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NSA SUPPORTS EXPANDING THE DRIVING UNDER THE INFLUENCE OF DRUGS (DUID) STATUTES TO INCLUDE ALL IMPAIRING SUBSTANCES

WHEREAS, the National Sheriffs' Association (NSA) represents over 3,000 sheriffs that are committed to the safety, security, and well-being of communities across the United States; and

WHEREAS, a wide range of substances—including alcohol, illicit drugs, prescription and over-the-counter medications, synthetic cannabinoids, and emerging psychoactive substances—impair driving and pose serious public safety risks; and

WHEREAS, impaired driving remains a leading cause of traffic fatalities in the United States, and specifically drug-impaired driving is a significant and growing traffic safety issue¹ with polysubstance use on the rise; and

WHEREAS, a 2022 National Highway Traffic Safety Administration (NHTSA) study found that 56% of seriously or fatally injured road users tested positive for one or more drugs, with cannabinoids (active THC) being the most common (25.1%), followed by alcohol (23.1%), stimulants (10.8%), and opioids (9.3%). Nearly 20% tested positive for multiple substances;² and

WHEREAS, drug-impaired drivers are less frequently detected³, prosecuted⁴, or referred to treatment⁵ compared to alcohol-impaired drivers; and

¹ National Transportation Safety Board (NTSB). (2023, January 12). *Impairing substances increasingly present in fatal crashes, NTSB finds*. <https://www.nts.gov/news/press-releases/Pages/NR20230112.aspx>

² Thomas, F. D., Darrah, J., Graham, L., Berning, A., Blomberg, R., Finstad, K., Griggs, C., Crandall, M., Schulman, C. Kozar, R., Lai, J., Mohr, N., Chenoweth, J., Cunningham, K., Babu, K., Dorfman, J., Van Heukelom, J., Ehsani, J., Fell, J., ... & Moore, C. (2022, December). *Drug prevalence among seriously or fatally injured road users* (Report No. DOT HS 813 399). National Highway Traffic Safety Administration.

³ National Institute of Justice. (2021). *Drug-impaired driving: Panel points to priority needs for addressing enforcement challenges*. U.S. Department of Justice. <https://nij.ojp.gov/topics/articles/drug-impaired-driving-panel-points-priority-needs-addressing-enforcement-challenges>

National Conference of State Legislatures. (2023). *Drugged driving and marijuana-impaired driving*. <https://www.ncsl.org/transportation/drugged-driving-marijuana-impaired-driving>

⁴ Vineburgh, J., Ghosh, M., Salomonsen-Sautel, S., & Masten, S. V. (2024). Conviction rates and toxicology results among THC-positive and alcohol-impaired drivers in Colorado, 2020. *Traffic Injury Prevention, 25*(1), 50–57. <https://doi.org/10.1080/15389588.2024.2001234>

⁵ Substance Abuse and Mental Health Services Administration. (2012). *Treatment referral source: Admissions aged 12 and older, by treatment referral source and detailed criminal justice referral according to primary substance of abuse: 2012* [Data table]. TEDS.

WHEREAS, the legalization and decriminalization of certain substances at the state level, such as cannabis, while still prohibited federally, have created legal ambiguities and enforcement challenges for sheriffs' offices nationwide; and

WHEREAS, law enforcement officers face heightened risks from individuals impaired by substances during traffic stops, arrests, and other interactions; and

WHEREAS, the detection and evaluation of impairment, particularly with non-alcohol substances, requires advanced training (e.g., SFST, ARIDE, DRE, etc.), tools, and resources which are not uniformly available across all jurisdictions; and

WHEREAS, the protection of communities and the integrity of law enforcement depend upon clear policies, comprehensive training, and adequate support to effectively respond to impairing substances; and

WHEREAS, there is a need for national leadership in the U.S. to develop a model framework with exemplary components for statutes and encourage jurisdictions to modify their laws to be more effective when dealing with impairing substances including drugs; and

WHEREAS, impaired driving data should differentiate between drugged driving and alcohol impaired driving to better understand the impact of drugged driving; and

WHEREAS, a 2022 report by the National Transportation Safety Board (NTSB) recommended that states not limit impaired driving charges to a pre-defined list of drugs that cannot keep pace with emerging drugs, but rather they should encompass all substances that impair driving ability;⁶

NOW, THEREFORE, BE IT RESOLVED, the NSA recommends all states, the District of Columbia and territories along with local jurisdictions to adopt impaired driving laws to include any impairing substance including all impairing drugs and enact laws that create additional sanctions when a combination of impairing drugs and alcohol are involved in impaired driving incidents;

BE IT FURTHER RESOLVED, the NSA urges all states to actively support and encourage prosecutors to pursue vigorous enforcement of impaired driving laws. This includes offenses involving any impairing substance or substances, including any impairing drugs, and any combination of impairing drugs and alcohol.

⁶ NTSB Safety Research Report *SRR-22-02: Alcohol, Other Drug, and Multiple Drug Use Among Drivers*, December 13, 2022. Extracted on 8/11/2025 from: <https://www.nts.gov/safety/safety-studies/Documents/SRR2202.pdf>