

Drug-Impaired Driving Laws

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Every state has laws dealing with alcohol-impaired driving and drug-impaired driving. But unlike the laws for alcohol-impaired driving, those that address drug-impaired driving are nuanced, difficult to enforce and prosecute and vary substantially by state.



In addition to general impairment laws, there are two basic laws that states tend to use when addressing drug-impaired driving:

Zero Tolerance laws make it illegal to drive with any measurable amount of specified drugs in the body. These laws are best suited for illegal drugs: if it is illegal to possess or use a drug, then it is reasonable to prohibit driving after the drug has been possessed and used.

16 states have zero tolerance laws in effect for one or more drugs.

Per Se laws make it illegal to drive with amounts of specified drugs in the body that exceed set limits.

6 states have per se laws in effect for one or more drugs.

Marijuana Drug-Impaired Driving Laws

18 states have zero tolerance or non-zero per se laws for marijuana.

9 states have zero tolerance for THC or a metabolite.

3 states have zero tolerance for THC but no restriction on metabolites.

5 states have specific *per se* limits for THC

1 state (Colorado) has a reasonable inference law for THC

[Learn More About Impaired Driving Issue Brief](#)

NOTE: GHSA does not compile any additional data on drug impaired driving laws other than what is presented here. For more information, consult the appropriate [State Highway Safety Office](#).

State	DUID Zero Tolerance or <i>Per se</i> Laws for Some Drugs State Map	Marijuana-Specific	
		Possession & Use Laws State Map	Impaired Driving Laws State Map
Alabama	None	Illegal	None
Alaska	None	Decriminalized and legal for recreational and medicinal use	None
Arizona	Zero tolerance for some drugs	Legal for medical use	Zero tolerance for THC and metabolites
Arkansas	None	Illegal	None
California	None	Decriminalized and legal for medical use	None
Colorado	Reasonable inference law w/ legal limit >0 for THC	Decriminalized and legal for recreational and medicinal use	Reasonable inference for THC (5 ng)
Connecticut	None	Decriminalized and legal for medical use	None
Delaware	Zero tolerance for some drugs	Decriminalized and legal for medical use	Zero tolerance for THC and metabolites
D.C.	None	Decriminalized and legal for recreational and medicinal use	None
Florida	None	Illegal	None
Georgia	Zero tolerance for some drugs	Illegal	Zero tolerance for THC and metabolites
Hawaii	None	Legal for medical use	None
Idaho	None	Illegal	None
Illinois	Zero tolerance for some drugs	Legal for medical use	Zero tolerance for THC and metabolites
Indiana	Zero tolerance for some drugs	Illegal	Zero tolerance for THC and metabolites
Iowa	Zero tolerance for some drugs	Illegal	Zero tolerance for THC
Kansas	None	Illegal	None

Kentucky	Zero tolerance for some drugs	Illegal	None
Louisiana	None	Illegal	None
Maine	None	Decriminalized and legal for medical use	None
Maryland	None	Decriminalized and legal for medical use	None
Massachusetts	None	Decriminalized and legal for medical use	None
Michigan	Zero tolerance for some drugs	Legal for medical use	Zero tolerance for THC
Minnesota	Zero tolerance for some drugs	Decriminalized and legal for medical use	None
Mississippi	None	Decriminalized	None
Missouri	None	Decriminalized	None
Montana	<i>Per se</i> >0 for some drugs	Legal for medical use	THC <i>per se</i> (5 ng)
Nebraska	None	Decriminalized	None
Nevada	<i>Per se</i> >0 for some drugs	Decriminalized and legal for medical use	THC <i>per se</i> (2 ng)
New Hampshire	None	Legal for medical use	None
New Jersey	None	Legal for medical use	None
New Mexico	None	Legal for medical use	None
New York	None	Decriminalized and legal for medical use	None
North Carolina	Zero tolerance for some drugs	Decriminalized	None
North Dakota	None	Illegal	None
Ohio	<i>Per se</i> >0 for some drugs	Decriminalized	THC <i>per se</i> (2 ng)
Oklahoma	Zero tolerance for some drugs	Illegal	Zero tolerance for THC and metabolites
Oregon	None	Decriminalized and legal for recreational and medical use	None
Pennsylvania	Zero tolerance for some drugs	Illegal	THC <i>per se</i> (1 ng)
Rhode Island	Zero tolerance for some drugs	Decriminalized and legal for medical use	Zero tolerance for THC and metabolites
South Carolina	None	Illegal	None
South Dakota	Zero tolerance for some drugs	Illegal	Zero tolerance for THC and metabolites
Tennessee	None	Illegal	None
Texas	None	Illegal	None
Utah	Zero tolerance for some drugs	Illegal	Zero tolerance for THC and metabolites
Vermont	None	Decriminalized and legal for medical use	None
Virginia	<i>Per se</i> >0 for some drugs	Illegal	None
Washington	<i>Per se</i> >0 for some drugs	Decriminalized and legal for recreational and medical use	THC <i>per se</i> (5 ng)
West Virginia	None	Illegal	None
Wisconsin	Zero tolerance for some drugs	Illegal	Zero tolerance for THC
Wyoming	None	Illegal	None
Total States	Law (# of States) Zero tolerance (16) <i>Per se</i> >0 (6)	Law (# of States) Decriminalized (5) Medical (7) Decriminalized + medical (11) Decriminalized + recreational/medical (4 + D.C.)	Law (# of States) ZT for THC/metabolites (9) ZT for THC (3) THC <i>per se</i> (5) Reasonable inference (1)

Source: [State Highway Safety Offices](#).

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