

# Drug Impaired Driving

Funded by Grants from the Texas Court of Criminal Appeals and Texas Department of Transportation



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## Agenda

- Why is this Topic Important for JPs?
- Useful Resources
- Drug-Driving Background
- Impacts of Drugs on the Human Body
- Impacts of Drugs on Driving
- Duty to Report Blood Alcohol Concentration and Toxicology Tests
- Summary

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Why is this  
topic  
important?

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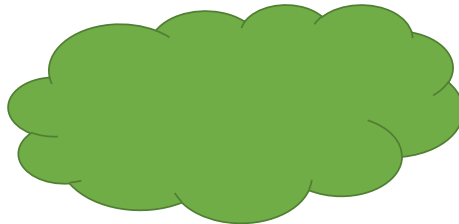


Image Source: <https://pixabay.com/illustrations/question-mark-pile-question-mark-1495858/>

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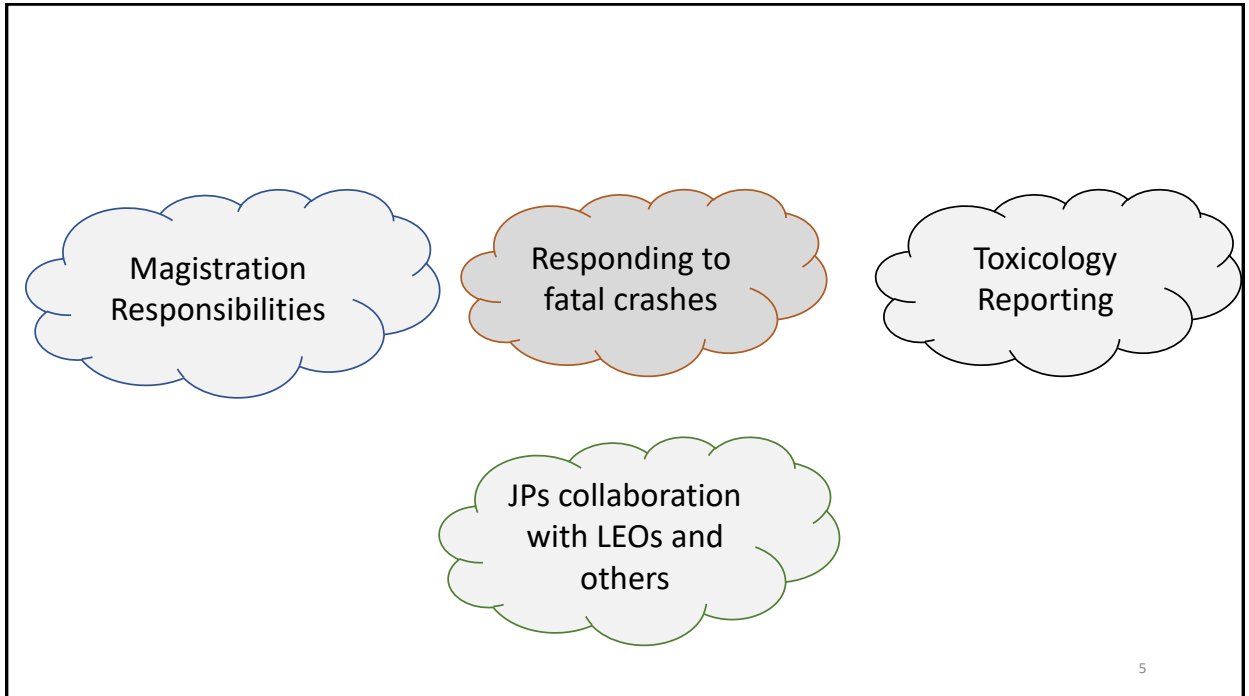
## Thought Question

1. List how drug-impaired driving impacts you as a JP.

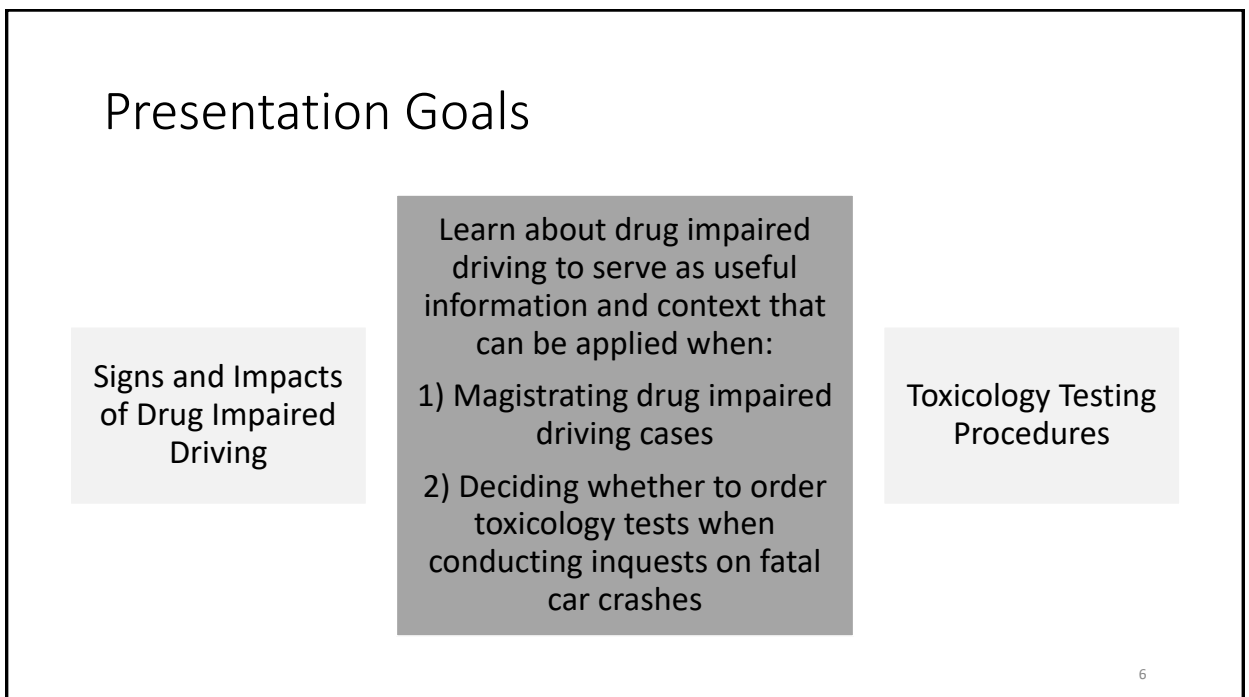


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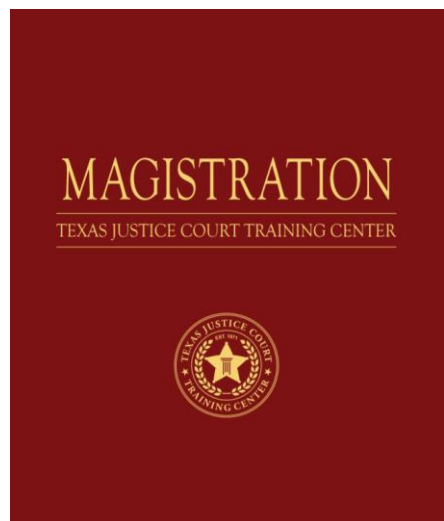
## Useful Resources

Image Source: <https://pixabay.com/vectors/book-books-library-books-reading-2022464/>

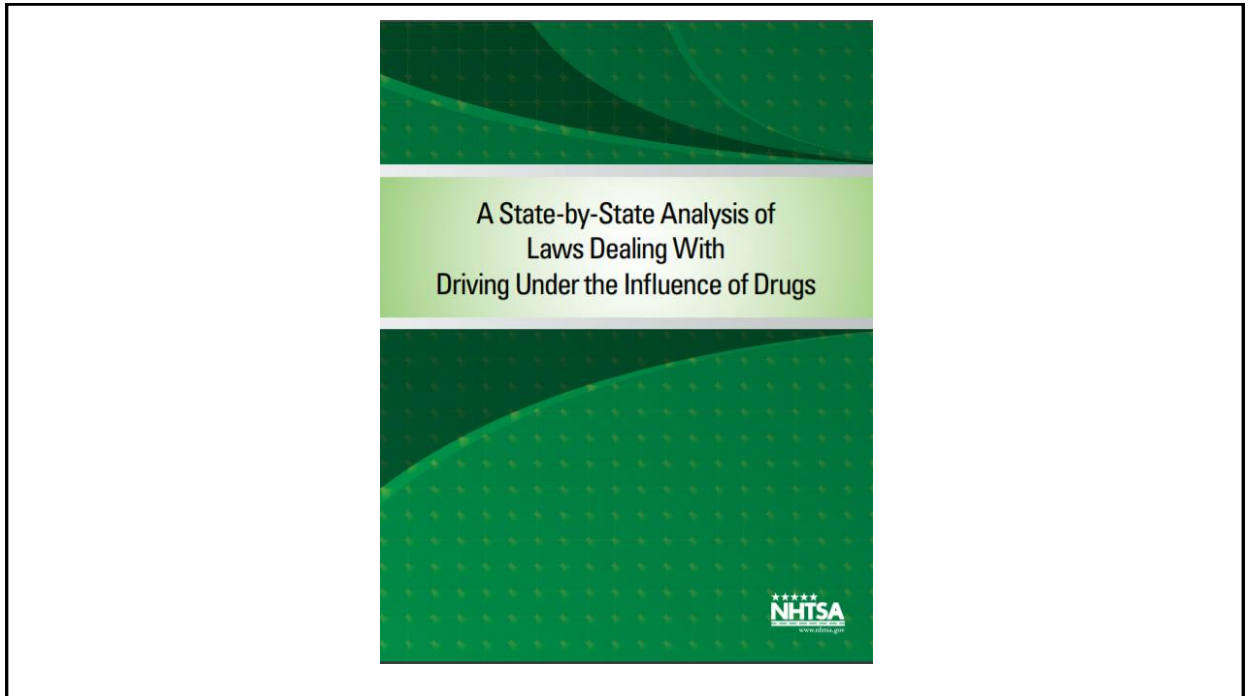
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## TJCTC's Magistration Deskbook

- <https://www.tjctc.org/tjctc-resources/Deskbooks.html>
- Step by step info on magistration duties and procedures.



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## Statutes and Useful Links

- Statutes – <https://statutes.capitol.texas.gov/>
  - Penal Code, Alcoholic Beverage Code, Code of Criminal Procedure
- Useful links – See separate handout.

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Drugged-  
Driving  
Background

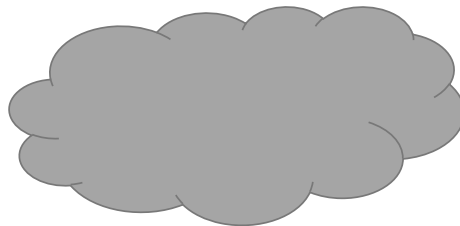
Image Source: <https://pixabay.com/vectors/browser-graphic-flat-design-window-3614768/>

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## Question

1. List what you know about drugged driving laws in Texas.



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No zero tolerance laws

No per se law

Marijuana illegal


Existing DWI laws cover drug-impaired driving

## Drugged-Driving Laws in Texas



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## Drug-Impaired Driving



NOT RECOMMENDED: Impaired Driving Per Se Laws for Marijuana or Opioids

|   | Alcohol  | Marijuana/Opioids  |
|---|---|---|
| Drivers know impairing effects?           | ✓ Drivers can plan with "standard drinks"   | ✗ Dose response is difficult to predict, varies significantly   |
| Correlation with impairment?              | ✓ Presence = impairment   | ✗ Presence ≠ impairment   |
| Measurable at typical time of blood draw? | ✓ Dissipates gradually  | ✗ Dissipates rapidly  |

Source: <https://www.ghsa.org/resources/DUID18>

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## Important Statutes (Penal Code)

- Art. 49.01 (2)(a)
  - Intoxication-"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; OR (b) having an alcohol concentration of .08 or more."
- Art. 49.031
  - Possession of Alcohol in a Vehicle (Class C misdemeanor)
- Art. 49.04
  - DWI (Class A or B misdemeanor depending on circumstances)

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## Important Statutes (Penal Code)

- Art. 49.045
  - DWI with a Child Passenger (State Jail Felony)
- Art. 49.05 – 49.065
  - Flying, Boating, Assembling/operating an amusement ride while intoxicated (Class B misdemeanors)
- Art. 49.07
  - Intoxication Assault (3<sup>rd</sup> Degree Felony)
- Art. 49.08
  - Intoxication Manslaughter (2<sup>nd</sup> Degree Felony)
- Art. 49.09
  - Enhancements of penalties for certain offenses

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## Important Statutes (Alcoholic Beverage Code)

- Section 106.041
  - Driving Under the Influence-Minors (Class C misdemeanor)



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Image Source: <https://pixabay.com/photos/stop-shield-traffic-sign-road-sign-634941/>

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## Data Limitations



There is no good roadside test for drug levels



Police often do not test for drugs



Presence of drug  $\neq$  impairment



Polydrug use



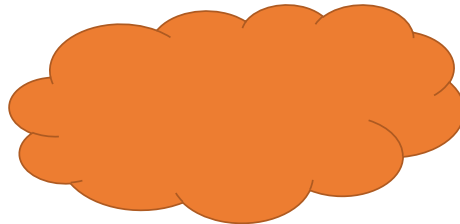
Limited data available on drugged driving

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## Question

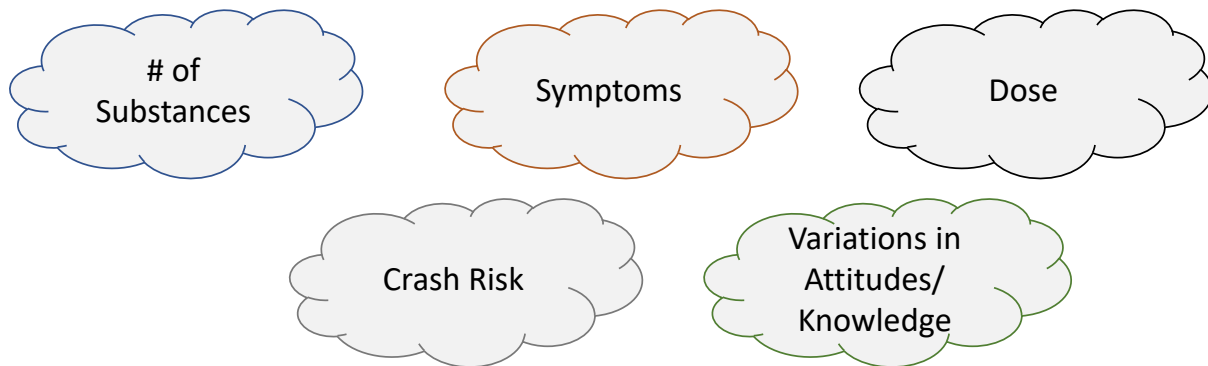
1. List differences between alcohol and drug-impaired driving.



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# Drunk Driving ≠ Drug-Driving



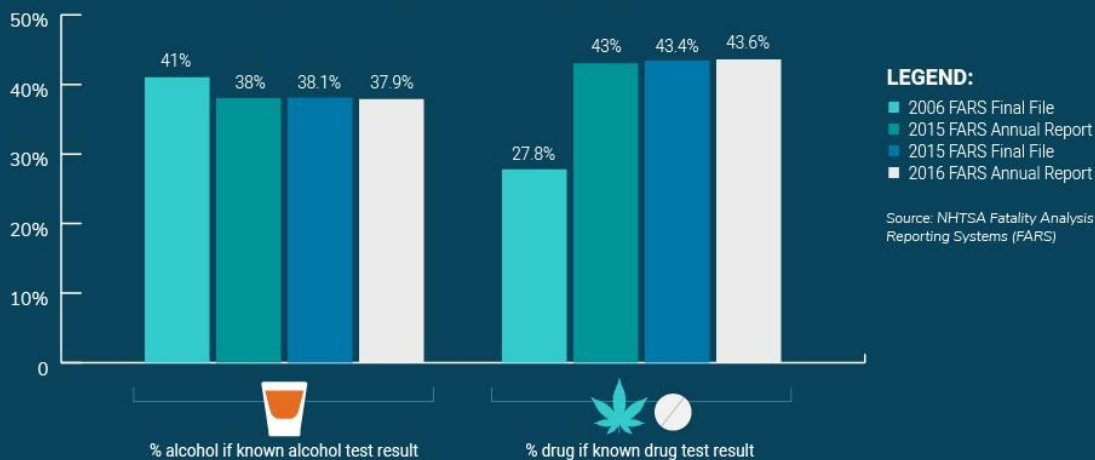
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## Drug-Impaired Driving



### Drug and alcohol, percentage of fatally-injured drivers, known test results



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Source: <https://www.ghsa.org/resources/DUID18>


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### HOW COMMON IS DRUGGED DRIVING?

**In 2017, among people ages 16 or older...<sup>1</sup>**

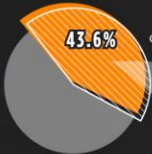


**ALCOHOL**  
21.4 MILLION  
drove after drinking **ALCOHOL**.



**ILLCIT DRUGS**  
12.8 MILLION  
drove after using **ILLCIT DRUGS**.\*

**In 2016, among people killed in driving accidents...<sup>2</sup>**




**43.6%** of drivers who were drug tested and had positive results.

50.5% were positive for two or more drugs  
40.7% were positive for alcohol

\*Illicit drugs = marijuana, cocaine (including crack), heroin, hallucinogens, inhalants, or methamphetamine.

1. Substance Abuse and Mental Health Services Administration. Results from the 2017 National Survey on Drug Use and Health: Detailed Tables. <https://www.samhsa.gov/data/sites/default/files/cbhsq-reports/NSDUHDetailedTabs2017/NSDUHDetailedTabs2017.html#tabid=94A>. Accessed September 24, 2018.

2. Governors Highway Safety Association. Drug-Impaired Driving: Marijuana and Opioids Raise Critical Issues for States | GHSA. <https://www.ghsa.org/resources/DUID16>. Accessed August 20, 2018.



For more information, visit NIDA's Drugged Driving DrugFacts at [drugabuse.gov/publications/drugfacts/drugged-driving](https://drugabuse.gov/publications/drugfacts/drugged-driving).

## National Roadside Study of Alcohol and Drug Use by Drivers

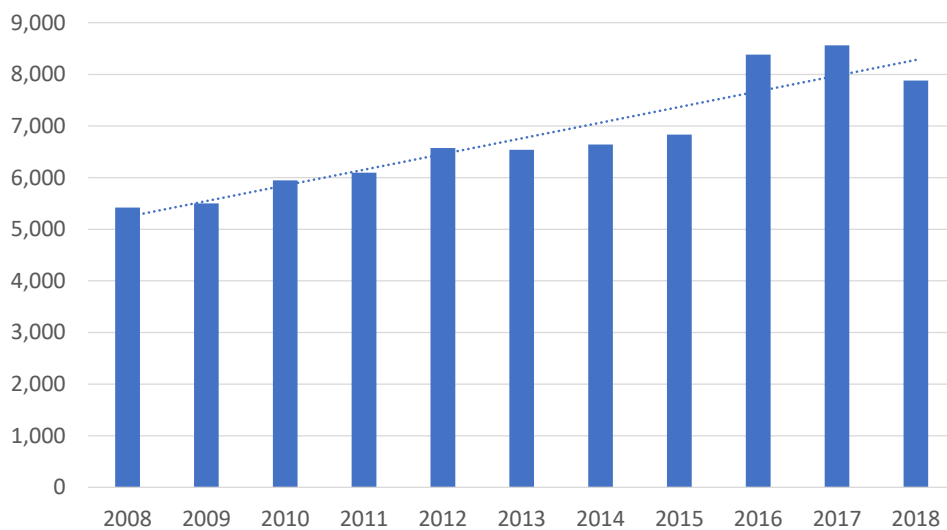
| Drug Category | Percent of Samples 2013-2014 | Percent of Samples 2007 | Difference |
|---------------|------------------------------|-------------------------|------------|
| Illegal Drugs | 15.1%                        | 12.4%                   | 2.7% ↑     |
| Marijuana     | 12.6%                        | 8.6%                    | 4.0% ↑     |
| Medications   | 4.9%                         | 3.9%                    | 1.0% ↑     |

## National Roadside Study of Alcohol and Drug Use by Drivers

- Alcohol Impaired Driving ↓
  - 27.6% decrease in positive BrAC values from 1973 to 2013-2014
- Drug Impaired Driving ↑
  - 1.0% increase in medications from 2007 to 2013-2014
  - 4.0% increase in marijuana from 2007 to 2013-2014
  - 2.7% increase in illegal drugs from 2007 to 2013-2014

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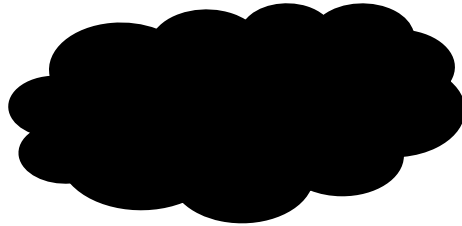
## Drug-Impaired Driving: United States (FARS)



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## Question

1. Based on your experiences, what do you think the top three most commonly reported/consumed drugs are?



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Most Commonly  
Identified Drugs:  
FARS

Cannabinoids

Stimulants

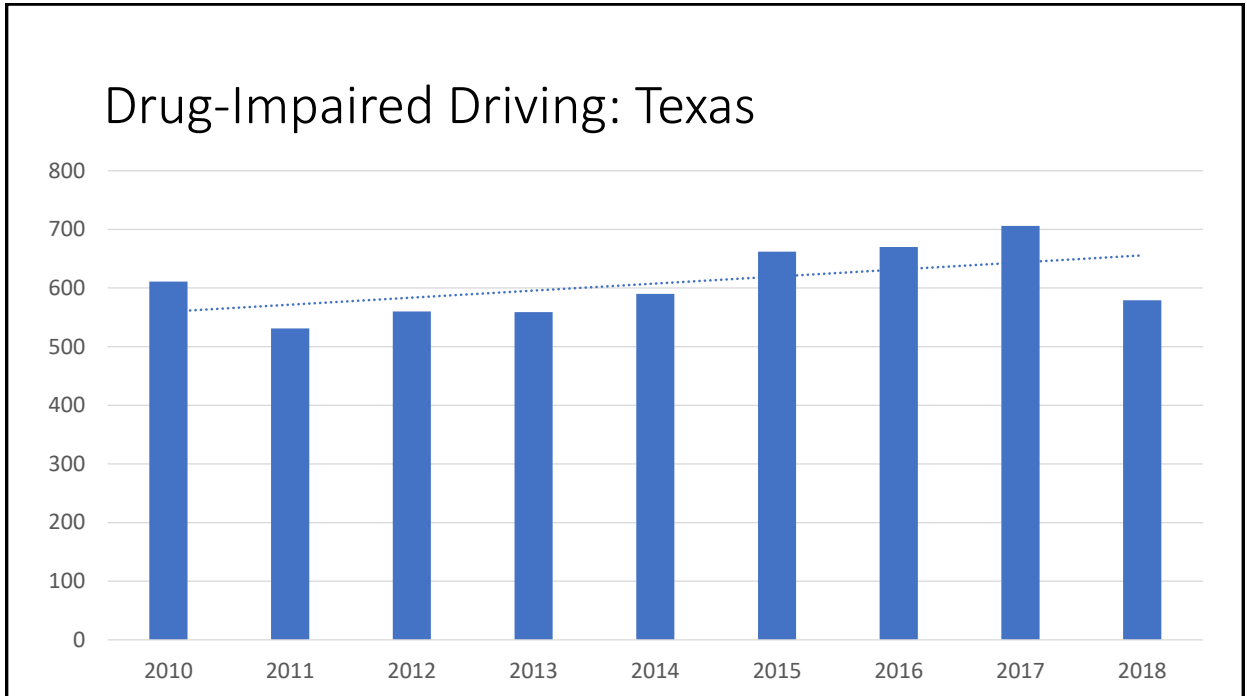
Narcotics

Depressants

Polydrug Use

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## Impacts of Drugs on the Human Body



Source:

<https://www.flickr.com/photos/141696312@N06/39291323500>

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*The dose makes the poison.*

-Paracelsus



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## Important Factors

Substance

Dose

Individual Differences

- Sex/Gender
- Metabolism
- Risk Behaviors

Frequency of Use

- Prior Use
- Acute vs Chronic

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# Marijuana



- **Definition:** Psychoactive flower from the Cannabis sativa and Cannabis indica plants
- **Chemical Name:** Delta-9-tetrahydrocannabinol (THC)
- **Common Names:** Weed, Bud, Kush, Grass, Dro, Shwag, Mary Jane, Green
- **Symptoms:** Memory, Learning, Distorted perception, Difficulty Thinking, Loss of Coordination
- **DRE Symptoms:** Dilated Pupils, Increased Pulse, Elevated Blood Pressure, Lack of Convergence

Image Source: <https://tti.tamu.edu/researcher/tti-investigates-traffic-safety-impacts-of-marijuana-use/>

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# Stimulants



- **Definition:** Designed to increase alertness, attention, and energy
- **Common Stimulants:** Amphetamines (Adderall, Methamphetamine), Cocaine
- **Symptoms:** Increased alertness, attention, blood pressure, heart rate, breathing, Decreased ability to focus
- **DRE Symptoms:** Dilated Pupils, Slow Reaction to Light, Increased Pulse, Elevated Blood Pressure, Increased Temperature, Rigid Muscle Tone

Image Source: <https://teens.drugabuse.gov/drug-facts/prescription-stimulant-medications-amphetamines>

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## Depressants



- **Definition:** Cause depression of the central nervous system (brain and spinal cord)
- **Common Depressants:** Alcohol, Barbiturates (Barbs, Phennies), Benzodiazepines (Benzos, 4 bars, bars) , sleep medications (Ludes, Roofies), Heroin, Inhalants, Ketamine
- **Symptoms:** Feel relaxed, reduced alertness, reduced heart rate, reduced breathing, drowsiness
- **DRE Symptoms:** Slow Reaction to Light, Decreased Pulse, Decreased Blood Pressure, Flaccid Muscle Tone, HGN , VGN, Lack of Convergence

Image Source: <https://adf.org.au/drug-facts/depressants/>

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## Opioids



- **Definition:** Designed to relax the body and relive pain
- **Common Opioids:** Oxycodone, Hydrocodone, Fentanyl, Heroin
- **Symptoms:** Problems with memory, problems with learning, distorted perception, difficulty thinking, loss of coordination
- **DRE Symptoms:** Constricted Pupils, Decreased Pulse, Decreased Blood Pressure, Reduced Body Temperature, Flaccid Muscle Tone

Image Source: <https://www.health.mil/~media/Images/MHS/Photos/Opioid%20therapy.ashx>

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TOP STORIES

## Tyler man accused of manslaughter in motorcycle wreck went 78 MPH down Broadway, opioids in system



Source: <https://www.easttexasmatters.com/news/top-stories/tyler-man-accused-of-manslaughter-in-motorcycle-wreck-went-78-mph-down-broadway-opioids-in-system/>

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## Polydrug Use

- Definition: Two or more drugs being used in combination
- Common Opioids: Most commonly alcohol plus another drug



Source: <https://www.cdc.gov/hiv/risk/substanceuse.html>

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# TRIPS/T

## Guide to Drug Combinations

Source:  
[https://en.wikipedia.org/wiki/File:Combo\\_2.png](https://en.wikipedia.org/wiki/File:Combo_2.png)


Version 4.0  
Generated on 17 Nov 2019 at 12:15 UTC

|                    |                       |                     |         |        |           |
|--------------------|-----------------------|---------------------|---------|--------|-----------|
| ↑                  | ⊙                     | ↓                   | ⚠       | ☠      | ✘         |
| Low Risk & Synergy | Low Risk & No Synergy | Low Risk & Decrease | Caution | Unsafe | Dangerous |

| Alcohol | GHB/GBL | Opioids | Tramadol | Benzodiazepine | MAOIs | SSRIs |              |
|---------|---------|---------|----------|----------------|-------|-------|--------------|
| ↓       | ↓       | ⊙       | ☠        | ↓              | ↓     | ↓     | LSD          |
| ↓       | ↓       | ⊙       | ☠        | ↓              | ↑     | ↓     | Mushrooms    |
| ↓       | ↓       | ⊙       | ☠        | ↓              | ↑     | ↓     | DMT          |
| ↓       | ↓       | ⊙       | ☠        | ↓              | ⚠     | ↓     | Mescaline    |
| ↓       | ↓       | ⊙       | ☠        | ↓              | ⚠     | ↓     | DOx          |
| ↓       | ↓       | ⊙       | ☠        | ↓              | ⚠     | ↓     | NBOMes       |
| ↓       | ↓       | ⊙       | ☠        | ↓              | ⚠     | ↓     | 2C-x         |
| ↓       | ↓       | ⊙       | ☠        | ↓              | ⚠     | ↓     | 2C-T-x       |
| ↓       | ↓       | ⊙       | ☠        | ↓              | ✘     | ↓     | 5-MeO-xxT    |
| ↑       | ↑       | ↑       | ↑        | ↓              | ↑     | ⊙     | Cannabis     |
| ✘       | ✘       | ✘       | ✘        | ⚠              | ⚠     | ⊙     | Ketamine     |
| ✘       | ✘       | ✘       | ✘        | ⚠              | ☠     | ⚠     | MXE          |
| ✘       | ✘       | ✘       | ✘        | ⚠              | ✘     | ✘     | DXM          |
| ⚠       | ⚠       | ⚠       | ⚠        | ↓              | ⊙     | ⊙     | Nitrous      |
| ⚠       | ⚠       | ⚠       | ✘        | ↓              | ✘     | ⊙     | Amphetamines |
| ⚠       | ⚠       | ⊙       | ✘        | ↓              | ✘     | ↓     | MDMA         |
| ☠       | ⚠       | ✘       | ✘        | ↓              | ✘     | ⊙     | Cocaine      |
| ⊙       | ⊙       | ⊙       | ⊙        | ↓              | ⊙     | ⊙     | Caffeine     |

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## Impacts of Drugs on Driving

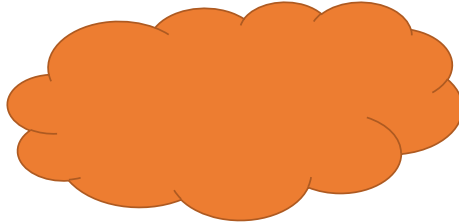


Source: <https://www.google.com/url?sa=i&source=>

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## Question

1. List a few impacts drugs may have on driving based on the symptoms and impacts we just discussed.



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## Potential Impacts of Drugs on Driving

A light blue cloud shape with a scalloped edge, containing the text "Ability to control a vehicle".

Ability to  
control a  
vehicle

An orange cloud shape with a scalloped edge, containing the text "Speed? Fast? Too Slow?".

Speed? Fast?  
Too Slow?

A light grey cloud shape with a scalloped edge, containing the text "Stay in lane".

Stay in lane

A light grey cloud shape with a scalloped edge, containing the text "Stop on time".

Stop on time

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Source: <https://www.flickr.com/photos/141696312@N06/44568898230>

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## Impacts of Drugs on Driving

### WHAT ARE EFFECTS OF DRUGS ON DRIVING?

Driving under the influence of drugs affects you and everyone around you.



#### **MARIJUANA**

Slows reaction time and impairs judgment of time and distance



#### **METHAMPHETAMINE OR COCAINE**

Aggressive and reckless behaviors



#### **OPIOIDS**

Drowsiness and impaired memory and thinking skills



#### **SEDATIVES**

(benzodiazepines, barbiturates, etc.)  
Dizziness and drowsiness



For more information, visit NIDA's Drugged Driving DrugFacts at [drugabuse.gov/publications/drugfacts/drugged-driving](https://www.drugabuse.gov/publications/drugfacts/drugged-driving).

Source: <https://www.drugabuse.gov/related-topics/trends-statistics/infographics/drugged-driving>

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## Marijuana's Impact on Driving

Road tracking

Brake latency

Ability to gauge time & distance

Ability to recognize lights

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## Marijuana's Impact on Driving (Continued)

Divided attention tasks

Ability to pass

Ability to maintain headway

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## Stimulant's Impact on Driving

Impact on  
motor &  
cognitive  
skills

Reduced  
ability to  
focus

Reduced  
balance &  
coordination

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## Stimulant's Impact on Driving (Continued)

Increased  
confidence  
in driving  
skills

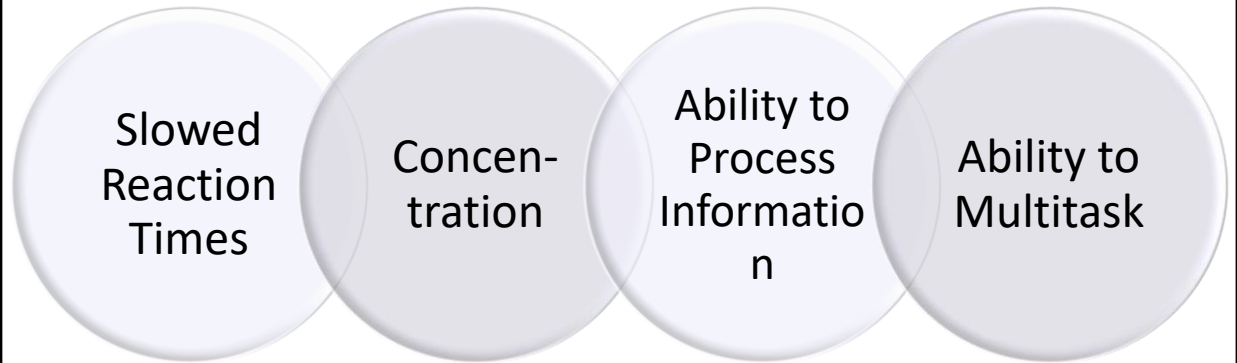
Increased  
risk taking

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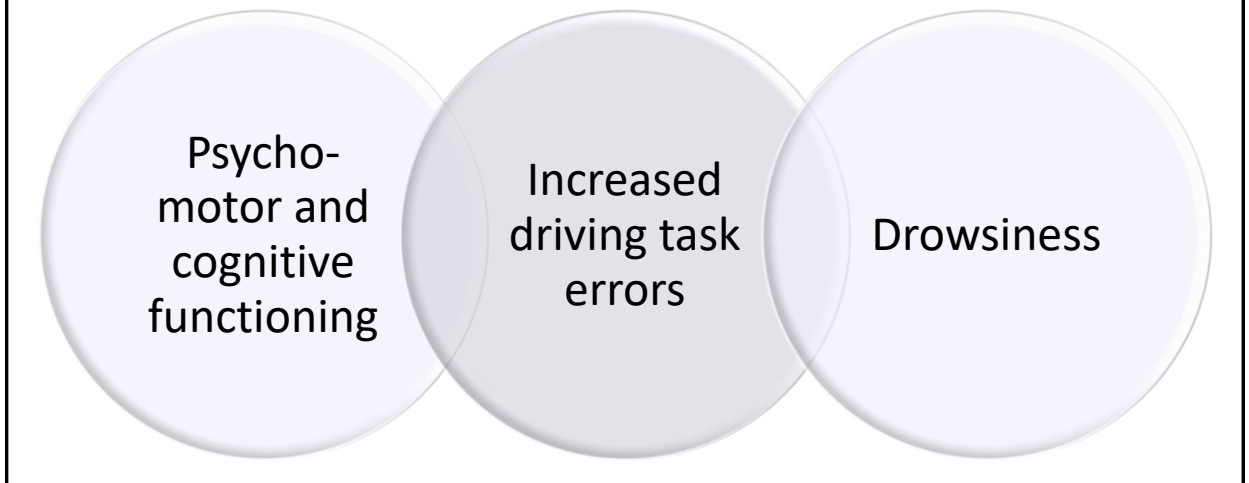


## Depressant's Impact on Driving



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## Opioid's Impact on Driving



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## Polydrug Use and Driving

| Risk Level | Relative Risk | Drug Category                    |
|------------|---------------|----------------------------------|
| Slightly   | 1-3           | Marijuana                        |
| Medium     | 2-10          | Benzodiazepines; Cocaine; Opioid |
| High       | 5-30          | Amphetamines; Multiple drugs     |
| Extreme    | 20-200        | Alcohol with drugs               |
| Extreme    | 40*           | Alcohol                          |

\*adapted from Shulze et al., 2012; Griffiths, 2014; GHSA A Guide for States

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## Duty to Report Blood Alcohol Concentration and Toxicology Tests

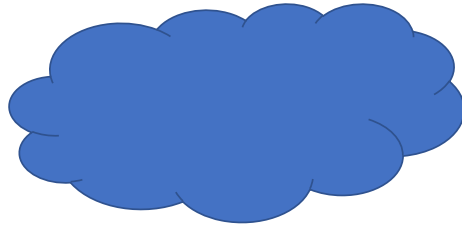


Source: <https://pixabay.com/illustrations/list-icon-symbol-paper-sign-flat-2389219/>

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## Question

1. List a few reasons why Toxicology/BAC reporting is important.



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## Importance of Toxicology/BAC Reporting

Required of  
JPs & MEs in  
Texas

Drug-Driving  
Statistics

Identifying  
Trends

Resource  
Allocation

Crashes/  
Transportation  
Safety

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# Texas Laws Related to BAC Testing and Reporting

- Reporting toxicology results for fatal crashes to the Texas Department of Transportation (TxDOT)'s Crash Records Section (TxDOT- CRS) is a STATUTORY requirement

**Transportation Code 550.081 (b)**

**Texas Code of Criminal Procedure  
Chapter 49**

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Crash Data and Analysis Section, Fatality Analysis Reporting System  
**DEATH / TOXICOLOGY REPORT**  
 (Medical Examiner / Justice of the Peace)  
 Form CR-1001  
 (Rev. 11/16)  
 Page 1 of 1

Indicate whether this is...  an Initial Report or...  a Supplemental Report

Reporting Agency:

Name of Person Submitting Report:

**DEATH DATA**

Underlying Cause: An underlying cause of death was due to (or was a likely consequence of):  
 Motor Vehicle Crash  Bridge Collapse

Deceased Role:  Driver  Passenger  Pedestrian  Pedalcyclist

Name of Deceased:  
 Last:   
 First:   
 Middle:

Date of Death:

Date of Crash:

County Name:  City Name (if known):   
(where crash occurred) (where crash occurred)

Crash/Bridge Location:   
(size/weight or toll-long)

**TOXICOLOGY DATA**

| Test Type        | Alcohol Results (%)                       | Drugs Found (List name of drug)           |
|------------------|---|---|
| Whole Blood:     | <input style="width: 100%;" type="text"/> | <input style="width: 100%;" type="text"/> |
| Urine:           | <input style="width: 100%;" type="text"/> | <input style="width: 100%;" type="text"/> |
| Vitreous:        | <input style="width: 100%;" type="text"/> | <input style="width: 100%;" type="text"/> |
| Other Test Type: | <input style="width: 100%;" type="text"/> | <input style="width: 100%;" type="text"/> |
| Not Tested:      | <input style="width: 100%;" type="text"/> | <input style="width: 100%;" type="text"/> |


Check if toxicological test results are not available at this time and supplemental report will be filed later.

Name of laboratory, medical examiner's office, or other facility that conducted toxicology testing:

Mail to: Texas Department of Transportation — or — Email to: TRF\_FatalityData@txdot.gov  
 Traffic Operations Division - Crash Data and Analysis Section  
 PO Box 149349  
 Austin, TX 78714

Questions? Call: 844/274-7457 — or — Submit by e-mail by clicking on the button below.

TxDOT CR-1001 –  
 Death/Toxicology  
 Report  
 (ME/JP)



**Save a Life**  
 Texas Department of Transportation

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## Ways To Report

- TxDOT CR-1001 – Death/Toxicology Report (Medical Examiner/Justice of the Peace)
- Send full autopsy and/or toxicology results
- In-house generated form/database, approved by TxDOT
- ***TxDOT's preferred method is to receive the CR-1001 with the full autopsy and/or full toxicology results***

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**BLOOD ALCOHOL CONCENTRATION TOXICOLOGY REPORTING IN TEXAS**

**WHY TO REPORT**

In 2017, Texas had 1,235 fatal crashes involving a person that was driving under the influence of alcohol. A total of 1,602 people were killed in those crashes with another 15,730 injured. One death is too many, and improving Blood Alcohol Concentration Toxicology Reporting is not only a duty to Justices of the Peace, but is a step in the direction toward more impactful motor-vehicle deaths in the state of Texas.

**DUTY TO REPORT**

Justices of the Peace have a duty to report toxicology results for fatal crashes to the Texas Department of Transportation (TxDOT)'s Crash Records Section (TxDOT-CRS). This is a **STATUTORY** requirement based on Transportation Code §501.081.

**WAYS TO REPORT**

The ways to report are:

- TxDOT CR-1001 – Death/Toxicology Report (Medical Examiner/Justice of the Peace)
- Send full autopsy and/or toxicology results – TxDOT's preferred method
- In-house generated form/database – approved by TxDOT

**WHEN TO REPORT**

The report should be submitted before the 11th day of each calendar month and include:

- 1) the name of the decedent and a statement as to whether the decedent was:
  - a) the operator of or a passenger in a vehicle involved in the accident; or
  - b) a pedestrian or other non-occupant of a vehicle;
- 2) the date of the accident and the name of the county in which the accident occurred, and, if a bridge collapse, the location of the bridge in that county;
- 3) the name of any laboratory, medical examiner's office, or other facility that conducted toxicological testing relative to the decedent; and
- 4) the results of any toxicological testing that was conducted.

**STATISTICS**

TEXAS 2017

Driving Under the Influence

1,235 FATAL CRASHES

1,402 FACILITIES

15,730 INJURIES

**WHERE TO REPORT**

**MAILING ADDRESS:**  
Texas Department of Transportation  
Traffic Operations Division  
Crash Data & Analysis Section  
P.O. Box 140369  
Austin, Texas 78714

**FAX NUMBER:**  
512-485-5794

**EMAIL ADDRESS:**  
TRF\_Patunity@texasdot.gov

**QUESTIONS:**  
844-274-7577  
Crash Records Information System (CRIS) Help Desk

Save a Life CADES

## Quick Reference Guide to Blood Alcohol Concentration Reporting in Texas

Available for Download at:

<https://www.texasimpaireddrivingtaskforce.org/resources/>

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## Summary

- While alcohol-impaired driving is decreasing, drug-impaired driving crashes are increasing
  - Impairment=Impairment
- Drugs can impact driving ability and increase crash risk
  - Effects of drugs vary widely across drug categories
- Reporting and data are vital for impaired driving research and prevention
  - What can you do?

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## Acknowledgements

- Funded by Grants from the Texas Court of Criminal Appeals and Texas Department of Transportation



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## Contact Information



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979-317-2542

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## References

1. Adrian, M. (2015). What the History of Drugs Can Teach Us About the Current Cannabis Legalization Process: Unfinished Business. *Substance use & misuse*, 50(8-9), 990-1004.
2. Anderson, B. M., Rizzo, M., Block, R. I., Pearson, G. D., & O'Leary, D. S. (2010). Sex differences in the effects of marijuana on simulated driving performance. *Journal of psychoactive drugs*, 42(1), 19-30.
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