

Utah legislators are poised to address the state's new .05 blood-alcohol arrest level, which was passed quickly last year with little time for discussion or debate. In response, ABI generated a public outcry over the bill with a media and advertising campaign and many lawmakers—including the Governor—indicated an appetite to revisit the legislation in 2018. To prepare for the upcoming legislative session, ABI has been in Utah this week meeting with lawmakers to discuss potential fixes to the .05 bill and providing research and information on more effective ways to save lives that don't target moderate and responsible social drinkers.

However, giving ammunition to .05 supporters is a new study—authored by anti-alcohol researcher, James Fell (who spoke to ABI members in 2015 about his .05 agenda)—that claims a lower BAC arrest level will reduce traffic deaths. ABI debunks his analysis as agenda-driven science and highlights its many flaws in a story in the [Deseret News](#).

As always, feel free to reach out with any comments or questions about our upcoming efforts to reverse the .05 law in Utah and stop it from spreading to other states.

Thank you,

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<https://www.deseretnews.com/article/900003969/lower-legal-blood-alcohol-content-for-driving-would-save-lives-study-shows.html>

Lower legal blood alcohol content for driving would save lives, study shows

American Beverage Institute calls report 'agenda-driven science at its worst'

SALT LAKE CITY — Nearly 1,800 lives would be saved each year if every state lowered the legal blood alcohol content for driving to .05 percent, according to a new study.

Researchers at the nonpartisan organization NORC at the University of Chicago estimated fatal alcohol-related crashes would drop 11.1 percent at the lower blood alcohol content level based on their analysis of previous national and international studies on drinking and driving.

"I think with all the other evidence, this should be the clincher," said research scientist Jim Fell, a

co-author of the findings published in the journal *Alcoholism: Clinical and Experimental Research*.

"We're behind the times on this," said Fell, a strong advocate for .05 percent. "To me, if you're serious about reducing drunk driving, you have to seriously consider this."

Utah is poised to become the first state in the country to move from the national .08 percent blood alcohol content standard to .05 percent. The law goes into effect Dec. 30, 2018.

The American Beverage Institute in Washington, D.C, and the local hospitality industry vigorously oppose the law. They say it targets the wrong people and that drivers aren't drunk at the lower blood alcohol content. The organization mounted an ad campaign to discouraging tourists from traveling to Utah.

Sarah Longwell, the institute's managing director, called the NORC study "agenda-driven science at its worst."

Fell's research relies heavily on foreign data that fail to account for other factors such as random breath tests, which would be unconstitutional in the U.S., she said.

"Most studies acknowledge that these other major factors make it difficult to draw a direct link between a lower arrest level of .05 and decreased fatality rates," Longwell said.

Gov. Gary Herbert signed the bill into law earlier this year but asked lawmakers to study possible unintended consequences over the summer. Legislators considered making lesser penalties for offenses between .05 percent and .07 percent, but Rep. Norm Thurston, R-Provo, said they found a graduated system would be impractical and hard to implement.

Thurston, who sponsored the legislation, said he expects to tweak the measure in the upcoming legislative session but that the core would not change.

"We got it pretty close to right on the first try as far as .05 is going on the way we wrote it," he said.

Fell and co-author Michael Scherer analyzed 11 national and international studies, including four that looked the impact of lowering the blood alcohol content limit to .05 percent, concluding an 11.1 percent reduction in fatal alcohol-related crashes would save 1,790 lives annually in the United States. Fell called the findings significant.

While the number of alcohol-related fatalities went down in some years, the proportion of deadly crashes has stayed the same for 20 years, Fell said.

"I think it's because we haven't had any legislation that would make that big of an effect," he said, adding most new laws focus on sanctions for offenders. "But that's just a fraction of the

people who drink and drive. We have to have a general deterrent law and that's what .05 is."

More than 100 countries, including Canada and Mexico, have already gone to .05 percent, he said.

Fell said tougher DUI laws cause people to think twice about the amount they drink before getting behind the wheel or to find others means of transportation.

"This study shows that it should have an effect based upon the other studies around the world," he said.

Longwell contends the deterrent theory falls apart because the majority of alcohol-related fatalities occur at extreme blood-alcohol content levels of 0.15 percent and above. Policies, she said, should focus on high blood-alcohol content and repeat offenders, not someone who has had a couple of drinks.

"These hardcore drunk drivers don't follow the law with a .08 arrest threshold on the books, so it's absurd to believe a lower level of 0.05 BAC would produce different results," Longwell said.

Fell said the alcohol industry resists tougher DUI laws because it discourages people from drinking at bars and restaurants. He said the studies he reviewed did not show any evidence of alcohol consumption going down.

"People found a way to keep on drinking but they didn't drink and drive as much," he said.

Fell said he hopes other states would follow Utah's lead and adopt .05 percent. But, he said, because Utah has the lowest DUI fatality rate in the country, the state may not see a huge effect, which might dampen enthusiasm in other places.