



FY2012 RECOMMENDATION/FY12-D02 PUBLIC SAFETY REQUIRES SOBER DRIVING

Status: Implementation Complete

Actions/Updates

2013 UPDATE

Action on this recommendation was completed with the passage of House Bill 13-1325.

This bill states that in any DUI prosecution, if at the time of driving or within a reasonable time thereafter, the driver's blood contains 5 nanograms or more of delta 9-tetrahydrocannabinol per milliliter in whole blood, as shown by analysis of the defendant's blood, such fact gives rise to a permissible inference that the defendant was under the influence of one

Under current law, in any prosecution for vehicular homicide or vehicular assault, if at the time of the commission of the alleged offense, or within a reasonable time thereafter, as shown by analysis of the defendant's blood or breath, there was 0.08 or more grams of alcohol per 100 milliliters of blood, or if there was at such time 0.08 or more grams of alcohol per 210 liters of breath, it is presumed that the defendant was under the influence of alcohol. The bill removes this presumption and states instead that such fact gives rise to a permissible inference that the defendant was under the influence of alcohol.

The bill removes instances of the term "habitual user" from the traffic code.

Description

Public safety requires that drivers not be impaired from alcohol, cannabis, or any other medication or drug, while operating a motor vehicle.

Agencies Responsible

Discussion

Drunk drivers are involved in 25% of motor vehicle fatalities, and many accidents involve drivers who test positive for cannabis. Public education campaigns and proactive, preventive messaging regarding cannabis use and driving should follow the lead of MADD campaigns.*

Footnotes

*Sewell, R.A., Poling, J., & Sofuoglu, M. (2009). The effect of cannabis compared with alcohol on driving. *American Journal of Addiction, 18*(3), 185-193.