

Oral Fluid

Background

Unlike alcohol enforcement—where both roadside screening and evidentiary breath testing are standardized and widely accepted in court—drug-impaired driving investigations still rely largely on field sobriety tests and biological sample collection, often involving lengthy transport for blood or urine draws. These delays increase the chance that drugs metabolize before testing, weaken evidentiary value of the test, and reduce the likelihood of successful prosecution.



Oral fluid testing—also known as roadside saliva screening—allows law enforcement to quickly detect the presence of certain drugs at the roadside when impairment is suspected following Standardized Field Sobriety Tests. An officer collects a small saliva sample, typically using a swab placed inside the cheek or under the tongue, and analyzes it within minutes using a handheld device.

While oral fluid screening is not an evidentiary test and cannot prove impairment on its own, it provides rapid confirmation of recent drug use and supports continued investigation—helping officers decide whether to proceed with arrest or request a warrant for confirmatory blood testing.

Data and Research

- **Indicator of Recent Drug Use:** Oral fluid is an effective specimen because it generally contains the active drug—a better indicator of recent drug use compared to urine, which primarily detects non-impairing metabolites that can persist for days or weeks.²²
- **Speed and Timeliness:** Devices provide rapid results—often less than 15 minutes—allowing officers to quickly gather information at the roadside, close to the time of driving. This mitigates the risk of drugs dissipating before an evidentiary sample can be collected.²³
- **Probable Cause Tool:** A positive result indicates the presence of a drug, but not a quantifiable drug level. Because of this, the test provides a presumptive result that helps officers establish probable cause to proceed with a Drug Recognition Expert (DRE) evaluation or to seek a warrant for an evidentiary blood or lab-based oral fluid sample. Local law will dictate if field screening results are admissible in court and under what circumstances.
- **Multi-Substance Detection:** In Minnesota's 2024 pilot, roadside oral fluid testing detected drugs in 87% of tests, and 62% of drivers had more than one drug in their system. The device helps identify multi-substance impaired drivers who might otherwise only be tested for alcohol.²⁴

Policy Recommendation

To maximize the effectiveness of this technology and ensure due process, states and law enforcement agencies should do the following:

1. **Enact Enabling Legislation:** Enact or update statutes to explicitly authorize the use of roadside oral fluid testing for preliminary screening, clearly defining its role in the process and its non-evidentiary nature. Currently, approximately **26 states** have some form of authorization in statute.
2. **Require Confirmatory Testing:** Mandate that any arrest that includes a positive roadside oral fluid screening be followed by an evidentiary blood or laboratory-based oral fluid test to determine the actual drug concentration and substances present for prosecutorial purposes.
3. **Invest in DRE/ARIDE Training:** Oral fluid testing should complement, not replace, the expertise of **DREs** and officers trained in **Advanced Roadside Impaired Driving Enforcement (ARIDE)**. These trained personnel are necessary to link the positive test result to observable signs of impairment.

Relevant Research

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