



NATIONAL CONFERENCE of STATE LEGISLATURES

The Forum for America's Ideas

Drugged Driving Per Se Laws

State/Jurisdiction	Statutory Citation	Per Se Laws (statutes that make it a criminal offense to have a drug in one's body/body fluids while operating a motor vehicle.)
Arizona	Ariz. Rev. Stat. § 28-1381	Any amount of Drug or Metabolite.
Colorado	Colo. Rev. Stat. §42-4-1301	5 nanogram threshold of THC.
Delaware	21 Del. Code § 4177	Any amount of Drug or Metabolite.
Georgia	Ga. Code Ann. § 40-6-391	Any amount of Drug or Metabolite.
Illinois	Ill. Comp. Stat. § 625 ILCS 5/11-501	Any amount of a prohibited drug.
Indiana	Ind. Code Ann. § 9-30-5-1	Any amount of Drug or Metabolite.
Iowa	Iowa Code § 321J.2	Any amount of a prohibited drug.
Michigan	Michigan Vehicle Code § 257.625	Any amount of a prohibited drug.
Minnesota	Minn. Stat. Ann. §169A	Any amount of Drug or Metabolite. *Specifically exempts marijuana.
Montana	2013 MT House Bill 168	5 nanogram threshold of THC.
Nevada	Nev. Rev. Stat. Title 43 § 484.379	Specified amounts of specified prohibited drugs.
North Carolina	N.C. Gen. Stat. §§ 20-138.1, 20- 138.3	Any amount of schedule I substance. Illegal for any person age 21 to drive with any amount of a prohibited drug or substance.
Ohio	Ohio Rev. Code § 4511.19	Specified amounts of specified prohibited drugs.
Pennsylvania	Pa. Con. Stat. §75-3802	Any amount of Drug or Metabolite.
Rhode Island	R.I. Gen. Laws § 31-27-2	Any amount of a prohibited drug.
South Dakota	S.D. Codified Laws §32-23-1	Illegal for any person age 21 to drive with any amount of a prohibited drug or substance.
Utah	Utah Code §41-6a-517	Any amount of Drug or Metabolite.
Virginia	Va. Code §18.2-266	Specified amounts of specified prohibited drugs.

Washington	Initiative 502	5 nanogram threshold of THC.
Wisconsin	Wis. Stat. Ann. § 346.63	Any amount of a prohibited drug.

*All other states require the drugs to render a driver “incapable” of driving safely, require that the drug impair the driver’s ability to operate safely, or require a driver to be “under the influence or affected by an intoxicating drug”.

Source: NHTSA 2009 and NCSL 2013.

MARIJUANA LAWS IN DIFFERENT STATES

EFFECT-BASED LAWS

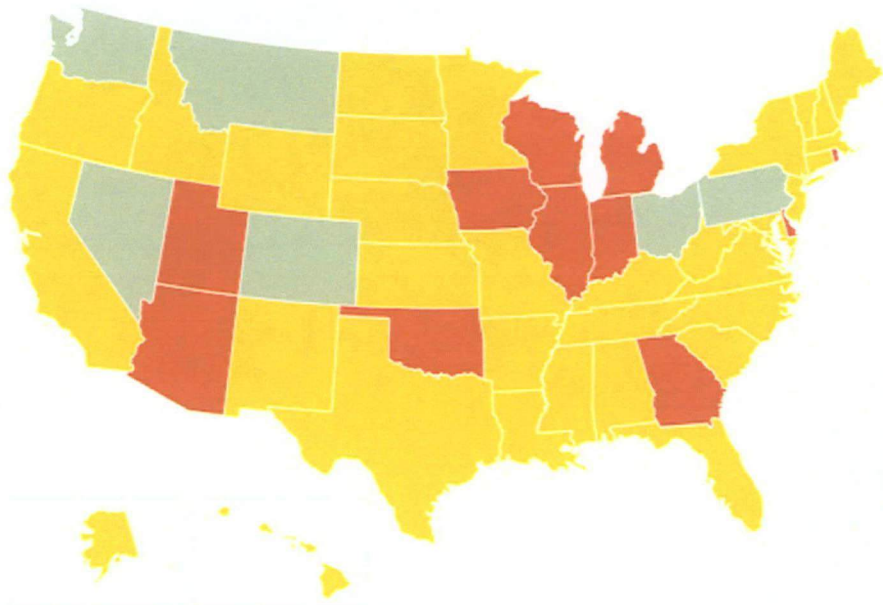
Prosecutors must be able to prove that the driver's impairment was directly associated with the ingestion of marijuana.

PER SE LAWS

The driver has exceeded the legal limit of THC and/or marijuana metabolites in their system.

ZERO-TOLERANCE PER SE LAWS

Any presence of THC and/or marijuana metabolites can lead to a conviction.



*Source Denmon and Denmon (denmonlaw.com)