Andrew Murr (R), Rep. Joe Moody (D), Rep. James White (R) Rep. John Wray (R), et al.	Impaired driving – deferred adjudication; ignition interlock	Modifies deferred adjudication community supervision provisions. Ineligible participants include commercial license holders, those with BACs of .15+, or offense qualifies for enhanced penalties. Outlines boating while intoxicated offense process. Requires defendants to install ignition interlocks on the vehicle owned or driven most frequently. When judges make inability to pay findings, a reasonable pay schedule is established. When indigency is proven, installation fee is waived, and defendant pays 50% of monthly costs. Judges may waive interlock requirement if an alcohol and substance evaluation finds that an interlock is not necessary for public safety. Judge must enter this into the record.	
Utah 	HB 431	Rep. Eric Hutchings (R) & Rep. Daniel Thatcher (R)	Impaired driving – expungement	Disqualifies DUI offenders from expungement under clean slate eligible cases.	05/01/2020
	SB 68	Sen. Karen Mayne (D) & Sen. Norm Thurston (R)	Impaired driving – testing; implied consent	Amends test refusal procedures involving law enforcement. Amends provisions related to a temporary driver license (including notice given) and related hearings for those who refuse to submit to chemical tests. Extends driver license sanction from 30 to 45 days.	05/13/2019 *estimate - legislation effective 60 days from session end
	SB 131	Sen. Wayne Harper (R) & Sen. Eric Hutchings (R)	Impaired driving – ignition interlock	Amends ignition interlock law to make an exemption for drug-impaired drivers. Provides a process for an individual to petition the Driver License Division for	05/13/2019

				interlock restriction removal if the offense was based solely on substances other than alcohol.	*estimate - legislation effective 60 days from session end
Vermont 	HB 529	N/A	Impaired driving – testing	Clarifies who can perform a blood draw and where it can be done during DUI investigations. Explicitly excludes law enforcement officers, even if they have phlebotomy training, from performing blood draws for the purpose of confirming the presence of alcohol or drugs. Establishes that a medical facility or business cannot charge more than \$75.00 for it.	07/01/2019
	SB 146	Senate Committee on Health and Welfare	Impaired driving – prevention	Establishes Substance Misuse Prevention Oversight and Advisory Council in the Department of Health. The Council advises Governor and General Assembly on prevention policies and programming. Council members must have expertise in substance misuse prevention, recovery, behavioral health treatment, school-based education programming, law enforcement (specifically impaired driving, community outreach, public education, etc.)	07/01/2019
Virginia 	HB 1664	Del. Jay Jones (D)	Impaired driving – restricted license	Clarifies that people convicted in another state of similar Virginia violations may petition the general district court for restricted driving privileges for travel to/from/employment; alcohol rehabilitation or safety action program; school/continuing education; healthcare; transport minors to daycare/school; court-ordered visitation; screening, evaluation, and education programs; court appearances; places of worship; ignition interlock service centers; weekend incarceration, etc.	07/01/2019

	HB 1941	Del. Rob Bell (R)	Drunk driving - felony	Increases the felony level for individuals who cause serious bodily injury as a result of DWI (Class 6 felony) and cause serious bodily injury resulting in permanent and significant bodily impairment (Class 4 felony). Equal classifications are set forth for individuals who cause serious bodily injury while operating a watercraft intoxicated.	07/01/2019
	SB 1349	Sen. Ryan McDougale (R)	Underage drinking – Good Samaritan	Modifies existing criteria to qualify for protection from prosecution for reporting an overdose resulting from the consumption or use of a controlled substance, alcohol, or any combination of such substances. Eliminates the requirement that the reporting individual substantially cooperate in any investigation of a criminal offense reasonably related to the controlled substance, alcohol, or combination of both that resulted in the overdose.	07/01/2019
West Virginia 	HB 2183	Rep. John Shott (R)	Drunk driving - definitions	Clarifies a DUI charge may only be brought against an individual operating on public highways or on private roads before or after entering or exiting a public highway, except in instances involving bodily injury or death. Private roads do not include driving on personal property when not leaving or planning to leave and drive upon a public highway.	06/03/2019 *estimate legislation effective 90 days after enactment
	SB 152	Sen. Glenn Jeffries (D)	Impaired driving - expungement	Establishes a person is ineligible for expungement for various convictions (and the records associated with them). Includes driving under the influence of alcohol or a controlled substance.	06/07/2019 *estimate effective 90 days after enactment

Wyoming 	SF 7	Joint Interim Committee on Judiciary	Impaired driving – 24/7 program	Permits remote electronic alcohol monitoring technology as part of the 24/7 sobriety program. Allows court discretion to require 24/7 program participation as alternative to or in addition to interlock program participation. If 24/7 program participation is required as alternative to interlock, a restricted driver's license shall be granted under department rules provided the person enrolls in and complies 24/7 sobriety program requirements.	07/01/2019
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Legislative Trends

Enhanced penalties for high-risk/repeat offenders. A myriad of sanctions exists for repeat impaired drivers or drivers with high blood alcohol concentrations (BACs). Most states have already passed felony DUI laws, but an emerging trend is increasing the severity of punishment for high-risk impaired driving. However, punishment in a vacuum is often not enough to change behavior and stop DUI. A “must have” law every state should enact is mandatory screening and assessment for DUI offenders to accurately determine their risk of re-offending and underlying substance use and mental health disorders as well as treatment needs.

In 2019, several states passed legislation to target felony DUI offenders and offenders involved in impaired driving crashes that lead to death or serious bodily injury. Bills to change felony level for high-risk offenders or enhance penalties (more imprisonment, longer license suspension/revocation, higher fees/fines) were introduced in **Connecticut, Florida, Hawaii, Illinois, Iowa, Indiana, Maryland, Montana, New York, South Carolina, Texas, and Virginia**. Maryland, one of only four states without a felony DUI offense, attempted to pass this legislation for the third year in a row without success.

Responsibility.org recognizes the importance of holding the high-risk impaired driver population accountable through enhanced penalties, but we believe punishment must be combined with alcohol/drug monitoring technologies, intensive supervision, treatment, and aftercare. We have renewed our focus on high-risk offenders and will advocate for policies and programs in 2020.

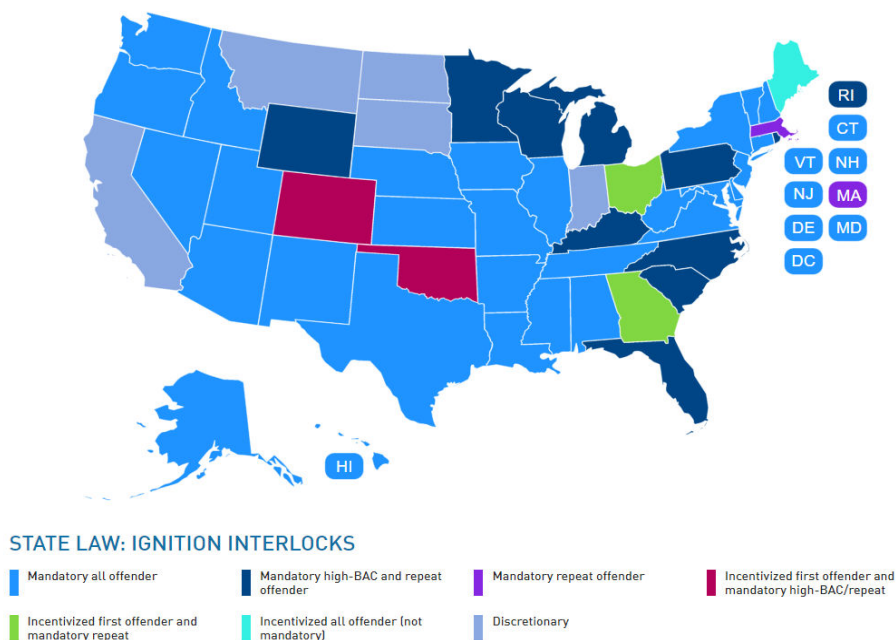
Use of technology to manage impaired drivers. DUI offenders are the most unsupervised offender population and so offender non-compliance is a major issue and a factor in repeat DUI. A major change in recent years is the advent of technology to more effectively manage offenders. In many states, legislation must first authorize the use of these technologies. To follow are the technologies proposed most often in 2019 to address impaired driving.

Ignition interlocks prevent drunk driving while installed on cars. DUI offenders provide a breath sample and if the driver’s BAC exceeds a defined limit (usually .02), the vehicle will not start. Retests are required while the vehicle is in use. All states have laws authorizing use of ignition interlocks. Currently, 34 states have all DUI offender provisions with **Kentucky and New Jersey** passing new laws in 2019;

The benefits of interlock technology are maximized when coupled with screening, assessment and (if indicated) treatment to address substance use and/or mental health disorders and facilitate behavior change. **Arizona** passed a bill in 2019 to better align interlocks with treatment programming.

A challenge in every state is ensuring offenders install the interlocks. Nationally, installation rates are only about 25%. The legislative trend has been to modify existing interlock laws to increase installation rates.

Figure 3: Status of ignition interlock legislation



There are many opportunities to strengthen the structure and implementation of interlock programs. Recent legislative trends include:

- Expand eligibility to include first offenders, individuals who refuse to submit to a BAC test, individuals sentenced for DUI child endangerment, and DUI court participants (Michigan passed this latter type of law and had proven success with their program);
- Create hybrid programs that contain both judicial and administrative components (i.e., interlock installation is ordered by a judge but is also a condition of license reinstatement) to close loopholes that allow offenders to avoid installing the device and increase participation;
- Allow individuals to install the interlock post-arrest/pre-conviction and have the time on the device count towards day-for-day credit towards the overall interlock requirement (this often requires individuals to waive their right to an administrative hearing);
- Reduce hard suspension period for people who install the interlock to encourage program entry;
- Establish or improve indigency/unaffordability provisions to guarantee that individuals are not excluded from interlock program participation due to financial hardship;
- Define program violations and authorize an agency to act on offender non-compliance;
- Modify requirements to include enhanced monitoring capabilities (cameras and GPS features);
- Enhance vendor oversight to ensure manufacturers adhere to high levels of quality and service;
- Create offenses for tampering and device circumvention; and,

- Establish compliance-based exit criteria to ensure that interlocks remain installed until offenders demonstrate they can separate drinking from driving over a prolonged period.

States that introduced interlock legislation that contained some of the above strategies include **Alabama, Florida, Hawaii, Iowa, Idaho, Louisiana, Kentucky, New Jersey, Nevada, Oregon, South Carolina, Tennessee, Texas, Utah, and Washington**. These bills were among the most common impaired driving legislation introduced in 2019 with many states attempting to improve the framework and delivery of their interlock programs.

Another legislative trend is the creation of interlock exemptions for individuals arrested for impaired driving who test positive for drugs only. The rationale for such a carve-out is that the interlock detects drinking and driving – not drug presence and that drug-impaired drivers should be subject to drug testing as opposed to alcohol monitoring. The drawback of this practice is that impaired driving offenders under supervision often switch to a new substance to work around testing parameters.

Responsibility.org supports ignition interlocks for all convicted DUI offenders and effective enforcement of those laws. We help states identify gaps in their programs to improve implementation and ensure that all eligible offenders install the device and remain compliant with conditions.



New testing technologies. Since the Supreme Court (SCOTUS) released its opinion in [Birchfield v. North Dakota](#) in the summer of 2016, states have worked to amend implied consent and testing statutes to clarify when a warrant is needed and penalties associated with refusal. Recent high-profile incidents have also led to states to specify who is authorized to perform a blood draw and under what circumstances. Concerns related to Fourth Amendment search and seizure issues continues to result in court challenges with another blood draw case being argued before SCOTUS in 2019 ([Mitchell v. Wisconsin](#))

States have attempted to broaden implied consent statutes to allow for new testing methodologies such as oral fluid testing. In 2019, **Arkansas, Georgia, Kansas, Maine, New Hampshire, New Mexico, Oklahoma, South Dakota, Tennessee, Utah, and Vermont** passed laws that addressed either implied consent or testing issues. Other states that had this type of legislation stall include **Illinois, New Jersey, North Dakota, Nevada, Rhode Island, and South Carolina**. **Kansas** passed a bill that modifies implied consent to include oral fluid language. Other states, including **Colorado, Minnesota, and Washington** set aside appropriations during this legislative session for laboratories to increase their capacity and improve instrumentation. These additional funds have been allocated to reduce lab backlog and ensure timely processing of blood draws in DUI investigations.

Court monitoring technologies help improve court efficiency, offender tracking, and supervision and treatment practices. Technology now exists to provide significant



assistance to practitioners. Responsibility.org supports countermeasures such as DWI Courts, 24/7 programs, and staggered sentencing which have the potential to change the behavior of high-risk impaired drivers through intensive supervision, swift accountability, assessment, and treatment.

24/7 programs. In 2019, several bills were introduced to implement offender monitoring programs. The 24/7 Sobriety program originated in South Dakota and relies on principles of swift, certain, and meaningful sanctions to modify behavior. Under the program model, impaired driving offenders are required to maintain sobriety as a condition of remaining in the community and avoiding incarceration. Participants are tested twice-daily for alcohol through scheduled onsite breath tests or with a continuous alcohol monitoring (CAM) device. If an offender tests positive for alcohol or drugs, they are taken into custody and appear before a judge within 24 hours. RAND has performed several evaluations of the program and found that DUI recidivism is substantially lower among 24/7 participants at one, two, and three years following program completion; repeat offenses have dropped 12% at the county level (Kilmer et al., 2013). A more recent study has shown that 24/7 participation had a large effect on criminal behavior in South Dakota (Kilmer & Midgette, 2018). The researchers estimated that the probability a 24/7 participant being rearrested or having their probation revoked 12 months after being arrested for DUI was 49% lower than that of non-participants.



Several 24/7 bills passed this year including legislation in **Montana, North Dakota, and Wyoming** that strengthen existing programs. Legislation in **Nevada** established a statewide sobriety and drug monitoring program within the Department of Public Safety and authorized courts to assign repeat DUI offenders to it.

Look-back periods. A look-back period is the length of time that a drunk driving offense remains on a driver's record. In many states, it has criminal sentencing implications as it often is used to determine whether previous offenses can be taken into consideration and an individual can be sanctioned as a repeat offender. Responsibility.org recommends states establish a look-back period of no less than 10 years. Many states have followed this recommendation and sought to increase five-year look-back periods to ten years or lifetime. In 2019, **Hawaii** passed HB 703 which modified the definition of habitual offender and expended supervision for more high-risk offenders. Policymakers in **Rhode Island and Washington** unsuccessfully attempted to extend their look-back periods. The [Responsibility.org State Map](#) lists state DUI look-back periods.

Lower BAC limit. The illegal per se BAC limit in the United States is .08 except in Utah where it is .05. Lower BACs exist for certain classes of drivers, namely those under the age of 21 (.02) and commercial drivers (.04). A few states also have lower BAC laws for certain offenses, such as repeat DUI offenses or as a lesser included offense (e.g., Driving While Ability Impaired or DWAI in Colorado and New York). Internationally, many countries have lower per se limits, but these laws often carry administrative as opposed to criminal penalties.

In 2019, criminal .05 per se legislation was introduced in **California, Michigan, New York, and Oregon** but none of the bill passed into law.

Drug-impaired driving:

Drug and polysubstance-impaired driving pose a significant threat on the nation's roadways. In 2016, the most recent year for which data is available, 43.6% of fatally-injured drivers with known drug test results tested positive for an impairing drug (FARS, 2017) with cannabis being the most commonly detected substance. Recent [data](#) from the Washington Traffic Safety Commission (2018) revealed that polysubstance-impairment is now the most common type of impairment found among drivers involved in fatal crashes in that state.



Responsibility.org supports [commonsense measures to combat drug-impaired driving](#) including better data, stronger laws, greater public awareness and increased training for criminal justice practitioners. Policymakers introduced multiple bills to address DUID in 2019. To date, none of the following bills have passed.

Per se laws for drugs specify a legal limit for controlled substances. A person commits an offense if they have a detectable amount of the substance that exceeds that limit. Proponents of these laws argue that a legal limit makes prosecution easier and reduces the burden of proving impairment. **However, there is no scientific basis for a relationship between a specific substance concentration, impairment, and collision risk, which makes these laws somewhat arbitrary.** The rapid metabolization of drugs in the body combined with delays in obtaining chemical samples often results in drug levels in the blood being far lower at the time of collection than they were at the time of driving. In these cases, an established per se limit makes cases much harder to win.

Research on the ineffectiveness of these laws and data from states like Washington have led states to gradually shy away from per se laws. Only **New Mexico** introduced a bill to establish nanogram limits for various drugs. In **Colorado**, legislation was put forward to eliminate the existing 5ng THC permissible inference law (widely regarded as the weakest drug-impaired driving law in the nation) and replace it with a tandem per se law that would rely on officers' observations of signs and symptoms of drug impairment combined with a positive chemical test showing presence of a drug in the driver's body.

Drug definitions. More states that have expanded and clarified language in their drug-impaired driving laws to ensure terminology is broad enough to encompass new designer drugs, analogs, and other impairing substances. In 2019, six states (**California, Hawaii, Missouri, New York, Oregon, and South Dakota**) introduced bills on this issue but these efforts stalled.

Cannabis and driving/open container. Several jurisdictions that legalized cannabis are now trying to prohibit cannabis consumption while driving a vehicle. In 2019, **Connecticut, Massachusetts, Rhode Island,** and **Virginia** introduced this legislation, but they did not pass. **California** made minor technical corrections to its cannabis open container statute and established separate reporting requirements for DUI convictions involving cannabis.

Both **Illinois** and **Nevada** passed provisions requiring dispensaries to educate customers about impairing effects of cannabis products. All consumers must be notified they should not drive after consuming cannabis or they risk a DUI arrest and conviction.

Legalization studies. When Colorado and Washington legalized recreational cannabis by ballot initiative in 2012, impaired driving countermeasures were an afterthought and were lost in the legalization policy debate. In the years since, more states are proactively studying the traffic safety impact legalization may have in their respective states.

Several states including **Connecticut, Illinois, Maryland, Minnesota, New Mexico,** and **Rhode Island** have charged task forces with investigating how cannabis influences driving ability (on its own and when combined with other substances) and crash risk. These task forces are also instructed to obtain and review data on cannabis-impaired driving fatalities, crashes, arrests, and convictions.

On the data collection front, **Maine** passed a law requiring an annual report from the State Bureau of Identification regarding the incidence of OUI offenses. The report must include separate categories for offenses involving alcohol, other intoxicating substances, or a combination of substances. In **California**, research exceptions were added to permit alcohol and cannabis use by individuals who would then drive and be observed on closed tracks. In addition, as of 2022, disposition reports submitted to the Department of Justice must indicate if DUI convictions involve cannabis. The emphasis on collecting better impaired driving data started in **Colorado** with the passage of HB 1315. The most recent Colorado report was delivered in June and reports findings from 2017 data; it can be accessed [here](#).



Underage drinking:

Good Samaritan. Fear of police involvement is the most common reason for not calling 911 during a medical emergency. Many states have enacted laws that exempt victims and “Good Samaritans” from arrest and prosecution when rendering aid in a drug or alcohol-related emergency. Referred to as ‘Good Samaritan,’ ‘911 Lifeline,’ or ‘Medical Amnesty,’ these laws offer limited, situational immunity as an incentive for taking life-saving measures. Responsibility.org supports the passage of Good Samaritan laws, efforts to effectively publicize these laws, and further evaluation of these efforts for effectiveness.

In the last five years, Good Samaritan legislation has been the most common type of underage drinking bill introduced. Widespread support for this policy has resulted in most states passing and implementing these laws for alcohol and drug overdoses and has been motivated by the growth of the opioid epidemic and the increasing number of resulting overdose deaths each year. In 2019, **Florida** and **Virginia** modified their Good Samaritan laws.

Social host/underage consumption. Social host laws and ordinances are designed to reduce underage alcohol consumption by imposing liability on social sources of alcohol - adults who knowingly host parties or allow the consumption of alcohol on property they own, lease, or control. While a handful of these bills were introduced, only one passed – the **Arizona** bill provides that a person 18 years or older and an occupant of an unlicensed premises is guilty of a Class 1 misdemeanor if they knowingly host a gathering of two or more persons under the legal drinking age and the person knows that one or more underage individuals are possessing or consuming alcohol on the unlicensed premises. We support social host laws that prohibit adults from knowingly providing and/or serving alcohol to people under 21 and recommend sanctions for adults who knowingly provide alcohol to minors.

One additional underage drinking bill passed in **Delaware to establish** that people under 21 found to be possessing alcohol or under the influence of it will face civil as opposed to criminal penalties for first and second violations. The administrative license suspensions provision was eliminated from existing law. In the future, states are likely to address underage cannabis consumption. Responsibility.org released a new [policymakers’ checklist](#) with policy and education options for elected officials to consider.

To learn more about the policies that Responsibility.org supports and to access a summary of the evidence base and prevalence of these laws/programs, visit our [policy page](#).



Responsibility.org State Initiatives

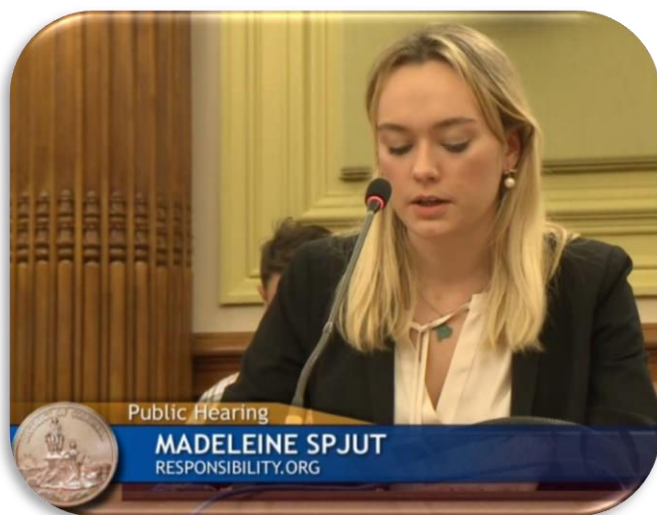
Championing state legislation and engagement with policymakers. During state legislative sessions, we coordinate with policymakers and their staff to support and advance key pieces of legislation.

In February we joined a coalition in Kentucky to support SB 85 (pictured below). For months, stakeholders including the Kentucky Distillers Association, county attorneys' offices, the Transportation Cabinet, MADD, etc. worked to craft and advocate for legislation to enhance Kentucky's interlock program. SB 85 expanded existing law by encouraging first offenders to opt into the program in lieu of a lengthy hard suspension period. The group also considered best practices, compliance-based exit criteria and mandatory camera provisions. The bill, sponsored by Senator Whitney Westerfield, passed the Senate with a unanimous vote and was signed into law by the Governor.

This coordinated effort involved significant planning and stakeholder collaboration resulting in broad support, sending a forceful and united message to legislators. We encourage stakeholders in other states to consider forming task forces or work groups to work together to achieve desired outcomes and common goals.



Responsibility.org's Director of Government Relations, Madeleine Spjut, and Public Policy Liaison, Colleen Sheehey-Church (former MADD National President), attended legislative hearings and offered testimony in support of alcohol and drug-impaired driving legislation in Maryland and Pennsylvania. Madeleine also testified before the DC City Council in support of interlock measures. We also collaborated with Massachusetts Governor Charlie Baker to [address drug-impaired driving](#) and participated in his press event announcing the introduction of several pieces of legislation.



Responsibility.org participated in NCSL's second [State Transportation Leaders Symposium](#) in Denver. We joined the American Society of Civil Engineers, Lime, Lyft, and the Reason Foundation to sponsor it. More than 40 state legislators and staffers representing 18 states convened discussion on transportation issues including polysubstance-impaired driving and education campaigns in Colorado. Responsibility.org's Brandy Axdahl and Erin Holmes provided legislators with an overview of new initiatives to address high-risk impaired driving and developments in roadside drug detection technology, such as oral fluid devices. Our [Judicial Advisory Board](#) member, [Judge Michael Barrasse](#), advocated for the use of assessment and the implementation of DWI courts to achieve better outcomes among repeat/high-risk impaired drivers. Colorado practitioners highlighted significant increases in polysubstance-impaired driving. Sergeant Alan Ma from the Denver Police Department noted his agency has seen a 300% spike in polysubstance-impaired driving cases between 2013-2016 with alcohol and THC being the most common combination. Leaders were encouraged to push for improved data collection and increased testing.



AGs and Alcohol Responsibility Month For 16 years, Responsibility.org has worked with State Attorneys General (AGs) to raise awareness about underage drinking through our PSA campaign that highlights our award-winning school-based program [Ask, Listen, Learn](#) which provides free resources including videos

and lesson plans to educators and parents. This year's PSAs featured [Nathan Adrian](#), a five-time Olympic gold medalist. AGs from 23 states and DC participated in the [2019 taping](#) and garnering nearly 16 million impressions during Alcohol Responsibility Month. Watch the compilation video [here](#).

State AGs have also focused on the growing drug and polysubstance-impaired driving problem. In 2018 and 2019, Responsibility.org was featured on the Conference of Western Attorneys General (CWAG) Annual Meeting program to share drug-impaired driving data, enforcement strategies, and discuss advancements in drug testing technology.



We continue to collaborate with existing and new partners to achieve progress in the Lone Star State. In April, Brandy Axdahl and Madeleine Spjut traveled to Austin, Texas and teamed up with the Texas Alcoholic Beverage Commission to exhibit responsibility resources at the Capitol. A resolution was introduced declaring April as Alcohol Responsibility Month.

In 2019, we expanded our focus to include veterans issues and have partnered with the Texas Veterans Coalition and the Department of Health and Human Services to promote the Texas Veterans App which is a free resource, available for download via Google

Play or the Apple App Store. This app connects veterans in need with a 24/7 crisis line, community programs and services, and the state veteran portal. Users of the app can also connect with a veteran specialist to access supports and interventions.

Collaboration with law enforcement partners. Responsibility.org advocates for increased training, tools, and appropriations for both state and local law enforcement to enable them to do their jobs as efficiently and effectively as possible. We work with the [International Association of Chiefs of Police](#) (IACP) and the [National Sheriffs' Association](#) (NSA) to accomplish these goals. Senior VP of Responsibility Initiatives, Brandy Axdahl, is a member of the IACP Highway Safety Committee and attends various meetings and conferences throughout the year to share our programs and listen to concerns from the law enforcement community. Similarly, we attend NSA Traffic Safety Committee meetings and collaborate with NSA on training initiatives. This fall, our National Advisory Board member, [Chief Steve Casstevens](#) (Buffalo Grove PD), became IACP President and made global road safety one of his top priorities. We will continue to work with him in his new leadership role to achieve progress in reducing impaired driving fatalities.

We share our resources and provide education to officers through several state associations and organizations including the Institute for Police Technology and Management (IPTM). Our guide on [electronic search warrants](#) is used to establish their own e-warrant systems. Hawaii is creating a streamlined, simplified system to pilot in four counties in early 2020. If successful, the system will likely become permanent.

Another resource launched this year is an online course for prosecutors designed to improve DUI cases outcomes. Responsibility.org partnered with the [National Center for State Courts](#) (NCSC), the [National Traffic Law Center](#), and former Tennessee Traffic Safety Resource Prosecutor (TSRP) Jim Camp to create a resource designed to aid new and inexperienced prosecutors who are assigned DUI cases. The free course is approved for CLE credits in most states and is hosted on the [NTLC website](#). Alabama Attorney General Steve Marshall and DC Attorney General Karl Racine partnered with Responsibility.org to promote and distribute the course among prosecuting attorneys offices.

The [drug-impaired driving training program](#) established through the [Governors Highway Safety Association](#) (GHSA) is now in its fifth year. GHSA and Responsibility.org offered grants to Massachusetts, Michigan, Nevada, and South Dakota for Drug Recognition Expert (DRE) and Advanced Roadside Impaired Driving Enforcement (ARIDE) training, cannabis green labs, and cross-trainings with other practitioners. These grants will increase the number of law enforcement officers who are better equipped to identify the signs and symptoms of drug impairment in their respective jurisdictions.

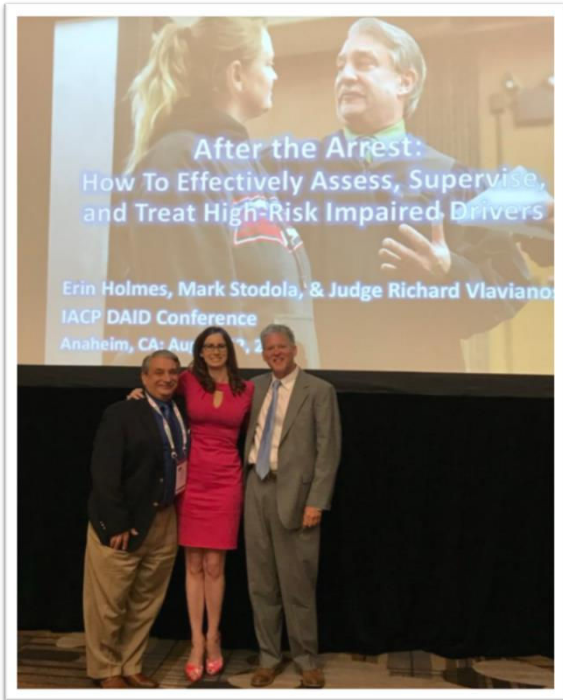
Training remains a significant priority in most states but in addition to increasing the number of DREs and ARIDE-trained officers, jurisdictions are looking to technology to assist with DUI investigations. Responsibility.org supports the use of oral fluid testing to aid officers in establishing probable cause and moving forward with an arrest by screening for the presence of drugs. In 2019, Responsibility.org publicized Michigan's oral fluid pilot program and [Alabama's permanent oral fluid program](#). On December 10th, Responsibility.org honored this effort with awards to Michigan's Governor, Senator Peter MacGregor and drug-impaired driving prevention advocate Brian Swift for their leadership in establishing and expanding this pilot program.



Michigan became the first state to implement an oral fluid pilot as a result of state legislation ([Public Act 243](#)) that passed following the deaths of Brian's parents, Barbara and Thomas Swift, who were killed in 2013 by a drug-impaired commercial driver. Brian [advocated for the oral fluid legislation](#) that gave the Michigan State Police (MSP) authority to develop and implement the oral fluid program. The initial pilot was conducted in five counties (Berrien, Delta, Kent, St. Clair, and Washtenaw) and utilized DREs to administer the oral fluid test as part of their DUI investigation. Drivers who refused to submit to an oral fluid test received a civil infraction. In early 2019

pilot results were [reported to the state legislature](#). The program was expanded for one year to include all DREs in the state of Michigan. More than 50 law enforcement agencies and over 100 DREs are now involved in the pilot.

Education and technical assistance. Responsibility.org trained more than 2,500 practitioners and policymakers in 2019. Our 2019 judicial education efforts centered around strategies to improve the detection, assessment, supervision, and treatment of high-risk impaired drivers. Our VP of Criminal Justice Programs and Policy and Technical Writer, Erin Holmes, joined forces with [Mark Stodola](#), the [American Probation and Parole Association](#) (APPA) Probation Fellow, to encourage assessment-driven decision-making, intensive supervision practices, and case management plans that take polysubstance use into account. Their efforts included sessions and trainings offered by APPA, the National Judicial College (NJC), the American Bar Association (ABA), the American Judges Association (AJA), the National Association of Drug Court Professionals (NADCP), the New York Unified Court System (NY UCS), the Institute of Police Technology and Management (IPTM), the International Association of Chiefs of Police (IACP), and other criminal justice associations and agencies.



These training initiatives led to increased use of the [Computerized Assessment and Referral System](#) (CARS) with nearly 800 registered users and statewide implementation in Colorado and Louisiana. North Dakota is also integrating CARS into its 24/7 Sobriety Program framework. We ended the year in El Paso, Texas with [Judge Robert Anchondo's](#) county probation officers. His court translated the CARS screener into Spanish and will be the first to pilot these new versions of the tool.

Responsibility.org and APPA (supported by NHTSA) launched a statewide training and technical assistance effort in Hawaii for community corrections and adult probation officers. Hawaii is the only state that prohibits probation from supervising 1st and 2nd DUI offenders. Mark Stodola and Erin Holmes developed a training curriculum to assist Hawaii's probation officers in improving outcomes for impaired drivers. Five trainings were held on four islands. A report containing an overview of the system and recommendations to improve practice was developed for the training participants.

Responsibility.org will continue to engage in thought leadership and promote evidence-based and promising programs/practices throughout the country. If you are interested in training or technical assistance, please contact Erin Holmes at erin.holmes@responsibility.org or (202) 445-0334 and identify how we can serve as a resource for your agency and/or jurisdiction.



State Legislative Leadership

Responsibility.org recognizes policymakers who advocate for evidence-based policies. Through these efforts, significant progress is achieved reflected by decreases in underage alcohol consumption, which remains at historic lows, and impaired driving which declined nationally in both 2017 and 2018. Join us in recognizing our 2019 difference-makers for their legislative achievements!

State Legislators:

- Arizona: Representative Jeff Weninger (R)
- California: Assemblymembers Pat Bates (R) and Ed Chau (D)
- Colorado: Representative Jonathan Singer (D)
- Kentucky: Senators Danny Carroll (R), Morgan McGarvey (D), Steve Meredith (R), Reggie Thomas (D), Whitney Westerfield (R), and Representative Richard Heath (R)
- Maine: Representative Patrick Corey (R)
- Michigan: Peter MacGregor (R)
- New Mexico: Senator Daniel Ivey-Soto (D)
- New Jersey: Senators Joe Lagana (D), Nicholas Scutari (D), Assemblymembers Dan Benson (D) and JoAnn Downey (D)

Governor Larry Hogan (MD) has made high-risk impaired driving a top administration priority and advocated for strengthening Maryland's DUI laws. After enacting Noah's Law, which is one of the strongest ignition interlock laws in the country, he proposed DUI felony bills in 2018 and 2019. This year, Maryland joined Virginia in piloting the Driver Alcohol Detection System for Safety (DADSS). The [Driven to Protect initiative](#) is a public-private partnership involving the Maryland Department of Transportation. Without pilot initiatives such as this, the DADSS technology would not be able to advance. We thank Governor Hogan for his steadfast leadership.



Governor Ralph Northam (VA) – Virginia was the first state to pilot the DADSS technology and instituted the [Driven to Protect partnership](#). Governor Northam supported the use of highway safety grant funds for this effort. Governor Northam and the Virginia DMV established a partnership with the James River Transportation company to pilot the DADSS technology in fleet vehicles for the first time on-road as part of trials in a real-world setting. Data and feedback collected from the vehicles and operators will enhance and improve the technology. We support and appreciate Governor Northam’s longtime commitment eliminating drunk driving and underage drinking



Governor Charlie Baker (MA) introduced multiple impaired driving bills to strengthen laws in the Commonwealth of Massachusetts and remains committed to addressing drug-impaired driving and increasing law enforcement training. Responsibility.org will continue to collaborate with the Governor on future awareness initiatives and campaigns and is proud to supply grant funds to increase the number of officers trained to identify the signs and symptoms of cannabis impairment.

Governor Gretchen Whitmer (MI) – Michigan’s statewide oral fluid pilot program is the first of its kind in the nation and has the potential to greatly advance the use of roadside drug detection technology. The results will inform and guide practice in other states. All parties involved with this program deserve recognition including the Michigan legislature that passed the nation’s first oral fluid pilot law and expanded it statewide, the Michigan State Police oversee it, and participating law enforcement agencies and prosecuting attorney offices. We applaud Governor Whitmer for promoting the pilot and recognizing the contributions of the policymakers, practitioners, and advocates involved.





Responsibility.org has several resources available to policymakers, practitioners, and advocates to assist in navigating the state legislative process. They are routinely updated and provide information needed to campaign for stronger laws. Begin at our [MAP](#) with statistics and laws needed in your state.

State Facts Refer to this section of our website for the latest state-specific data (including alcohol-impaired driving fatalities, DUI arrests, and underage drinking statistics).

Our interactive [State Map](#) is a go-to resource that provides quick, reliable, and comprehensive information on state impaired driving and underage drinking laws. With more than 20 different issue areas covered, the State Map is expanded and updated at the end of each legislative session.

Advocate for what works. Decades of research has led to the identification of evidence-based practices and effective countermeasures that reduce impaired driving recidivism. To make a strong case for the passage of impaired driving and underage drinking laws, refer to [Responsibility.org policies](#) – a resource that provides information about the prevalence of common strategies and the research that supports their implementation. Need ideas about how to strengthen existing laws and/or close loopholes in the system? We have developed [Policymakers' Checklists](#) on complex topics like drug-impaired driving to provide legislators with options to address the problem comprehensively. At the end of 2019, several new checklists will be released including a new **State Policy & Program Menu** that highlights strategies that each state should incorporate into their DUI system.



Visit the [End Impaired Driving](#) portion of the Responsibility.org website to access the latest research on the most pressing traffic safety concerns like the Governors' Highway Safety Association (GHSA) guide [Drug-Impaired Driving: Marijuana and Opioids Raise Critical Issues for States](#).

New GHSA Report on High-Risk Impaired Drivers: A new collaborative effort with the Governors Highway Safety Association (GHSA) launched on December 9th to provide state highway safety offices

with examples of strong practice as well as strategies to target repeat, high-BAC, and polysubstance offenders; this report and other accompanying resources including, state, Federal, and data collection checklists can be accessed [here](#). Stay tuned for more resources on this issue in early 2020!



GHSA High-Risk Impaired Driving Report

Learn more about the latest efforts to stop high-risk impaired driving in this report.

DOWNLOAD



Data Collection and Analysis Checklist

Learn how each state should collect data to understand the impaired driving problem.

DOWNLOAD



Federal Legislative Checklist

Learn more about how federal legislators can deter high-risk impaired driving.

DOWNLOAD



State Checklist

Learn more about what states can do to deter high-risk impaired driving.

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RESPONSIBILITY