



Senate

General Assembly

File No. 224

February Session, 2024

Substitute Senate Bill No. 424

Senate, April 3, 2024

The Committee on Transportation reported through SEN. COHEN of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT REDUCING THE BLOOD ALCOHOL LIMITS FOR IMPAIRED DRIVING AND BOATING AND STUDYING METHODS TO DETECT CANNABIS-IMPAIRED DRIVING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 14-227a of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective January*
3 *2, 2025*):

4 (a) No person shall operate a motor vehicle while under the influence
5 of intoxicating liquor or any drug or both. A person commits the offense
6 of operating a motor vehicle while under the influence of intoxicating
7 liquor or any drug or both if such person operates a motor vehicle (1)
8 while under the influence of intoxicating liquor or any drug or both, or
9 (2) while such person has an elevated blood alcohol content. For the
10 purposes of this section, "elevated blood alcohol content" means a ratio
11 of alcohol in the blood of such person that is [eight-hundredths] five-
12 hundredths of one per cent or more of alcohol, by weight, except that if
13 such person is operating a commercial motor vehicle, "elevated blood

14 alcohol content" means a ratio of alcohol in the blood of such person that
15 is four-hundredths of one per cent or more of alcohol, by weight, and
16 "motor vehicle" includes a snowmobile and all-terrain vehicle, as those
17 terms are defined in section 14-379. For purposes of this section, section
18 14-227b, as amended by this act, and section 14-227c, (A) "advanced
19 roadside impaired driving enforcement" means a program developed
20 by the National Highway Traffic Safety Administration with the
21 International Association of Chiefs of Police and the Technical Advisory
22 Panel, which focuses on impaired driving enforcement education for
23 police officers, or any successor to such program; (B) "drug influence
24 evaluation" means an evaluation developed by the National Highway
25 Traffic Safety Administration and the International Association of
26 Chiefs of Police that is conducted by a drug recognition expert to
27 determine the level of a person's impairment from the use of drugs and
28 the drug category causing such impairment; (C) "drug recognition
29 expert" means a person certified by the International Association of
30 Chiefs of Police as having met all requirements of the International Drug
31 Evaluation and Classification Program; and (D) "nontestimonial portion
32 of a drug influence evaluation" means a drug influence evaluation
33 conducted by a drug recognition expert that does not include a verbal
34 interview with the subject.

35 Sec. 2. Subsection (n) of section 14-227b of the general statutes is
36 repealed and the following is substituted in lieu thereof (*Effective January*
37 *2, 2025*):

38 (n) For the purposes of this section, "elevated blood alcohol content"
39 means (1) a ratio of alcohol in the blood of such person that is [eight-
40 hundredths] five-hundredths of one per cent or more of alcohol, by
41 weight, (2) if such person is operating a commercial motor vehicle, a
42 ratio of alcohol in the blood of such person that is four-hundredths of
43 one per cent or more of alcohol, by weight, or (3) if such person is less
44 than twenty-one years of age, a ratio of alcohol in the blood of such
45 person that is two-hundredths of one per cent or more of alcohol, by
46 weight.

47 Sec. 3. Subsection (a) of section 14-227m of the general statutes is
48 repealed and the following is substituted in lieu thereof (*Effective January*
49 *2, 2025*):

50 (a) No person shall operate a motor vehicle in which a child under
51 eighteen years of age is a passenger while such person (1) is under the
52 influence of intoxicating liquor or any drug or both, or (2) has an
53 elevated blood alcohol content. For the purposes of this section,
54 "elevated blood alcohol content" means a ratio of alcohol in the blood of
55 such person that is [~~eight-hundredths~~] five-hundredths of one per cent
56 or more of alcohol, by weight, except that if such person is operating a
57 commercial motor vehicle, "elevated blood alcohol content" means a
58 ratio of alcohol in the blood of such person that is four-hundredths of
59 one per cent or more of alcohol, by weight, and if such person is under
60 twenty-one years of age, "elevated blood alcohol content" means a ratio
61 of alcohol in the blood of such person that is two-hundredths of one per
62 cent or more of alcohol by weight; and "motor vehicle" includes a
63 snowmobile and all-terrain vehicle, as those terms are defined in section
64 14-379.

65 Sec. 4. Subsection (a) of section 14-227n of the general statutes is
66 repealed and the following is substituted in lieu thereof (*Effective January*
67 *2, 2025*):

68 (a) (1) No person shall operate a school bus, student transportation
69 vehicle or other motor vehicle specially designated for carrying children
70 while such person (A) is under the influence of intoxicating liquor or
71 any drug or both, or (B) has an elevated blood alcohol content.

72 (2) No person shall operate a school bus, student transportation
73 vehicle or other motor vehicle specially designated for carrying children
74 in which a child under eighteen years of age is a passenger while such
75 person (A) is under the influence of intoxicating liquor or any drug or
76 both, or (B) has an elevated blood alcohol content.

77 (3) For the purposes of this section, "motor vehicle specially
78 designated for carrying children" means any motor vehicle, except for a

79 registered school bus or student transportation vehicle as defined in
80 section 14-212, that is designated or used by a person, firm or
81 corporation for the transportation of children to or from any program or
82 activity organized primarily for persons under the age of eighteen years,
83 with or without charge to the individual being transported, but does not
84 include a passenger motor vehicle normally used for personal, family or
85 household purposes that is operated by a person without a public
86 passenger endorsement; and "elevated blood alcohol content" means a
87 ratio of alcohol in the blood of such person that is [eight-hundredths]
88 five-hundredths of one per cent or more of alcohol, by weight, except
89 that if such person is operating a commercial motor vehicle, "elevated
90 blood alcohol content" means a ratio of alcohol in the blood of such
91 person that is four-hundredths of one per cent or more of alcohol, by
92 weight, and if such person is under twenty-one years of age, "elevated
93 blood alcohol content" means a ratio of alcohol in the blood of such
94 person that is two-hundredths of one per cent or more of alcohol, by
95 weight.

96 Sec. 5. Subsection (d) of section 15-133 of the general statutes is
97 repealed and the following is substituted in lieu thereof (*Effective January*
98 *2, 2025*):

99 (d) No person shall operate a vessel: (1) While under the influence of
100 intoxicating liquor or any drug, or both, or (2) while such person has an
101 elevated blood alcohol content. For the purposes of this section and
102 sections 15-140l and 15-140n, "elevated blood alcohol content" means:
103 (A) A ratio of alcohol in the blood of such person that is [eight-
104 hundredths] five-hundredths of one per cent or more of alcohol, by
105 weight, or (B) if such person is under twenty-one years of age, a ratio of
106 alcohol in the blood of such person that is two-hundredths of one per
107 cent or more of alcohol, by weight. For the purposes of this section and
108 sections 15-132a, 15-140l, 15-140n, 15-140o and 15-140q, as amended by
109 this act, "operate" means that the vessel is underway or aground and not
110 moored, anchored or docked.

111 Sec. 6. Subdivision (4) of subsection (g) of section 15-140q of the

112 general statutes is repealed and the following is substituted in lieu
113 thereof (*Effective January 2, 2025*):

114 (4) At a hearing held under this subsection, the results of the test, if
115 administered, shall be sufficient to indicate the ratio of alcohol in the
116 blood of such person at the time of operation, except that if the results
117 of an additional test, administered pursuant to section 15-140r, indicate
118 that the ratio of alcohol in the blood of such person is [eight-hundredths]
119 five-hundredths of one per cent or less of alcohol, by weight, and is
120 higher than the results of the first test, evidence shall be presented that
121 demonstrates that the test results and analysis thereof accurately
122 indicate the blood alcohol content at the time of operation. The fees of
123 any witness summoned to appear at a hearing under this subsection
124 shall be the same as provided in section 52-260.

125 Sec. 7. Subsection (n) of section 15-140q of the general statutes is
126 repealed and the following is substituted in lieu thereof (*Effective January*
127 *2, 2025*):

128 (n) For the purposes of this section, "elevated blood alcohol content"
129 means: (1) A ratio of alcohol in the blood of such person that is [eight-
130 hundredths] five-hundredths of one per cent or more of alcohol, by
131 weight, or (2) if such person is under twenty-one years of age, a ratio of
132 alcohol in the blood of such person that is two-hundredths of one per
133 cent or more of alcohol, by weight.

134 Sec. 8. Section 38a-498c of the general statutes is repealed and the
135 following is substituted in lieu thereof (*Effective January 2, 2025*):

136 No individual health insurance policy providing coverage of the type
137 specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-469
138 delivered, issued for delivery, amended, renewed or continued in this
139 state shall deny coverage for health care services rendered to treat any
140 injury sustained by any person when such injury is alleged to have
141 occurred or occurs under circumstances in which (1) such person has an
142 elevated blood alcohol content, or (2) such person has sustained such
143 injury while under the influence of intoxicating liquor or any drug or

144 both. For the purposes of this section, "elevated blood alcohol content"
145 means a ratio of alcohol in the blood of such person that is [eight-
146 hundredths] five-hundredths of one per cent or more of alcohol, by
147 weight.

148 Sec. 9. Section 38a-525c of the general statutes is repealed and the
149 following is substituted in lieu thereof (*Effective January 2, 2025*):

150 No group health insurance policy providing coverage of the type
151 specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-469
152 delivered, issued for delivery, amended, renewed or continued in this
153 state shall deny coverage for health care services rendered to treat any
154 injury sustained by any person when such injury is alleged to have
155 occurred or occurs under circumstances in which (1) such person has an
156 elevated blood alcohol content, or (2) such person has sustained such
157 injury while under the influence of intoxicating liquor or any drug or
158 both. For the purposes of this section, "elevated blood alcohol content"
159 means a ratio of alcohol in the blood of such person that is [eight-
160 hundredths] five-hundredths of one per cent or more of alcohol, by
161 weight.

162 Sec. 10. (NEW) (*Effective from passage*) (a) As used in this section, "drug
163 recognition expert" has the same meaning as provided in section 7-
164 294kk of the general statutes and "cannabis" has the same meaning as
165 provided in section 21a-420 of the general statutes.

166 (b) Not later than January 1, 2025, and annually thereafter, the
167 Commissioners of Emergency Services and Public Protection and
168 Transportation shall jointly submit a report, in accordance with the
169 provisions of section 11-4a of the general statutes, to the joint standing
170 committees of the General Assembly having cognizance of matters
171 relating to public safety and security and transportation. Such report
172 shall, at a minimum: (1) note the current number of police officers
173 accredited as drug recognition experts in the state, (2) make
174 recommendations for increasing access to drug recognition expert
175 training for police officers, (3) identify any improvements or
176 technological advancements with regard to roadside screening tests

177 used to detect instances of impaired driving from the use of cannabis,
 178 including the use of oral fluid drug testing, and (4) make
 179 recommendations for implementing any such tests or other strategies
 180 and procedures to reliably and validly detect instances of impaired
 181 driving from the use of cannabis.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 2, 2025</i>	14-227a(a)
Sec. 2	<i>January 2, 2025</i>	14-227b(n)
Sec. 3	<i>January 2, 2025</i>	14-227m(a)
Sec. 4	<i>January 2, 2025</i>	14-227n(a)
Sec. 5	<i>January 2, 2025</i>	15-133(d)
Sec. 6	<i>January 2, 2025</i>	15-140q(g)(4)
Sec. 7	<i>January 2, 2025</i>	15-140q(n)
Sec. 8	<i>January 2, 2025</i>	38a-498c
Sec. 9	<i>January 2, 2025</i>	38a-525c
Sec. 10	<i>from passage</i>	New section

TRA *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 25 \$	FY 26 \$
Judicial Dept. (Probation); Correction, Dept.	GF - Potential Cost	Minimal	Minimal
Resources of the General Fund	GF - Potential Revenue Gain	Minimal	Minimal
Mental Health & Addiction Serv., Dept.	Other Fund - Potential	See Below	See Below

Note: GF=General Fund

Municipal Impact:

Municipalities	Effect	FY 25 \$	FY 26 \$
Various Municipalities	Potential Revenue Gain	See Below	See Below

Explanation

The bill, which reduces the blood alcohol limits for impaired driving and boating, results in a potential cost to the Department of Correction and the Judicial Department for incarceration or probation and a potential revenue gain from fines. On average, the marginal cost to the state for incarcerating an offender for the year is \$3,300¹ while the average marginal cost for supervision in the community is less than

¹Inmate marginal cost is based on increased consumables (e.g., food, clothing, water, sewage, living supplies, etc.). This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

\$800² each year for adults and \$1,000 each year for juveniles. In FY 23, \$756,731 was collected in fines for various impaired driving violations. The bill also necessitates state and local law enforcement agencies to update their policies and training curriculums, but this is not anticipated to result in a fiscal impact.

To the extent the bill increases pretrial impaired driver intervention program referrals and participation, the non-appropriated Pre-Trial account under the Department of Mental Health and Addiction Services (DMHAS) could experience both increased program fee revenue as well as increased costs for participants for whom program fees are waived. For context, the evaluation fee is \$150 per person and the alcohol education component program fee is \$400.

Section 10 of the bill requires the Commissioners of Emergency Services and Public Protection and Transportation to report annually on issues related to drug recognition experts and roadside cannabis testing efforts, which does not result in a fiscal impact because this is within the expertise of both departments.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

²Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

OLR Bill Analysis**sSB 424*****AN ACT REDUCING THE BLOOD ALCOHOL LIMITS FOR IMPAIRED DRIVING AND BOATING AND STUDYING METHODS TO DETECT CANNABIS-IMPAIRED DRIVING.*****SUMMARY**

This bill lowers the general blood alcohol content (BAC) per se limit for impaired driving and boating from 0.08% to 0.05%. This limit applies to both (1) criminal driving under the influence (DUI) and impaired boating statutes and (2) administrative license suspension for DUI (referred to as “administrative per se”) and impaired boating.

By law, people who drive a motor vehicle or operate a boat while their BAC equals or exceeds the per se limit are considered to be driving or boating with an “elevated BAC,” which is illegal in and of itself, regardless of a person’s impairment. The general per se limit applies in most cases, but a lower limit applies to people who are (1) driving a commercial vehicle (0.04%) or (2) driving or operating a boat under age 21 (0.02%).

The bill also requires the departments of transportation and emergency services and public protection to jointly report annually to the Transportation and Public Safety committees on drug recognition experts (DRE) and cannabis impairment testing, starting by January 1, 2025. At a minimum, the report must include the following information:

1. the current number of police officers accredited as DREs in the state;
2. improvements or technological advancements related to roadside screening for detecting cannabis-impaired drivers, including oral fluid testing;
3. recommendations to (a) increase police officers’ access to DRE

training and (b) implement any tests, strategies, or procedures to reliably and validly identify instances of impaired driving from cannabis use.

Lastly, the bill makes technical and conforming changes, including updating BAC references in the insurance statutes.

EFFECTIVE DATE: January 2, 2025

BACKGROUND

Related Bill

sSB 423, favorably reported by the Transportation Committee, creates a non-criminal violation for “driving while ability impaired” (i.e., driving with a BAC of at least 0.05% but less than 0.08%), imposes penalties, and requires violators to take an impaired drivers’ retraining program. It also establishes an identical reporting requirement.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 19 Nay 17 (03/18/2024)