



Current Situation:

Drug impaired driving is growing faster than alcohol impairment as a cause of fatalities.

- » Impaired Driving was a cause in over 43% of fatalities, more than 130 fatalities per year, in Nevada between 2016 and 2020.
- » Current law in Nevada requires implied consent for preliminary testing of a person's breath if operating a vehicle on a highway or premises to which the public has access, but there is no provision for use of non-evidentiary or preliminary testing of oral fluid at the roadside akin to the preliminary breath test.

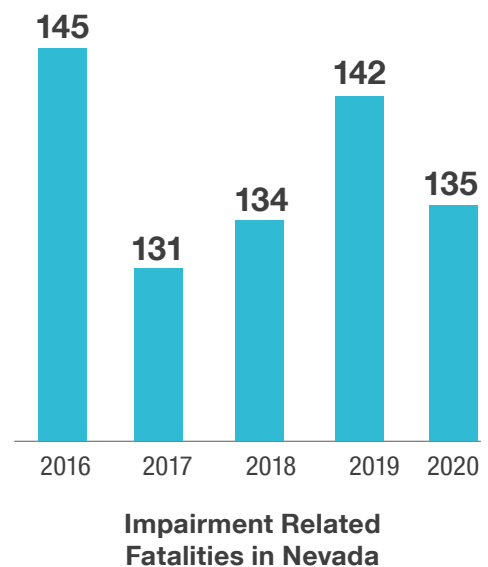
Recommended Solution:

Pass enabling legislation for oral fluid testing for drug impairment testing.

- » There is no provision for use of non-evidentiary or preliminary testing of oral fluid at the roadside akin to the preliminary breath test referenced

Pilot Programs Nationwide

Michigan State Police's oral fluid testing pilot program proved to be successful and they concluded, "Each of the six drug classes demonstrated varied percentages of accuracy when compared to the "Gold Standard," which is a blood test. Oral fluid testing does not equal the "Gold Standard" but has been found to be accurate for purposes of preliminary roadside testing."² Additionally, Alabama has an oral fluid testing program after completing their pilot program and Indiana is using a pilot oral fluid testing program for Drug Recognition Expert (DRE) use only. These testing programs are minimally-invasive and usually take less than five minutes to provide an officer with information.



Source: Fatality Analysis Reporting System (FARS) for 2017-2020, Nevada State Data for 2021

Year	Fatalities			Operators				
	Total Fatalities	Total Substance-Involved Fatalities ³	Percentage of Fatalities that are Substance	Alcohol (0.08 or greater BAC)	Marijuana	Other Drug	Poly-Substance	Any Marijuana (Subset of Poly-Substance)
2017	309	176	56.96%	44	29	12	87	71
2018	329	176	53.50%	39	23	18	94	69
2019	304	166	54.61%	44	30	24	86	85
2020	333	188	56.46%	38	37	13	102	98
2021	384	224	58.33%	47	38	16	114	108

Impacts of Roadside Oral Fluid Testing

In Michigan, roadside oral fluid testing has proven to be accurate for use in impaired driving investigations after an extensive two-part pilot program. The oral fluid test instrument provides the investigating police officer positive or negative results, within five minutes, on recent drug intake. Accuracy in the pilot program measured the percentage of all samples correctly classified by the oral fluid tests, and performs generally around 80% for common drug classes.⁴

References and Additional Resources

- National Highway Traffic Safety Administration (NHTSA)**
<https://www.nhtsa.gov/book/countermesasures/appendix/a6-young-drivers>
- Oral Fluid Roadside Analysis - Pilot Program, Michigan State Police, February 2019**
https://www.michigan.gov/-/media/Project/Websites/msp/reports/Oral_Fluid_Report.pdf?rev=f3f046036bc34e87b8113bced08ea484
- Fatality Analysis Reporting System (FARS) 2016-2019 Final, FARS 2020 ARF, Preliminary State Data (2021)**
<https://www.nhtsa.gov/research-data/fatality-analysis-reporting-system-fars>
- Oral Fluid Roadside Analysis - Pilot Program Phase II, Michigan State Police, January 2021**
https://www.michigan.gov/-/media/Project/Websites/msp/reports/phase_ii_oral_fluid_report.pdf?rev=911dc2c7042d444eb8918395a2211915

Proposed Policy Recommendations for Roadside Drug Impairment Testing:

- 1 Pass and implement oral fluid testing for statewide use in all agencies that wish to use the devices.
- 2 Pass, but limit utilization of the devices to Nevada peace officers who are DREs with current credentials certified by the International Association of the Chiefs of Police (IACP).

For more information contact:

Nevada Advisory Committee on Traffic Safety (NVACTS)
<https://zerofatalitiesnv.com> | zerofatalitiesnv@kimley-horn.com