

0.08 Blood Alcohol Content Level

Introduction

The Minnesota Department of Health supports lowering the blood alcohol content (BAC) *per se* level¹ for impaired driving arrests, from the present 0.10% to 0.08%. Lowering the *per se* level to 0.08 has been shown to reduce alcohol-related fatalities and injuries, which is a significant public health concern. In addition, Congress has enacted legislation that requires states to adopt a 0.08 blood alcohol content law or lose a portion of federal highway funding. As of December 2003, Minnesota is among four states that have not yet adopted the 0.08 standard.

Public Opinion & Social Drinking

Most people say they would not drive after consuming two to three drinks in one hour, and they believe the legal limit should be no higher than that.²

According to the National Highway Traffic Safety Administration (NHTSA), a 0.08 BAC is not reached with typical social drinking of several beers after work or a glass of wine with dinner. To reach a 0.08 BAC, an average 170-pound male would need to consume more than four 12 oz. servings of beer within one hour on an empty stomach. And, the average 137-pound female would need to consume at least three servings of beer in one hour on an empty stomach.³ When people are aware of how much

alcohol it takes to reach a 0.08 BAC, two out of three Americans favor lowering the limit.⁴

Experiences of Other States with 0.08

Studies show that most drivers have measurably-impaired performance in critical driving tasks beginning at *less* than 0.08 BAC. For the great majority of drivers there is significant and serious deterioration in driving performance at 0.08, increasing crash risk.⁵

Based on evaluation of 0.08 laws passed in other states, lowering the *per se* level from 0.10 to 0.08 will reduce the incidence of alcohol-related crashes, injuries, fatalities and their associated costs in Minnesota. States that have already adopted a 0.08 legal limit have found reductions in impaired drivers involved in alcohol-related fatal crashes ranging from 8% to 18%:

Illinois - After enacting a 0.08 law in 1997, Illinois saw a 13.7% decline in the number of drinking drivers in fatal crashes. During the same time period, no significant change in alcohol-related traffic deaths was found in five neighboring states, all of which had 0.10 limit laws. Illinois' 13.7% fatal crash reduction included drivers at BAC levels below *and above* 0.10 BAC. This is significant because critics of 0.08 laws have claimed that these laws do not influence drinking decisions among

¹ *Per se* level means that it is a crime in itself to drive with an alcohol level of 0.08 percent.

² National Highway Traffic Safety Administration, Presidential Initiative for Making .08 BAC the National Legal Limit: Recommendations from the Secretary of Transportation, 1998

³ National Highway Traffic Safety Administration, Presidential Initiative for Making .08 BAC the National Legal Limit: Recommendations from the Secretary of Transportation, 1998

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⁴ National Highway Traffic Safety Administration, Presidential Initiative for Making .08 BAC the National Legal Limit: Recommendations from the Secretary of Transportation, 1998

⁵ National Highway Traffic Safety Administration, Presidential Initiative for Making .08 BAC the National Legal Limit: Recommendations from the Secretary of Transportation, 1998

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drivers with BAC of 0.10 and above, and thus, current 0.10 laws should be sufficient.⁶

California - California experienced a 12% reduction in alcohol-related fatalities in 1990, the year 0.08 and an administrative license revocation law went into effect.⁷ An administrative license revocation law gives state officials the authority to suspend the license of any driver who refuses to take a blood alcohol content test or who fails the test. Minnesota already has an administrative license revocation law.

Multi-State - NHTSA found that across 16 states, lowering the *per se* limit to 0.08 resulted in an 8% decrease in fatal alcohol-related crashes.⁸ In addition, another study found that Vermont, Kansas, North Carolina, Florida, New Mexico, California and Virginia all experienced significantly lower rates of alcohol-related fatalities after implementation of a 0.08 law.⁹

Multi-State - Boston University's School of Public Health compared the first five states to lower their BAC limit to 0.08 (California, Maine, Oregon, Utah, and Vermont) with five nearby states that retained the 0.10 limit. The study found that 0.08 laws, particularly in combination with administrative license revocation, lowered fatal crashes involving impaired drivers by 16% for drivers with BAC levels of 0.08 and higher, and by 18% for

drivers with blood alcohol levels of 0.15 and higher.¹⁰

Minnesota Fatality, Injury & Cost Data

While most evaluations of 0.08 have focused on fatalities, we know that fatalities are only one outcome of alcohol-related motor vehicle crashes. Fatality numbers usually represent the "tip of the iceberg" of the public health problem, with injuries often affecting far greater numbers of people.

In 2000, for each person killed in an alcohol-related crash in Minnesota, there were an estimated 42 more people injured and an estimated 126 crashes.¹¹ Alcohol-related crashes in Minnesota cost the public an estimated \$1.8 billion in 2000, with people other than the impaired driver paying \$1.1 billion of the crash costs.¹²

Loss of Federal Highway Funding

In 2000, Congress enacted legislation requiring states to have a 0.08 BAC level by 2004 or lose 2% of federal highway funding that year. The loss of highway funding increases to 8% in 2007 if the lower BAC level is not adopted by then. Without a 0.08 standard, Minnesota would lose approximately \$100 million by 2007.¹³ If a 0.08 standard is enacted by 2007, full funding would be restored and lost funds would be reimbursed.¹⁴

⁶ Voas, RB, Tippetts, AS, Taylor E, Pacific Institute for Research and Evaluation, Effectiveness of the Illinois .08 Law: An Update with 1999 FARS Data, December 2001

⁷ National Highway Traffic Safety Administration, The Effects Following the Implementation of an 0.08 BAC Limit and an Administrative *per se* Law in California (DOT HS 807 777), 1991

⁸ Voas RB, Tippetts AS, Pacific Institute for Research and Evaluation, The Relationship of Alcohol Safety Laws to Drinking Drivers in Fatal Crashes, March 1999

⁹ Apsler R, Char AR, Harding WM, Klein TM, The Effects of 0.08 BAC Laws, National Highway Traffic Safety Administration and Rainbow Technology, March 1999

¹⁰ Hingson R, Heeren T, Winter M, Lowering state legal blood alcohol limits to 0.08%: the effect on fatal motor vehicle crashes, Am J Public Health 1996 86: 1297-1299

¹¹ Taylor D, Miller TR, Cox KL, Impaired Driving State Cost Fact Sheet: Impaired Driving in Minnesota. Pacific Institute for Research and Evaluation, National Highway Traffic Safety Administration, 2002. (The figures cited here are higher than those cited by the Minnesota Department of Public Safety, which uses a more conservative estimating method.)

¹² Taylor D, Miller TR, Cox KL, Impaired Driving State Cost Fact Sheet: Impaired Driving in Minnesota. Pacific Institute for Research and Evaluation, National Highway Traffic Safety Administration, 2002. (The figures cited here are higher than those cited by the Minnesota Department of Public Safety, which uses a more conservative estimating method.)

¹³ Minnesota Department of Transportation, January 2004

¹⁴ Federal Funds Associated with .08, Office of Traffic Safety, Minnesota Department of Public Safety, October 2002