



## SUBSTANCE IMPAIRED DRIVING

# Use of Oral Fluid to Detect Drugged Drivers

## A Toolkit for Lawmakers, Toxicologists & Criminal Justice Professionals

### To curb drugged driving, police may need to collect better physical evidence

A motorist may drive like she is impaired, and once pulled over she may show signs and symptoms of drug impairment. Unfortunately, with most states relying on blood samples to prove the presence of potentially impairing drugs in the bodies of suspected drugged drivers, samples are typically collected 2-2.5 hours after the initial traffic stop. By then, some drugs are quickly processed by the body to the point that lab testing may find only trace amounts if any at all.

**Why it matters:** Oral fluid is equally as strong a sample as blood in all the ways that matter to the toxicologists who analyze them in laboratories. Unlike blood, oral fluid can be easily collected at the roadside very close to when a suspect was driving and thought to be under the influence of one or more drugs.

**Reality check:** While nearly two dozen states have legalized collecting oral fluid for use in impaired driving investigations, very few (only three as of 2022) do it in practice.

- Lawmakers and police officers are faced with misinformation about the value and reliability of using oral fluid in impaired driving investigations.
- Some stakeholders are confused about using oral fluid for screening on the roadside versus testing in a laboratory, what the results mean, and how those results can be used.

**AAA action:** Detailed expert guidance and new tools to help curb drugged driving are now available at no charge to any stakeholders who need them. The report and supportive toolkit were explicitly designed to assist policymakers, the criminal justice system (i.e., prosecutors, law enforcement) and toxicology laboratory staff when starting or expanding an oral fluid program to detect drugged drivers.

#### [Detailed Guidance Report](#)

- The material in this report is compiled from numerous scientific and legal sources and will be periodically updated with new scientific literature, legal decisions, and policy developments.
- With the expansion of roadside drug screening and laboratory testing programs in U.S. jurisdictions— at the local, county, agency, and/or state level—lessons learned regarding what works and how best to address common barriers and challenges can inform future efforts.

#### [Quick Reference Handout](#)

- This is a two-page executive summary handout highlighting key information of importance pulled from the detailed guidance report.
- Highlighted content includes differences between screening and testing when using oral fluid in impaired driving investigations; when police officers should collect oral fluid during an investigation; important terms and studies.

#### [Law Enforcement Pocket Card](#)

- This is a pocket-size reference card for use by police officers. It contains a subset of the content included in the quick reference handout.