



FOUNDATION FOR
ADVANCING ALCOHOL
RESPONSIBILITY

April 19, 2016

Ralph S. Blackman
President & CEO

The Honorable Maxine Grad
Chair, House Judiciary Committee
Vermont House of Representatives
301 Paddy Hill Rd.
Moretown, VT 05660

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Dear Chairman Grad,

The Foundation for Advancing Alcohol Responsibility (Responsibility.org) is a national not-for-profit organization that leads the fight to eliminate drunk driving and underage drinking and is funded by the following distillers: Bacardi U.S.A., Inc.; Beam Suntory; Brown-Forman; Constellation Brands, Inc.; DIAGEO; Edrington; Hood River Distillers, Inc.; and Pernod Ricard USA. For 25 years, Responsibility.org has transformed countless lives through programs that bring individuals, families, and communities together to guide a lifetime of conversations around alcohol responsibility. In addition, Responsibility.org offers proven strategies to stop impaired driving and works alongside coalition partners to support effective legislation at both the state and Federal level. For more information on the [policies](#) we support and the programs we implement, please go to www.Responsibility.org.

Regardless of whether a person is driving drunk, drugged, drowsy, or distracted impaired driving is dangerous and illegal. State laws need to provide for swift identification, certain punishment, and effective treatment of impaired drivers. **However, Responsibility.org opposes any amendment that would lower the legal BAC limit for alcohol from .08 to .05, even if marijuana is being used by a driver.** Vermont law already makes it illegal to drive under the combined influence of alcohol and any other drug (Sec. 8. 23 V.S.A. § 1201(a)(3)).

DUI is the only crime where police typically stop investigating once minimal evidence has been obtained. Current protocols often prevent drug testing if a suspect registers an illegal BAC level which ensures that states are not able to accurately quantify the magnitude and characteristics of their drug-impaired driving problem. Moreover, the failure to test more drivers results in the majority of arrests being attributed to alcohol impairment alone. **SB 225 does contain provisions to increase the use of saliva testing that, if used, will go a long towards identifying drug-impaired drivers. We therefore, support this portion of the bill.**

However, this legislation, as amended by the House Transportation Committee, also proposes lowering the legal BAC limit for alcohol as a way to tackle Vermont's drug-impaired driving problem. There is no scientific evidence to suggest this provision would be effective.

For these reasons, we urge the Vermont House and Senate to remove the .05 BAC language from the bill (proposed amendments of Sec. 31. 23 V.S.A. §1201 (a)(1)(D); Sec. 35. 23 V.S.A. §1204 (a) and 1204 (a)(3)) **and instead focus on effective countermeasures to fight drug-impaired driving.**

There are many other ways to address the drug-impaired driving problem as noted in the Governors Highway Safety Association (GHSA) [report](#) issued last September and funded by Responsibility.org. As part of this publication, a panel of nationally recognized experts in the field of drugged driving formulated multiple recommendations that states can implement to reduce the drug-impaired driving problem. This national report identified the following areas that should be top priorities:

- **Improved laws:**

- Separate and distinct sanctions for DUI and DUID are necessary in order to adequately prosecute drug-impaired driving. States must distinguish between alcohol, drug and combination impairment in order to effectively tackle the problem;
- Penalties should be enhanced for drivers who operate a vehicle under the influence of drugs or a combination of alcohol and drugs;
- Zero tolerance per se laws for people under 21 for marijuana and other drugs should be passed just as every state has passed for alcohol.

- **Better data collection:**

- 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.

- **Education and training for criminal justice practitioners** (including law enforcement, prosecutors, and judges).

- Responsibility.org has teamed up with the Governors Highway Safety Association to award grants to train law enforcement officers in how to detect drug-impaired drivers. Year one grants were [announced this month](#). In 2017, grants will be awarded again. We hope that Vermont will apply.

Responsibility.org is extremely concerned about the rise in drugged driving as alcohol-impaired traffic fatalities have declined 53% since 1982. We have worked for 25 years to eliminate drunk driving and the nation has seen tremendous progress in this area. However, as the opioid epidemic sweeps across the nation and marijuana legalization occurs, impaired driving due to alcohol will inaccurately be identified as increasing if drug testing protocols do not improve and distinguish between drugs and alcohol. Without an accurate understanding of the problem, the proper solutions will not be applied.

Vermont is currently in a position to include the above recommendations and address drug-impaired driving in a meaningful and practical way. We therefore, encourage legislators to consider these consensus-based strategies in lieu of lowering the BAC level.

If there is anything that Responsibility.org can do to help you strengthen your efforts to fight impaired driving, please contact Erin Holmes, Director of Traffic Safety at (202) 445-0334 or erin.holmes@responsibility.org.

Sincerely,



Ralph S. Blackman
President & CEO