



Dear XXXX,

June 21, 2017

I represent the American Beverage Institute, a national restaurant trade association with hundreds of members across Utah. We oppose the recently passed law lowering the blood-alcohol arrest level to .05. This law will harm restaurants and businesses in the hospitality and tourism industries across the state, while failing to improve traffic safety. We ask that the committee recommend the full repeal of the law to the legislature when it convenes later this summer for the special session and instead focus on passing laws that will truly save lives.

The safety of our customers is of paramount concern. If we thought this law would make them, or any of us, safer on the roads, we would support it. However, there is no evidence that further lowering the arrest level will save lives. Instead, it will only make criminals of our patrons and your constituents.

The previous arrest threshold of .08 is already reasonably low. In fact, research from the National Highway Traffic Safety Administration shows a driver is more impaired talking on a hands-free cell phone than he is at .08, and driving over the age of 65 is more impairing than being at the new threshold of .05.

The penalty for driving while holding your cell phone in Utah is \$100. However, for a driver far less impaired at the .05 BAC level, Utah will now arrest her and subject her to jail time, nearly \$10,000 in penalties and legal fees, an ignition interlock device, and the social stigma of a DUI, which can affect a person's employment.

All of this for a law that will have little impact on drunk driving deaths because very few accidents occur below the .08 threshold. Only around 1 percent of traffic fatalities involve drivers with BACs between .05 and .08. The vast majority of alcohol-related fatalities happen at very high BAC levels. In Utah, 77 percent of alcohol-related fatalities occur at .15 or above, and the average BAC of someone in an alcohol-related fatal crash is .20—four times that of .05.

Moreover, the Utah Highway Patrol has stated that the new limit is essentially unenforceable because it is difficult to detect any impairment at such low levels. A driver at the new .05 arrest level would pass a standard field sobriety test because that driver is, in fact, sober.

Even Mothers Against Drunk Driving (MADD), the largest advocacy organization for drunk driving victims, has declined to endorse this legislation. MADD's founder, Candace Lightner, placed an [op-ed](#) in Sunday's *Salt Lake Tribune* calling the move a "distraction" from the real causes of death on our roadways such as drugged, distracted, and truly drunk driving.



According to a recent report from the Governors Highway Safety Association and the Foundation for Advancing Alcohol Responsibility, 43 percent of fatal crashes involve a driver that had tested positive for some sort of drug.

Resources to improve traffic safety are limited. Using them to target those who have had one or two drinks is done at the expense of addressing serious hazards. According to a Traffic Injury Research Foundation report, Utah has the second lowest ignition interlock compliance rate in the country. Rather than using limited resources to target moderate social drinkers, Utah would be better served if these resources were allocated to enforcing existing laws against convicted drunk drivers.

Advocates for lowering the arrest level often point to the fact that most other countries have a .05 legal limit. But many of these countries, including Germany, Switzerland, and Denmark, also allow teenagers to legally drink at 16. The U.S., along with only a handful of other countries, has the highest legal drinking age at 21. Furthermore, the American transportation culture and infrastructure cannot be realistically compared to Europe where public transportation is much more widely accessible.

Proponents of the law also point to countries like the U.K. as evidence that moving from .08 to .05 reduces the number of drunk driving fatalities. But these countries did much more than lower the legal limit. They also launched massive PR and awareness campaigns while introducing tactics like random breath testing for all drivers, something that would be unconstitutional in the United States. Therefore, it is impossible to claim lowering the arrest level has had a singular effect on behavior.

According to a Utah Policy poll, a majority of people in the state oppose the .05 law and over 15,000 Utahns have raised their voices against the law, signing a [petition](#) calling on lawmakers to repeal the legislation before it goes into effect.

Our organization urges you to use the special legislative session and supplemental committee hearings to overturn this misguided legislation, and instead take real steps to ensure that any proposed measures target the hardcore drunk drivers who pose the real threat on Utah's roads.

Sarah Longwell  
*Managing Director*  
American Beverage Institute