



NATIONAL CONFERENCE *of* STATE LEGISLATURES

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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. Ann. § 484C.120	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.
Oklahoma	Oklahoma Stat. Ann. §11-902	Any amount of schedule I controlled substance (as defined by Oklahoma statutes) or metabolites or analogs.
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 2014.