Impaired Driving Issue Brief

MADD IMPAIRED DRIVING ENDS HERE.

Law Enforcement Phlebotomy

Background

Enforcing impaired driving laws involving drugs—such as cannabis, opioids, or prescription medications—increasingly depends on blood toxicology. Unlike alcohol, which can be measured reliably with a roadside breath test, drug impairment requires laboratory analysis of a blood sample. Because drugs like THC and certain opioids metabolize quickly, any delay in obtaining that sample can weaken or even eliminate critical evidence.

Law Enforcement Phlebotomy Programs address this challenge by training and certifying police officers to perform forensic blood draws, typically under a search warrant or implied consent authority. Instead of transporting suspects to hospitals—which often leads to long wait times or medical refusals—trained officers can collect samples at a police station or in a designated mobile unit.

These programs reduce processing time, preserve evidence quality, lessen the burden on medical staff, and allow impaired driving cases to move forward more efficiently and accurately.

Data and Research

- **Time Efficiency:** Phlebotomy-trained officers can complete a blood draw in 5–10 minutes upon arrival, compared to up to 3–6 hours using the hospital transport and blood draw method.
- **Reduced Refusals:** When the Arizona Officer Phlebotomy Program started in 1995, the statewide refusal rate was 20%. By 2007, that rate had dropped to 8.56%. According to the Arizona Governor's Office of Highway Safety the refusal rates dropped due to:
  - greater public awareness about the consequences of DUI blood draw refusals, which results in the loss of their drivers license for a period of one year,
  - a zero tolerance approach by law enforcement;
  - search warrants—judges are available 24 hours a day to process warrants; and
  - better interagency cooperation.

- **Strengthened Cases:** The shortened timeline ensures the chemical sample is collected closer to the time of driving, providing a more accurate measure of the subject's impairment level. This simplification of the chain of custody results in stronger cases and fewer dismissals.
- **Cost Savings:** Law enforcement phlebotomy saves money on blood draw fees from hospitals and contracted phlebotomists, court costs from bringing in outside phlebotomists as witnesses, and minimizes time spent completing blood draws by non-law enforcement means.

Policy Recommendation

To fully leverage the benefits of forensic phlebotomy and improve impaired driving prosecution rates, we recommend the following policy actions:

- **Enact State Legislation** that allows a law enforcement officer to conduct a forensic blood draw as a "**qualified person**" for investigative purposes.
- **Mandate and provide dedicated funding** (e.g., NHTSA Section 402/405 grant funds) to establish or expand Law Enforcement Phlebotomy Programs, including subsidized training courses and initial equipment kits.
- **Require mandatory annual or biennial recertification** for all law enforcement phlebotomists, including refresher training and a minimum number of successful venipunctures (e.g., 6 successful draws per year, as seen in some state models) to maintain proficiency and uphold evidentiary standards.

Relevant Research

For more resources and tools visit newsroom.aaa.com/impaireddriving.

MADD
IMPAIRED
DRIVING
ENDS HERE.