

DUID Law Typologies

<p>Impairment laws</p>	<p>Similar to the alcohol impairment-based statutes, this policy requires law enforcement to prove driver impairment as a result of the use of a drug through the gathering and documentation of evidence. Successful prosecution is dependent on linkages between documented behavioral evidence and recent drug use. All states have impairment laws in place due to a lack of consensus on a drug per se limit.</p> <p>In these states, the Drug Evaluation and Classification (DEC) Program and Drug Recognition Experts (DREs) are particularly important.</p>
<p>Per se laws</p>	<p>A person commits an offense if they have a detectable amount of a controlled substance that exceeds a set legal limit. As with alcohol per se laws, these laws make it easier to prosecute. The test result is proof of the offense and the law enforcement burden to prove impairment is lessened.</p> <p>There are a few challenges with DUID per se laws. No science exists regarding impairment levels and crash risk for various drugs. In short, there is no .08 for DUID. The science that tells policymakers where to set the limit doesn't exist and it may never exist.</p>
<p>Zero tolerance (ZT) per se laws</p>	<p>A per se statute with a legal limit of zero. Driving with any measurable amount of a drug is classified as an offense – individual states determine whether this includes both the parent drug and its metabolites.</p> <p>Many jurisdictions create a hybrid framework that has ZT for illicit substances and impairment-based statutes for prescription/legal substances.</p>