

# MYTHS ABOUT ADOPTING A 0.05 LEGAL LIMIT:

Supporters of lowering the legal blood-alcohol concentration (BAC) limit for driving from 0.08 to 0.05 have accepted flawed arguments. The American Beverage Institute believes the current 0.08 per se limit should remain in place, with policymakers applying traffic safety resources to better enforce ignition interlock laws and other policies that target high BAC and repeat drunk driving offenders.



## MYTH ONE

### PEOPLE ARE TOO IMPAIRED TO DRIVE AT 0.05 BAC

When researchers describe 0.05 BAC as causing impairment, it means there's some measurable difference between sober drivers and drivers at 0.05 BAC. It does *not* mean drivers at 0.05 BAC are meaningfully impaired. Many factors can cause impairment. For example, according to NHTSA and university research, a driver **talking on a hands free cell phone is considered to be more than twice as impaired as someone at 0.05 BAC.**



## MYTH TWO

### MODERATE DRINKERS ARE RESPONSIBLE FOR AN EPIDEMIC OF ALCOHOL-RELATED TRAFFIC DEATHS

According to national government data, **71 percent of alcohol-involved traffic fatalities in Hawaii involve someone with a BAC of 0.10 or above.** In contrast, very few involve someone between the disputed interval of 0.05 and 0.079 BAC. It's also worth noting that at those very low BAC levels, it's unlikely alcohol was the primary contributor to the accidents. In fact, at low BAC levels, traffic safety experts don't assume alcohol to be a casual factor.



## MYTH THREE

### LOWERING THE LEGAL LIMIT WILL SAVE LIVES

Proponents of lowering the legal limit to 0.05 BAC claim it will save lives. These reports are speculative and **fail to control for confounding variables.** Reports build upon assumptions—including the idea that drivers at very high BAC levels will be deterred from driving drunk if the limit is lowered to 0.05 BAC. This is an argument that **defies logic and common sense.** Although drunk driving deaths dropped in Utah following the passage of a 0.05 law, alcohol-related traffic fatalities dropped in 30 other states during the same period which all have a 0.08 standard. Some states experienced an even bigger decline than Utah.



## MYTH FOUR

### 0.05 BAC LAWS ABROAD

Most studies evaluating .05 abroad find **the law is ineffective alone.** Lower limits only work in conjunction with random roadside breath testing (which is illegal in the U.S.). This BAC comparison is further flawed, as most European countries also allow teenagers to drink at 16 or 18 years old.

**.05 per se laws won't save lives if they can't get the most dangerous drivers off the road.**