

## Impaired driver law tougher: Trace amount of illegal drug merits arrest

By Beth Smith

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Prosecuting drugged drivers will likely get easier, thanks to a new Kentucky law that's been in effect for just over a week.

People are now considered impaired drivers if they are found with a detectable level of certain controlled substances in their system.

"Generally speaking, (the law) makes the presumption that a driver is impaired if they drive with drugs in their system which would be illegal for them to possess," said Henderson County Attorney Steve Gold.

"Now the state doesn't have to hire an expert to tell the jury that someone driving while high on cocaine is dangerous," he said.

It has always been and continues to be illegal for someone to drive while impaired, whether the substance is a legally obtained prescription drug, alcohol or any type of illegal drug, authorities said.

"What's going to change is when it gets to the court system," said Trooper Corey King, public information officer with Post 16 in Henderson.

"We're still going to follow our same procedure," King said. "When an officer stops someone for telltale signs that someone is impaired, that person will be given a field-sobriety test. If they fail, they are arrested."

"Law enforcement still needs reasonable suspicion to pull you over," Gold said.

"We don't have to bring in an expert to show that certain levels of (certain) drugs impairs your driving," he said, adding that it is now illegal for a person to be driving with certain drugs in his/her system regardless of whether it affects their driving.

If there are detectable amounts of certain drugs in your system, "this is a presumed impairment" even if you drive perfectly, he said.

Exceptions to the law include those with a valid prescription for a drug and those found with marijuana in their system.

People with a valid prescription for a drug found in their system can still be arrested and charged for impaired driving if law enforcement has reasonable suspicion that a person is under the influence. However, the prosecution has to prove that they were driving while impaired. There isn't a "presumed impairment" simply because of the presence of a prescription drug in the driver's system, officials said.

As for marijuana, "it stays in the system so much longer" than other drugs that people won't be considered an impaired driver just for having traces of this drug in their blood, Gold said.

The passage of this new law appears to be connected to the rising abuse of prescription drugs, he said.

"It's skyrocketed and this is how the legislation is trying to address it," Gold said.

#### List of substances

The following is a list of controlled substances by which people will be considered impaired if there are traces of them in their system while driving:

- Xanax
  - Adderall
  - Buprenex, Suboxone
  - Floricet, Esgic, Axocet
  - Soma
  - Cocaine
  - Valium
  - Vicodin, Duratuss, Lortab
  - Miltown, Euqanil, Meprosan
  - Methadone
  - Methamphetamine
  - Oxycontin
  - Phenergan
  - Darvon
  - Ambien
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