

LEGISLATIVE ANALYSIS AND PUBLIC POLICY ASSOCIATION

# DRUGGED DRIVING: SUMMARY OF STATE LAWS

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# DRUGGED DRIVING: SUMMARY OF STATE LAWS

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## SUMMARY

A National Highway Transit Safety Administration study from 2021, the most recent year with information available, examined how many American drivers who were killed or seriously injured in car crashes had tested positive for at least one substance. In the initial period of study, between September 2019 and March 2020, that number was 56 percent, but from March to July 2020, it rose to nearly two-thirds, with opioid use nearly doubling and cannabis use increasing 50 percent.<sup>1</sup> Alcohol's impairing effects on drivers have been well documented, and public education efforts have long stressed the dangers of drinking and driving. However, there is less scientific consensus and public awareness about the effects of other drugs on driving, even as a majority of states have legalized cannabis in some form.<sup>2</sup> Though studies of drugs' contribution to the risk of car accidents exist, the opinions from scientists and researchers differ on the effects of various drugs on driving impairment.<sup>3</sup> Recent research suggests that increasing levels of tetrahydrocannabinol (THC) in cannabis do not correlate with increased impairment, like increased alcohol does, complicating the task of identifying unsafe drivers.<sup>4</sup> Drivers under the influence of drugs behave differently than drunk drivers, but those behaviors are less commonly known. Identifying the effects of different drugs requires additional training that most law enforcement officers do not receive.<sup>5</sup> Meanwhile, fewer Americans believe that drugged driving is as dangerous as drunk driving. In a 2019 survey, 70 percent of Americans agreed that driving under the influence of cannabis was "very or extremely dangerous," compared with 95 percent for drinking and driving.<sup>6</sup>

In this summary, the Legislative Analysis and Public Policy Association (LAPPA) examines the state-level legislative response to drugged driving. It presents the existing laws on driving under the influence of drugs in the 50 states, the District of Columbia, and the U.S. territories. They can be divided into three groups: (1) general "under the influence" laws prohibiting driving when impaired by substances; (2) zero-tolerance laws prohibiting any trace of drugs; (3) and per se laws prohibiting drug amounts over certain thresholds. Findings are presented jurisdiction by jurisdiction for easy comparison, followed by recently proposed legislation in state legislatures.

Every state, the District of Columbia, and the U.S. territories have statutes criminalizing driving under the influence of alcohol (DUI) or under the influence of drugs (DUID). Drunk driving laws target drivers who show signs of impairment regardless of the amount of alcohol

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<sup>1</sup> "Drug-Impaired Driving." *National Highway Transit Safety Administration*. Accessed August 2025. <https://www.nhtsa.gov/risky-driving/drug-impaired-driving>.

<sup>2</sup> Jeremy Berke, Shyanne Gal, and Yeji Jesse Lee. "Marijuana legalization is sweeping the US. See every state where cannabis is legal." *Business Insider*. April 14, 2021. <https://www.businessinsider.com/legal-marijuana-states-2018-1>.

<sup>3</sup> "Drug Impaired Driving," *Governors Highway Safety Association*, March 2024. <https://www.ghsa.org/state-laws-issues/drug-impaired-driving>.

<sup>4</sup> "Field Sobriety Tests and THC Levels Unreliable Indicators of Marijuana Intoxication." National Institute of Justice. April 5, 2021. <https://nij.ojp.gov/topics/articles/field-sobriety-tests-and-thc-levels-unreliable-indicators-marijuana-intoxication>.

<sup>5</sup> "Drug Impaired Driving," *supra* note 4.

<sup>6</sup> "2018 Traffic Safety Culture *AAA Foundation for Traffic Safety*. June 2019. [https://aaafoundation.org/wp-content/uploads/2019/06/2018-TSCI-FINAL-061819\\_updated.pdf](https://aaafoundation.org/wp-content/uploads/2019/06/2018-TSCI-FINAL-061819_updated.pdf).

consumed and drivers with more than a specified amount of alcohol in their system regardless of behavior. That limit is almost universally 0.08 percent alcohol in breath or blood. DUID statutes are generally similar, though there are no roadside tests or a scientific consensus on appropriate “legal limits” for every substance to measure impairment. Every U.S. jurisdiction has laws prohibiting driving while impaired by controlled substances, intoxicating drugs, and the like, regardless of the amounts of drugs consumed. A smaller number of states have additional laws criminalizing particular quantities of drugs detected in drivers’ bodies. These laws can be divided into two groups: zero-tolerance laws and per se laws. Zero tolerance laws prohibit driving if a test of one’s blood, breath, urine, or saliva reveals any detectable traces of a prohibited substance. Per se laws operate similar to the maximum legal limits for alcohol: for a particular drug, it is unlawful to drive if the amount detected is above a certain threshold set by law. States’ standards differ based on the substance in question.

For cannabis/THC, 10 states have a zero-tolerance law (Arizona, Delaware, Georgia, Indiana, Iowa, Michigan, Oklahoma, Pennsylvania, South Dakota, and Utah). Seven states set per se limits (Colorado, Illinois, Montana, Nevada, Ohio, Wisconsin, and Washington). The remaining have a general “under the influence” standard. See Figure 1 below.

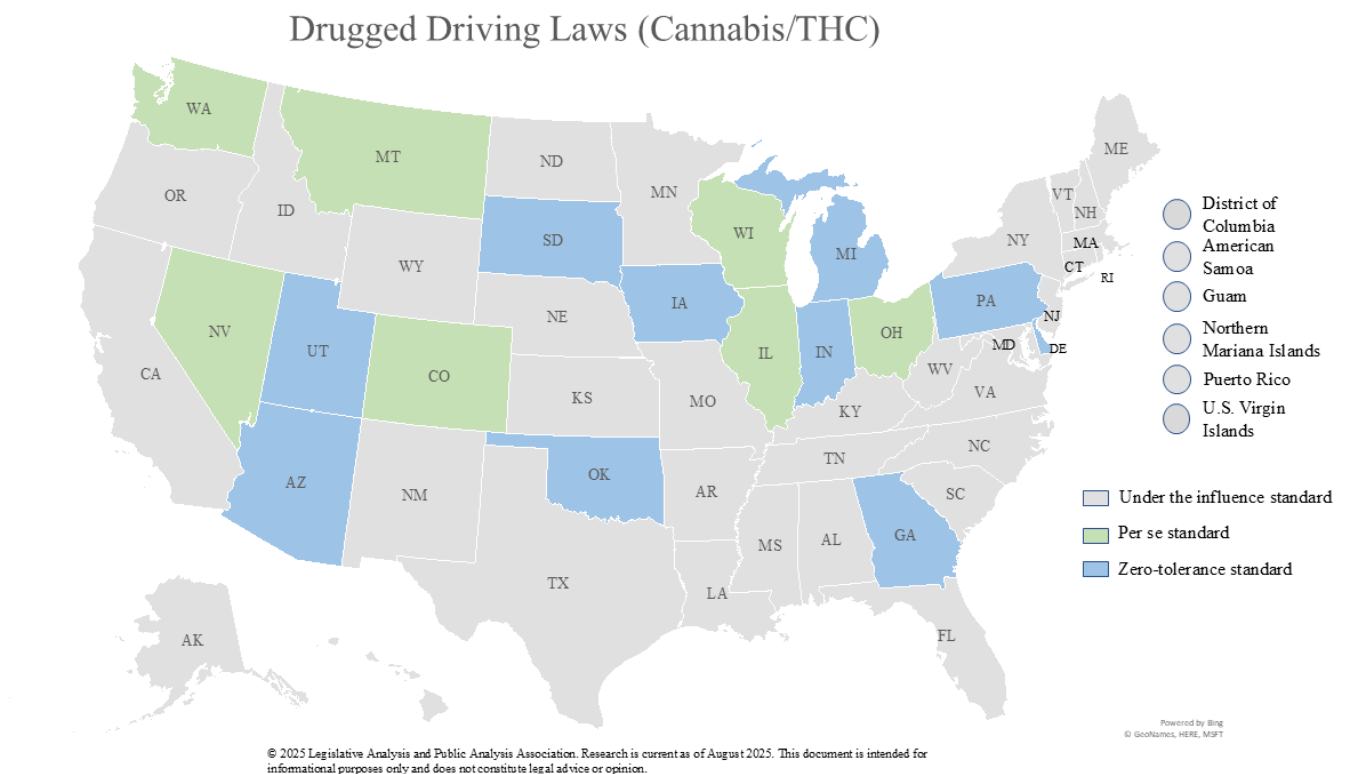


Fig. 1: State laws on driving under the influence of cannabis/THC



For other illegal drugs, such as methamphetamine or cocaine, the breakdown is slightly different. Fifteen states have zero-tolerance standards for these substances (Arizona, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, North Carolina, Oklahoma, Pennsylvania, South Dakota, Utah, and Wisconsin), compared to four with per se standards (Montana, Nevada, Ohio, and Virginia). See Figure 2 below, and for more detail, see the following state tables below.<sup>7</sup>

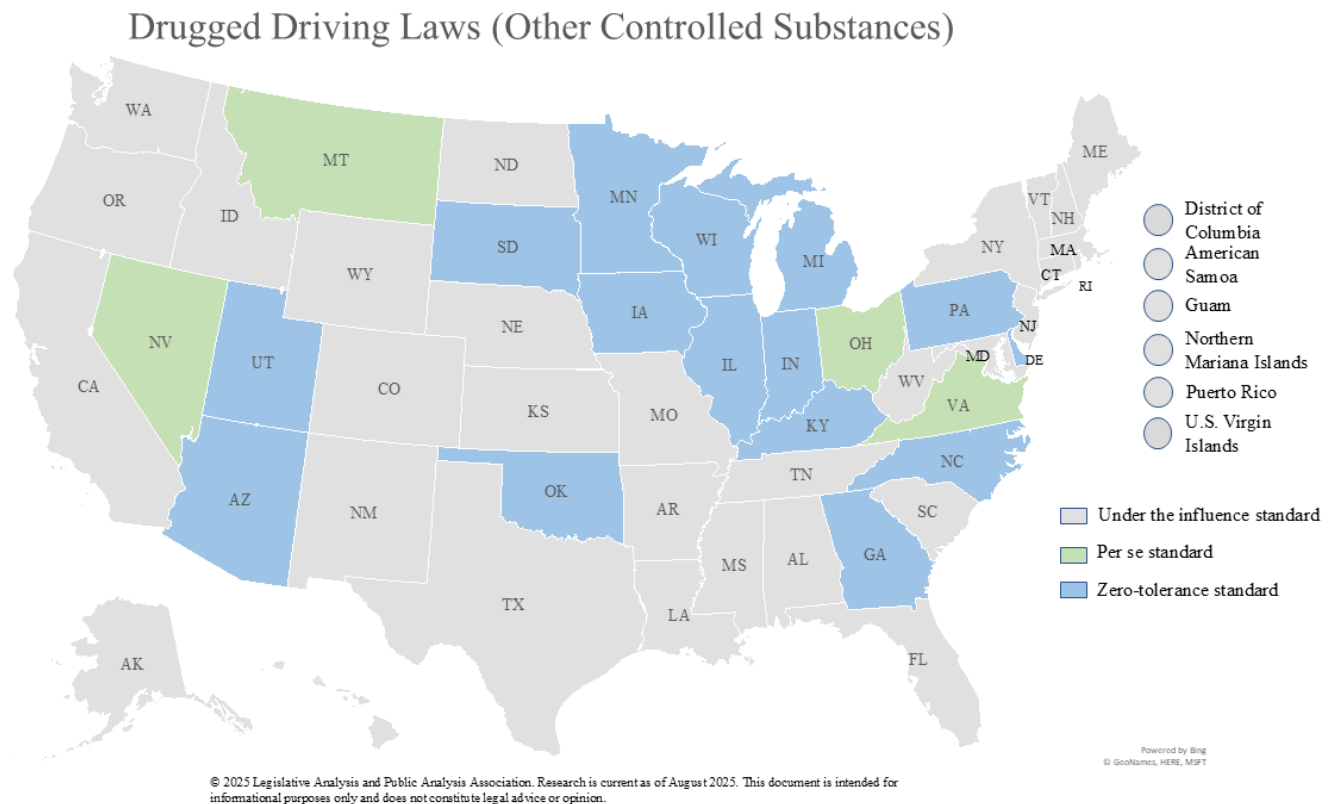


Fig. 2: State laws on driving under the influence of other Schedule I substances

<sup>7</sup> The goal of this research document is to provide accurate and complete information that is free of omissions or errors. If you believe that this document contains misinformation, omissions, or errors, please email LAPPA at [info@thelappa.org](mailto:info@thelappa.org).

<b><u>ALABAMA</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	ALA. CODE § 32-5A-191 (West 2025)  In Alabama, a person shall not “shall not drive or be in actual physical control of any vehicle” while 1) “under the influence of alcohol,” 2) “under the influence of a controlled substance to a degree which renders him or her incapable of safely driving, or 3) “under the combined influence of alcohol and a controlled substance to a degree which renders him or her incapable of safely driving.”
<b>Per se standard for alcohol impairment</b>	ALA. CODE § 32-5A-191(a)(1) (West 2025) - One cannot drive while there is “0.08 percent or more by weight of alcohol in his or her blood.”
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	ALA. CODE § 32-5-192(a) (West 2025) - For any impairing substance in a person’s system, drivers give implied consent to test their “blood, breath or oral fluid.”
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	None



<b><u>ALASKA</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	ALASKA STAT. ANN. § 28.35.030(a)(1) (West 2025)  In Alaska, it is unlawful to operate a motor vehicle “while under the influence of an alcoholic beverage, intoxicating liquor, inhalant, or any controlled substance, singly or in combination.”
<b>Per se standard for alcohol impairment</b>	ALASKA STAT. ANN. § 28.35.030(a)(2) (West 2025) - One cannot drive if “as determined by a chemical test taken within four hours after the alleged operating or driving, there is 0.08 percent or more by weight of alcohol in the person's blood or 80 milligrams or more of alcohol per 100 milliliters of blood, or if there is 0.08 grams or more of alcohol per 210 liters of the person's breath.”
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	ALASKA STAT. ANN. § 28.35.031(a) (West 2025) - For alcohol, drivers give implied consent to a test of their breath.  ALASKA STAT. ANN. § 28.35.031(g) (West 2025) - Blood and urine tests for all substances are only authorized when the driver is “involved in a motor vehicle accident that causes death or serious physical injury to another person.”
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	None

<b><u>ARIZONA</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	<p>ARIZ. REV. STAT. ANN. § 28-1381(A)(1) (West 2025)</p> <p>In Arizona, it is unlawful to operate a motor vehicle “While under the influence of intoxicating liquor, any drug, a vapor releasing substance containing a toxic substance or any combination of liquor, drugs or vapor releasing substances if the person is impaired to the slightest degree.”</p>
<b>Per se standard for alcohol impairment</b>	<p>ARIZ. REV. STAT. ANN. § 28-1381(a)(2) (West 2025) - A driver is in violation if he or she “has an alcohol concentration of 0.08 or more within two hours of driving or being in actual physical control of the vehicle and the alcohol concentration results from alcohol consumed either before or while driving or being in actual physical control of the vehicle.”</p>
<b>DUID statute zero-tolerance standard for other substances</b>	<p>Yes.</p> <p>ARIZ. REV. STAT. ANN. § 28-1381(A)(3) (West 2025) - It is unlawful to operate a motor vehicle “while there is any [dangerous drug] or its metabolite in the person's body.”</p>
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	<p>ARIZ. REV. STAT. ANN. § 28-1321(A) (West 2025) - If arrested, drivers give implied consent to “tests of the person's blood, breath, urine or other bodily substance for the purpose of determining alcohol concentration or drug content.”</p>
<b>Affirmative defenses</b>	<p>Yes.</p> <p>ARIZ. REV. STAT. ANN. § 28-1381(D) (West 2025) - Any person “using a drug as prescribed” by a licensed medical practitioner is not guilty of a violation under the zero-tolerance standard. That person would still be guilty of a violation if impaired to the slightest degree.</p>
<b>Recently proposed legislation</b>	None

<b><u>ARKANSAS</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	<ul style="list-style-type: none"> <li>• ARK. CODE ANN. § 5-65-103(a)(1) (West 2025) (driving while intoxicated).</li> <li>• ARK. CODE ANN. § 5-65-102(4) (West 2025) (intoxication defined).</li> </ul> <p>In Arkansas, it is unlawful to operate a motor vehicle while “intoxicated,” defined as “influenced or affected by the ingestion of alcohol, a controlled substance, any intoxicant, or any combination of alcohol, a controlled substance, or an intoxicant, to such a degree that the driver's reactions, motor skills, and judgment are substantially altered and the driver, therefore, constitutes a clear and substantial danger of physical injury or death to himself or herself or another person.”</p>
<b>Per se standard for alcohol impairment</b>	ARK. CODE ANN. § 5-65-103(a)(2) (West 2025) - A driver is in violation if “at that time the alcohol concentration in the person's breath or blood was eight hundredths (0.08) or more.”
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	ARK. CODE ANN. § 5-65-202(a) (West 2025) - If arrested for an act committed driving while driving intoxicated or involved in an accident, drivers give implied consent to “one (1) or more chemical tests of his or her breath, saliva, or urine for the purpose of determining the alcohol concentration or controlled substance content of his or her breath or blood.”
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	None

<b><u>CALIFORNIA</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	CAL. VEH. CODE § 23152 (West 2025)  In California, it is unlawful for any person who is 1) “under the influence of any alcoholic beverage,” 2) “addicted to the use of any drug,” 3) “under the influence of any drug,” or 4) “under the combined influence of any alcoholic beverage and drug” to drive a vehicle.
<b>Per se standard for alcohol impairment</b>	CAL. VEH. CODE § 23152(b) (West 2025) - It is unlawful for “a person who has 0.08 percent or more, by weight, of alcohol in his or her blood to drive a vehicle.”
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	CAL. VEH. CODE § 23612(a)(1)(A) (West 2025) - For all substances, when lawfully arrested for driving under the influence, drivers give implied consent to tests. For alcohol, this is a test of blood or breath, with a urine test authorized if neither blood nor breath tests are available.  CAL. VEH. CODE § 23612(a)(1)(B) (West 2025) - For determining “drug content,” this is a blood test, with a urine test authorized if a blood test is unavailable.
<b>Affirmative defenses</b>	Yes.  CAL. VEH. CODE § 23152(c) (West 2025) - Persons who are addicted to the use of a drug but are “participating in [an approved] narcotic treatment program” are not prohibited from driving a vehicle.
<b>Recently proposed legislation</b>	None

<b><u>COLORADO</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	<p>COLO. REV. STAT. ANN. § 42-4-1301 (West 2025)</p> <p>In Colorado, a person who “drives a motor vehicle or vehicle under the influence of alcohol or one or more drugs, or a combination of both alcohol and one or more drugs, commits driving under the influence.” Under the influence is defined as “driving a motor vehicle or vehicle when a person has consumed alcohol or one or more drugs, or a combination of alcohol and one or more drugs, that affects the person to a degree that the person is substantially incapable, either mentally or physically, or both mentally and physically, to exercise clear judgment, sufficient physical control, or due care in the safe operation of a vehicle.”</p> <p>In addition, a person who “drives a motor vehicle or vehicle while impaired by alcohol or by one or more drugs, or by a combination of alcohol and one or more drugs, commits driving while ability impaired.” Ability impaired is defined as “driving a motor vehicle or vehicle when a person has consumed alcohol or one or more drugs, or a combination of both alcohol and one or more drugs, that affects the person to the slightest degree so that the person is less able than the person ordinarily would have been, either mentally or physically, or both mentally and physically, to exercise clear judgment, sufficient physical control, or due care in the safe operation of a vehicle.”</p>
<b>Per se standard for alcohol impairment</b>	COLO. REV. STAT. ANN. § 42-4-1301(2)(a) (West 2025) - A person who “drives a motor vehicle or vehicle when the person's BAC is 0.08 or more at the time of driving or within two hours after driving commits DUI per se.”
<b>DUID statute zero-tolerance standard for other substances</b>	None

<b><u>COLORADO</u></b>	
<b>DUID statute per se standard for other substances</b>	<p>Yes.</p> <p>COLO. REV. STAT. ANN. § 42-4-1301(6)(a)(IV) (West 2025) - If, “at the time of the commission of the alleged offense or within a reasonable time thereafter,” the driver’s blood “contained five nanograms or more of delta 9-tetrahydrocannabinol per milliliter in whole blood,” there is a “permissible inference” that the defendant was under the influence of one or more drugs.</p> <p>Colorado’s “permissible inference” standard is unique among the states. All other states with maximum blood drug levels set by statute consider drivers unambiguously under the influence and in violation of DUID laws if they are over the legal limit.</p>
<b>Tests used to detect alcohol or other substances</b>	<p>COLO. REV. STAT. ANN. §§ 42-4-1301.1(2)(a)(I), (2)(b)(I) (West 2025) - For all substances, when a law enforcement officer has probable cause to believe a person was driving a motor vehicle while impaired or under the influence, drivers give implied consent to tests of “blood, saliva, and urine.”</p>
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	None

<b><u>CONNECTICUT</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	CONN. GEN. STAT. ANN. § 14-227a (West 2025)  In Connecticut, no person “shall operate a motor vehicle while under the influence of intoxicating liquor or any drug or both.”
<b>Per se standard for alcohol impairment</b>	It is unlawful to operate a motor vehicle with an “elevated blood alcohol content,” or “a ratio of alcohol in the blood of such person that is eight-hundredths of one per cent or more of alcohol, by weight.”
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	CONN. GEN. STAT. ANN. § 14-227b(a) (West 2025) - For all substances, drivers give implied consent to “a chemical analysis of such person's blood, breath or urine.”
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	None



<b><u>DELAWARE</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	DEL. CODE ANN. tit. 21, § 4177(a) (West 2025)  In Delaware, no person shall drive a vehicle when 1) “under the influence of alcohol,” 2) “under the influence of any drug,” or “under the influence of a combination of alcohol and any drug.”
<b>Per se standard for alcohol impairment</b>	DEL. CODE ANN. tit. 21, § 4177(a)(5) (West 2025) - It is unlawful to drive when “the person's alcohol concentration is, within 4 hours after the time of driving .08 or more.”
<b>DUID statute zero-tolerance standard for other substances</b>	Yes.  DEL. CODE ANN. tit. 21, § 4177(a)(6) (West 2025) - No person may drive a vehicle if, within four hours of driving, his or her blood contains “any amount of an illicit or recreational drug that is the result of the unlawful use or consumption of such illicit or recreational drug or any amount of a substance or compound that is the result of the unlawful use or consumption of an illicit or recreational drug prior to or during driving.”
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	DEL. CODE ANN. tit. 21, § 2740(a) (West 2025) - For all substances, when a law enforcement officer has probable cause to believe that a person was driving under the influence, drivers give implied consent to “a chemical test or tests of that person's blood, breath and/or urine for the purpose of determining the presence of alcohol or a drug or drugs.”
<b>Affirmative defenses</b>	Yes.  DEL. CODE ANN. tit. 21, § 4177(b)(3) (West 2025) - There is no violation under the zero-tolerance standard if 1) the driver consumed an illicit or recreational drug only after driving, such that it was detected in his or her blood within four hours of driving, or 2) the driver consumed the drug “according to the directions and terms of a lawfully obtained prescription.”
<b>Recently proposed legislation</b>	None

<b><u>DISTRICT OF COLUMBIA</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	<ul style="list-style-type: none"> <li>• D.C. CODE ANN. § 50-2206.11 (West 2025)</li> <li>• D.C. CODE ANN. § 50-2206.14 (West 2025)</li> </ul> <p>In the District of Columbia, no person shall operate a motor vehicle either “While the person is under the influence of alcohol or any drug or any combination thereof” or “while the person's ability to operate or be in physical control of a vehicle is impaired by the consumption of alcohol or any drug or any combination thereof.”</p>
<b>Per se standard for alcohol impairment</b>	D.C. CODE ANN. § 50-2206.01(9)(A)(i) (West 2025) - “Intoxicated” is defined as “An alcohol concentration at the time of testing of 0.08 grams or more per 100 milliliters of the person's blood or per 210 liters of the person's breath, or of 0.10 grams or more per 100 milliliters of the person's urine.”
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	D.C. CODE ANN. § 50-1904.02(a) (West 2025) - For all substances, when a law enforcement officer has reasonable grounds to believe a person was driving while intoxicated or impaired, drivers give implied consent to submit “2 specimens for chemical testing of the person's blood, breath, or urine, for the purpose of determining alcohol or drug content,” and the same samples may be taken whenever a driver “is involved in a collision in the District.”
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	None

<b><u>FLORIDA</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	FLA. STAT. ANN. § 316.193 (West 2025)  In Florida, it is unlawful to operate a motor vehicle when “under the influence of alcoholic beverages, any [harmful] chemical substance . . . , or any [controlled substance], when affected to the extent that the person's normal faculties are impaired.”
<b>Per se standard for alcohol impairment</b>	FLA. STAT. ANN. § 316.193(1)(b), (c) (West 2025) - The legal limits are a “blood-alcohol level of 0.08 or more grams of alcohol per 100 milliliters of blood; or . . . a breath-alcohol level of 0.08 or more grams of alcohol per 210 liters of breath.”
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	FLA. STAT. ANN. § 316.1932(1)(a)(1) (West 2025) - For all substances, when a law enforcement officer conducts a lawful arrest and has “reasonable cause to believe” a driver was driving under the influence, drivers give implied consent to certain tests.  FLA. STAT. ANN. § 316.1932(1)(b) (West 2025) - For alcohol, this test is “an infrared light test of his or her breath for the purpose of determining the alcoholic content of his or her blood or breath.” For other substances, this is a urine test.  FLA. STAT. ANN. § 316.193(1)(a) (West 2025) - If a breath or urine test is “impractical or impossible” and the driver is at a medical facility, a blood test is authorized for all substances. FLA. STAT. ANN. § 316.1932(1)(c) (West 2025) Also, when the driver has caused the “death or serious bodily injury of a human,” a blood test is required.
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	None

<b><u>GEORGIA</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	GA. CODE ANN. § 40-6-391 (West 2025)  In Georgia, it is unlawful to operate a motor vehicle under the influence of alcohol, any drug, or any combination “to the extent that it is less safe for the person to drive.”
<b>Per se standard for alcohol impairment</b>	GA. CODE ANN. § 40-6-391(a)(5) (West 2025) - “The person's alcohol concentration is 0.08 grams or more at any time within three hours after such driving or being in actual physical control from alcohol consumed before such driving or being in actual physical control ended.”
<b>DUID statute zero-tolerance standard for other substances</b>	Yes.  GA. CODE ANN. § 40-6-391(a)(6) (West 2025) - No driver may have “any amount of marijuana or a controlled substance . . . present in the person's blood or urine, or both, including the metabolites and derivatives of each or both.”
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	GA. CODE ANN. § 40-5-55(a) (West 2025) - For all substances, if lawfully arrested for a violation of the DUI statute, drivers give implied consent to “a chemical test or tests of his or her blood, breath, urine, or other bodily substances for the purpose of determining the presence of alcohol or any other drug.” These tests may also be taken if involved in any traffic accident that results in serious injuries or fatalities.
<b>Affirmative defenses</b>	Yes.  GA. CODE ANN. § 40-6-391(b) (West 2025) - By statute, a person does not violate the zero-tolerance standard unless “such person is rendered incapable of driving safely as a result of using a drug . . . which such person is legally entitled to use.” Those legally entitled to use cannabis, for instance, would only be in violation if they are incapable of driving safely, while those legally unable to use cannabis would be in violation if any cannabis or metabolites were found in their breath or blood. However, the Georgia Supreme Court found this distinction unconstitutional in <i>Love v. State</i> , 271 Ga. 398, 517 S.E.2d 53 (1999).
<b>Recently proposed legislation</b>	None

<b><u>HAWAII</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	HAW. REV. STAT. ANN. § 291E-61 (West 2025)  In Hawaii, it is unlawful to operate a motor vehicle while “under the influence of alcohol in an amount sufficient to impair the person's normal mental faculties or ability to care for the person and guard against casualty” or “under the influence of any drug that impairs the person's ability to operate the vehicle in a careful and prudent manner.”
<b>Per se standard for alcohol impairment</b>	HAW. REV. STAT. ANN. § 291E-61(a)(3) to (4) (West 2025) - It is unlawful to drive with “.08 or more grams of alcohol per two hundred ten liters of breath” or “.08 or more grams of alcohol per one hundred milliliters or cubic centimeters of blood.”
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	HAW. REV. STAT. ANN. § 291E-11(a) (West 2025) - For all substances, drivers give implied consent to “a test or tests approved by the director of health of the person's breath, blood, or urine for the purpose of determining alcohol concentration or drug content of the person's breath, blood, or urine, as applicable,” and such tests may be conducted when a law enforcement officer has “probable cause to believe” the driver is under the influence of an intoxicant and makes a lawful arrest.  HAW. REV. STAT. ANN. § 291E-21(c) (West 2025) - The test must also be requested in the event of “collision resulting in injury or death and if a law enforcement officer has probable cause to believe that a person involved in the collision has” violated the DUI statute.
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	None

<b><u>IDAHO</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	IDAHO CODE ANN. § 18-8004(1)(a) (West 2025)  In Idaho, it is unlaw for “any person who is under the influence of alcohol, drugs or any other intoxicating substances, or any combination of alcohol, drugs and/or any other intoxicating substances . . . to drive or be in actual physical control of a motor vehicle within this state, whether upon a highway, street or bridge, or upon public or private property open to the public.”
<b>Per se standard for alcohol impairment</b>	IDAHO CODE ANN. § 18-8004(1)(a) (West 2025) - “An alcohol concentration of 0.08”
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	IDAHO CODE ANN. § 18-8002(1) (West 2025) - For all substances, drivers give implied consent to “evidentiary testing” for alcohol or drugs or other intoxicating substances, and these tests may be administered when a peace officer has “reasonable grounds to believe” that a driver had violated the DUI statute.  IDAHO CODE ANN. § 18-8002A(1)(e) (West 2025) - “Evidentiary testing” includes blood, breath, and urine tests.
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	None

<b><u>ILLINOIS</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	<p>625 ILL. COMP. STAT. ANN. 5/11-501 (West 2025)</p> <p>In Illinois, it is unlawful to operate a motor vehicle while under the influence of alcohol or “any other drug or combination of drugs” or “under the combined influence of alcohol, other drug or drugs, or intoxicating compound or compounds to a degree that renders the person incapable of safely driving.”</p>
<b>Per se standard for alcohol impairment</b>	<p>625 ILL. COMP. STAT. ANN. 5/11-501(a)(1) (West 2025) - It is unlawful to drive while “the alcohol concentration in the person's blood, other bodily substance, or breath is 0.08 or more.”</p>
<b>DUID statute zero-tolerance standard for other substances</b>	<p>Yes.</p> <p>625 ILL. COMP. STAT. ANN. 5/11-501(a)(6) (West 2025) - A person is in violation if there is “any amount of a drug, substance, or compound in the person's breath, blood, other bodily substance, or urine resulting from the unlawful use or consumption of a controlled substance listed in the Illinois Controlled Substances Act, an intoxicating compound listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act.”</p>
<b>DUID statute per se standard for other substances</b>	<p>Yes.</p> <p>625 ILL. COMP. STAT. ANN. 5/11-501(a)(7) (West 2025) - For cannabis specifically, a violation occurs if, within two hours of driving, a person has a “tetrahydrocannabinol concentration in the person's whole blood or other bodily substance.”</p> <p>625 ILL. COMP. STAT. ANN. 5/11-501.2(a)(6) (West 2025) - That maximum concentration is “either 5 nanograms or more of delta-9-tetrahydrocannabinol per milliliter of whole blood or 10 nanograms or more of delta-9-tetrahydrocannabinol per milliliter of other bodily substance.”</p>



<b><u>ILLINOIS</u></b>	
<b>Tests used to detect alcohol or other substances</b>	625 ILL. COMP. STAT. ANN. 5/11-501.1(a) (West 2025) - For all substances, drivers give implied consent to “a chemical test or tests of blood, breath, other bodily substance, or urine for the purpose of determining the content of alcohol, other drug or drugs, or intoxicating compound or compounds or any combination thereof in the person's blood,” if lawfully arrested and the law enforcement officer has “probable cause to believe” the person was under the influence.
<b>Affirmative defenses</b>	Yes.  625 ILL. COMP. STAT. ANN. 5/11-501(a)(7) (West 2025) - The per se standard for THC “does not apply to the lawful consumption of cannabis by a qualifying patient licensed under the Compassionate Use of Medical Cannabis Program Act who is in possession of a valid registry card issued under that Act, unless that person is impaired by the use of cannabis.”
<b>Recently proposed legislation</b>	See <a href="#">Pending Federal and State Legislation</a> .

<b><u>INDIANA</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	<p>IND. CODE ANN. § 9-30-5-2 (West 2025)</p> <p>In Indiana, it is unlawful to “operate a vehicle while intoxicated,” defined as under the influence of alcohol, a controlled substance, a drug other than a controlled substance, or a combination, such that there is “an impaired condition of thought and action and the loss of normal control of a person's faculties.” IND. CODE ANN. § 9-13-2-86 (West 2025)</p>
<b>Per se standard for alcohol impairment</b>	<p>IND. CODE ANN. § 9-13-2-131 (West 2025) - It is prima facie evidence of intoxication that a person has “an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per: (1) one hundred (100) milliliters of the person's blood; or (2) two hundred ten (210) liters of the person's breath.”</p>
<b>DUID statute zero-tolerance standard for other substances</b>	<p>Yes.</p> <p>IND. CODE ANN. § 9-30-5-1(c) (West 2025) - Any person who “operates a vehicle with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's blood” is in violation.</p>
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	<p>IND. CODE ANN. § 9-13-2-22 (West 2025) - Drivers give implied consent to chemical tests, defined as “an analysis of a person's blood, breath, urine, or other bodily substance for the determination of the presence of alcohol, a controlled substance or its metabolite, or a drug or its metabolite.” IND. CODE ANN. § 9-30-6-2 (West 2025) - Such a test may be requested by a law enforcement officer within three hours of having probable cause to believe a driver is violating the DUI statute.</p>
<b>Affirmative defenses</b>	<p>Yes.</p> <p>IND. CODE ANN. § 9-30-5-1(d) (West 2025) - It is a defense to the zero-tolerance standard that the accused driver “consumed the controlled substance in accordance with a valid prescription or order of a practitioner . . . who acted in the course of the practitioner's professional practice.”</p>
<b>Recently proposed legislation</b>	None

<b><u>IOWA</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	IOWA CODE ANN. § 321J.2 (West 2025)  In Iowa, it is unlawful to operate a motor vehicle while “under the influence of an alcoholic beverage or other drug or a combination of such substances.”
<b>Per se standard for alcohol impairment</b>	IOWA CODE ANN. § 321J.2(1)(b) (West 2025) - It is unlawful to drive “While having an alcohol concentration of .08 or more.”
<b>DUID statute zero-tolerance standard for other substances</b>	Yes.  IOWA CODE ANN. § 321J.2(1)(c) (West 2025) - A driver commits a violation “While any amount of a controlled substance is present in the person, as measured in the person's blood or urine.”
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	IOWA CODE ANN. § 321J.6(1) (West 2025) - Drivers who give “reasonable ground to believe” that they are operating a motor vehicle in violation of the DUI statute give implied consent to tests of blood, breath, or urine. Such tests may be requested by a peace officer after making a lawful arrest or when the driver has been involved in an accident resulting in personal injury or death.
<b>Affirmative defenses</b>	Yes.  IOWA CODE ANN. § 321J.2(11)(a) (West 2025) - The under the influence standard does not apply if the substance “was prescribed for the person and was taken under the prescription and in accordance with the directions of a medical practitioner...if there is no evidence of the consumption of alcohol and the medical practitioner or pharmacist had not directed the person to refrain from operating a motor vehicle.”  IOWA CODE ANN. § 321J.2(11)(b) (West 2025) - For the zero-tolerance standard, it is a defense if the substance “was prescribed or dispensed for the person and was taken in accordance with the directions of a practitioner and the labeling directions of the pharmacy.”
<b>Recently proposed legislation</b>	None

<b><u>KANSAS</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	KAN. STAT. ANN. § 8-1567 (West 2025)  In Kansas, it is unlawful to operate a motor vehicle under the influence of alcohol, a drug or combination of drugs, or a combination of alcohol and any drug or drugs “to a degree that renders the person incapable of safely driving a vehicle.”
<b>Per se standard for alcohol impairment</b>	KAN. STAT. ANN. § 8-1567(a)(2) (West 2025) - A person drives under the influence when “the alcohol concentration in the person's blood or breath, as measured within three hours of the time of operating or attempting to operate a vehicle, is 0.08 or more.”
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	KAN. STAT. ANN. § 8-1001 (West 2025) - Drivers may be requested to submit to “one or more tests of the person's blood, breath, urine or other bodily substance to determine the presence of alcohol or drugs,” following a lawful arrest or an accident involving property damage, personal injury, or death.
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	None

<b><u>KENTUCKY</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	<p>KY. REV. STAT. ANN. § 189A.010 (West 2025)</p> <p>In Kentucky, a person shall not operate a motor vehicle while under the influence of alcohol, “any other substance or combination of substances which impairs one's driving ability,” or a combination of the above.</p>
<b>Per se standard for alcohol impairment</b>	<p>KY. REV. STAT. ANN. § 189A.010(1)(a) (West 2025) - It is unlawful to drive with “an alcohol concentration of 0.08 or more as measured by a scientifically reliable test or tests of a sample of the person's breath or blood taken within two (2) hours of cessation of operation or physical control of a motor vehicle.”</p>
<b>DUID statute zero-tolerance standard for other substances</b>	<p>Yes.</p> <p>KY. REV. STAT. ANN. § 189A.010(1)(d) (West 2025) - A driver is in violation when any of a list of controlled substances is detected in the blood, “as measured by a scientifically reliable test, or tests, taken within two (2) hours of cessation of operation or physical control of a motor vehicle.”</p> <p>KY. REV. STAT. ANN. § 189A.010(12) (West 2025) - This list of controlled substances includes all Schedule I substances except cannabis.</p>
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	<p>KY. REV. STAT. ANN. § 189A.103(1) (West 2025) - Drivers give implied consent to “one (1) or more tests of his or her blood, breath, and urine, or combination thereof, for the purpose of determining alcohol concentration or presence of a substance which may impair one's driving ability, if an officer has reasonable grounds to believe that a violation of [the DUI statute] has occurred.”</p>
<b>Affirmative defenses</b>	<p>Yes.</p> <p>KY. REV. STAT. ANN. § 189A.010(4)(b) (West 2025) - A lab test for a controlled substance is inadmissible in a prosecution under the zero-tolerance standard “upon a finding by the court that the defendant consumed the substance under a valid prescription from a practitioner...acting in the course of his or her professional practice.”</p>
<b>Recently proposed legislation</b>	See <a href="#">Pending Federal and State Legislation</a> .

<b><u>LOUISIANA</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	LA. STAT. ANN. § 14:98 (West 2025)  In Louisiana, it is unlawful to operate a motor vehicle if impaired by alcoholic beverages, any other drug, a combination of drugs, or a combination of alcohol and drugs.
<b>Per se standard for alcohol impairment</b>	LA. STAT. ANN. § 14:98(A)(1)(b) (West 2025) - “The operator's blood alcohol concentration is 0.08 percent or more by weight based on grams of alcohol per one hundred cubic centimeters of blood.”
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	LA. STAT. ANN. § 32:661(A)(1) (West 2025) - Drivers give implied consent to “a chemical test or tests of his blood, breath, urine, or other bodily substance for the purpose of determining the alcoholic content of his blood, and the presence of any abused substance or controlled dangerous substance . . . in his blood if arrested for any offense arising out of acts alleged to have been committed while the person was driving or in actual physical control of a motor vehicle while believed to be under the influence of alcoholic beverages or any abused substance or controlled dangerous substance.”
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	None

<b><u>MAINE</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	ME. REV. STAT. tit. 29-A, § 2411 (West 2025)  In Maine, it is unlawful to operate a motor vehicle under the influence of “intoxicants,” defined as “alcohol, a drug other than alcohol, a combination of drugs or a combination of alcohol and drugs.” ME. REV. STAT. tit. 29-A, § 2401(13) (West 2025).
<b>Per se standard for alcohol impairment</b>	ME. REV. STAT. tit. 29-A, § 2411(1-A)(A)(2) (West 2025) - A driver is considered operating under the influence with “an alcohol level of 0.08 grams or more of alcohol per 100 milliliters of blood or 210 liters of breath.”
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	ME. REV. STAT. tit. 29-A, § 2521(1) (West 2025) - When there is probable cause to believe a person is driving under the influence of intoxicants, that person “shall submit to and complete a test to determine an alcohol level and the presence of a drug or drug metabolite by analysis of blood, breath or urine.”
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	None



<b><u>MARYLAND</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	MD. CODE ANN., TRANSP. § 21-902 (West 2025)  In Maryland, a person may not drive a vehicle “under the influence of alcohol” while “so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a vehicle safely,” or while “impaired by any controlled dangerous substance . . . if the person is not entitled to use the controlled dangerous substance under the laws of this State.”
<b>Per se standard for alcohol impairment</b>	MD. CODE ANN., CRIM. LAW § 2-501 (West 2025) - Driving under the influence of alcohol per se is “an alcohol concentration at the time of testing of 0.08 or more as measured by grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.”
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	MD. CODE ANN., TRANSP. § 16-205.1 (West 2025) - For all substances, drivers give implied consent, when detained on suspicion of driving under the influence, to take “a test.”  To determine alcohol concentration, this is a “test of a person's breath or of 1 specimen of a person's blood.” For drugs or controlled dangerous substances, it is a “test or tests of 1 specimen of a person's blood.”
<b>Affirmative defenses</b>	Yes.  MD. CODE ANN., TRANSP. § 21-902(d)(1)(i) (West 2025) - If the driver is legally entitled to use a controlled dangerous substance, the “impaired” standard does not apply and there would have to be a showing that the driver was so far impaired that the person cannot drive a vehicle safely.
<b>Recently proposed legislation</b>	None

<b><u>MASSACHUSETTS</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	MASS. GEN. LAWS ANN. ch. 90, § 24 (West 2025)  In Massachusetts, it is unlawful to operate a motor vehicle “while under the influence of intoxicating liquor, or of marijuana, narcotic drugs, depressants or stimulant substances.”
<b>Per se standard for alcohol impairment</b>	MASS. GEN. LAWS ANN. ch. 90, § 24(1)(a)(1) (West 2025) - Operating a motor vehicle “with a percentage, by weight, of alcohol in their blood of eight one-hundredths or greater.”
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	MASS. GEN. LAWS ANN. ch. 90, § 24(1)(f)(1) (West 2025) - For alcohol, drivers give implied consent to “a chemical test or analysis of his breath or blood in the event that he is arrested for operating a motor vehicle while under the influence of intoxicating liquor.”  There is currently no law authorizing similar tests for the presence of other substances.
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	None

<b><u>MICHIGAN</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	<p>MICH. COMP. LAWS ANN. § 257.625 (West 2025)</p> <p>In Michigan, no person shall operate a motor vehicle if “operating while intoxicated,” that is, “under the influence of alcoholic liquor, a controlled substance, or other intoxicating substance or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance.”</p> <p>Nor shall a person operate a motor vehicle when “due to the consumption of alcoholic liquor, a controlled substance, or other intoxicating substance, or a combination of alcoholic liquor, a controlled substance, or other intoxicating substance, the person's ability to operate the vehicle is visibly impaired.”</p>
<b>Per se standard for alcohol impairment</b>	MICH. COMP. LAWS ANN. § 257.625(1)(b) (West 2025) - No one may operate a motor vehicle with “an alcohol content of 0.10 grams or more per 100 milliliters of blood, per 210 liters of breath, or per 67 milliliters of urine.”
<b>DUID statute zero-tolerance standard for other substances</b>	<p>Yes.</p> <p>MICH. COMP. LAWS ANN. § 257.625(8) (West 2025) - A person shall not operate a motor vehicle “if the person has in his or her body any amount of a controlled substance listed in schedule 1 under section 7212 of the public health code . . . or of a controlled substance described in section 7214(a)(iv) of the public health code.” This list does not include medical cannabis, which is a Michigan Schedule II substance.</p>
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	MICH. COMP. LAWS ANN. § 257.625c(1) (West 2025) - Drivers give implied consent to “chemical tests of his or her blood, breath, or urine for the purpose of determining the amount of alcohol or presence of a controlled substance or other intoxicating substance, or any combination of them, in his or her blood or urine or the amount of alcohol in his or her breath” when lawfully arrested for a violation of the DUI statute or for causing the death of another person while driving.
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	See <a href="#">Pending Federal and State Legislation</a> .

<b><u>MINNESOTA</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	<p>MINN. STAT. ANN. § 169A.20(1) (West 2025)</p> <p>In Minnesota, it is unlawful to operate a motor vehicle when a person is under the influence of 1) alcohol, 2) a controlled substance, 3) “an intoxicating substance and the person knows or has reason to know that the substance has the capacity to cause impairment,” or any combination of the above.</p>
<b>Per se standard for alcohol impairment</b>	<p>MINN. STAT. ANN. § 169A.20(1)(5) (West 2025) - A driver may not operate a motor vehicle when “the person's alcohol concentration at the time, or as measured within two hours of the time, of driving, operating, or being in physical control of the motor vehicle is 0.08 or more.”</p>
<b>DUID statute zero-tolerance standard for other substances</b>	<p>Yes.</p> <p>MINN. STAT. ANN. § 169A.20(1)(7) (West 2025) - It is illegal for a driver to operate a motor vehicle “the person's body contains any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.”</p>
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	<p>MINN. STAT. ANN. § 169A.51(1) (West 2025) - Drivers give implied consent to a “chemical test of that person's blood, breath, or urine for the purpose of determining the presence of alcohol, a controlled substance or its metabolite, or an intoxicating substance,” which may be given when there is probable cause and either a lawful arrest has been made or the driver was involved in an accident resulting in property damage, personal injury, or death.</p>
<b>Affirmative defenses</b>	<p>Yes.</p> <p>MINN. STAT. ANN. § 169A.46(2) (West 2025) - It is a defense to the zero-tolerance standard if, by a preponderance of the evidence, it is shown that the driver “used the controlled substance according to the terms of a prescription issued for the defendant.”</p>
<b>Recently proposed legislation</b>	None

<b><u>MISSISSIPPI</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	MISS. CODE. ANN. § 63-11-30(1) (West 2025)  In Mississippi, it is unlawful to operate a motor vehicle while under the influence of intoxicating liquor, “any other substance that has impaired the person's ability to operate a motor vehicle,” or “any drug or controlled substance, the possession of which is unlawful under the Mississippi Controlled Substances Law.”
<b>Per se standard for alcohol impairment</b>	MISS. CODE. ANN. § 63-11-30(1)(d) (West 2025) - It is unlawful to drive with “an alcohol concentration in the person's blood, based upon grams of alcohol per one hundred (100) milliliters of blood, or grams of alcohol per two hundred ten (210) liters of breath, as shown by a chemical analysis of the person's breath, blood or urine administered as authorized by this chapter, of: (i) Eight one-hundredths percent (.08%) or more for a person who is above the legal age to purchase alcoholic beverages under state law.”
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	MISS. CODE. ANN. § 63-11-5(1)(a) (West 2025) - For all substances, drivers give implied consent to “a chemical test or tests of his breath, blood or urine” to determine alcohol concentration or the presence of other substances in the body that would impair one’s ability to operate a motor vehicle. The test may be administered when an officer has “reasonable grounds and probable cause” to believe the driver was driving while impaired.
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	None

<b><u>MISSOURI</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	MO. ANN. STAT. § 577.010(1) (West 2025)  In Missouri, it is unlawful to operate a motor vehicle while “in an intoxicated condition,” defined as “when a person is under the influence of alcohol, a controlled substance, or drug, or any combination thereof.” MO. ANN. STAT. § 577.001(13) (West 2025).
<b>Per se standard for alcohol impairment</b>	MO. ANN. STAT. § 577.012(1)(1) (West 2025) - A person commits the offense of driving with excessive blood alcohol content by driving with “eight-hundredths of one percent or more by weight of alcohol in his or her blood.”
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	MO. ANN. STAT. § 577.020(1) (West 2025) - Drivers give implied consent to “a chemical test or tests of the person's breath, blood, saliva, or urine for the purpose of determining the alcohol or drug content of the person's blood,” if the driver was lawfully arrested by an officer with reason to believe the driver was operating a vehicle in an intoxicated condition or if the driver was involved in an accident that resulted in a fatality or “readily apparent serious physical injury.”
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	None

<b><u>MONTANA</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	<p>MONT. CODE ANN. § 61-8-1002 (West 2025)</p> <p>In Montana, it is unlawful to operate a motor vehicle on public roads “while under the influence of alcohol, any drug, or a combination of alcohol and any drug.”</p>
<b>Per se standard for alcohol impairment</b>	<p>MONT. CODE ANN. § 61-8-1002(1)(b) (West 2025) - A person is deemed to be under the influence of alcohol if “the person's alcohol concentration, as shown by analysis of the person's blood, breath, or other bodily substance, is 0.08 or more.”</p>
<b>DUID statute zero-tolerance standard for other substances</b>	<p>Yes.</p> <p>MONT. CODE ANN. § 61-8-1002(1)(c) (West 2025) - A person is under the influence of cannabis if “the person's delta-9-tetrahydrocannabinol level, excluding metabolites, as shown by analysis of the person's blood, is 5 ng/ml or more.”</p>
<b>DUID statute per se standard for other substances</b>	<p>Yes.</p> <p>MONT. CODE ANN. § 61-8-1002(f) (West 2025) - It is unlawful to operate a motor vehicle when, without a valid prescription, one has the following prohibited substances in one’s body at the listed concentrations (in nanograms per milliliter of blood): Amphetamine (20), Cocaine (20), Cocaine metabolite (20), Heroin (1), Morphine (20), 6–monoacetyl morphine (1), Lysergic acid diethylamide (0.1), Methamphetamine (20), Phencyclidine (5), and Fentanyl (0.5).</p>
<b>Tests used to detect alcohol or other substances</b>	<p>MONT. CODE ANN. § 61-8-1016 (West 2025) - For all substances, drivers give implied consent to “a test or tests of the person's blood or breath for the purpose of determining any measured amount or detected presence of alcohol or drugs in the person's body.” The test must be administered if a law enforcement officer has reasonable grounds to believe the person has been driving under the influence and has been placed under arrest or has been involved in an accident that resulted in property damage or serious bodily injury or death.</p>
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	None



<b><u>NEBRASKA</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	NEB. REV. STAT. ANN. § 60-6,196(1)(a) (West 2025)  In Nebraska, it is unlawful to operate a motor vehicle “While under the influence of alcoholic liquor or of any drug.”
<b>Per se standard for alcohol impairment</b>	NEB. REV. STAT. ANN. § 60-6,196(1)(b), (c) (West 2025) - When a person has a concentration of “eight-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood” or “eight-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath.”
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	NEB. REV. STAT. ANN. § 60-6,197 (West 2025) - Drivers give implied consent to “a chemical test or tests of his or her blood, breath, or urine for the purpose of determining the concentration of alcohol or the presence of drugs in such blood, breath, or urine.” The test may be administered if a law enforcement officer has “reasonable grounds to believe” the driver was operating under the influence and has lawfully arrested him or her or if the driver was involved in an accident.
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	None

<b><u>NEVADA</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	NEV. REV. STAT. ANN. § 484C.110(1), (2) (West 2025)  In Nevada, it is unlawful for any person who is under the influence of “intoxicating liquor,” “a controlled substance,” or a combination of both “to drive or be in actual physical control of a vehicle on a highway or on premises to which the public has access.”
<b>Per se standard for alcohol impairment</b>	NEV. REV. STAT. ANN. § 484C.110(1)(b) (West 2025) - It is unlawful for a driver to have “a concentration of alcohol of 0.08 or more in his or her blood or breath.”
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	Yes.  NEV. REV. STAT. ANN. § 484C.110(3) (West 2025) - It is unlawful to operate a motor vehicle with any of a list of prohibited substances in one’s urine or blood at or above certain amounts, given in nanograms per milliliter: amphetamine (500 ng/ml urine, 100 ng/ml blood), cocaine (150/50), cocaine metabolite (150/50), heroin (2,000/50), heroin metabolite—morphine (10/10), heroin metabolite—6-monoacetyl morphine (10/10), LSD (25/10), cannabis (10/2), cannabis metabolite (15/5), methamphetamine (500/100), and phencyclidine (25/10).
<b>Tests used to detect alcohol or other substances</b>	NEV. REV. STAT. ANN. § 484C.160 (West 2025) - For all substances, drivers give implied consent to “an evidentiary test of his or her blood, urine, breath or other bodily substance...if such a test is administered at the request of a police officer having reasonable grounds to believe that the person to be tested was . . . [d]riving or in actual physical control of a vehicle while under the influence of intoxicating liquor or a controlled substance or with a prohibited substance in his or her blood or urine; or . . . [e]ngaging in any other conduct prohibited by” drunk or drugged driving laws.  If the presence of a “controlled substance, chemical, poison, organic solvent or another prohibited substance in the blood or urine of the person” is at issue, the officer may request a blood or urine test, or both.
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	None

<b><u>NEW HAMPSHIRE</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	N.H. REV. STAT. ANN. § 265-A:2 (West 2025)  In New Hampshire, no person shall operate a vehicle “While such person is under the influence of intoxicating liquor or any controlled drug, prescription drug, over-the-counter drug, or any other chemical substance, natural or synthetic, which impairs a person's ability to drive or any combination of intoxicating liquor and controlled drugs, prescription drugs, over-the-counter drugs, or any other chemical substances, natural or synthetic, which impair a person's ability to drive.”
<b>Per se standard for alcohol impairment</b>	N.H. REV. STAT. ANN. § 265-A:2(I)(b) (West 2025) - Driving with “an alcohol concentration of 0.08 or more”
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	N.H. REV. STAT. ANN. § 265-A:4 (West 2025) - For all substances, drivers give implied consent to “physical tests and examinations for the purpose of determining whether such person is under the influence of intoxicating liquor or controlled drugs, prescription drugs, over-the-counter drugs, or any other chemical substances, natural or synthetic, which impair a person's ability to drive and to a chemical, infrared molecular absorption, or liquid or gas chromatograph test or tests of any or all of any combination of the following: blood, urine, or breath, for the purpose of determining the controlled drug, prescription drug, over-the-counter drug, or any other chemical substance, natural or synthetic, which impairs a person's ability to drive content of such person's blood or alcohol concentration” if arrested for an impaired driving offense or involved in an accident that resulted in death or bodily injury. A law enforcement officer must have “reasonable grounds to believe” the driver was driving under the influence.
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	None

<b><u>NEW JERSEY</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	N.J. STAT. ANN. § 39:4-50 (West 2025)  In New Jersey, it is unlawful to operate a motor vehicle “under the influence of intoxicating liquor, narcotic, hallucinogenic or habit-producing drug.”
<b>Per se standard for alcohol impairment</b>	N.J. STAT. ANN. § 39:4-50(a) (West 2025) - It is unlawful to “[operate] a motor vehicle with a blood alcohol concentration of 0.08% or more by weight of alcohol in the defendant's blood.”
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	N.J. STAT. ANN. § 39:4-50.2(a) (West 2025) - For alcohol alone, drivers give implied consent to “the taking of samples of his breath for the purpose of making chemical tests to determine the content of alcohol in his blood,” provided a law enforcement officer has “reasonable grounds to believe” the driver has been driving in violation of the DUI statute.  There is no similar test authorized for other substances.
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	See <a href="#">Pending Federal and State Legislation</a> .

<b><u>NEW MEXICO</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	N.M. STAT. ANN. § 66-8-102 (West 2025)  In New Mexico, it is unlawful for a person under the influence of intoxicating liquor or any drug “to a degree that renders the person incapable of safely driving a vehicle to drive a vehicle within this state.”
<b>Per se standard for alcohol impairment</b>	N.M. STAT. ANN. § 66-8-102(C)(1) (West 2025) - It is unlawful for “a person to drive a vehicle in this state if the person has an alcohol concentration of eight one hundredths or more in the person's blood or breath within three hours of driving the vehicle and the alcohol concentration results from alcohol consumed before or while driving the vehicle.”
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	N.M. STAT. ANN. § 66-8-107 (West 2025) - For all substances, drivers give implied consent to “chemical tests of his breath or blood or both . . . for the purpose of determining the drug or alcohol content of his blood if arrested for any offense arising out of the acts alleged to have been committed while the person was driving a motor vehicle while under the influence of an intoxicating liquor or drug” or when a law enforcement officer has “reasonable grounds to believe the person to have been driving a motor vehicle within this state while under the influence of intoxicating liquor or drug.”
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	None

<b><u>NEW YORK</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	N.Y. VEH. & TRAF. LAW § 1192 (West 2025)  In New York, a person shall not operate a motor vehicle 1) “while the person's ability to operate such motor vehicle is impaired by the consumption of alcohol,” 2) “while in an intoxicated condition,” 3) “while the person's ability to operate such a motor vehicle is impaired by the use of a drug,” or 4) “while the person's ability to operate such motor vehicle is impaired by the combined influence of drugs or of alcohol and any drug or drugs.”
<b>Per se standard for alcohol impairment</b>	N.Y. VEH. & TRAF. LAW § 1192(2) (West 2025) - No person shall operate a motor vehicle “while such person has .08 of one per centum or more by weight of alcohol in the person's blood.”
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	N.Y. VEH. & TRAF. LAW § 1194(2) (West 2025) - For all substances, drivers give implied consent to “a chemical test of one or more of the following: breath, blood, urine, or saliva, for the purpose of determining the alcoholic and/or drug content of the blood,” at the direction of a law enforcement officer “having reasonable grounds to believe such person to have been operating in violation of [the DUI statute] and within two hours after such person has been placed under arrest for any such violation; or having reasonable grounds to believe such person to have been operating in violation [the DUI statute] and within two hours after the stop of such person for any such violation.”
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	See <a href="#">Pending Federal and State Legislation</a> .

<b><u>NORTH CAROLINA</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	N.C. GEN. STAT. ANN. § 20-138.1 (West 2025)  In North Carolina, it is unlawful to operate a motor vehicle “While under the influence of an impairing substance,” defined as “Alcohol, controlled substance . . . , any other drug or psychoactive substance capable of impairing a person's physical or mental faculties, or any combination of these substances.” N.C. GEN. STAT. ANN. § 20-4.01(14)(a) (West 2025).
<b>Per se standard for alcohol impairment</b>	N.C. GEN. STAT. ANN. § 20-138.1(a)(2) (West 2025) - It is unlawful to drive with “an alcohol concentration of 0.08 or more.”
<b>DUID statute zero-tolerance standard for other substances</b>	Yes.  N.C. GEN. STAT. ANN. § 20-138.1(a)(3) (West 2025) - Driving “with any amount of a Schedule I controlled substance, as listed in G.S. 90-89, or its metabolites in his blood or urine” is also impaired driving. This does not include cannabis, as that is a Schedule VI drug in North Carolina.  N.C. GEN. STAT. ANN. § 20-138.3(a) (West 2025) - For drivers younger than 21, it is unlawful to operate a motor vehicle “at any time while he has remaining in his body any alcohol or controlled substance previously consumed.”
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	N.C. GEN. STAT. ANN. § 20-16.2(a) (West 2025) - For all substances, drivers give implied consent to “a chemical analysis,” which a law enforcement officer who has reasonable grounds to believe that the person charged has committed the implied-consent offense may obtain.  N.C. GEN. STAT. ANN. § 20-4.01(3a) (West 2025) - A “chemical analysis” includes “a test or tests of the breath, blood, or other bodily fluid or substance.”
<b>Affirmative defenses</b>	N.C. GEN. STAT. ANN. § 20-138.3(a) (West 2025) - For drivers younger than 21, there is no violation of the zero-tolerance standard “if he drives with a controlled substance in his body which was lawfully obtained and taken in therapeutically appropriate amounts.”)
<b>Recently proposed legislation</b>	None

<b><u>NORTH DAKOTA</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	N.D. CENT. CODE ANN. § 39-08-01 (West 2025)  In North Dakota, a person may not operate a motor vehicle if under the influence of “intoxicating liquor,” “any drug or substance or combination of drugs or substances to a degree which renders that person incapable of safely driving,” or a combination of “alcohol and any other drugs or substances to a degree which renders that person incapable of safely driving.”
<b>Per se standard for alcohol impairment</b>	N.D. CENT. CODE ANN. § 39-08-01(1)(a) (West 2025) - It is unlawful to drive with “an alcohol concentration of at least eight one-hundredths of one percent by weight at the time of the performance of a chemical test within two hours after the driving or being in actual physical control of a vehicle.”
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	N.D. CENT. CODE ANN. § 39-20-01(1) (West 2025) - For all substances, drivers give implied consent to “a chemical test, or tests, of the blood, breath, saliva, or urine for the purpose of determining the alcohol concentration or presence of other drugs, or combination thereof, in the individual's blood, breath, saliva, or urine.”  N.D. CENT. CODE ANN. § 39-20-01.1(1) (West 2025) - Tests may be administered after a valid arrest for driving under the influence or if the driver is “involved in a crash resulting in the death of another individual, and there is probable cause to believe that” he or she was under the influence.
<b>Affirmative defenses</b>	Yes.  N.D. CENT. CODE ANN. § 39-08-01(1) (West 2025) - It is a defense if “a drug was used only as directed or cautioned by a practitioner who legally prescribed or dispensed the drug to that person.”
<b>Recently proposed legislation</b>	None



<b><u>OHIO</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	OHIO REV. CODE ANN. § 4511.19 (West 2025)  In Ohio, no person may operate a motor vehicle who is “under the influence of alcohol, a drug of abuse, or a combination of them.”
<b>Per se standard for alcohol impairment</b>	OHIO REV. CODE ANN. § 4511.19(A)(1)(a) - Ohio sets several maximum levels of alcohol in the body, depending on which test is administered. It is unlawful to operate a motor vehicle with the following concentrations of alcohol: 1) “eight-hundredths of one per cent or more . . . by weight per unit volume of alcohol in the person's whole blood,” 2) “ninety-six-thousandths of one per cent or more . . . by weight per unit volume of alcohol in the person's blood serum or plasma,” 3) “eight-hundredths of one gram or more . . . by weight of alcohol per two hundred ten liters of the person's breath,” or 4) eleven-hundredths of one gram or more . . . by weight of alcohol per one hundred milliliters of the person's urine.”
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	Yes. OHIO REV. CODE ANN. § 4511.19(A)(1) (West 2025)  It is unlawful to drive with the following substances in one's body at the specified levels: <ol style="list-style-type: none"> <li>1. Amphetamine: 500 nanograms [ng] per ml of urine, 100ng/ml whole blood, blood serum, or plasma</li> <li>2. Cocaine: 150ng/ml urine, 50ng/ml whole blood, blood serum, or plasma</li> <li>3. Cocaine metabolite: 150/50</li> <li>4. Heroin: 2000/50</li> <li>5. Heroin metabolite (6-monoacetyl morphine): 10/10</li> <li>6. LSD: 25/10</li> <li>7. Marijuana: 10/2</li> <li>8. Marijuana metabolite: 35/50</li> <li>9. Methamphetamine: 500/100</li> <li>10. Phencyclidine: 25/10</li> <li>11. Salvia divinorum or savinorin A: per rules adopted by the state board of pharmacy</li> </ol>

<b><u>OHIO</u></b>	
<b>Tests used to detect alcohol or other substances</b>	OHIO REV. CODE ANN. § 4511.191(A) (West 2025) - For all substances, drivers give implied consent to “a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine to determine the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine if arrested for a violation of [the DUI statute],” which shall be administered “at the request of a law enforcement officer having reasonable grounds to believe the person was operating or in physical control of a vehicle” while under the influence.
<b>Affirmative defenses</b>	Yes.  OHIO REV. CODE ANN. § 4511.19(K) (West 2025) - The per se standards for non-alcohol substances do not apply if the person “obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs” and “injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions.”
<b>Recently proposed legislation</b>	See <a href="#">Pending Federal and State Legislation</a> .

<b><u>OKLAHOMA</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	OKLA. STAT. ANN. tit. 47, § 11-902(A) (West 2025)  In Oklahoma, it is unlawful to operate a motor vehicle while under the influence of alcohol, “any intoxicating substance other than alcohol which may render such person incapable of safely driving or operating a motor vehicle,” or “under the combined influence of alcohol and any other intoxicating substance which may render such person incapable of safely driving or operating a motor vehicle.”
<b>Per se standard for alcohol impairment</b>	OKLA. STAT. ANN. tit. 47, § 11-902(A)(1) (West 2025) - A person may not operate a motor vehicle with “a blood or breath alcohol concentration . . . of eight-hundredths (0.08) or more at the time of a test of such person's blood or breath administered within two (2) hours after the arrest of such person.”
<b>DUID statute zero-tolerance standard for other substances</b>	Yes.  OKLA. STAT. ANN. tit. 47, § 11-902(A)(3) (West 2025) - A person may not operate a motor vehicle with “any amount of a Schedule I chemical or controlled substance, as defined in Section 2-204 of Title 63 of the Oklahoma Statutes, or one of its metabolites or analogs in the person's blood, saliva, urine or any other bodily fluid at the time of a test of such person's blood, saliva, urine or any other bodily fluid administered within two (2) hours after the arrest of such person.”
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	OKLA. STAT. ANN. tit. 47, § 751(A)(1) (West 2025) - For alcohol, drivers give implied consent to “a test or tests of such person's blood or breath.” For other substances, drivers consent to a test of “such person's blood, saliva or urine for determining the presence or concentration of any other intoxicating substance therein.”  In either case, the driver must have been arrested for an offense arising out of driving while under the influence of alcohol or another intoxicating substance or involved in a traffic accident that resulted in the immediate death or serious injury of any person.
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	None

<b><u>OREGON</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	OR. REV. STAT. ANN. § 813.010(1) (West 2025)  In Oregon, it is unlawful to drive a vehicle while “under the influence of an intoxicant or a combination of intoxicants.”
<b>Per se standard for alcohol impairment</b>	OR. REV. STAT. ANN. § 813.010(1)(a) (West 2025) - “0.08 percent or more by weight of alcohol in the blood of the person as shown by chemical analysis of the breath or blood of the person.”
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	OR. REV. STAT. ANN. § 813.100(1) (West 2025) - Drivers give implied consent to “a chemical test of the person's breath, or of the person's blood if the person is receiving medical care in a health care facility immediately after a motor vehicle accident, for the purpose of determining the alcoholic content of the person's blood if the person is arrested for driving a motor vehicle while under the influence of intoxicants.”  OR. REV. STAT. ANN. § 813.131(2) (West 2025) - For substances other than alcohol, law enforcement officers may seek a test of urine if the driver has already taken a breath test that has disclosed a BAC of less than 0.08 percent or the driver is involved in an accident resulting in injury or property damage.
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	None

<b><u>PENNSYLVANIA</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	<p>75 PA. STAT. AND CONS. STAT. ANN. § 3802 (West 2025)</p> <p>In Pennsylvania, a person may not operate a motor vehicle “after imbibing a sufficient amount of alcohol such that the individual is rendered incapable of safely driving, operating or being in actual physical control of the movement of the vehicle,” if the driver is “under the influence of a drug or combination of drugs,” or if the driver is “under the combined influence of alcohol and a drug or combination of drugs to a degree which impairs the individual's ability to safely drive, operate or be in actual physical control of the movement of the vehicle.”</p>
<b>Per se standard for alcohol impairment</b>	<p>75 PA. STAT. AND CONS. STAT. ANN. § 3802(a)(2) (West 2025) - It is unlawful to drive “after imbibing a sufficient amount of alcohol such that the alcohol concentration in the individual's blood or breath is at least 0.08% . . . within two hours after the individual has driven, operated or been in actual physical control of the movement of the vehicle.”</p>
<b>DUID statute zero-tolerance standard for other substances</b>	<p>Yes.</p> <p>75 PA. STAT. AND CONS. STAT. ANN. § 3802(d)(1) (West 2025) - A person may not operate a motor vehicle when his or her blood contains any amount of a Schedule I-III controlled substance or its metabolites.</p>
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	<p>75 PA. STAT. AND CONS. STAT. ANN. § 1547(a) (West 2025) - For all substances, drivers give implied consent to “one or more chemical tests of breath or blood for the purpose of determining the alcoholic content of blood or the presence of a controlled substance if a police officer has reasonable grounds to believe the person to have been driving [while operating privilege is suspended or revoked, under the influence, or illegally without an ignition interlock].”</p>
<b>Affirmative defenses</b>	<p>Yes.</p> <p>75 PA. STAT. AND CONS. STAT. ANN. § 3802(d)(1) (West 2025) - The zero-tolerance standard does not apply if the substance was “medically prescribed” to the driver.</p>
<b>Recently proposed legislation</b>	None

<b><u>RHODE ISLAND</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	31 R.I. GEN. LAWS ANN. § 31-27-2(a) (West 2025)  In Rhode Island, it is unlawful to operate a motor vehicle “while under the influence of any intoxicating liquor, drugs, toluene, or any controlled substance . . ., or any combination of these.”
<b>Per se standard for alcohol impairment</b>	31 R.I. GEN. LAWS ANN. § 31-27-2(b)(1) (West 2025) - A driver is considered under the influence with a “blood alcohol concentration is eight one-hundredths of one percent (.08%) or more by weight, as shown by a chemical analysis of a blood, breath, or urine sample.”
<b>DUID statute zero-tolerance standard for other substances</b>	None  In 2021, the Rhode Island legislature repealed a former statute that had made it unlawful to operate a motor vehicle “with a blood presence of any scheduled controlled substance . . ., as shown by analysis of a blood or urine sample.”
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	31 R.I. GEN. LAWS ANN. § 31-27-2.1(a) (West 2025) - For all substances, drivers give implied consent to “chemical tests of his or her breath, blood, and/or urine for the purpose of determining the chemical content of his or her body fluids or breath.” When a law enforcement officer has “reasonable grounds to believe” the person was driving while intoxicated, no more than two complete tests may be administered, “one for the presence of intoxicating liquor and one for the presence of toluene or any controlled substance.”
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	None

<b><u>SOUTH CAROLINA</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	<p>S.C. CODE ANN. § 56-5-2930(A) (West 2025)</p> <p>In South Carolina, it is unlawful to drive a motor vehicle while under the influence of alcohol, any other drug or a combination of other drugs or substances which cause impairment, or under the combined influence of alcohol and any other drug or drugs or substances which cause impairment “to the extent that the person's faculties to drive a motor vehicle are materially and appreciably impaired.”</p>
<b>Per se standard for alcohol impairment</b>	S.C. CODE ANN. § 56-5-2933(A) (West 2025) - It is unlawful to drive a motor vehicle while “alcohol concentration is eight one-hundredths of one percent or more.”
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	<p>S.C. CODE ANN. § 56-5-2950(A) (West 2025) - For all substances, drivers give implied consent to “chemical tests of the person's breath, blood, or urine for the purpose of determining the presence of alcohol, drugs, or the combination of alcohol and drugs, if arrested for an offense arising out of acts alleged to have been committed while the person was driving a motor vehicle while under the influence of alcohol, drugs, or a combination of alcohol and drugs.”</p> <p>A breath test is given first (or if this is impossible or impractical, a blood test), but if the law enforcement officer has “reasonable suspicion” that the driver is under the influence of a substance other than alcohol, or a combination of drugs and alcohol, he or she may request a urine sample be taken.</p>
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	None

<b><u>SOUTH DAKOTA</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	<p>S.D. CODIFIED LAWS § 32-23-1 (West 2025)</p> <p>In South Dakota, no one may operate a motor vehicle under the influence of “an alcoholic beverage, marijuana, or any controlled drug or substance not obtained pursuant to a valid prescription, ...any controlled drug or substance obtained pursuant to a valid prescription, or any other substance, to a degree which renders the person incapable of safely driving,” or under the influence of any combination of alcohol, controlled substance, or prescription drug “to a degree which renders the person incapable of safely driving.”</p>
<b>Per se standard for alcohol impairment</b>	<p>S.D. CODIFIED LAWS § 32-23-1(1) (West 2025) - No person may drive a vehicle if “There is 0.08 percent or more by weight of alcohol in that person's blood as shown by chemical analysis of that person's breath, blood, or other bodily substance.”</p>
<b>DUID statute zero-tolerance standard for other substances</b>	<p>Yes, with limitations.</p> <p>S.D. CODIFIED LAWS § 32-23-21(2) (West 2025) - No person under the age of 21 may drive a vehicle “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.”</p>
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	<p>S.D. CODIFIED LAWS § 32-23-10 (West 2025) - For all substances, drivers give implied consent to “withdrawal of blood or other bodily substance and chemical analysis of the person's blood, breath, or other bodily substance to determine the amount of alcohol in the person's blood and to determine the presence of marijuana or any controlled drug or substance or any substance ingested, inhaled, or otherwise taken into the body . . . that may render a person incapable of safely driving. The arresting law enforcement officer may, subsequent to the arrest of any operator for a violation of [the DUI statute], require the operator to submit to the withdrawal of blood or other bodily substances as evidence.”</p>
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	None



<b><u>TENNESSEE</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	TENN. CODE ANN. § 55-10-401 (West 2025)  In Tennessee, it is unlawful for any person to operate a motor vehicle while “Under the influence of any intoxicant, marijuana, controlled substance, controlled substance analogue, drug, substance affecting the central nervous system, or combination thereof that impairs the driver's ability to safely operate a motor vehicle by depriving the driver of the clearness of mind and control of oneself that the driver would otherwise possess.”
<b>Per se standard for alcohol impairment</b>	TENN. CODE ANN. § 55-10-401(2) (West 2025) - “The alcohol concentration in the person's blood or breath is eight-hundredths of one percent (0.08%) or more.”
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	TENN. CODE ANN. § 55-10-406(d)(1) (West 2025) - For all substances, drivers give 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 pursuant to this section unless conducted at the direction of a law enforcement officer having probable cause to believe the operator [was driving under the influence or committed a vehicular assault or homicide] and the operator signs a standardized waiver developed by the department of safety and made available to law enforcement agencies.”
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	None

<b><u>TEXAS</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	TEX. PENAL CODE ANN. § 49.04(a) (West 2025)  In Texas, it is unlawful to operate a motor vehicle while “intoxicated,” defined as “not having the normal use of mental or physical faculties by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body.” TEX. PENAL CODE ANN. § 49.01(2)(A) (West 2025).
<b>Per se standard for alcohol impairment</b>	TEX. PENAL CODE ANN. § 49.01(2)(B) (West 2025) - A person is considered intoxicated from alcohol by “having an alcohol concentration of 0.08 or more.”
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	TEX. TRANSP. CODE ANN. § 724.011(a) (West 2025) - “If a person is arrested for an offense arising out of acts alleged to have been committed while the person was operating a motor vehicle in a public place, or a watercraft, while intoxicated . . . the person is deemed to have consented . . . to submit to the taking of one or more specimens of the person's breath or blood for analysis to determine the alcohol concentration or the presence in the person's body of a controlled substance, drug, dangerous drug, or other substance.”
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	None

<b><u>UTAH</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	<p>UTAH CODE ANN. § 41-6a-502 (West 2025)</p> <p>In Utah, a person may not operate a motor vehicle “under the influence of alcohol, any drug, or the combined influence of alcohol and any drug to a degree that renders the person incapable of safely operating a vehicle.”</p>
<b>Per se standard for alcohol impairment</b>	UTAH CODE ANN. § 41-6a-502(1)(a) (West 2025) - A “blood or breath alcohol concentration of .05 grams or greater at the time of the test”
<b>DUID statute zero-tolerance standard for other substances</b>	<p>Yes.</p> <p>UTAH CODE ANN. § 41-6a-517(2)(a) (West 2025) - It is unlawful to operate a vehicle with “any measurable controlled substance or metabolite of a controlled substance” in the person’s body.</p> <p>UTAH CODE ANN. § 41-6a-517(2)(b) (West 2025) - If the only controlled substance present is the cannabis metabolite 11-Nor-9-carboxy-tetrahydrocannabinol, this standard does not apply.</p>
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	<p>UTAH CODE ANN. § 41-6a-520(1) (West 2025) - For all substances, drivers give implied consent to “a chemical test or tests of the person's breath, blood, urine, or oral fluids” to determine whether the driver is “under the influence of alcohol, any drug, or combination of alcohol and any drug” or operating with “any measurable controlled substance or metabolite of a controlled substance in the person's body.”</p> <p>These tests “must be administered at the direction of a peace officer having grounds to believe that person to have been operating or in actual physical control of a motor vehicle while in violation of [the DUI statute].”</p>
<b>Affirmative defenses</b>	<p>Yes.</p> <p>UTAH CODE ANN. § 41-6a-517(3) (West 2025) - The zero-tolerance standard does not apply if the controlled substance was involuntarily ingested, prescribed by a practitioner for the accused’s use, is medicinal cannabis ingested according to state regulations, or was otherwise legally ingested.</p>
<b>Recently proposed legislation</b>	None

<b><u>VERMONT</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	VT. STAT. ANN. tit. 23, § 1201(a) (West 2025)  In Vermont, a person shall not operate a motor vehicle “when the person is under the influence of alcohol; or . . . when the person is under the influence of any other drug or under the combined influence of alcohol and any other drug.”
<b>Per se standard for alcohol impairment</b>	VT. STAT. ANN. tit. 23, § 1201(a)(1) (West 2025) - A person shall not operate a motor vehicle “when the person's alcohol concentration is . . . 0.08 or more.”
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	VT. STAT. ANN. tit. 23, § 1202(a) (West 2025) - For all substances, drivers give implied consent to “an evidentiary test of that person's breath for the purpose of determining the person's alcohol concentration or the presence of other drug in the blood.” The test may be administered when a law enforcement officer has “reasonable grounds to believe” that the person was driving in violation of the DUI statute or if the driver was involved in a fatal accident or one involving serious bodily injury.  If a breath test is not reasonably available or the law enforcement officer “has reasonable grounds to believe that the person is under the influence of a drug other than alcohol,” the driver gives implied consent to a blood test. Similarly, if the officer has reasonable grounds to believe the driver was under the influence of a drug other than alcohol, the driver gives implied consent to a saliva test.
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	None

<b><u>VIRGINIA</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	VA. CODE ANN. § 18.2-266 (West 2025)  In Virginia, it is unlawful for any person to drive a motor vehicle while under the influence of alcohol, “any narcotic drug or any other self-administered intoxicant or drug of whatsoever nature, or any combination of such drugs,” or “while such person is under the combined influence of alcohol and any drug or drugs to a degree which impairs his ability to drive or operate any motor vehicle . . . safely.”
<b>Per se standard for alcohol impairment</b>	VA. CODE ANN. § 18.2-266(i) (West 2025) - It is unlawful to drive a motor vehicle “while such person has a blood alcohol concentration of 0.08 percent or more by weight by volume or 0.08 grams or more per 210 liters of breath as indicated by a chemical test.”
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	Yes.  VA. CODE ANN. § 18.2-266(v) (West 2025) - It is unlawful to drive a vehicle when the following amounts of substances are present in the body, in milligrams per liter of blood: cocaine (0.02), methamphetamine (0.1), phencyclidine (0.01), or 3,4-methylenedioxymethamphetamine (0.1).
<b>Tests used to detect alcohol or other substances</b>	VA. CODE ANN. § 18.2-268.2(A) (West 2025) - For all substances, drivers give implied consent to “samples of his blood, breath, or both blood and breath taken for a chemical test to determine the alcohol, drug, or both alcohol and drug content of his blood, if he is arrested” for impaired driving.
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	None

<b><u>WASHINGTON</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	<p>WASH. REV. CODE ANN. § 46.61.502(1) (West 2025)</p> <p>In Washington, no person may drive a vehicle “While the person is under the influence of or affected by intoxicating liquor, marijuana, or any drug; or . . . [w]hile the person is under the combined influence of or affected by intoxicating liquor, marijuana, and any drug.”</p>
<b>Per se standard for alcohol impairment</b>	<p>WASH. REV. CODE ANN. § 46.61.502(1)(a) (West 2025) - One cannot drive with “an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood.”</p>
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	<p>Yes.</p> <p>WASH. REV. CODE ANN. § 46.61.502(1)(b) (West 2025) - One cannot drive with “a THC concentration of 5.00 or higher as shown by analysis of the person's blood.”</p>
<b>Tests used to detect alcohol or other substances</b>	<p>WASH. REV. CODE ANN. § 46.20.308 (West 2025) - For all substances, drivers consent to “a test or tests of his or her breath for the purpose of determining the alcohol concentration in his or her breath if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug.”</p> <p>Although this appears only to authorize breath tests, there is also language indicating that nothing in the section “precludes a law enforcement officer from obtaining a person's blood to test for alcohol, marijuana, or any drug, pursuant to a search warrant, a valid waiver of the warrant requirement, when exigent circumstances exist, or under any other authority of law.”</p>
<b>Affirmative defenses</b>	<p>Yes.</p> <p>WASH. REV. CODE ANN. § 46.61.502(3) (West 2025) - For the per se alcohol and THC limits, it is a defense if the driver consumed alcohol or cannabis after driving such that he or she is over the legal limits at the time of the test.</p>
<b>Recently proposed legislation</b>	None

<b><u>WEST VIRGINIA</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	W. VA. CODE ANN. § 17C-5-2(a)(1) (West 2025)  In West Virginia, it is unlawful to drive in an “impaired state,” which includes driving under the influence of alcohol, any controlled substance, any other drug or inhalant substance, or a combination of alcohol and any controlled substance or other drug.
<b>Per se standard for alcohol impairment</b>	W. VA. CODE ANN. § 17C-5-2(a)(1)(E) (West 2025) - “Impaired state” also includes having “an alcohol concentration in his or her blood of eight hundredths of one percent or more, by weight.”
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	W. VA. CODE ANN. § 17C-5-4 (West 2025) - For all substances, drivers give implied consent to “a preliminary breath analysis and a secondary chemical test of either his or her blood or breath to determine the alcohol concentration in his or her blood, or the concentration in the person's body of a controlled substance, drug, or any combination thereof,” which may be administered when a law enforcement officer “has reasonable cause to believe” the person is driving while impaired.
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	None

<b><u>WISCONSIN</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	<p>WIS. STAT. ANN. § 346.63 (West 2025)</p> <p>In Wisconsin, no person may drive a motor vehicle while “Under the influence of an intoxicant, a controlled substance, a controlled substance analog or any combination of an intoxicant, a controlled substance and a controlled substance analog, under the influence of any other drug to a degree which renders him or her incapable of safely driving, or under the combined influence of an intoxicant and any other drug to a degree which renders him or her incapable of safely driving.”</p>
<b>Per se standard for alcohol impairment</b>	<p>WIS. STAT. ANN. § 340.01(46m)(a) (West 2025) - One cannot drive with a prohibited alcohol concentration of 0.08 or more.</p>
<b>DUID statute zero-tolerance standard for other substances</b>	<p>Yes.</p> <p>WIS. STAT. ANN. § 340.01(50m) (West 2025) - One cannot drive with “a detectable amount of a restricted controlled substance in his or her blood.” WIS. STAT. ANN. § 346.63(1)(am) (West 2025) Those substances are Schedule I controlled substances other than THC, the heroin metabolite 6-monoacetylmorphine, a controlled substance analog, cocaine or any of its metabolites, and methamphetamine.</p>
<b>DUID statute per se standard for other substances</b>	<p>Yes.</p> <p>WIS. STAT. ANN. § 340.01(50m)(e) (West 2025) - “Restricted substance” also includes “Delta-9-tetrahydrocannabinol, excluding its precursors or metabolites,” but only if present in the body at a concentration of 1 nanogram per milliliter of a person’s blood.</p>
<b>Tests used to detect alcohol or other substances</b>	<p>WIS. STAT. ANN. § 343.305(2), (3) (West 2025) - For all substances, drivers give implied consent to “one or more tests of his or her breath, blood or urine, for the purpose of determining the presence or quantity in his or her blood or breath, of alcohol, controlled substances, controlled substance analogs or other drugs, or any combination of alcohol, controlled substances, controlled substance analogs and other drugs,” as requested by a law enforcement officer when the driver has been arrested for impaired driving or has been involved in an accident that causes substantial bodily harm.</p>



<b><u>WISCONSIN</u></b>	
<b>Affirmative defenses</b>	Yes.  WIS. STAT. ANN. § 346.63(1)(d) (West 2025) - It is a defense to the zero-tolerance and per se standards if the driver proves “by a preponderance of the evidence that at the time of the incident or occurrence he or she had a valid prescription for methamphetamine or one of its metabolic precursors, gamma-hydroxybutyric acid, or delta-9-tetrahydrocannabinol.”
<b>Recently proposed legislation</b>	None

<b><u>WYOMING</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	WYO. STAT. ANN. § 31-5-233(b) (West 2025)  In Wyoming, no person shall drive a motor vehicle is under the influence of alcohol, a controlled substance, or either, “To a degree which renders him incapable of safely driving.”
<b>Per se standard for alcohol impairment</b>	WYO. STAT. ANN. § 31-5-233(b)(i) (West 2025) - No person shall drive a vehicle who “Has an alcohol concentration of eight one-hundredths of one percent (0.08%) or more.”
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	WYO. STAT. ANN. § 31-6-102(a)(i) (West 2025) - For all substances, drivers give implied consent to “a chemical test or tests of his blood, breath or urine for the purpose of determining the alcohol concentration or controlled substance content of his blood,” provided that these tests are incidental to a lawful arrest, given as promptly as possible, and administered at the direction of a peace officer with “cause to believe” the person was driving in violation of the DUI statute.
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	None

<b><u>AMERICAN SAMOA</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	AM. SAM. CODE ANN. § 22.0707 (2025)  In American Samoa, no person may drive a motor vehicle “under the influence of intoxicating liquor, any narcotic drug, or any other drug, to a degree which renders him incapable of safely driving.”
<b>Per se standard for alcohol impairment</b>	AM. SAM. CODE ANN. § 22.607(a)(3) (2025) - A driver with a blood-alcohol level of 0.08% or more is presumed to be under the influence of intoxicating liquor.
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	None in the statute.
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	None

<b><u>GUAM</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	9 G.C.A. § 92101 (West 2025)  In Guam, it is unlawful to operate a motor vehicle under the influence of alcohol or any controlled substance.
<b>Per se standard for alcohol impairment</b>	It is prohibited to drive with 0.08 percent, or more, by weight, of alcohol in one's blood.
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	Breath or blood
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	None

<b><u>NORTHERN MARIANA ISLANDS</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	9 CMC § 7105(a)  In the Northern Mariana Islands, a person shall not drive, operate or be in actual physical control of any vehicle while under the influence of alcohol or any drug.
<b>Per se standard for alcohol impairment</b>	Blood Alcohol Concentration (BAC) of 0.08 percent or more
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	Breath or blood
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	None

<b><u>PUERTO RICO</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	<ul style="list-style-type: none"> <li>• 9 L.P.R.A. § 5202 (West 2025) (alcohol)</li> <li>• 9 L.P.R.A. § 5203 (West 2025) (drugs)</li> </ul> <p>In Puerto Rico, it is unlawful for any person to drive a motor vehicle under the influence of alcohol, “any narcotic drug, marihuana, medical cannabis, stimulant or depressant substance, or of any chemical or controlled substance.”</p>
<b>Per se standard for alcohol impairment</b>	9 L.P.R.A. § 5202 (West 2025) - It is unlawful per se for any person to drive a motor vehicle “when his/her blood alcohol content is eight hundredths of one percent (0.08%) or higher.”
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	9 L.P.R.A. § 5209 (West 2025) - For all substances, drivers give implied consent to a “chemical or physical analysis of his/her blood, breath or any bodily fluid... as well as to an initial breath test.”
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	None

<b><u>U.S. VIRGIN ISLANDS</u></b>	
<b>Driving Under the Influence (DUI/DUID) statute</b>	20 V.I.C. § 493 (West 2025)  In the Virgin Islands, it is unlawful for any person “under the influence of an intoxicating liquor or a controlled substance” to drive a motor vehicle.
<b>Per se standard for alcohol impairment</b>	20 V.I.C. § 493a (West 2025) - The presence of “0.10 percent or more by weight of alcohol in the person's blood” is prima facie evidence that a person is under the influence of an intoxicating liquor.
<b>DUID statute zero-tolerance standard for other substances</b>	None
<b>DUID statute per se standard for other substances</b>	None
<b>Tests used to detect alcohol or other substances</b>	20 V.I.C. § 493c (West 2025) - For all substances, a driver gives implied consent to “chemical testing of his blood, breath or urine for the purpose of determining the alcoholic or drug content of his blood.”
<b>Affirmative defenses</b>	None
<b>Recently proposed legislation</b>	None

<b><u>RECENTLY PROPOSED LEGISLATION</u></b>	
<b><u>State/Bill Number/Status</u></b>	<b><u>Description</u></b>
<b><u>Illinois</u></b> H.B.2416 (2025) (introduced January 31, 2025)	This bill would insert cannabis to the list of substances in the DUI/DUID statute.
<b><u>Illinois</u></b> S.B.1889 (2025) (introduced February 6, 2025)	This bill would establish a per se limit on THC blood levels indicating intoxication.
<b><u>Kentucky</u></b> H.B. 34 (2025) (introduced January 7, 2025, and died in committee)	This bill would have established a per se limit on THC blood levels indicating intoxication.
<b><u>Michigan</u></b> H.B. 4390 (2025) (passed by the House on July 1, 2025)	This bill would permit peace officers to test other bodily fluids, including oral fluid, to test intoxication.
<b><u>New Jersey</u></b> S.B. 4176 (2025) (introduced March 3, 2025)	This bill would require a blood sample to be obtained from drivers involved in motor vehicle accident resulting in death, to test for intoxication.
<b><u>New York</u></b> S.B. 2214 (2025) (introduced January 16, 2025)	This bill would redefine “drug” for the purpose of driving under the influence to include any substance that can impair physical or mental abilities.
<b><u>Ohio</u></b> S.B. 55 (2025) (introduced January 28, 2025)	This bill would lower the maximum THC blood level in the state’s per se intoxication law.



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