ROADSIDE ORAL FLUID SCREENING TO DETECT IMPAIRMENT

NATIONAL COUNCIL OF INSURANCE LEGISLATORS
CHARLESTON, SOUTH CAROLINA
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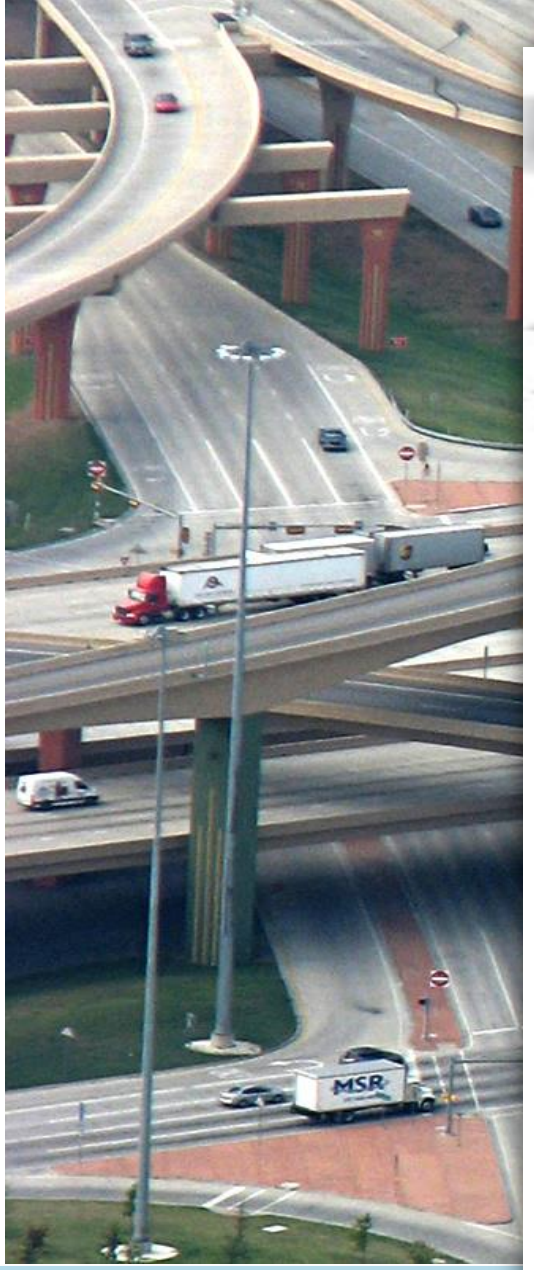
RESPONSIBILITY.ORG

Since 2000…

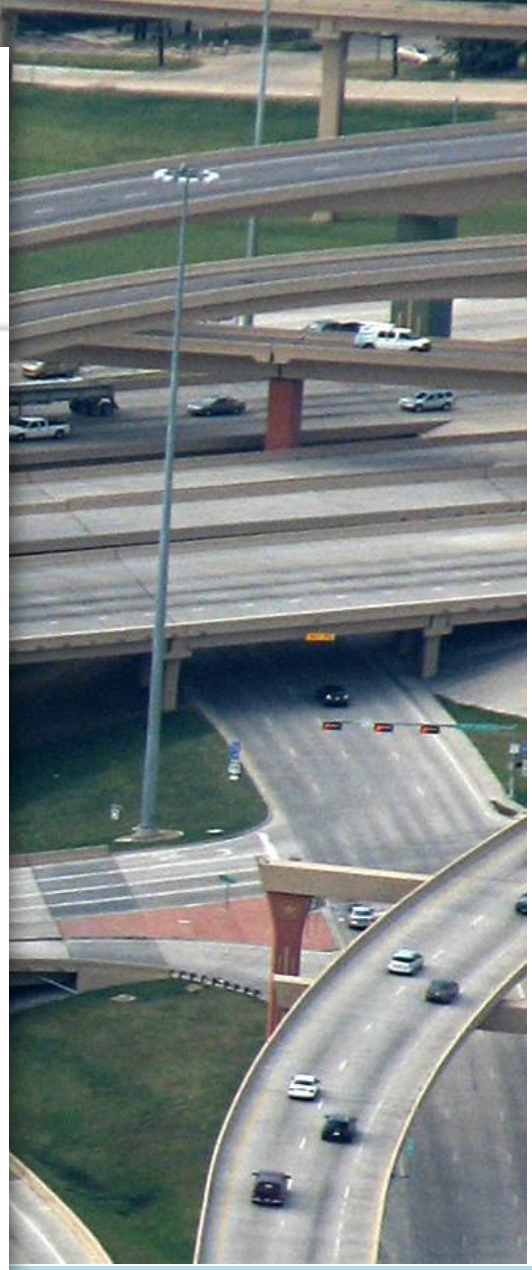
1,000,000 lives lost in car crashes..

500,000 lives lost in WW I and II…



ROADSIDE SURVEYS:

	Weekday Days	Weekend Nights
Tested positive for some drug or medication	22.4%	22.5%
Illegal drugs, including marijuana	12.1%	15.2%
Medication	10.3%	7.3%
Marijuana	11.7%	12.6%
Alcohol	1.1%	8.3%



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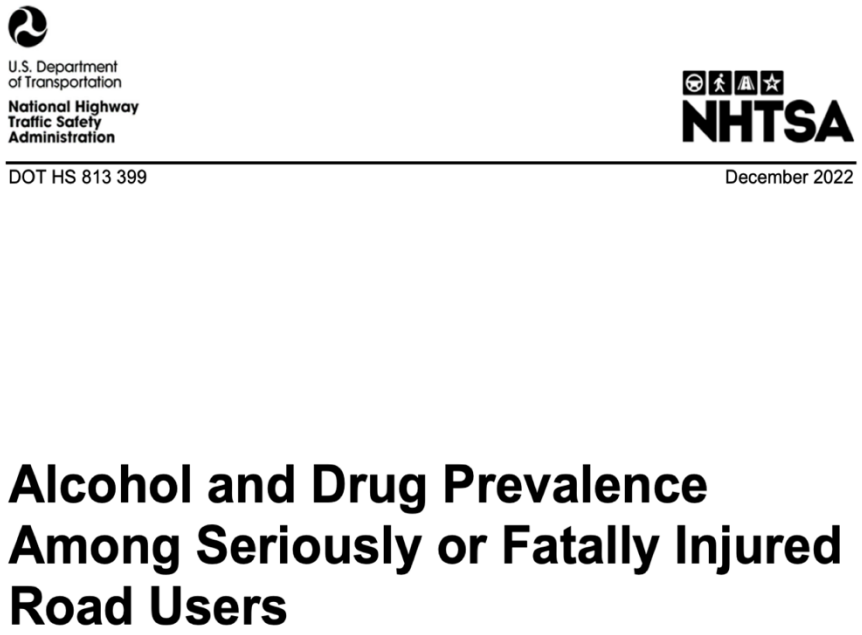
Source: Berning et al. (2015). Results of the 2013-2014 National Roadside Survey of Alcohol and Drug Use by Drivers. DOT HS 812 118.

NHTSA – Alcohol and Drug Prevalence


U.S. Department of Transportation
National Highway Traffic Safety Administration

NHTSA

DOT HS 813 399

December 2022

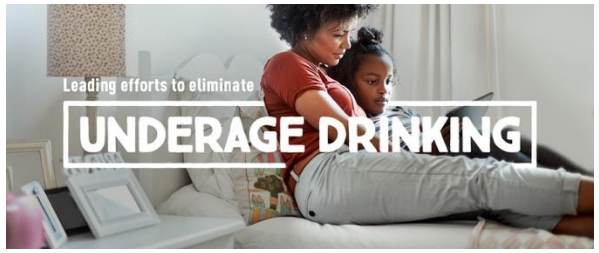
Alcohol and Drug Prevalence Among Seriously or Fatally Injured Road Users

Overall, 55.8% of the injured or killed roadway users tested positive for one or more drugs (including alcohol) on this study's toxicology panel. The most prevalent drug category detected was cannabinoids (active THC) with 25.1% positive, followed by alcohol (23.1%), stimulants (10.8%), and opioids (9.3%).

Responsibility.org

Responsibility.org members have invested nearly $300 million in policy development, educational programs and public awareness campaigns to fight drunk driving and underage drinking.

Leading efforts to eliminate drunk driving and working with others to end all impaired driving.



Leading efforts to eliminate underage drinking.

Empowering adults to make a lifetime of responsible alcohol choices as part of a balanced lifestyle.

National Alliance to Stop Impaired Driving

NASID
National Alliance to Stop Impaired Driving

A coalition established and led by Responsibility.org to eliminate all forms of impaired driving, especially multiple substance impaired driving. www.nasid.org

Our Members

RESPONSIBILITY.ORG
GHSA
SADD
nsc National Safety Council
madd NO MORE VICTIMS
madd No alcohol. No drugs. No victims.
Uber
US CANNABIS COUNCIL
Alkermes
ONUS Free rides for your good times.
Ford Driving Skills FOR LIFE
AAA
Abbott
Intoxalock IGNITION INTERLOCK
Dräger
SMART START

Allied Members

AAMVA American Association of Motor Vehicle Administrators
National Sheriffs' Association
ITSMR
National District Attorneys Association
RADD

WHAT IS ORAL FLUID TESTING?

Lateral Flow Immunoassay(LFA) Technology *Not New*

Pregnancy Testing

Covid Testing

Urine Drug Testing

ORAL FLUID ANALYZERS VS READERS:

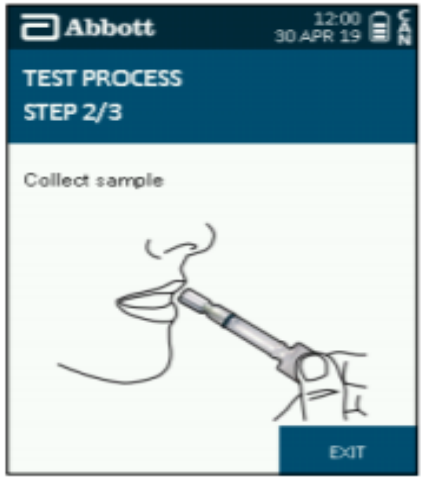
ANALYZERS

VISUALLY READ

1 — COLLECT ORAL FLUID SAMPLE

- Turn on the analyser.
- Unwrap a new collection device and offer it to the donor.

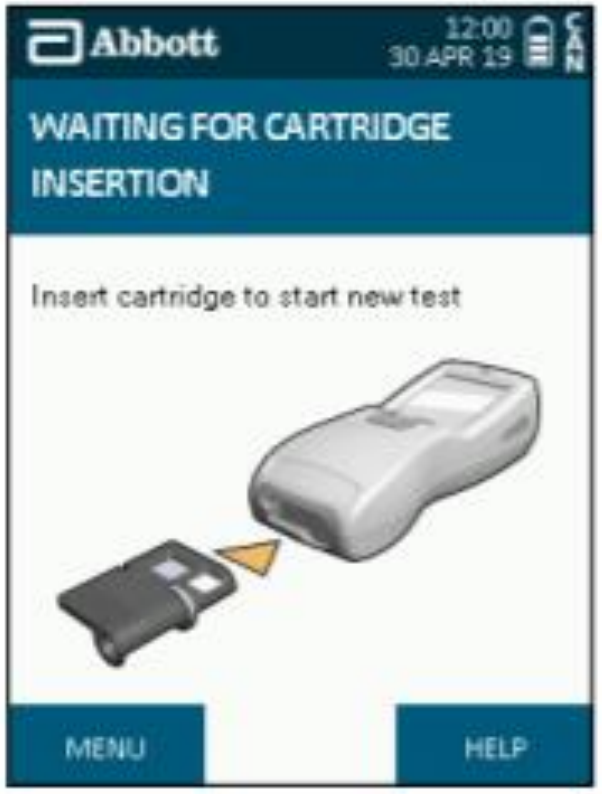
Ensure they hold the collection device by the plastic stem.



- Ask the donor to actively swab the collection device around the mouth until the sample volume adequacy indicator has started to turn blue.
- On average, this takes less than 60 seconds.

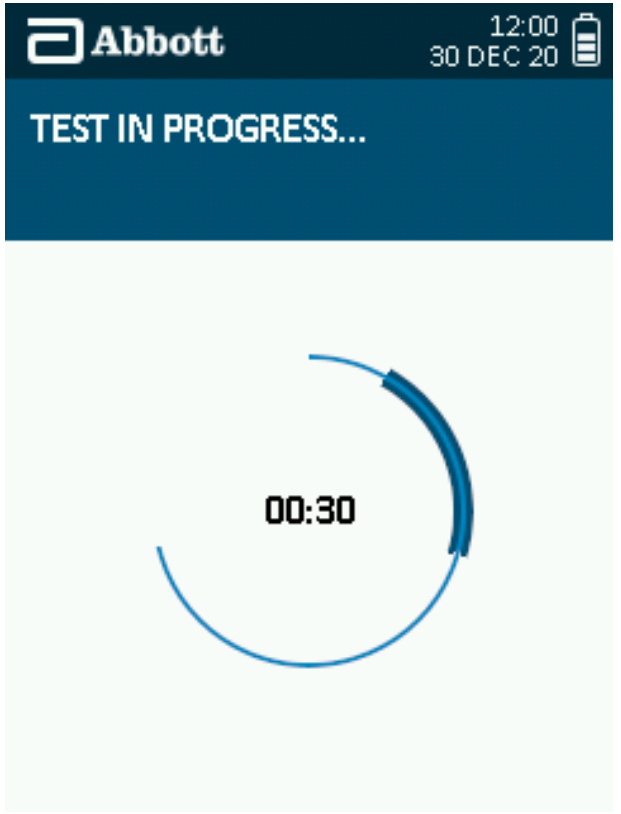
2 - INSERT TEST CARTRIDGE INTO ANALYSER AND SWAB INTO CARTRIDGE FOR SOTOXA – INSERT SWAB INTO ANALYZER FOR THE DRAEGER DEVICE

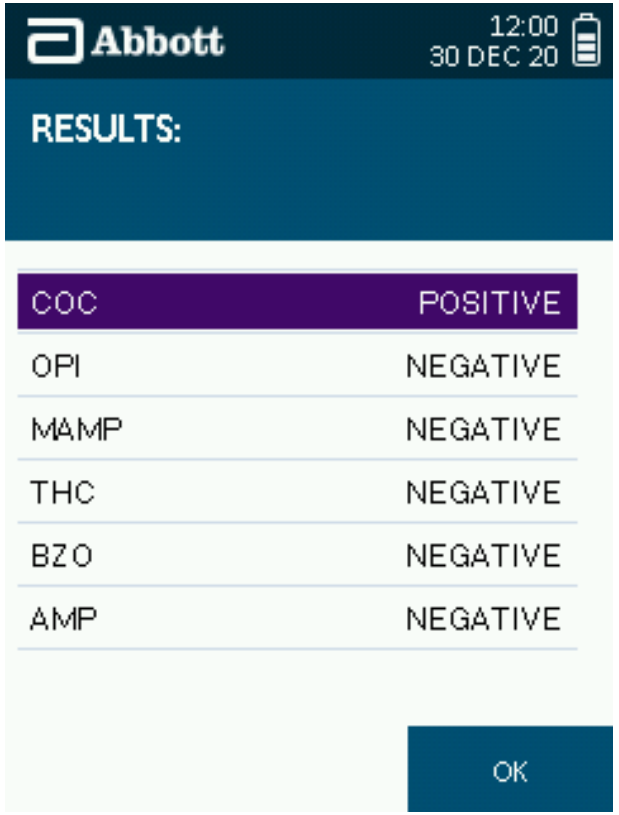
- Check that the silica gel pack is present, intact and yellow. If the silica gel is missing, open or green, discard the test cartridge and start again with a new test cartridge.



3 — Test takes approximately 5 minutes

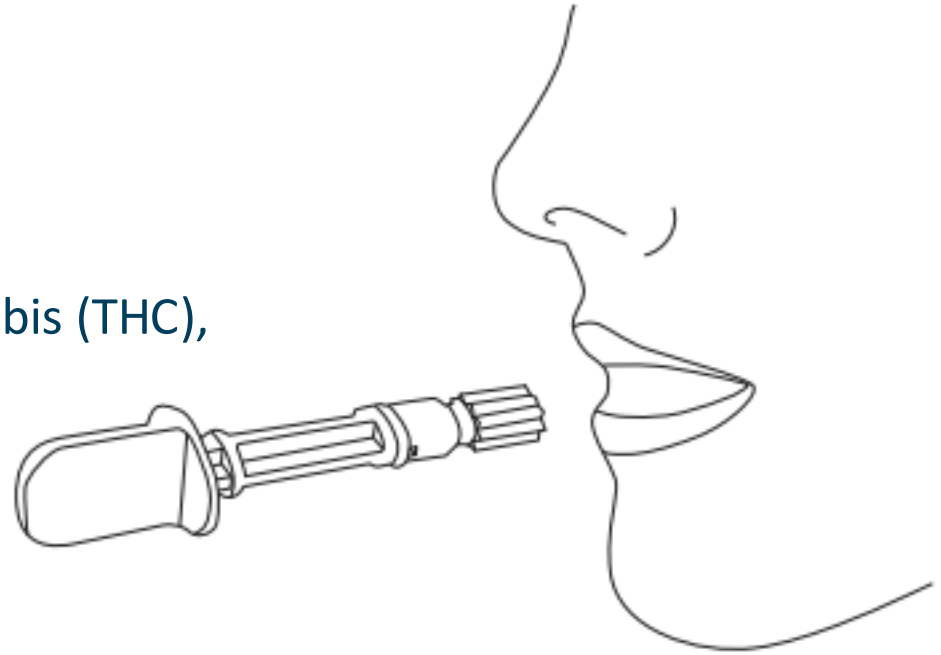
– The analyser will display the test result on-screen as positive, negative or invalid





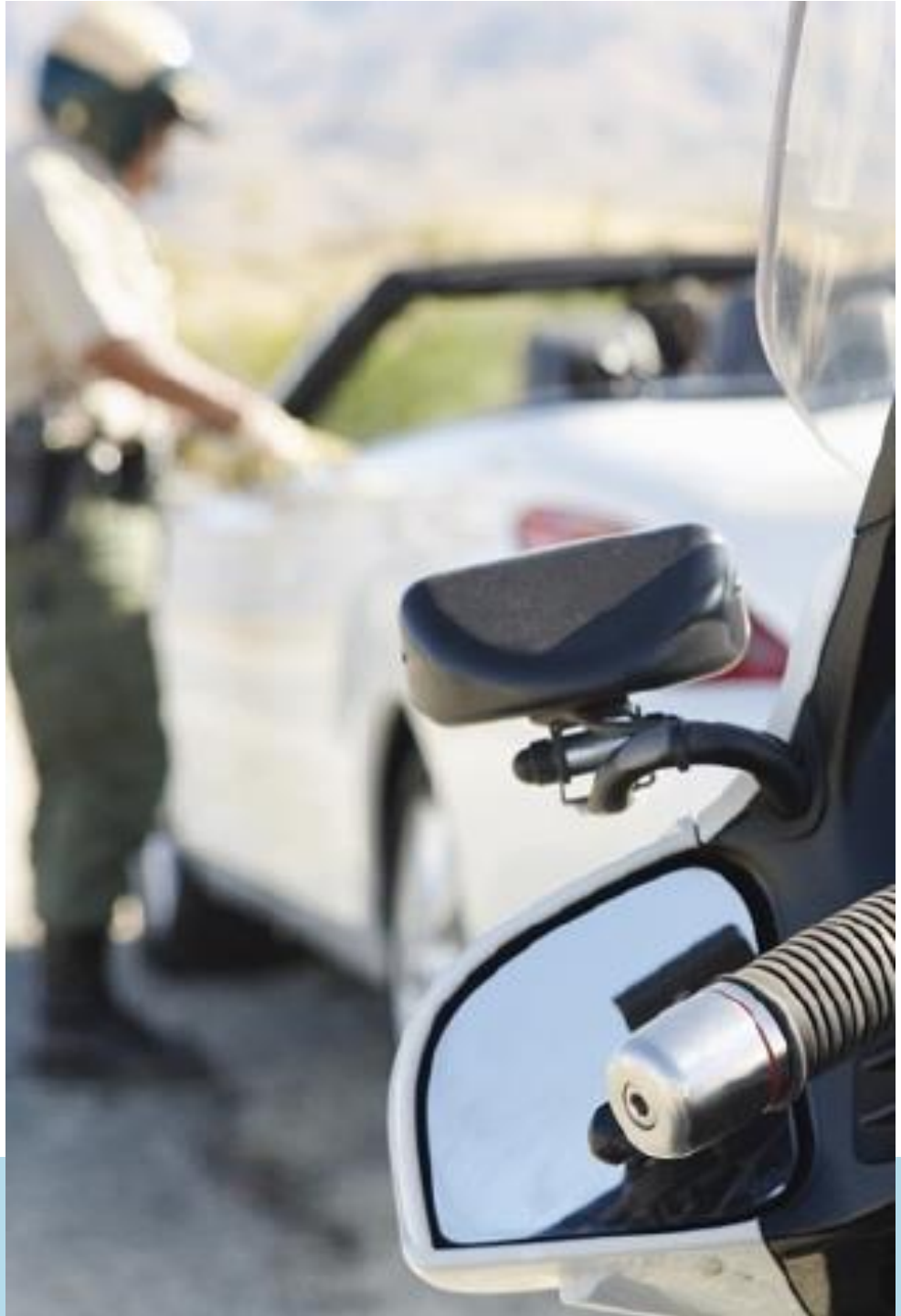
Oral fluid screening technology

- Analyzers use lateral flow immunoassay technology.
- Simple and quick collection process.
- Most devices test for common drugs of abuse (e.g., cannabis (THC), cocaine, amphetamines, methamphetamines, opioids, benzodiazepines).
- Use pre-set cut-off levels for each drug.
- Rapid screening results in minutes.
- Ability to print results (e.g., to attach to arrest reports); device can store results (including date/time).
- Technology has built-in quality checks and procedures.



Screening vs. Confirmation testing

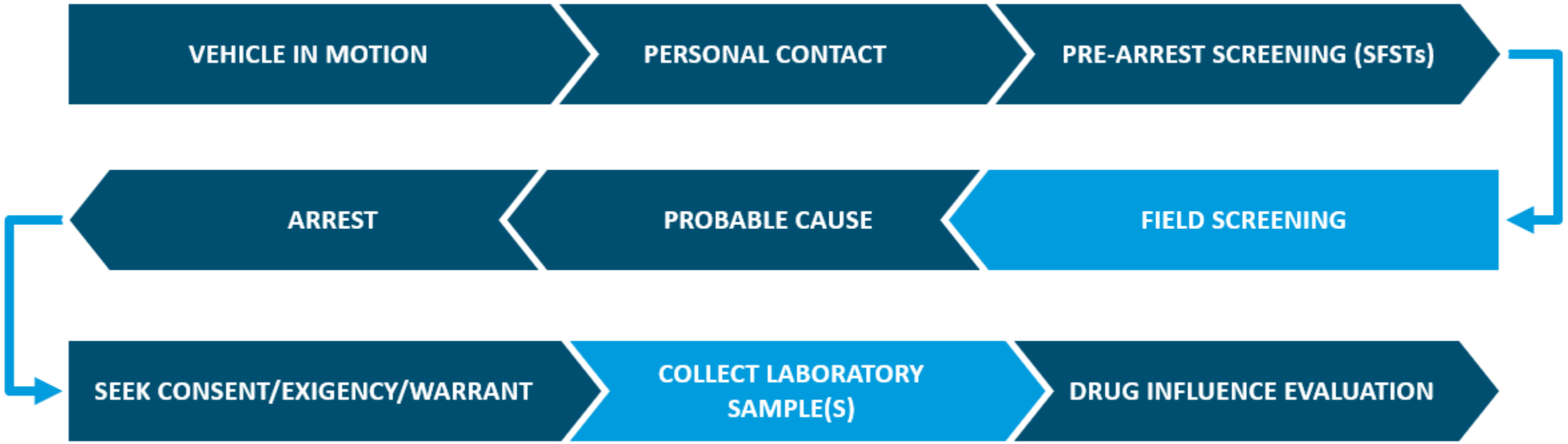
Oral fluid screening	Confirmation test
Investigative tool used to support probable cause	Evidential test
Sample collected at roadside	Sample collected post-arrest (unless evidential OF)
Analysis conducted at roadside	Analysis conducted in forensic laboratory
Limited test panel (6+ drugs)	Significantly larger test panel (lab dependent)
Qualitative result (+/-)	Quantitative result (ng level)
Real-time information	Analysis can take months
Not used in court proceedings	Key piece of evidence in court proceedings



Advantages of roadside Oral Fluid drug testing

- A reflection of free drug circulating in the blood
- Sample taken proximate to traffic stop
- No medical personnel required for collection
- Parent drug detection shows recency of use
- Aid the investigative process – help establish probable cause
- Enhances public safety
- Creates general deterrence

Impaired driving investigation: Oral Fluid Screening



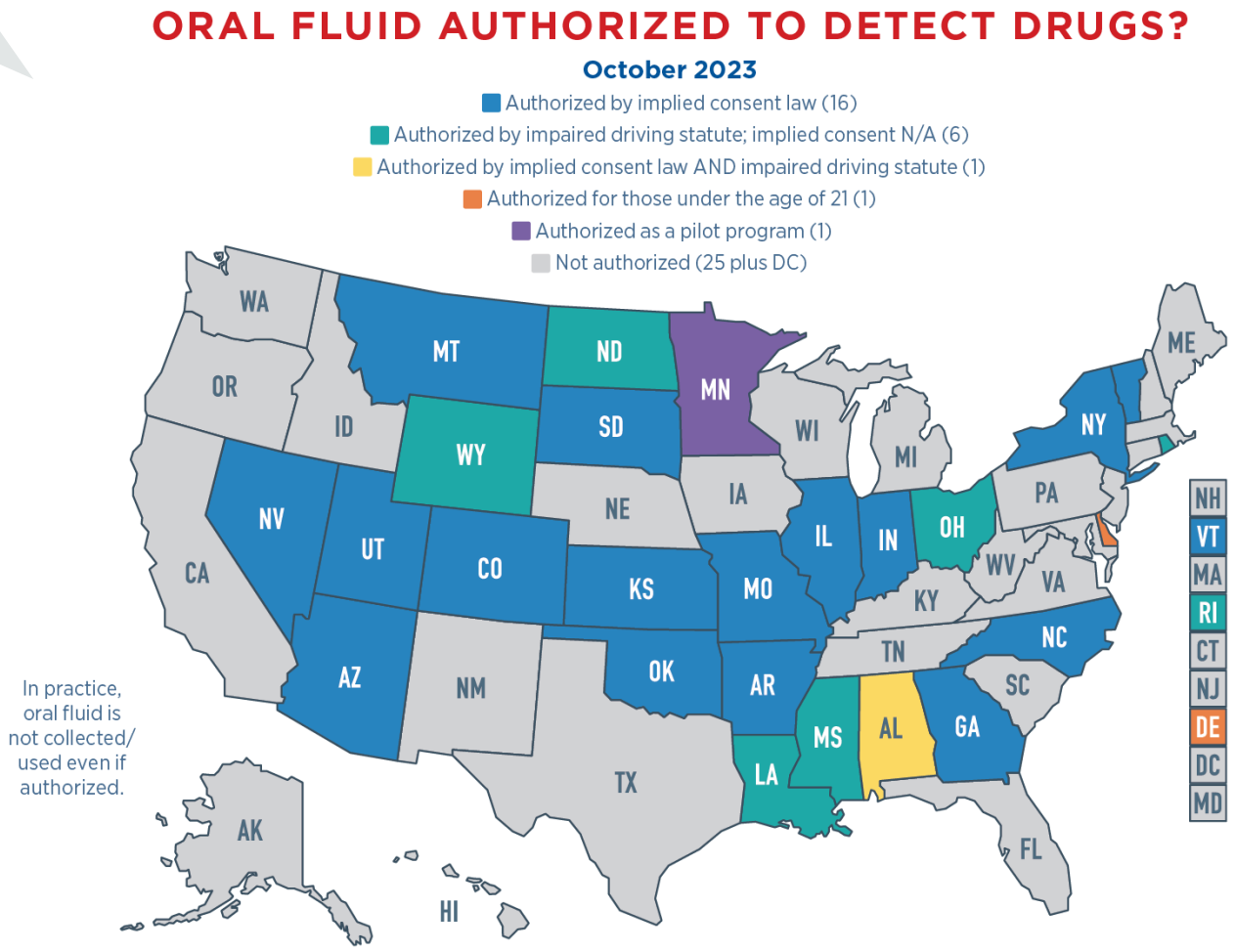
Current policy landscape: Oral fluid authorization

23 states have some form of oral fluid statutory authorization.

2 states (MI, MN) enacted pilot legislation.

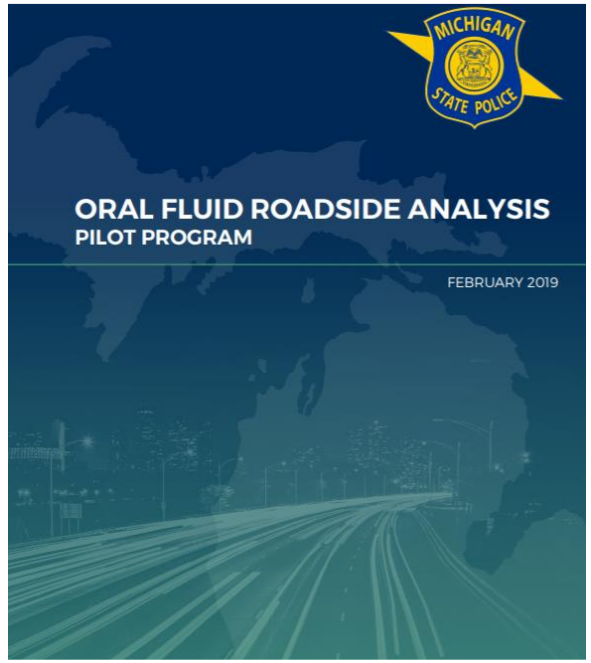
Approaches to policy vary – implied consent, preliminary testing, pilot/standalone law.

Shift away from pilots and studies toward phased implementation approach.



Michigan Pilot Findings

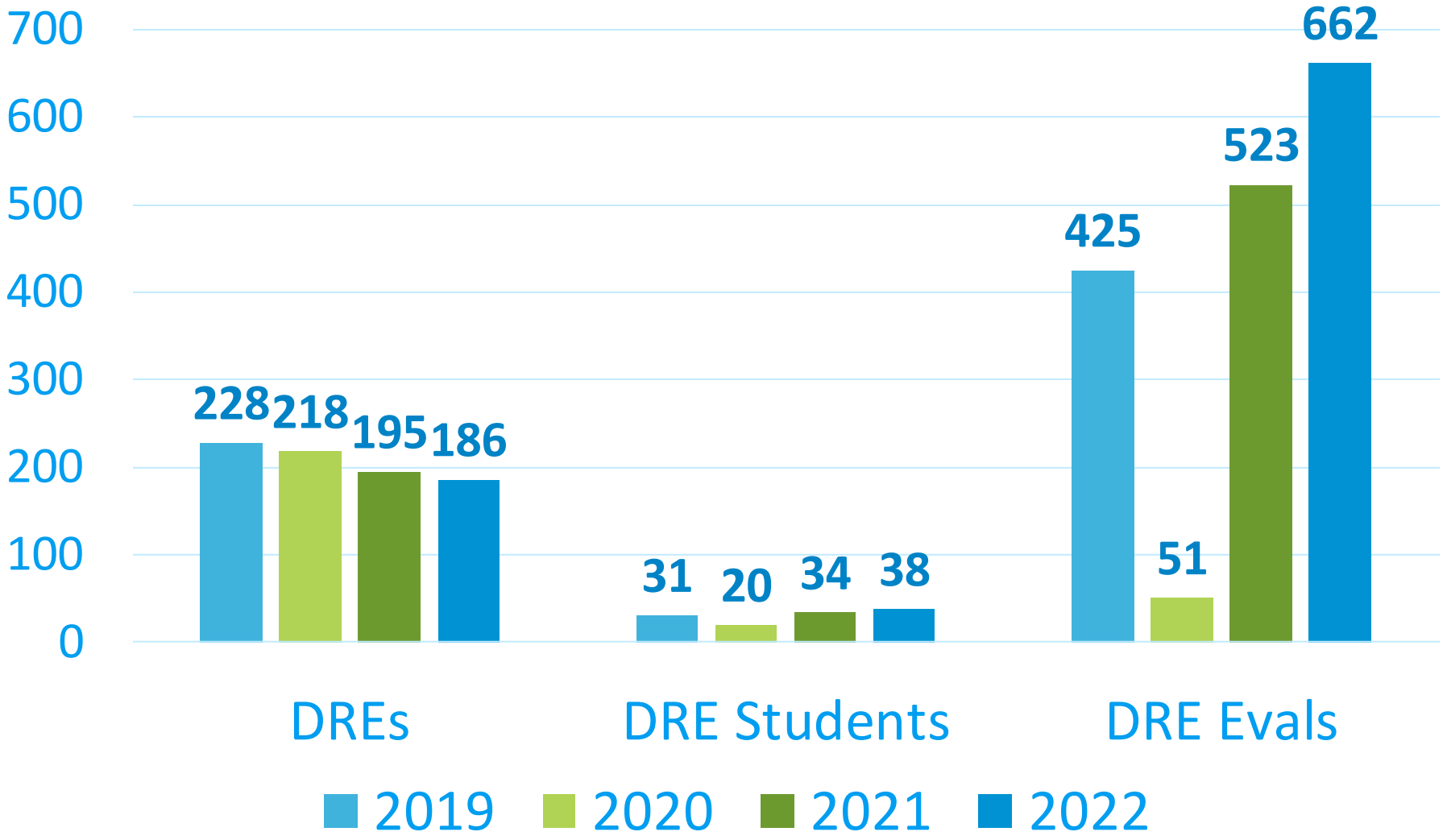
- Michigan State Police (MSP) pilot study concluded:
  - Oral fluid has been found to be ***accurate for purposes of preliminary roadside testing.***
- Legislation is pending that would authorize preliminary oral fluid screening in Michigan, establishing parity with preliminary breath testing.
- Michigan pilot data used to establish a permanent statewide program in Indiana.



THE INDIANA STORY:

- 2020 – 80 analyzers issues to LE
  - Emphasis in urban areas of Indiana – 110 Uses
- 2021 – Heavy focus on training and data collection
  - 200 analyzers with 879 Uses
- 2022 – Equal Usage b/t urban and rural areas in Indiana
  - Increased focus on ARIDE – 782 Uses
- Since 2020 – over 4,000 tests
  - Poly positive – 47 Percent of Cases
  - THC Positive - 67 Percent of Cases

DRE Training and Evaluations



Year	DREs	Students
2016	159	16
2017	177	30
2018	203	28
2019	228	31
2020	218	20
2021	195	34
2022	186	38
Total Trained		197
		356

NASID WORKGROUP:

ORAL FLUID IMPLEMENTATION CHECKLIST

-Program Planning

-Statutory Authorization

-Stakeholder Engagement

-Program Model and Funding

-Device Selection

-Program Structure

-Operator Training

-Storage and SOP's

-Data Collection Best Practices

Implementation Checklist for Oral Fluid Field Screening (OFFS) Programs

Oral fluid screening is a popular method for detecting the presence of drugs and their metabolites from recent drug use due to the speed of sample collection and ease of use. This is especially true when testing in challenging environments such as the roadside, where collecting traditional specimens for preliminary screening is impractical.

Oral fluid samples are harder to adulterate as collections are easily observable, and there is no requirement for special facilities to collect the sample. This makes it a suitable specimen type for users, including law enforcement agencies. In the context of an impaired driving investigation, oral fluid screening results can help establish probable cause for arrest for driving under the influence of drugs (DUID).

The use of OFFS is common in many countries and its use continues to increase throughout the United States. To assist agencies that are interested in implementing a roadside oral fluid screening program, the National Alliance to Stop Impaired Driving (NASID) Oral Fluid Working Group has developed the following checklist to provide guidance on how to navigate this process. Best practices and lessons learned from states that have successfully implemented and expanded programs are incorporated.

An important aspect of any roadside oral fluid screening program is the ability to collect and analyze data, not only to evaluate the program, but to obtain a better understanding of the magnitude and characteristics of a jurisdiction's drug-impaired driving problem. As such, a

NASID WORKGROUP:

ORAL FLUID DATA COLLECTION CHECKLIST

-Common data points

-Tracking toxicology lab data

-DRE coordinator data

-Agency coordinator data

-SHSO data

To assist agencies that are interested in implementing roadside oral fluid screening programs, the National Alliance to Stop Impaired Driving (NASID) Oral Fluid Workgroup developed an **implementation checklist** that provides guidance on how to navigate this process. Part of that checklist focuses on developing a plan for data collection and program evaluation. The following supplemental checklist provides stakeholders with a comprehensive list of data points that can be collected as part of that plan. Data collection and analysis should be done consistently to measure year-to-year progress and trends. To aid stakeholders in planning, the data points are categorized by type and the individual/agency most likely to be responsible for collecting and submitting the data is identified.

For states that have multi-agency programs, the following data can be examined at the agency level in addition to being compiled to produce statewide totals. The program authority (State OFFS Coordinator) can utilize the data to evaluate outcomes for the program as a whole while agencies can assess their respective OFFS practices.

Type of data	Data source	Data points to collect
General OFFS program data	Program authority (OFFS Coordinator) and law enforcement agencies *During the program planning phase, one agency/individual should be designated as the entity that is responsible for receiving OFFS data from participating law enforcement agencies, analyzing results, and	☐ Date of OFFS program launch ☐ Number of participating law enforcement agencies ☐ Number of officers trained to administer OFFS (statewide and per agency) ☐ Number of OFFS devices in the field (can also breakdown by agency for multi-agency programs) ☐ Number of OFFS trainings offered per year ☐ Number of new officers who receive OFFS training per year ☐ Annual program funding o Consider identifying costs for the following

NASID WORKGROUP: ORAL FLUID RESOURCES GUIDE

The following list offers a comprehensive collection of resources for agencies and leaders interested in moving forward with an oral fluid field screening (OFFS) program. Through this document, stakeholders have access to:

- Scientific literature and reports that support the use of oral fluid as an accurate and reliable drug testing matrix and detail how this method of roadside screening and laboratory confirmation testing holds numerous benefits for DUI/D investigations.
- Toolkits, on-demand webinars, and new resources developed by the National Alliance to Stop Impaired Driving (NASID) that provide guidance on how to effectively implement and expand OFFS programs.
- Lessons learned and insights from states that have already implemented statewide pilots and programs along with access to program websites.
- Policy and legal resources that offer guidance for those who need to pursue legislative change to authorize oral fluid use or address legal concerns.

Oral Fluid Literature & Implementation Resources	
Society of Forensic Toxicologists (SOFT): ***Oral Fluid Literature***	Comprehensive reference list of oral fluid studies compiled and updated by SOFT (with links). Includes general oral fluid studies, research that focuses on specific drug categories (e.g., cannabinoids, cocaine, central nervous system depressants, opioids, etc.), and oral fluid screening devices.
Society of Forensic Toxicologists (SOFT) Oral Fluid Committee:	Resource document developed by SOFT's Oral Fluid Committee that provides answers to 14 of the most

ORAL FLUID MAPPING PROJECT:

State	1. Yes or no: Does your state have a statute that allows for the collection of oral fluid/other bodily substances/saliva for roadside testing?	1a. If yes, what is the statute language and citation?	1b. If yes, is authorization included in your state's impaired driving statute, implied consent statute, or both?	1c. If yes, are there penalties for refusal, and if so, what are the penalties?	1d. If yes, does your state require oral fluid screening devices to be approved by any entity, either by statute or policy? If yes, please include the relevant statute or policy and the agency that must approve.	2. If your state does not have a statute that allows for the collection of oral fluid/other bodily substances/saliva for roadside testing, are any law enforcement agencies currently using testing devices and requesting voluntary roadside samples of oral fluid?	2a. Has your state attempted to pass any oral fluid bills that have failed, or do you currently have a bill currently being considered? If so, please provide details.	3. Yes or no: Does your have a statute that allov evidential/confirmation of oral fluid/other bodil substances/saliva?If sc specify which testing o
AK								
AL		Ala. Code § 32-5-192; Ala. Code §32-6-49.13	Impaired driving and Implied consent law					Screening and Evidential
AZ		A.R.S. § 28-1321	Implied consent law					Evidential
AR		A.C.A. § 5-65-202	Implied consent law					Evidential
CA								
CO		C.R.S.A. § 42-4-1301.1	Implied consent law					Screening and Evidential
CT								
DC								
DE		21 Del.C. § 4177L	Authorized for individuals under 21					Evidential (TBD) *not include below
FL								
GA		Ga. Code Ann., § 40-5-55	Implied consent law					Evidential
HI								
ID								
IL		625 ILCS 5/11-501; 625 ILCS 5/11-501.1	Implied consent/Impaired driving law					Evidential
IN		IC 9-13-2-22	Implied consent law					Screening and Evidential
IA								

Thank you for your time and attention!!!