

Policies Targeting Underage Drinking and Driving

Youth Blood Alcohol Concentration (BAC) Limits (Underage Operators of Non-Commercial Motor Vehicles)

Policy Description

BAC limit policies establish the maximum amount of alcohol that underage drivers can have in their bloodstream when operating a motor vehicle. BAC is commonly expressed as a percentage. For instance, a BAC of 0.08 percent means that a person has 8 parts of alcohol per 10,000 parts of blood in the body. State laws generally specify BAC levels in terms of grams of alcohol per 100 milliliters of blood (often abbreviated as grams per deciliter, or g/dL). BAC levels can be detected by breath, blood, or urine tests. The laws of each state specify the preferred or required types of tests used for measurement.¹⁴

There is strong scientific evidence that as BAC increases, the cognitive and motor skills needed to operate a motor vehicle are increasingly impaired. BAC statutes establish criteria for determining when the operator of a vehicle is sufficiently impaired to constitute a threat to public safety and is therefore violating the law. Currently, 50 states mandate a BAC limit of 0.08 g/dL for drivers over age 21. In 2018, Utah became the first state to lower the BAC limit to 0.05 g/dL.

Underage drivers' ability to safely operate a motor vehicle may be impaired at a lower BAC than that of adults because of lower body mass, lack of physiological development, and lack of driving experience. Partly due to financial incentives established by the federal government, all states in the United States have enacted low BAC limits for underage drivers. Laws establishing very low legal BAC limits of 0.02 g/dL or less for drivers under the legal drinking age of 21 are widely referred to as zero-tolerance laws.

A per se BAC statute stipulates that if the operator has a BAC level at or above the per se limit, a violation has occurred without regard to other evidence of intoxication or sobriety (e.g., how well or poorly the individual is driving). In other words, exceeding the BAC limit established in a per se statute is itself a violation.

Status of Youth BAC Limit Policies

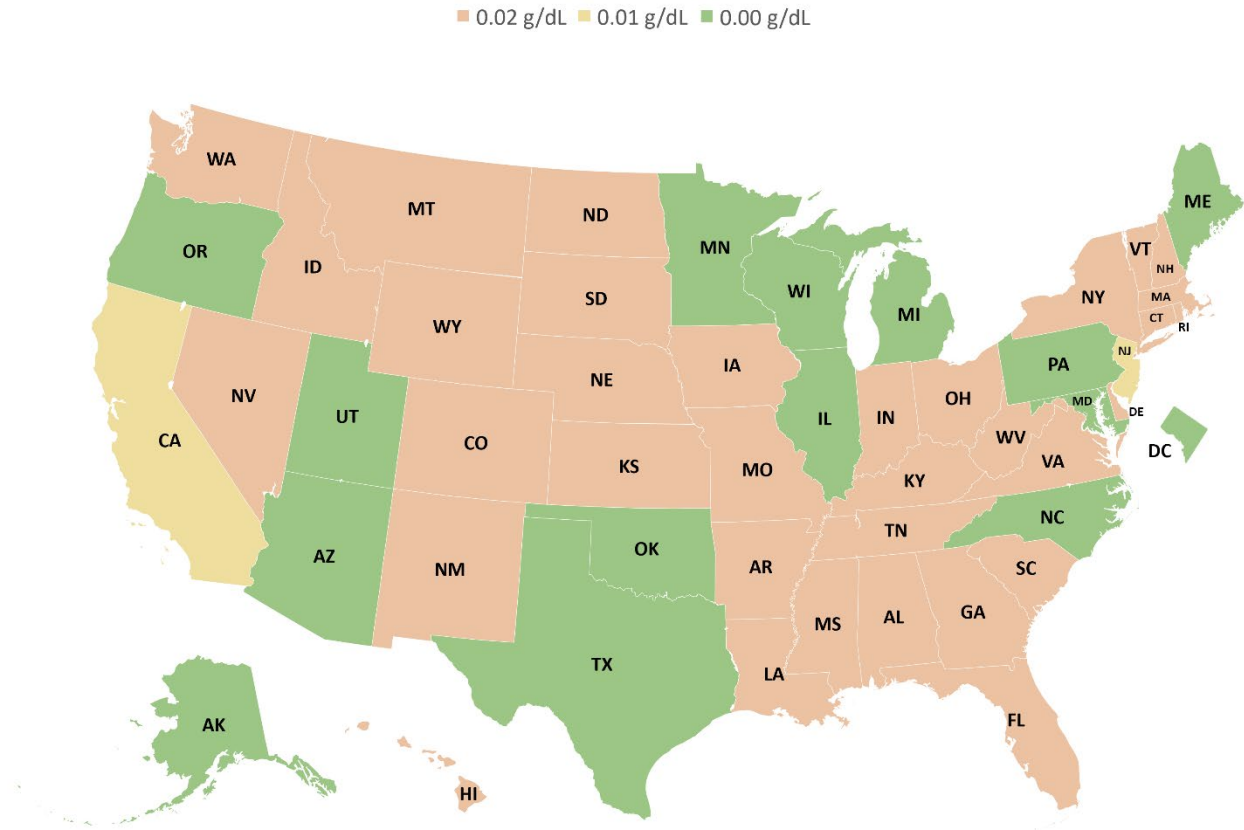
As of January 1, 2021, all states have per se youth BAC statutes. Thirty-four states set the driving BAC limit for underage persons at 0.02 g/dL (Exhibit 2.7). Fifteen states consider any underage alcohol consumption while driving to be a violation of the law and have set the limit to 0.00 g/dL. Two states (California and New Jersey) have set the underage BAC limit to 0.01 g/dL.

Trends in Youth BAC Limit Policies

Since 1998, all states have had zero tolerance (0.02 g/dL or lower) youth BAC limit laws. In the period between 1999–2021, the number of states mandating specific BAC limits for underage drivers remained constant except for Maryland, which lowered its underage BAC limit from 0.02 g/dL to 0.00 g/dL.

¹⁴ Note that throughout this chapter, "states" refers to the 50 states and the District of Columbia.

Exhibit 2.7: BAC Limits for Youth Operators as of January 1, 2021



Data Sources and Citations

All data for the “Underage Operators of Non-Commercial Motor Vehicles” policy were obtained from the National Institute on Alcohol Abuse and Alcoholism’s Alcohol Policy Information System (APIS) website: <https://alcoholpolicy.niaaa.nih.gov/apis-policy-topics/youth-underage-operators-of-noncommercial-motor-vehicles/13>. APIS provides further descriptions of this policy and its variables, details regarding state policies, and a review of the limitations associated with the reported data.

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