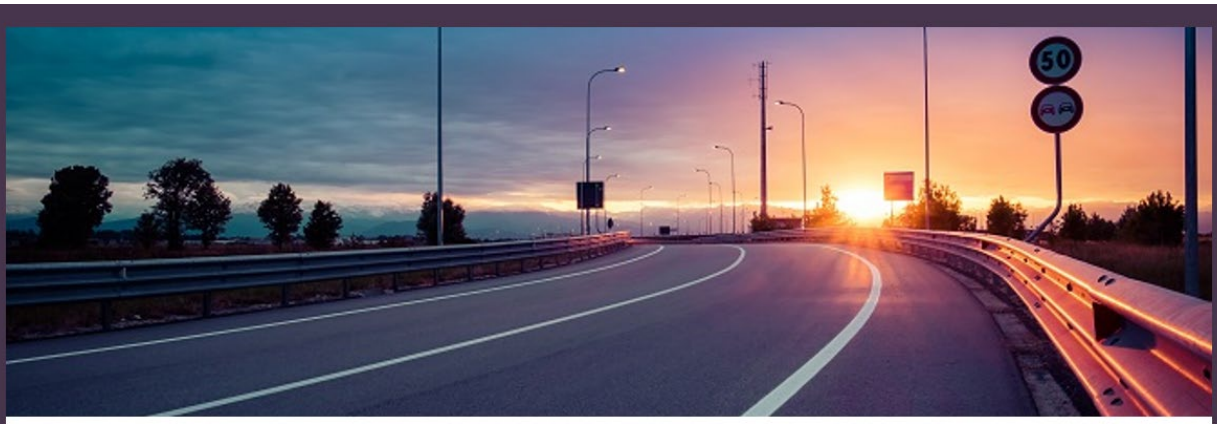
2019 Mid-Year Report:
State Legislative Activity

RESPONSIBILITY.ORG



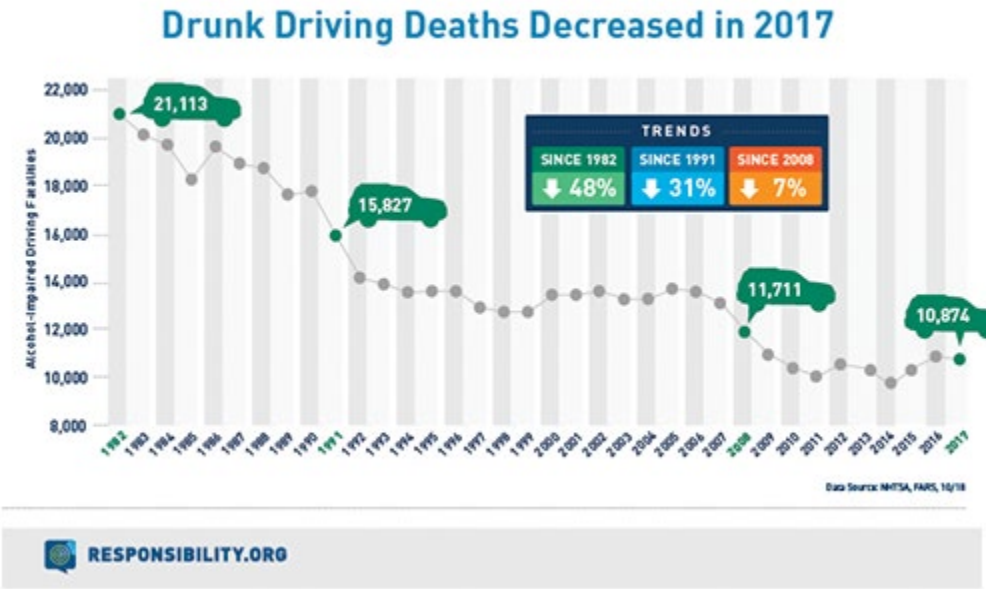
2019 Mid-Year Legislative Summary

The goal of the traffic safety community remains unchanged each year: eliminate all fatalities on our roadways. Regardless of individual areas of focus, each organization and agency that operates within the highway safety sphere seeks to decrease the number of lives lost each year to preventable crashes. The ultimate goal of reaching zero lives lost in motor vehicle crashes continues to motivate advocates, practitioners, and legislators alike to take action. At the start of every new year, policy and programmatic solutions are put forth to target the road user behaviors that lead to fatal and serious injury crashes.

After two years of increases in the number of individuals killed on our nation's roadways there has finally been a marginal decline. According to the National Highway Traffic Safety Administration (NHTSA), 37,133 individuals were killed in motor vehicle crashes in 2017. This represents a 1.8% decrease from 2016. An examination of factors involved in fatal crashes reveals that avoidable behaviors such as alcohol-impaired driving, drug-impaired driving, speeding, distracted driving, and drowsy driving continue to contribute to motor vehicle collisions. For these reasons, it is crucial that we continue to focus prevention, education, and enforcement efforts on addressing impaired driving in all of its forms.

Alcohol-impaired driving fatalities accounted for 29% of all motor vehicle fatalities, the lowest percentage since NHTSA began reporting national fatality data in 1982. This represents a 1.1% reduction in fatalities from 2016. While the decrease in fatalities represents progress, more work must be done, particularly when it comes to addressing the threat posed by high-risk impaired drivers (i.e., individuals who drive at high blood alcohol concentrations (.15>), drive impaired repeatedly, or drive after consuming a combination of alcohol and drugs or multiple drugs). These individuals should be targeted for additional intervention and be subject to intensive supervision and treatment that addresses any underlying substance use disorders and co-occurring mental health disorders.

Figure 1: Alcohol-impaired driving fatalities 1982-2017

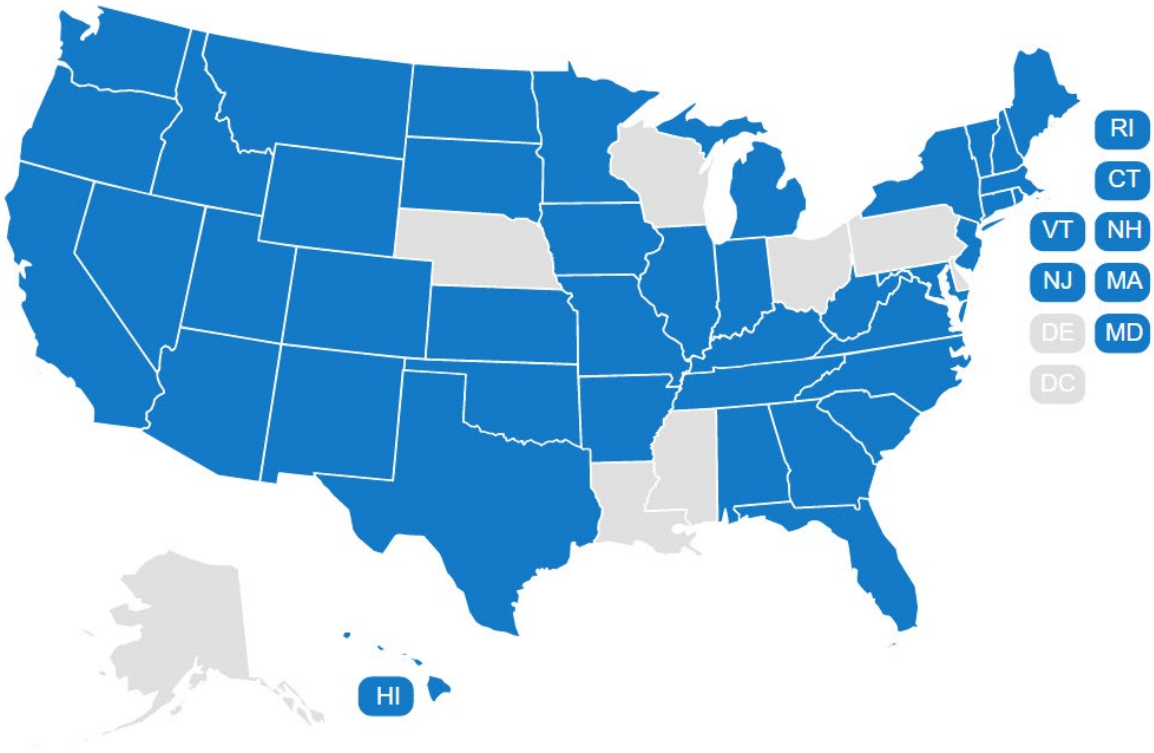


One of the first steps towards reducing the number of lives lost to impaired driving is passing effective laws. In the lead up to each new legislative session, Responsibility.org offers technical assistance and guidance to state legislators who endeavor to strengthen existing laws or close loopholes that allow impaired drivers to avoid accountability for their actions. Once legislation is introduced, our organization actively engages in advocacy efforts across the country. Responsibility.org supports legislation that furthers the implementation of proven countermeasures aimed at eliminating alcohol and drug-impaired driving and safeguards against underage drinking. As an organization, we promote evidence-based strategies that create deterrence, reduce recidivism, and improve treatment outcomes/create long-term behavior change. In addition to supporting bills that strengthen practice, Responsibility.org also opposes legislation that attempts to weaken existing laws and threatens the efficacy of the criminal justice system.

The 2019 legislative session was similar to previous years in that much of the impaired driving and underage drinking legislation introduced sought to make technical corrections or minor modifications to existing laws. The majority of states have already enacted legislation that creates substantial change (i.e., all offender ignition interlock laws, DUI child endangerment laws, administrative license suspension/revocation, etc.) and legislators have begun to focus their attention on identifying ways to build upon these laws and improve their implementation and/or enforcement.

As of the midway point of 2019, Responsibility.org has identified more than 175 pieces of priority impaired driving and underage drinking legislation in 42 states. The following map identifies the states where Responsibility.org has been active during the 2019 legislative session (highlighted in blue).

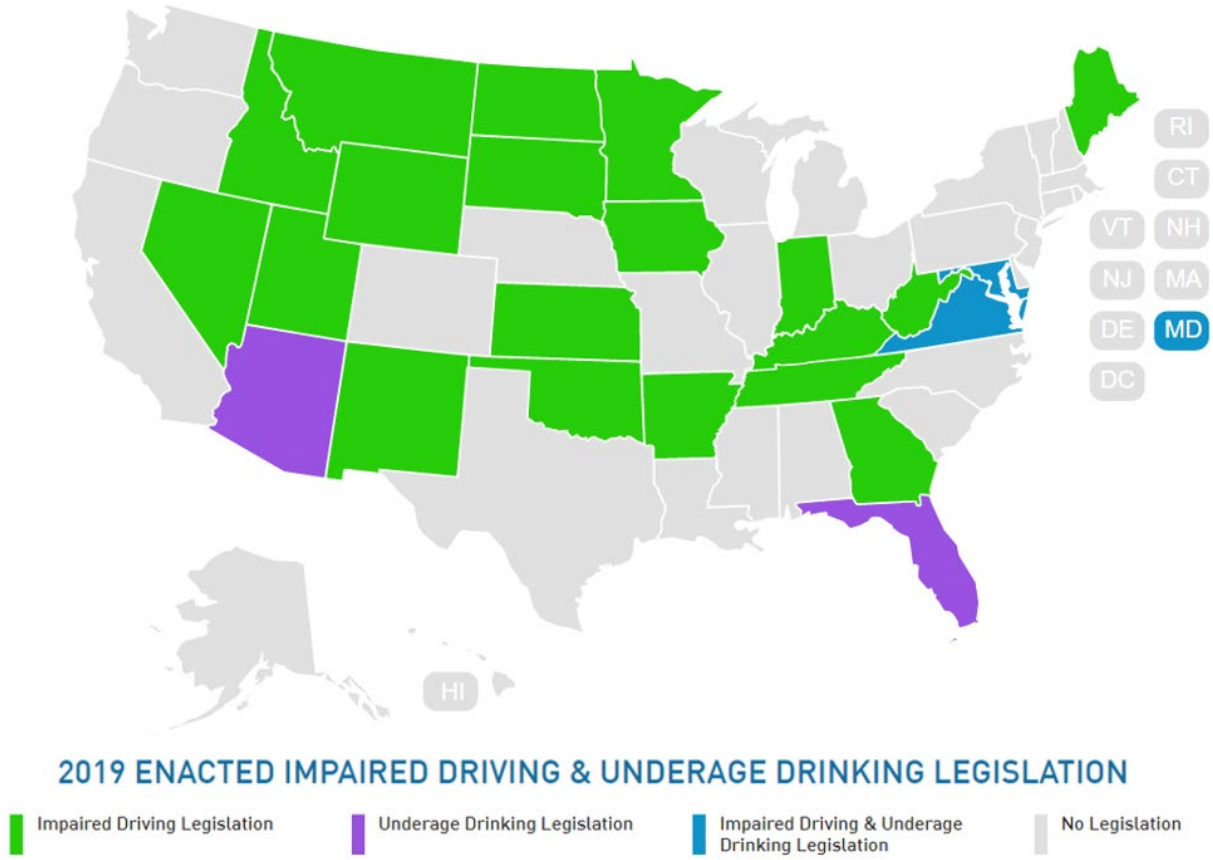
Figure 2: Responsibility.org legislative activity



While the majority of introduced bills fail to pass state legislatures, 2019 saw several notable legislative victories (see Figure 3). To date, **37 impaired driving bills** have been signed into law in **21 states** (Arkansas, Georgia, Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Minnesota, Montana, Nevada, New Mexico, North Dakota, Oklahoma, South Dakota, Tennessee, Utah, Virginia, West Virginia, and Wyoming) including an all offender ignition interlock bill in **Kentucky** (SB 85). Other laws that passed in 2019 made technical corrections to ignition interlock programs, enhanced penalties/increased felony designations for various impaired driving offenses, furthered 24/7 program implementation, modified implied consent/testing statutes, etc. This represents an increase in impaired driving legislative activity over the 2018 sessions.

Similar to previous years, only a handful of legislatures introduced underage drinking legislation in 2019. The states that successfully passed bills that either modify social host or Good Samaritan laws are **Arizona** (HB 2281), **Florida** (HB 595), **Maryland** (HB 88), and **Virginia** (SB 1349).

Figure 3: Enacted impaired driving and underage drinking legislation



Through the implementation and enforcement of these pieces of legislation, **23 states** will be better positioned to reduce injuries and fatalities caused by impaired driving and underage drinking in the coming years. To learn more about the specifics of these new laws (including provisions, sponsors, effective dates, etc.), emerging/ongoing legislative trends, and Responsibility.org state-level activities, refer to the remainder of this report. The resources section provides useful tools for policymakers, practitioners, and advocates who are interested in taking action and supporting the passage of strong, evidence-based public policy.

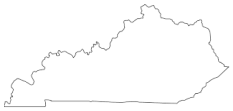
Analysis: Impaired driving and underage drinking legislation (enacted as of June 20, 2019)

State	Bill	Primary Sponsor(s)	Focus	Provisions	Effective Date
Arizona 	HB 2281	Rep. Jeff Weninger (R)	Underage drinking – social host	Provides that a person who is at least 18 years of age and who is an occupant of an unlicensed premises is guilty of a Class 1 misdemeanor if the person knowingly hosts on that premises a gathering of two or more persons who are under the legal drinking age and the person knows that one or more of these underage individuals are in possession of or consuming alcohol on the unlicensed premises. The term "hosts" under this definition means 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.	08/27/2019
	SB 1307	Sen. David Livingston (R)	Drunk driving – ignition interlock; assessment	In instances where the court may order an individual convicted of DUI to equip any motor vehicle they operate with a certified ignition interlock device for more than 12 months, they are eligible beginning on the date that they successfully complete the alcohol or other drug screening, education, or treatment program requirements and are otherwise eligible to reinstate their driver's license or driving privilege. If the department reinstates a person's driver license or driving privilege for a revocation that is related to alcohol or other drugs, the department may accept an evaluation that was performed within the previous 12 months from a physician,	08/27/2019

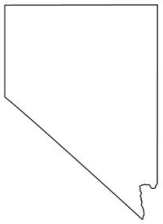
				psychologist, physician assistant, registered nurse practitioner, or a substance abuse counselor indicating that, in the opinion of the professional, the condition does not affect or impair the person's ability to safely operate a motor vehicle.	
Arkansas 	HB 1411	Rep. LeAnne Burch (D) & Rep. Eddie Cheatham (D)	Drunk driving – definitions; testing	"Jacob's Law"; clarifies the definition of what constitutes a motor vehicle in instances where impaired driving leads to serious physical injury. Under this new definition, a motor vehicle would include an all-terrain vehicle or agricultural vehicle that is often not operated on the roadways of the state and instead operated in an off-road or agricultural field capacity. Also modifies mandatory testing statutes and requires blood alcohol testing in all crashes where a person sustains serious physical injury (previously limited to crashes resulting in a fatality).	07/23/2019 *estimate based on AR legislation becoming effective 90 days from session end
Florida 	HB 595	Rep. David Silvers (D), House Committee on Judiciary, Subcommittee on Criminal Justice	Underage drinking – Good Samaritan	Establishes that a person who gives alcohol to an individual under 21 years of age and who, acting in good faith, seeks medical assistance for the individual experiencing, or believed to be experiencing, an alcohol-related overdose may not be arrested, charged, prosecuted, or penalized if the evidence for such offense was obtained as a result of the person's seeking medical assistance. The person must remain at the scene until emergency medical services personnel arrive and must cooperate with EMS and law enforcement officers at the scene. Same extends to a person who is experiencing an alcohol overdose and calls for medical assistance.	07/01/2019

Georgia 	HB 471	Reps. Steven Sainz, Barry Fleming, Trey Kelley, Dewayne Hill, Bill Hitchens, Randy Robertson, (R) et al.	Drunk driving – implied consent	Clarifies that at the time of chemical test or tests are requested as part of a DUI investigation, the arresting officer is required to read to the person the appropriate implied consent warning. This legislation includes the exact language to be used and highlights that the State of Georgia has conditioned the possession of a license to drive, operate a vessel on the waters, or hunt upon submission to state administered chemical tests of blood, breath, urine, or other bodily substances for the purpose of determining whether an individual is under the influence of alcohol or drugs. Refusal results in the suspension of the license for a specified period.	04/29/2019
Idaho 	HB 78	House Committee on Judiciary, Rules, and Administration	Drunk driving – ignition interlock; diversion	Requires that all ignition interlocks be equipped with a camera; also creates a diversion program for DUI offenders. Eligibility criteria for program participation includes not being convicted of another DUI in the past 10 years, not having injured anyone as a result of the offense, and no previous participation in a diversion program. Prosecuting attorneys may establish diversion programs at their discretion. An alcohol and drug evaluation must be completed if requested. An interlock is also a condition of participation as is at least 24 hours of alcohol/drug education, therapy, or treatment from an approved provider.	07/01/2019

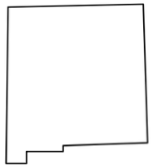
Iowa 	SF 113	Rep. Zach Nunn (R) & Rep. Dustin Hite (R)	Drunk driving – definitions	Clarifies that an individual can be sentenced as a habitual operating while intoxicated offender after a third or subsequent offense.	07/01/2019
Indiana 	SB 186	Sen. Erin Houchin, Dennis Kruse, Mac McNamara, Eric Koch, & Jon Ford (R)	Drunk driving – felony	Increases the level of felony for individuals who operate while impaired and cause moderate bodily injury, serious bodily injury, catastrophic bodily injury (includes new definition of this category of injury), or death. Also sets forth that a court may order terms of imprisonment imposed on a person convicted of more than one offense (i.e., causing injury or death while operating impaired) to run consecutively.	07/01/2019
Kansas 	HB 2104	House Committee on Judiciary	Impaired driving – refusal; testing	Outlines new penalties for refusal to submit to a chemical test. An individual who refuses to provide a sample will have their license suspended for one year. For those who submit they will have their license suspended for 30 days or one year depending on outcomes. Also changes “saliva” to “oral fluid” in testing and implied consent statutes. 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. 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 lengthy hard suspension period. Also makes technical corrections to the program (e.g., performance-based exit criteria, new offenses for non-compliance, establishment of an indigent fund, etc.). Previously, only high-BAC and repeat offenders are required to install an interlock in Kentucky.	07/01/2020
Maine 	LD 648	Rep. Patrick Corey (R)	Impaired driving – data collection	Requires that by April 1, 2020, and annually thereafter, the State Bureau of Identification shall report to the joint standing committee of the legislature having jurisdiction over criminal justice matters regarding the incidence of operating under the influence (OUI) offenses. The report must include separate categories for offenses involving alcohol, intoxicating substance other than alcohol, or a combination or alcohol and other intoxicating substances.	09/18/2019 * estimate based on ME legislation becoming effective 90 days from session end
Maryland 	HB 55 / SB 245	Del. Erek Barron & Del. Charles Snydor (D) Sen. Ben Kramer (D)	Drunk driving – ignition interlock	Modifies the definition of ignition interlock system to require that approved devices in Maryland 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)	Alcohol offenses – public consumption; open container	Establishes that consuming an alcoholic beverage in public or possessing an open container is a civil rather than a criminal offense requiring the issuance of a citation and a maximum fine of $100.	10/01/2019

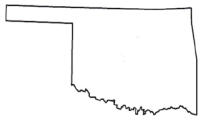
	HB 707	Del. Charlotte Crutchfield (D)	Impaired driving – enhanced penalties	Increases the maximum terms of imprisonment for the crimes of manslaughter by vehicle or vessel, homicide by vehicle or vessel while under the influence of alcohol or under the influence of alcohol per se, homicide by vehicle or vessel while impaired by alcohol, homicide by vehicle or vessel while impaired by drugs, and homicide by vehicle or vessel while impaired by a controlled dangerous substance. Imprisonment terms increased from 5 or 10 years to 15 or 20 years depending on category and circumstances.	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 trunk highway fund for laboratory analysis related to driving while impaired (DWI) cases.	07/01/2020
Montana 	SB 362	Sen. Mike Lang (R)	Drunk driving – 24/7 program	Outlines that the primary testing methods for the program include twice-a-day, in-person breath testing at a central location and other methodologies approved by the department. Primary testing methodologies must utilize devices that are capable of determining alcohol concentrations below an equivalent breath alcohol concentration of 0.010 grams per 210 liters of breath. If the primary testing methodology is a breath alcohol analysis, the device utilized must be listed on the most recent conforming products list for evidential breath alcohol measurement devices as published by NHTSA.	10/01/2019

				Further sets forth that hardship testing methodologies include the use of transdermal alcohol monitoring devices, remote breath test devices, and other methods approved by the department. A hardship testing methodology may be used if the court or agency determines that hardship factors, including but not limited to distance from or lack of access to a primary testing method site, prevent the reasonable use of a primary testing method. All alcohol or drug testing ordered by a court must utilize a data management technology system. The data is owned by the state and maintained by the department. Approved testing methodologies, whether designated as primary or hardship, must be capable of electronically transferring data directly into the data management technology system through a department-approved interface.	
Nevada 	AB 316	Assemblyman Tom Roberts, Glen Leavitt, Alexis Hansen, Jill Tolles, & Heidi Seevers Gansert (R)	Drunk driving – 24/7 program	Establishes a statewide sobriety and drug monitoring program within the Department of Public Safety that is administered by the Director of the Department and in which any county in the state may elect to participate. Provides that if a county elects to participate in the program, DPS is required to assist the county in the establishment and administration of the program in the county and the board of county commissioners is required to designate a law enforcement agency in the county to enforce the program. Further authorizes a court in a county that elects to participate in the program to assign an offender who	07/01/2019

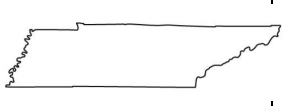
				is found guilty of driving under the influence of alcohol or a prohibited substance for the second or third time within 7 years to the program for a specified period determined by the court. If a person is arrested for such a repeat offense and the person will be released on bail, the court is authorized to assign the person to the program if the county in which the person resides or is required to remain participates in the program. Any person who is assigned to the program: (1) must abstain from alcohol and prohibited substances while assigned to the program; (2) must undergo testing to determine the presence of alcohol in the person's system not less than two times each day; (3) must undergo random testing not less than two times each week to determine the presence of a prohibited substance in the person's system; (4) must be subject to sanctions for using alcohol or a prohibited substance while assigned to the program or for failing or refusing to undergo required testing; and (5) if the person's driver's license is suspended or revoked, is 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.	
	SB 408	Sen. Marilyn Dondero Loop (D), Joyce Woodhouse (D), David Parks (D)	Drunk driving – ignition interlock	Modifies existing ignition interlock program statute to eliminate certain exemptions for program participation including (1) requiring the person to install a device would cause the person to experience an economic hardship; (2) the person requires the use of the motor vehicle to travel to	07/01/2019

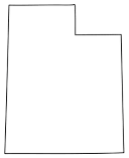
				and from work in the scope of his or her employment; or (3) the person requires the use of the motor vehicle to obtain medicine, food or other necessities or to obtain health care services for the person or a family member of the person.	
New Mexico 	HB 267	Reps. Daymon Ely (D), Andrea Romero (D), Sander Rue (R), Greg Nibert (R), Abbas Akhil (D)	Impaired driving – testing	Specifies that a booking facility shall electronically collect biometric identifying information from a person arrested for the violation of a municipal or county ordinance prescribing criminal penalties for driving while under the influence of intoxicating liquor or drugs.	07/01/2019
	SB 517	Sen. Daniel Ivey-Soto (D)	Drunk driving – child endangerment	Establishes that the offense of DWI with a minor in the vehicle is a misdemeanor. It is to be charged separately than the DWI. Minor as used in this bill refers to an individual who is younger than 18 years of age.	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 the issuance of temporary restricted licenses for individuals participating in 24-7 sobriety programs. For individuals who have violated DUI laws at least three times within the preceding seven years, their driving privileges must be suspended and may be restored only after that the offender has completed addiction treatment through an appropriate licensed addiction treatment program and has had no alcohol-related or drug-related offense for two consecutive years after completion of treatment. The offender must receive a	08/01/2019

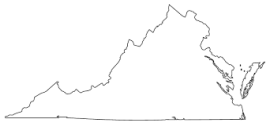
				temporary restricted license during the suspension period.	
	HB 1334	Reps. Dennis Johnson (R), Pamela Anderson (D), Pat Heinert (R), Brandy Pyle (R), Cindy Schreiber-Beck (R), JoNell Bakke (D), et al.	Drunk driving - expungement	Establishes that the court shall seal an individual's criminal record for an impaired driving offense if the individual has pled guilty or nolo contendere to, or has been found guilty of DUI, and has not pled guilty or nolo contendere to, or has not been found guilty of a subsequent DUI or any other criminal offense, within seven years of the first violation. This provision does not apply to an individual licensed as a commercial driver. It also 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: During the 2019-20 interim, the Legislative Management shall consider studying the traffic fines and penalties imposed by state and local governments and conduct a complete analysis of North Dakota Century Code Title 39. The study must include a comprehensive assessment addressing any inconsistencies, conflicting chapters or sections, or lack of clarity, and a review of North Dakota's traffic fines, fees, and penalty statutes and compare them	N/A

				with the fines, fees, and penalties of 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 67th Legislative Assembly.	
Oklahoma 	SB 712	Sen. Kim David (R) & Sen. Chris Kannady	Impaired driving – administrative license revocation; ignition interlock; testing	Modifies administrative license revocation provisions for various impaired driving offenses; requires that the revocation period and the required ignition interlock installation period run concurrently (varying lengths from 180 days to 3 years depending on offense/driver history). Revises existing ignition interlock program provisions and requires device manufacturers to report violations to the Board of Tests for Alcohol and Drug Influence. The Department shall extend the period of ignition interlock installation for individuals who have violations. In order to be released from the program, individuals must complete the required time and have no reportable violations in the 180 consecutive days prior to the anticipated date of release. Establishes the Impaired Driver Accountability Program (IADP) at the Department of Public Safety. Program participation ranges from 6-36 months and can be extended if ignition interlock violations are reported.	11/01/2019

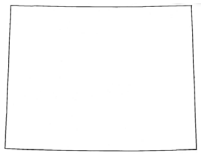
				Modifies testing statute; the law enforcement agency by which the arresting officer is employed may designate whether blood or breath is to be tested to determine alcohol concentration, and whether blood, saliva, or urine is to be tested for the presence or concentration of any other intoxicating substance. Adds saliva as a testing option.	
South Dakota 	HB 1049	Rep. Tim Johns (R) & Rep. Bob Ewing (R)	Impaired driving – definitions; administrative license suspension; affirmative defense	Establishes that it is a Class 2 misdemeanor for any person under the age of 21 to drive, operate, or be in actual physical control of any vehicle 1) if there is physical evidence of 0.02% or more by weight of alcohol in the person's blood as shown by a chemical analysis of the person's breath, blood, or other bodily substance; or 2) after having consumed marijuana or any controlled drug or substance, *other than a controlled drug or substance lawfully prescribed for the person*, for as long as physical evidence of the consumption remains present in the person's body. Upon conviction or adjudication, the court shall suspend that person's driver's license or operating privilege for a period of 30 days for a first offense, 180 days for a second offense, and one year for any third or subsequent offense. The court may issue an order permitting the person to operate a vehicle for purposes of the person's employment, attendance at school, or attendance at any counseling program.	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 governing blood and breath tests for determining the presence of drugs and alcohol. Details under what circumstances a law enforcement officer shall seek to administer breath, blood, or both tests; reiterates when an operator of a motor vehicle has deemed to have given implied consent to tests; refusal instructions and charging actions; outlines the proper procedures for collecting blood including when a suspect involved in a collision is unconscious; etc.	07/01/2019
	HB 839	Rep. William Lamberth (R)	Impaired driving – restricted license	Modifies where an individual who has a restricted license can travel to. Includes place of 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. The fund shall be composed of two accounts, each of which shall be used for one of the following purposes: (a) eligible costs associated with the lease, purchase, installation, removal, and maintenance of ignition interlock devices or with any other cost or fee associated with a functioning ignition interlock device required for persons determined by the court to be indigent; and (b) eligible costs associated with the use of a transdermal monitoring device, other alternative alcohol or drug monitoring device, or global positioning monitoring device, if required by the court for persons determined by the court to be indigent.	07/01/2019

	SB 636	Sen. Jack Johnson (R)	Impaired driving – testing	Adds physician assistants to the list of medical practitioners who are qualified to draw blood from a motor vehicle operator for evidentiary purposes in a DUI investigation.	07/01/2019
	SB 1342	Sen. Becky Massey (R)	Impaired driving – testing; implied consent	Identifies the circumstances under which breath and blood tests can be administered in DUI investigations. The operator of a motor vehicle in TN is deemed to have given implied consent to breath tests, blood tests, or both tests, for the purpose of determining the alcohol or drug content of that operator's blood. However, no such tests may be administered unless conducted at the direction of a law enforcement officer having probable cause to believe the operator was in violation of one or more impaired driving offenses or the operator signs a standardized waiver developed by the department of safety and made available to law enforcement agencies.	07/01/2019
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 provisions related to procedures involving law enforcement when an individual suspected of driving under the influence refuses to submit to a chemical test. Also amends provisions related to a temporary driver license and the notice given regarding a temporary driver license and related	05/13/2019 *estimate based on UT legislation becoming

				hearings involving an individual who refuses to submit to a chemical test. Extends the time from 30 days to 45 days in which a driver license sanction may be applied.	effective 60 days from session end
	SB 131	Sen. Wayne Harper (R) & Sen. Eric Hutchings (R)	Impaired driving – ignition interlock	Amends provisions related to ignition interlock devices for an individual whose offense for driving under the influence did not involve alcohol – carves out an exemption for drug-impaired drivers. Provides a process for an individual to petition the Driver License Division for removal of an ignition interlock restriction if the individual's offense was based solely on substances other than alcohol.	05/13/2019 *estimate based on UT legislation becoming effective 60 days from session end
Virginia 	HB 1664	Del. Jay Jones (D)	Impaired driving – restricted license	Clarifies that any person who has been convicted under the laws of another state of a violation substantially similar to a violation within the Commonwealth and whose privilege to operate a motor vehicle in the is subject to revocation may petition the general district court of the county or city in which he/she resides for restricted driving privileges. Subject to certain limitations, if the court determines that there are compelling circumstances warranting an exception, the court may provide that any such person be issued a restricted license to operate a motor vehicle under the following circumstances: travel to and from employment; alcohol rehabilitation or safety action program; travel for employment purposes; school/continuing education; healthcare services; transport a minor to daycare, school, etc.; court-ordered visitation; screening, evaluation, and education programs; court appearances; places of worship; appointments	07/01/2019

				approved by the Division of Child Support Enforcement; weekend incarceration; ignition interlock service centers; or job interviews.	
	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 McDougle (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 that the charge of DUI 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 instances where the driver is operating a vehicle on their own property and has not left, or does not intend to leave, said property to drive upon a public highway.	06/03/2019 *estimate based on WV legislation becoming effective 90 days after enactment date

	SB 152	Sen. Glenn Jeffries (D)	Impaired driving - expungement	Establishes that a person is not eligible for expungement for convictions and the records associated with a number of offenses including any offense of driving under the influence of alcohol or a controlled substance.	06/07/2019 *estimate based on WV legislation becoming effective 90 days after enactment date
Wyoming 	SF 7	Joint Interim Committee on Judiciary	Impaired driving – 24/7 program	Permits the use of remote electronic alcohol monitoring technology as part of the 24/7 sobriety program. Affords the court the discretion to require an individual to participate in 24/7 as an alternative to or in addition to interlock program participation. A person required to participate in a 24/7 sobriety program as an alternative to installing and interlock shall be granted a restricted driver's license under rules established by the department and provided that the person enrolls in and complies with the requirements of the 24/7 sobriety program.	07/01/2019

Legislative Trends

Each year, legislators from across the country endeavor to pass impaired driving and underage drinking laws that research has shown to be effective. In addition to implementing evidence-based laws, policymakers also attempt to close loopholes and strengthen the framework of existing programs. While there are certain categories of laws that are introduced annually, new legislative trends invariably emerge as different aspects of traffic safety come into focus (e.g., legislation related to drug-impaired driving is more likely to be introduced when a state is considering legalization cannabis for medicinal or recreational purposes). The following is a summary of the legislative trends that emerged in 2019:

Alcohol-impaired driving:

Ignition interlocks. One of the most effective countermeasures available to jurisdictions to separate drinking from driving is the ignition interlock. Interlocks require DUI offenders to provide a breath sample before being able to start their vehicle. If the breath sample registers a BAC above a defined pre-set limit (typically .02), the vehicle will not start. The device also requires repeated breath tests while the vehicle is in use to ensure the DUI offender remains sober throughout the duration of their trip. Ignition interlock technology is sophisticated breath testing instrumentation that includes multiple anti-circumvention features including cameras that capture images of the individual providing the breath sample. The addition of mandatory camera units to ignition interlocks has been a popular legislative option in recent years as programs have begun to take action against violations and tampering.

While installed, ignition interlocks are highly effective for reducing recidivism among both repeat and first-time DUI offenders. Recent research has found that state laws that require interlocks for all DUI offenders were associated with a 7% decrease in the rate of fatal crashes involving a driver above the legal limit (.08) and an 8% decrease in the rate of fatal crashes involving a high-BAC (.15>) driver (McGinty et al., 2017). In order for the benefits of interlock technology to be maximized, the use of the device should be coupled with other effective interventions such as assessment and treatment to facilitate behavior change. Interlocks ensure that drinking and driving are separated but these devices are merely an incapacitation tool; to address an underlying substance use disorder interlock program participation should be paired with and run concurrently with treatment involvement. **Arizona** passed a bill in 2019 that attempts to better align interlock use with treatment programming.

Interlock laws have evolved over time as more states have transitioned from mandatory laws for repeat and high-BAC offenders only to expanding eligibility to all offenders (including first-time offenders). While the nature of these laws varies from mandatory (i.e., interlock installation is a condition of probation and/or re-licensing) to incentivized (i.e., offenders who opt into the program often receive reduced hard suspension periods and/or receive driving privileges), the growing trend has been for state legislatures to modify laws in an effort to increase program participation rates. As of this legislative session, 33 states now have all offender provisions with **Kentucky** becoming the most recent state to expand an existing program to include first offenders. First offender legislation was introduced but has yet to pass in several states including **California, Massachusetts, Michigan,** and **New Jersey.**

Regardless of whether a state has a mandatory all offender law, there are many opportunities to strengthen the structure and implementation of interlock programs. Recent legislative trends include:

- Expanding 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);
- Creating 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;
- Allowing 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 incentivized entry often requires individuals to waive their right to an administrative hearing);
- Reducing the hard suspension period for individuals who install the interlock to incentivize program entry;
- Establishing or improving indigency/unaffordability provisions to guarantee that individuals are not excluded from interlock program participation on the basis of financial hardship;
- Defining program violations and authorizing an agency to take action in instances of non-compliance;
- Modifying device requirements to include enhanced monitoring capabilities such as cameras and GPS features;
- Enhancing vendor oversight to ensure device manufacturers adhere to high levels of quality and service;
- Creating offenses for tampering and device circumvention; and,
- Establishing compliance-based exit criteria to ensure that individuals keep the interlock installed until they demonstrate that 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, Nevada, South Carolina, Tennessee, Texas, Utah, and Washington.** These technical interlock bills proved to be one of the most common

type of impaired driving legislation introduced in 2019 with many states attempting to improve the framework and delivery of their interlock programs.

Another legislative trend observed in recent years is the creation of interlock exemptions for individuals arrested for impaired driving who test positive for drugs only. In 2019, **Utah** passed legislation that addressed this issue. The rationale for such a carve-out is that the interlock is an inappropriate sanction for an individual who has a drug problem and that they should be subjected to drug testing as opposed to alcohol monitoring. The drawback of this practice is that individuals under supervision commonly switch their substance of choice when they have knowledge of testing parameters.

Responsibility.org continues to support mandatory and effective use of ignition interlocks for all convicted DUI offenders and encourages states to identify gaps in their statutes and programs to improve implementation and ensure that all eligible offenders install the device and remain compliant with conditions.

Enhanced penalties for high-risk/repeat offenders. A myriad of sanctions are available for drunk drivers who repeatedly drive under the influence and with high blood alcohol concentrations (BACs). Given that the majority of states have already passed felony DUI laws, an emerging trend in recent years has been to increase the severity of punishment for high-risk impaired driving. The application of harsher penalties (such as fines or imprisonment) may incapacitate these offenders, but punishment in a vacuum is often not enough to reduce recidivism and lead to long-term behavior change. Therefore, it is important that these pieces of legislation also include assessment and treatment provisions.

In 2019, several states passed legislation that targets felony DUI offenders as well as individuals who are involved in impaired driving crashes that lead to death or serious bodily injury. Bills that sought to change the level/class of felony for high-risk offenders and/or enhance penalties in the form of increased periods of imprisonment, lengthier administrative license suspension/revocation (ALS/ALR), and higher fees/fines were introduced in **Connecticut, Iowa, Indiana, Maryland, Montana, New York, South Carolina, Texas,** and **Virginia.** Maryland, one of only four states that does not have a felony DUI offense, attempted to pass this legislation for the third year in a row without success despite having the backing of Governor Larry Hogan.

Another high-risk category of impaired driver that has been the focus of legislation in several states is the individual who drives the wrong way while under the influence. Wrong way drivers have caused high profile crashes that have resulted in multiple fatalities.

While Responsibility.org recognizes the importance of holding the high-risk impaired driver population accountable for their actions through the application of enhanced penalties, we also believe that to effectively reduce recidivism, punishment must be combined with alcohol/drug monitoring technologies, intensive supervision, treatment, and aftercare. Our organization is renewing the focus on these offenders and will provide policymakers and practitioners with a

comprehensive resource that outlines how to effectively handle high-risk impaired drivers through various policy/program options.

Courts and programs. Each year, legislation is introduced that seeks to improve the prosecution, sentencing, and supervision of impaired drivers. These bills include measures that improve court efficiency, offender tracking, and supervision and treatment practices. Responsibility.org supports countermeasures such as DUI 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.

In 2019, several monitoring bills were introduced that sought to implement a 24/7 sobriety program or another comparable alcohol monitoring program. Originating in South Dakota, the 24/7 program relies on principles of swift, certain, and meaningful sanctions to modify behavior. Under the program model, offenders with alcohol-related offenses (typically repeat DUI offenders or domestic violence 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 strengthens existing programs. Legislation in **Nevada** establishes a statewide sobriety and drug monitoring program within the Department of Public Safety and authorizes courts to assign an offender who is found guilty of DUI for the second or third time within 7 years to the program for a specified period determined by the court. In recent years, more state legislatures have considered establishing 24/7 programs in order to take advantage of incentive grant funding contained in the FAST Act.

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, the look-back period also has criminal sentencing implications as it often is the timeframe 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 to allow judges to take into consideration a sizeable portion of an offender's driving record when applying sanctions. In recent years, many states have followed this recommendation and sought to increase five-year look-back periods to ten years or lifetime. This year, **Rhode Island** and **Washington** attempted to extend their look-back periods but could not get the bills passed.

Testing provisions. Since the Supreme Court released its opinion in *Birchfield v. North Dakota* in the summer of 2016, many states have sought 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 the introduction of many bills that specify who is authorized to perform a blood draw and under what circumstances. Other states have also attempted to broaden implied consent statutes to allow for new testing methodologies such as oral fluid testing. In 2019, **Arkansas, Georgia, Kansas, New Mexico, Oklahoma, South Dakota, Tennessee,** and **Utah** 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.**

Oral fluid testing bills were not as prevalent in 2019 as in previous years. **Kansas** passed a bill that modifies implied consent to include oral fluid language. While there were no oral fluid pilot bills introduced this year, **Michigan** released the results of Public Act 243 in their report to the legislature. The five-county pilot run by the Michigan State Police was deemed so successful that the legislature set aside more than $600,000 in appropriations to administer the pilot for a second year and expand it to 50 counties. This second wave is scheduled to begin in the fall of 2019 and will involve more than 40 law enforcement agencies from across the state. For those who are interested, the Michigan pilot report can be accessed here. 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 in an attempt to reduce lab backlog and to ensure timely processing of blood draws in DUI investigations.

Lower BAC limit. The illegal per se BAC limit in the United States is .08. 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 (DWAI) in Colorado and New York). Internationally, many countries have adopted per se limits of .05 or lower, although these laws often carry administrative as opposed to criminal penalties.

In 2017, Utah became the first state to pass a .05 per se law (however, the implementation of the law was delayed until the end of 2018). Several other states have followed Utah's example and introduced legislation that proposes a lower BAC limit including Delaware, Hawaii, New York (.06), and Washington. In 2019, .05 legislation was introduced in **California, Michigan, New York,** and **Oregon.** The legislation in Michigan was introduced in response to a tragic crash involving a high-BAC, wrong-way driver who struck and killed the Abbas family who was returning from a Christmas vacation.

In previous years, policymakers have also introduced language that advocated lowering the BAC limit to .05 in cases where the driver had any measurable amount of THC[1] in their blood. While this policy was introduced in both California and Vermont in previous years, it was not put forward in any legislatures in 2019. However, a combination low BAC/THC law was passed in Canada in advance of the legalization of recreational marijuana last fall.

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 marijuana being the most commonly detected substance. Recent data from the Washington Traffic Safety Commission (2018) revealed that polysubstance-impairment (e.g., a combination of alcohol and drugs or multiple drugs on board) is now the most common type of impairment found among drivers involved in fatal crashes in that state. In fact, among drivers in fatal crashes from 2008-2016 that tested positive for alcohol or drugs, 44% tested positive for two or more substances with alcohol and THC being the most common combination. These data are concerning and with more states legalizing both medicinal and recreational marijuana (Illinois is the most recent state to send a recreational law to the Governor's desk for signature) and the opioid epidemic affecting large swaths of the country, policymakers are attempting to institute legislative solutions to the problem.

Responsibility.org supports several commonsense measures to combat DUID including better data collection (e.g., increased testing for drug impairment including mandatory testing for drugs and alcohol in all fatal and serious injury crashes; improved drug testing protocols; and, improved data and record systems which differentiate between arrests for alcohol-impaired and drug-impaired driving), strengthened laws (e.g., state laws that provide separate and distinct sanctions for DUI and DUID; enhanced penalties for polysubstance impaired driving; zero tolerance per se laws for people under 21 for marijuana and other drugs), and increased education and training for criminal justice practitioners.

Policymakers employed a variety of policy approaches to address DUID in 2019 including per se laws for THC and controlled substances, marijuana-impaired driving offenses, marijuana open container laws, oral fluid testing provisions (see previous section), and requiring the study of the potential impact of legalization on traffic safety. To date, none of the following bills have passed.

Per se laws. Similar to the BAC limit for alcohol, 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 establishing a limit makes it easier to prosecute as it reduces the burden on law enforcement to prove impairment. The challenge with per se laws for drugs is that there is yet to be a widely accepted scientific basis for a relationship between a specific

[1] Delta-9-tetrahydrocannabinol (THC) is the main psychoactive component in marijuana.

substance concentration amount, impairment, and collision risk, thereby making these laws somewhat arbitrary. Moreover, 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 and, in some instances, those levels may be under the established per se limit making cases much harder to win.

As more research about the ineffectiveness of these laws is conducted and more data from states like Washington is released showing that there is no magic cutoff level, states have gradually begun to shy away from this policy option. Only **New Mexico** introduced a bill that aimed to establish nanogram limits for various drugs. In **Colorado,** legislation was put forward that attempted to eliminate the existing 5ng THC permissible inference law that is widely regarded as the weakest drug-impaired driving law in the country. The proposed replacement is a tandem per se law that would rely on officers' observations of signs and symptoms of drug impairment combined with a positive chemical sample that shows the presence of the drug in the driver's body.

Drug definitions. Another area of progress in recent years is the number of states that have begun to expand and clarify the language contained within their drug-impaired driving statutes. Simple modifications like ensuring that the terminology used is broad enough to encompass new designer drugs, analogs, and other impairing substances is necessary. In 2019, six states attempted to modify the language in these statutes including **California, Hawaii, Missouri, New York, Oregon,** and **South Dakota.** They were met with minimal success.

Marijuana and driving/open container. A number of jurisdictions that have legalized marijuana are now attempting to create offenses that prohibit using/consuming marijuana while driving a vehicle. In 2019, **Connecticut, Massachusetts, Rhode Island,** and **Virginia** introduced these types of bills although they gained little traction in the legislatures.

Legalization studies. When Colorado and Washington legalized recreational marijuana by ballot

initiative in 2012, there was minimal thought given to the potential unintended consequences that this may have on traffic safety. Put another way, impaired driving countermeasures were largely and afterthought and got lost in the larger legalization policy debate. In the years since this occurred, more jurisdictions are taking a proactive approach and are studying the impact that legalization may have in their respective states. Traffic safety has now become an area of central focus in these initiatives. Several states including **Connecticut, Maryland, Minnesota, New Mexico,** and **Rhode Island** have charged task forces with investigating how marijuana 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 marijuana-impaired driving fatalities, crashes, arrests, and convictions. On the data collection front, **Maine** passed a bill that requires the State Bureau of Identification to deliver an annual report to the joint standing committee of the legislature having jurisdiction over criminal justice matters regarding the incidence of operating under the influence (OUI) offenses. The report must include separate categories for offenses involving alcohol, intoxicating substance other than alcohol, or a combination or alcohol and other intoxicating substances. This emphasis on collecting better impaired

driving data first materialized in Colorado with the passage of HB 1315. The first Colorado report was delivered to the legislature last year and its findings can be accessed here.

Underage drinking:

Responsibility.org supports legislation aimed at preventing underage drinking, such as Good Samaritan laws, social host laws, zero tolerance for drinking alcohol underage and driving, and the 21 minimum legal drinking age. In recent years, the number of bills aimed at curbing underage drinking has dramatically decreased and in 2019, only a handful of bills were introduced to address this problem.

Good Samaritan. Fear of police involvement is the most common reason for not calling 911 during a medical emergency. In recognition of this fact, many states have enacted laws that exempt from arrest and prosecution any victim or "Good Samaritan" who renders aid in a drug or alcohol-related emergency. Commonly referred to as 'Good Samaritan,' '911 Lifeline,' or 'Medical Amnesty/Immunity,' these laws seek to 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 the majority of states passing and implementing these laws for alcohol overdoses, and more recently, drug overdoses. The shift toward passing Good Samaritan laws for drug overdoses has been motivated by the growth of the opioid epidemic and the increasing number of resulting overdose deaths each year. As a result, many of the states that initially passed Good Samaritan laws that were specific to alcohol and have now begun to expand the statutes to include controlled substances. In 2019, **Florida** and **Virginia** modified their existing Good Samaritan laws.

Social host. Social host laws and ordinances are designed to reduce underage alcohol consumption by imposing liability on adults who knowingly host parties or allow the consumption of alcohol on the property they own, lease, or control. Under these laws, adults can be held liable for alcohol-impaired driving crashes regardless of whether they are the ones who provided the alcohol to minors. Several jurisdictions also have laws that can be applied even if the adult was unaware that underage alcohol consumption occurred on their property.

While this type of legislation is introduced each year, it appears as though states have now begun to focus on modifying existing provisions as opposed to instituting new versions of these laws. While a handful of these bills were introduced, only one passed – the **Arizona** bill provides that a person who is at least 18 years of age and who is an occupant of an unlicensed premises is guilty of a Class 1 misdemeanor if they knowingly host a gathering of two or more persons who are under the legal drinking age and the person has knowledge that one or more of these underage individuals are in possession of or consuming alcohol on the unlicensed premises.

Responsibility.org supports social host laws that prohibit adults from knowingly providing and/or serving alcohol to individuals under the legal drinking age of 21 and recommends that adults who knowingly

provide alcohol to minors should face sanctions such as driver's license suspension, mandatory community service, mandatory fines dedicated to underage drinking prevention, potential jail time, graduated penalties for repeat offenses, and other sanctions deemed appropriate by judicial discretion. It is our hope that states will continue to examine their existing social host provisions and improve their implementation whenever possible.

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.

Take Action: Responsibility.org Online Advocacy Resources

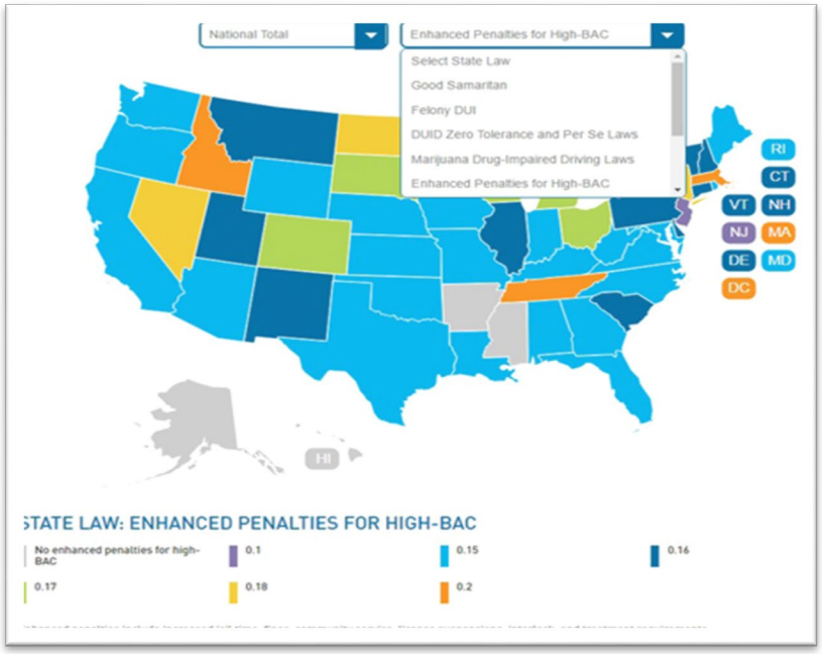
Interested in becoming more engaged in affecting change? Responsibility.org has several resources available to policymakers, practitioners, and advocates to assist in navigating the state legislative process. These tools are routinely updated and provide the public, practitioners, and the media with the data and background information needed to campaign for stronger laws. Begin your advocacy journey at our ***MAP*** where we arm you with statistics and identify the key pieces of legislation that are missing in each state.

1) **Get the facts.** For an easy-to-navigate compendium of the latest state-specific data (including alcohol-impaired driving fatalities, DUI arrests, and underage drinking statistics) refer to the ***State Facts*** portion of our website and see how your state compares to national averages and other jurisdictions. How much work needs to be done to get to zero?

State Facts | State Laws

2017 Alcohol-Impaired Driving Fatality Data	National
Total Alcohol-Impaired Driving Fatalities	10,874
Percent of Alcohol-Impaired Driving Fatalities of Total Fatalities	29.3
Under 21 Alcohol-Impaired Driving Fatalities	1,064
Percent of Under 21 Alcohol-Impaired Driving Fatalities of Total Under 21 Fatalities	24.0
2017 Alcohol-Impaired Driving Fatalities per 100,000 Population	
Alcohol-Impaired Driving Fatalities per 100K population	3.4
Under 21 Alcohol-Impaired Driving Fatalities per 100K population	1.2

2) **Know the laws.** In the United States, the majority of laws are enacted at the state level and there is great variance from one jurisdiction to another. 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 continues to be expanded and updated at the end of each legislative session. Simply select a type of legislation from the drop-down menu and see how your state measures up to the rest of the country. The State Laws Map provides users with an opportunity to Identify where gaps exist and how laws can be strengthened in each state.



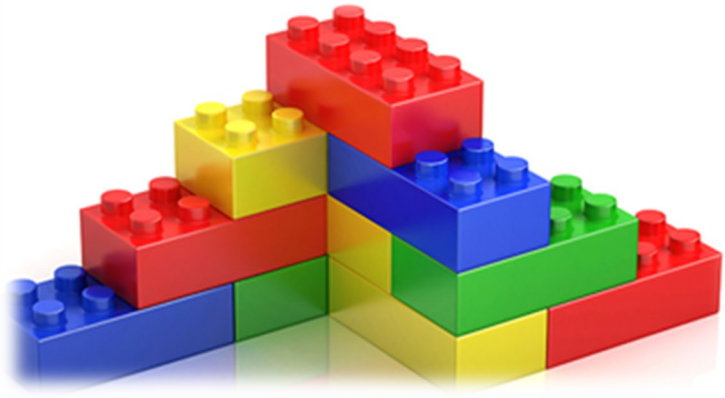
3) **Advocate for what works.** Decades of research has led to the identification of evidence-based practices and effective countermeasures that reduce impaired driving recidivism. To make a strong case for the passage of impaired driving and underage drinking laws, refer to Responsibility.org policies – 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.

Also, 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*.

Moving Forward

The passage of legislation is merely the starting point in actualizing change. Laws provide the foundation for policy, strategies, and programs. The implementation process builds upon this foundation and creates a framework that is refined and expanded over time. How laws are implemented or translated into practice determines whether they will be effective in achieving their intended purpose.

Implementation however, is not a singular or static process. On the contrary, it is an ongoing and dynamic one. The ability of jurisdictions to measure progress is closely connected to their success in effectively filling gaps that exist and developing evidence-based actions to reduce impaired driving. As a result, it is imperative that new laws and associated programs be evaluated post-implementation to determine whether they meet their objectives and where improvements are needed.



Responsibility.org recognizes that the passage of strong impaired driving laws is an important and necessary step towards eliminating deaths on our nation's roadways. However, without effective implementation of these laws, this goal will not be realized. Our organization is committed to collaborating with partners to ensure that the laws we advocate for are implemented in a way that will maximize benefits.

In addition to supplying interested parties with statistics, research, and policy ideas, Responsibility.org is working on an initiative that will offer policymakers and practitioners roadmaps and guidance on how to implement priority solutions within each facet of the DUI system. A panel of national experts assisted us in identifying challenges and barriers that limit overall system effectiveness and as well as solutions that are most needed to improve outcomes. A new interactive roadmap, set for release later this year, will prove to be an invaluable resource for those looking to change the status quo and facilitate system growth and improvement. This resource, geared towards improving the handling of high-risk impaired drivers, is designed to:

- Promote a systems approach and eliminate silos among different factions.
- Encourage reliance on assessment-driven decision-making to produce better outcomes.
- Identify ways to facilitate long-term behavior change and recovery.
- Fill gaps in the system to minimize opportunities for individuals to slip through cracks, thereby avoiding accountability.
- Highlight innovative programs, practices, campaigns, and strategies that have a track record of success and can be replicated (a key component of this new resource is a repository of effective and promising programs and practices that can help guide decision-makers who are looking to influence change within their respective jurisdictions).

We also remain committed to offering support, expertise, and technical assistance to improve policy and programs on an ongoing basis.

Interested in learning how to strengthen practice? Contact our Director of Traffic Safety
erin.holmes@responsibility.org

FOUNDATION FOR ADVANCING ALCOHOL RESPONSIBILITY