



Alcohol Abuse Tracking Committee (AATC)

May 2024 report

Table of contents

Purpose of the report	2
Alcohol use estimates and trends	4
Youth alcohol use	4
Adult alcohol use	6
Sources of alcohol and places of alcohol use	8
Alcohol-related arrests and court charges for driving under the influence and underage drinking	10
Alcohol-related arrests: Driving under the influence	10
Adjudication of alcohol-related offenses: Driving under the influence	12
Justice and district court DUI offender screening and assessment process	14
Alcohol-related arrests: Liquor law offenses	15
Adjudication of alcohol-related offenses: Underage drinking	16
Violations of the state Alcoholic Beverage Control Act: Over-serving/consumption and sales to minors	17
Off-premise retail compliance checks	17
On-premise alcohol violations	19
Consequences of alcohol use: Abuse/dependence, treatment, and mortality/morbidity	20
Estimates of adult abuse or dependence on alcohol	20
Estimates of youth in need of alcohol treatment	21
Adults in state-funded alcohol treatment programs	21
Alcohol related mortality and morbidity indicators	22
Costs of excessive alcohol consumption in Utah	24
Alcohol attributable deaths and years of potential life lost	24
Economic costs of excessive alcohol consumption	25
Environmental strategies to reduce excessive alcohol consumption in Utah	27
Limitations and future directions	28
Attachments	29
Acronyms	29
Alcohol Abuse Tracking Committee participants	30
Resources	31
Utah DUI sentencing matrix	32

Purpose of the report

This report is the 11th edition of the Annual Alcohol Abuse Tracking Committee (AATC) Report which is submitted to the governor and legislature. The first edition of the report was completed in 2013, and annual updates have been completed each year since 2015. The original report was prepared in accordance with 2012 Legislative Session House Bill 354 Utah State Code 53-1-119 (7):

- (a) The committee shall begin to collect the information described in subsection (6) by January 1, 2013. For fiscal year 2012-13, the committee is required only to report the information collected between January 1, 2013 and June 30, 2013.
- (b) Beginning December 31, 2013, the committee shall report the information collection under subsection (6) annually to the governor and legislature by no later than the December 31 immediately following the fiscal year for which the information is collected.

From 2015 to the present, all editions were prepared in accordance with changes in the statute which were made during the 2014 legislative session:

- (c) Beginning July 1, 2014, the committee shall report the information collection under subsection (6) annually to the governor and the legislature by no later than July 1 immediately following the calendar year for which the information is collected.

The Alcohol Abuse Tracking Committee (AATC) was created as a result of the 2012 Legislative Session House Bill 354 Alcohol Beverage Amendments. The Committee is made up of several divisions, agencies, departments, committees, organizations, and individuals throughout Utah. In May 2024, there were 21 participants on the AATC, representing 11 different agencies including: Commission on Criminal and Juvenile Justice, Department of Corrections, Utah Courts, Department of Alcoholic Beverage Control, Department of Health and Human Services, Department of Public Safety, Department of Workforce Services, Department of Technology Services, and Mothers against Drunk Driving. The committee's responsibilities are to determine if data are being collected, and if not, how it can be collected in the following areas: Utah Code 26B-1-427

- (a) the number of individuals statewide who are convicted of, plead guilty to, plead no contest to, plead guilty in a similar manner to, or resolve by diversion or its equivalent to a violation related to underage drinking of alcohol;
- (b) the number of individuals statewide who are convicted of, plead guilty to, plead no contest to, plead guilty in a similar manner to, or resolve by diversion or its equivalent to a violation related to driving under the influence of alcohol;
- (c) the number of violations statewide of Title 32B, Alcoholic Beverage Control Act, related to over-serving or over-consumption of an alcohol product;
- (d) the cost of social services provided by the state related to abuse of alcohol, including services provided by the Utah Department of Health and Human Services Division of Child and Family Services;
- (e) where the alcoholic products are obtained that results in the violations or costs described in subsection (6)(a) through (d);
- (f) Any information the committee determines can be collected and relates to the abuse of alcoholic products.

The AATC began meeting in May 2012. Communication has continued among committee members and agencies to identify alcohol abuse problems within the state of Utah. A variety of resources have been used to gather alcohol-related information including: the Department of Health and Human Services (DHHS) Office of Substance Use and Mental Health's Statewide Epidemiological Outcome Workgroup (SEOW) and Student Health and Risk Prevention (SHARP) survey, the DHHS's Behavioral Risk Factor Surveillance System (BRFSS), the Department of Public Safety, Highway Safety's Eliminating Alcohol Sales to Youth (EASY) program, the Commission on Criminal and Juvenile Justice (CCJJ) Annual DUI report, the Administrative Office of the Courts report, the Department of Alcoholic Beverage Services (DABS), and the Department of Public Safety, State Bureau of Investigation. The majority of data compiled and presented in this report reference calendar year 2023, with some indicators referring to fiscal year 2023 (when noted). These data build on the previous editions of this report by providing the latest available data for each indicator at the time of writing.

Based on the informational goals identified by the AATC, data are presented below by topic in the following sections:

1. Alcohol use estimates and trends
2. Alcohol-related arrests and court charges for underage drinking and driving under the influence
3. Violations of the State Alcoholic Beverage Control Act: Over-serving/consumption and sales to minors
4. Consequences of alcohol use: Abuse/dependence, treatment, and mortality/morbidity
5. Costs of excessive alcohol use in Utah
6. Environmental strategies to reduce excessive alcohol consumption in Utah

The COVID-19 pandemic data considerations

The effects of the COVID-19 pandemic started in Utah in March 2020. As with all other aspects of life in 2020, public health protocols and restrictions intended to slow the transmission of COVID-19 disrupted business as usual. The closures of schools and businesses, group size limits, and social distancing protocols affected almost all aspects of life. While pandemic-related restrictions eased in 2021, the pandemic continued to have a lingering impact. These impacts can be seen in the data presented in this report, particularly for the years 2020 and 2021. This may make interpretation of trend data challenging for some indicators. We encourage readers to think critically, and when appropriate, collect additional contextual information about the specific data being examined when trying to make comparisons between pre-pandemic and post pandemic years.

Alcohol use estimates and trends

Alcohol use estimates are available through surveys conducted within the state of Utah. For youth, alcohol use rates from the Utah Student Health and Risk Prevention (SHARP) survey provide data at state and community levels. The SHARP survey is administered by the Utah DHHS Office of Substance Use and Mental Health (OSUMH) every other year (on odd number years). The survey typically samples approximately 50,000 youth per administration and provides a wealth of data regarding substance use behaviors, risk and protective factors, anti-social behavior, school climate, and physical and mental health status. The most recently

available SHARP data at the time of publication for this report are from 2023. For adults, alcohol use estimates are available through the Utah Behavioral Risk Factor Surveillance Survey (BRFSS). The BRFSS is administered annually through the Utah DHHS Office of Public Health Assessment via telephone and has sampled approximately 10,000-12,000 adults (aged 18+) each year since 2009. The most recently available BRFSS data available at the time of publication are from 2022.

Youth alcohol use

Table 1 presents youth alcohol use rates in Utah from 2019 to 2023, as well as rates of drinking and driving.¹ When it comes to alcohol use, survey data show that underage drinking has been decreasing steadily over the last decade both in Utah as well as nationally. Here in Utah, youth drink alcohol at much lower rates than the national average. This is true of lifetime alcohol use (“have you ever used alcohol in your lifetime”), past 30 day use, and binge drinking (five or more drinks in a row) in the past two weeks. In fact, alcohol use rates among Utah youth have historically been about 50% of the national rate or less, and this trend continued in 2023. For example, the 30 day use rate in 2023 for youth in grades 8th, 10th and 12th combined was 4.3% in Utah, while the national rate for the same grades was 14.3%. Figure 1 presents youth alcohol use trends in Utah from 2005 to 2023.

¹This item was discontinued from the survey in 2019.

Figure 1

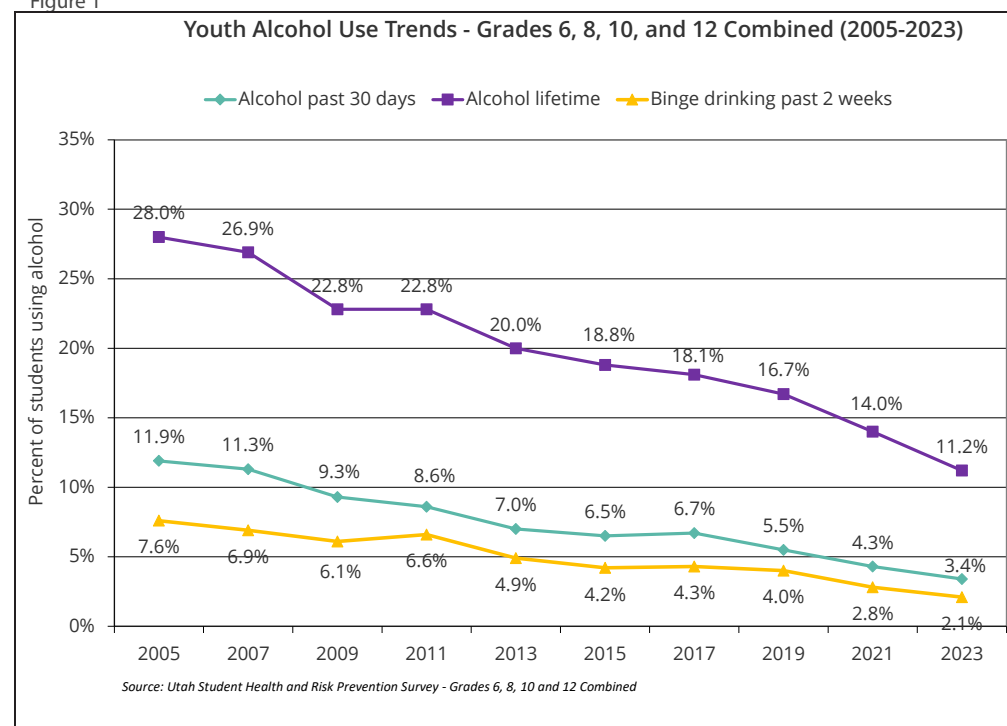


Table 1. Utah youth alcohol use rates and related behaviors by grade (2019-2023)

	6th Grade			8th Grade			10th Grade			12th Grade			Grades 6, 8, 10 & 12 Combined		
	2019	2021	2023	2019	2021	2023	2019	2021	2023	2019	2021	2023	2019	2021	2023
Youth Alcohol Use-Past 30-Day	0.7%	1.0%	0.8%	3.6%	3.2%	2.0%	7.0%	4.7%	4.0%	11.1%	8.4%	7.2%	5.5%	4.3%	3.4%
Youth Alcohol Use-Lifetime	5.9%	6.9%	4.9%	12.8%	11.1%	8.4%	20.8%	16.6%	13.1%	28.9%	22.0%	18.6%	16.7%	14.0%	11.2%
Youth Binge Drinking (Past 2 weeks)	1.4%	1.3%	0.8%	3.3%	2.3%	1.6%	4.7%	2.8%	2.0%	6.9%	4.9%	4.1%	4.0%	2.8%	2.1%
Youth Drinking And Driving*	0.4%	n/a	n/a	1.2%	0.8%	0.5%	1.5%	1.1%	1.0%	2.3%	2.0%	1.6%	1.4%	1.3%	1.1%

Source: Utah Student Health and Risk Prevention Survey

*Includes grades 8, 10, and 12 only after 2019

While Utah's low youth alcohol use rates are a positive sign of the overall wellness of the state's youth population, there are also data that serve as reminders that underage drinking remains an important issue for prevention efforts. Foremost, alcohol has traditionally been the most widely used substance by youth in the state. Alcohol was the most widely used substance by youth in every survey year until 2015, when it was eclipsed by e-cigarette use. The 30 day alcohol use rate among 6-12th graders (combined) in Utah for 2023 reached a new low of 3.4%. However, 4.0% of Utah 10th graders and 7.2% of 12th graders indicated having used alcohol at least once in the past 30 days. This equates to approximately 2,200 10th graders and 3,900 12th graders statewide who had recent alcohol use at the time of the survey. Secondly, while a smaller proportion of Utah's youth drink alcohol compared to the nation, the data suggest that among Utah youth who do drink alcohol, a high

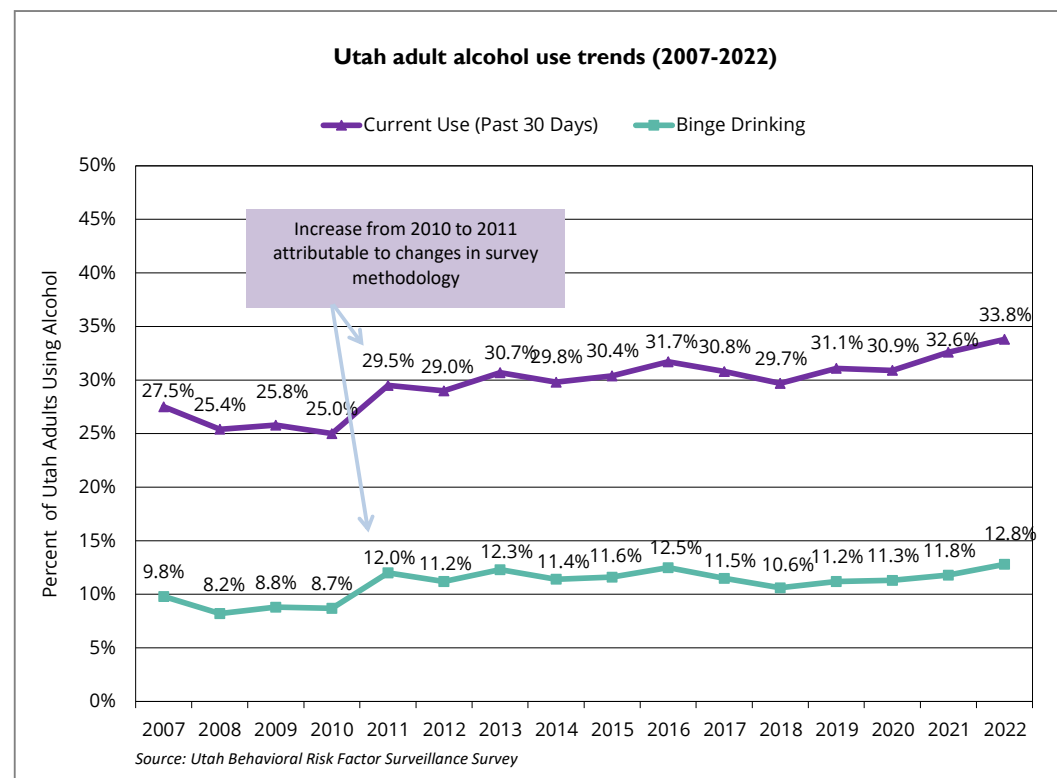
proportion engage in binge drinking. In 2023, approximately 50% of 8th, 10th and 12th graders who reported drinking alcohol in the past 30 days also reported that they binge drank in the past two weeks. This is a significant concern; according to the Centers for Disease Control and Prevention, binge drinking is associated with greater risk for negative alcohol related outcomes including: drinking and driving, unintentional injuries, becoming a victim of violence, and abuse and dependence².

² <http://www.cdc.gov/alcohol/faqs.htm>

Adult alcohol use

Table 2 presents rates of adult alcohol use in Utah from 2020 to 2022, by type of use: a) used in the past 30 days, b) binge drinking in the past 30 days (5 or more drinks in one occasion for males, or 4 or more drinks for females), and c) heavy alcohol use (averaging more than 2 drinks per day for males, or more than 1 drink per day for females). Figure 2 presents trend data for 30-day alcohol use and binge drinking. On a positive note, rates of alcohol use by Utah adults are much lower than national rates (e.g., in 2022, 33.8% of adults in Utah reported using alcohol in the past 30 days vs. 53.6% of their national counterparts). However, similar to youth, Utah adults who indicated using alcohol were more likely to report binge drinking than their national counterparts (an estimated 36.6% of Utah drinkers reported binge drinking vs. 30.0% for the U.S. in 2021). Trend data for the state suggest that rates of adult alcohol use (both 30 day use and binge drinking) have remained relatively steady overall. From 2011 to 2022, rates of binge drinking have fluctuated within a relatively narrow range between 10.6% and 12.8%. During that same timeframe, rates of 30 day alcohol use have fluctuated within a window between 29.0% and 33.8%. However, there has been a noticeable increasing trend in adult alcohol use from 2018 to 2022 that warrants caution, as a new upward pattern seems to be emerging. Please note that the methodology of the BRFSS survey changed in 2011³ which makes comparisons difficult between pre-2011 data with data collected in 2011 and beyond.

Figure 2



³ Changes in sample weighting and the inclusion of cell phones provide more accurate estimates for Utah, but make comparisons with previous data dubious.

Table 2. Utah rates of adult alcohol use by age (2019-2021)

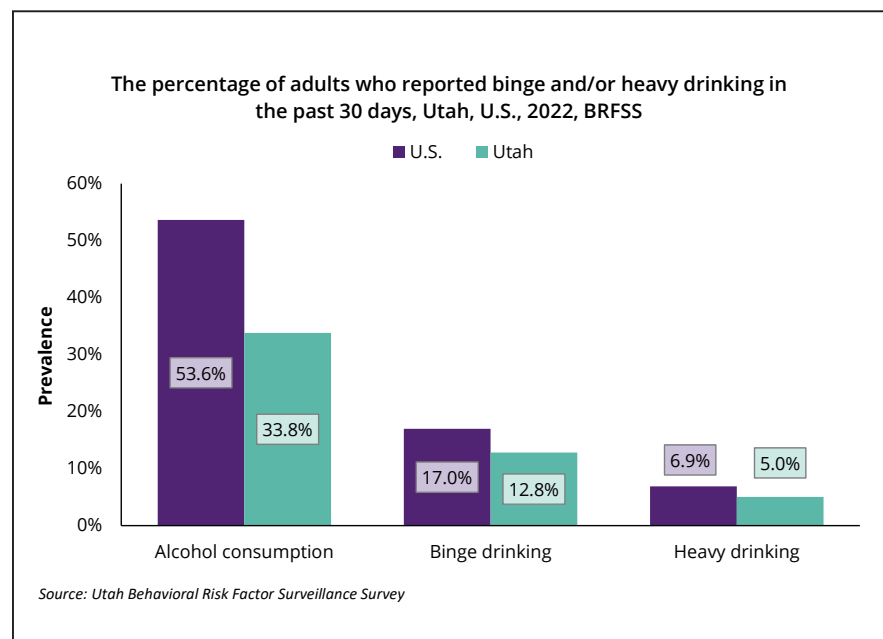
	18-24 yrs			25-34 yrs			35-44 yrs			45-54 yrs			55-64 yrs			65+			Total		
	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022	2019	2020	2022	2020	2021	2022	2020	2021	2022
Adult current drinking (past 30-day use)	30.8%	31.7%	34.7%	41.6%	43.9%	43.2%	32.4%	37.2%	38.7%	30.7%	31.6%	33.8%	27.4%	27.0%	27.3%	19.3%	19.2%	21.4%	30.9%	32.6%	33.8%
Adult binge drinking (past 30 days)	14.8%	14.4%	15.7%	19.8%	16.6%	19.4%	12.6%	15.5%	16.3%	9.8%	10.9%	12.5%	7.3%	5.7%	8.1%	1.9%	2.9%	2.5%	11.3%	11.8%	12.8%
Adult heavy alcohol use	3.3%	4.2%	4.7%	7.2%	4.4%	6.0%	4.9%	5.3%	8.3%	4.8%	4.0%	4.4%	5.0%	4.1%	4.0%	1.6%	2.0%	1.9%	4.4%	4.0%	5.0%

Source: Behavioral Risk Factor Surveillance System (BRFSS)

Adult alcohol use, continued

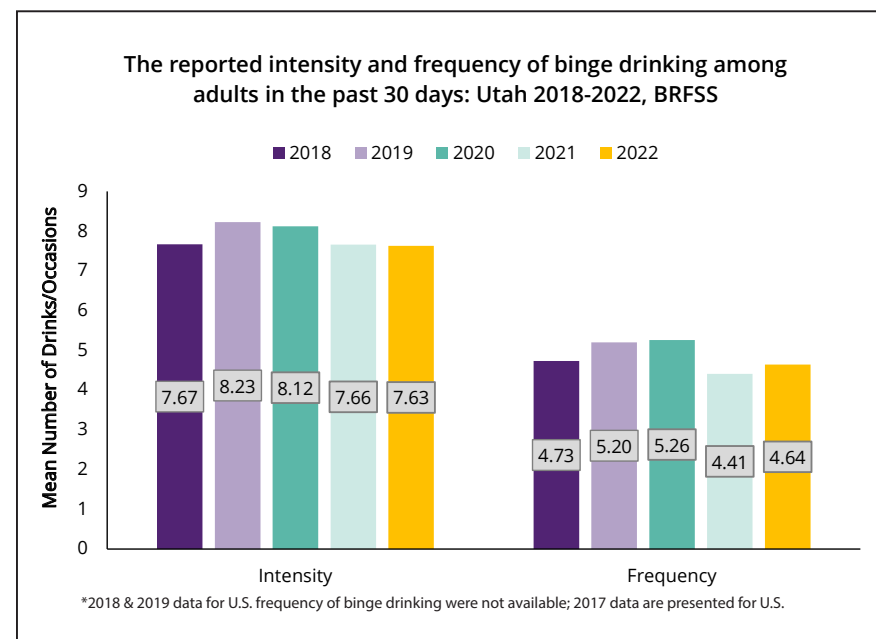
Utah has traditionally had a lower reported overall prevalence of binge drinking in comparison to the U.S., and this remained true in 2022. When asked about their recent drinking behaviors, the prevalence of binge drinking in Utah for 2022 was 12.8% (an increase from 2021), while the national comparison rate was 17.0%. Rates of binge drinking in Utah have historically been highest among persons aged 25-34 (19.4% in 2022), and higher for males than females (16.0% vs. 9.6% in 2022, respectively).

Figure 3



Among Utah binge drinkers in 2022, the average frequency (number of occasions) of binge drinking was 4.6 occasions per month, and the intensity (average number of drinks) was 7.6 drinks per occasion. Both of these numbers were similar to 2021. Unlike the overall prevalence of binge drinking, where Utah rates were lower than the national average, the frequency and intensity of binge drinking in Utah are typically similar to, and sometimes higher than the national average.

Figure 4



Sources of alcohol and places of alcohol use

In addition to alcohol use rates, data are available regarding where both youth and adult drinkers obtained and used alcohol. These data may be helpful in considering legislation that affects alcohol distribution. The SHARP Survey asks youth, "If you used alcohol the past year, how did you get it?" Respondents are asked to mark all the options that apply to them. This item was discontinued after the 2015 SHARP Survey, but added back to the 2021 survey.⁴ Table 3 presents the percentage of youth (of those who used alcohol in the past year) who indicated getting alcohol from each of nine different sources. Comparing the 2015 and 2021 data reveals some interesting similarities and differences in how youth reported obtaining alcohol before and after the pandemic. At both time points, the data suggest that youth do not commonly purchase alcohol themselves through retail means (only 5.1% and 3.8% in 2015 and 2021, respectively). In fact, buying it themselves from a store was the least frequent source of alcohol reported. Instead, the two most common sources of alcohol for youth drinkers in both 2015 and 2021 were, "I got it at a party" (57% and 35.7%, respectively), and "someone I know over age 21" (50.7% and 32.1%, respectively).

Table 3. Sources of alcohol for Utah youth who reported drinking in past year (2015 & 2021)

If you drank alcohol (not just a sip or taste) in the past year, how did you get it? (Mark all that apply)

	Grade 6		Grade 8		Grade 10		Grade 12		Total	
	2015	2021	2015	2021	2015	2021	2015	2021	2015	2021
Number of respondents*	534	710	1,492	1,332	2,287	1,753	2,203	1,501	6,516	5,296
I bought it myself from a store	4.0%	1.2%	2.7%	1.5%	3.6%	3.3%	7.6%	5.9%	5.1%	3.8%
I got it at a party	31.7%	16.0%	43.2%	29.7%	57.0%	35.0%	65.8%	43.2%	57.0%	35.7%
I gave someone else money to buy it for me	7.8%	2.3%	14.2%	8.2%	24.0%	12.8%	41.3%	22.3%	28.7%	14.9%
I got it from someone I know age 21 or older	26.3%	8.5%	37.9%	24.0%	47.6%	29.5%	61.6%	43.0%	50.7%	32.1%
I got it from someone I know under age 21	15.4%	8.7%	30.0%	18.7%	36.5%	22.9%	34.0%	25.4%	33.2%	21.9%
I got it from a family member or relative other than my parents	27.1%	16.8%	36.1%	21.8%	33.1%	21.9%	30.7%	21.4%	32.3%	21.4%
I got it from home with my parents' permission	30.8%	18.8%	29.1%	23.0%	27.1%	24.0%	30.0%	22.7%	28.8%	22.8%
I got it from home without my parents' permission	20.3%	19.0%	35.7%	28.6%	35.4%	26.8%	25.5%	14.0%	30.5%	21.2%
I got it another way	26.7%	47.2%	21.1%	21.1%	19.0%	12.7%	16.6%	9.7%	18.8%	16.2%

*Responses include only individuals who indicated any alcohol use in the past year.

Source: Utah Student Health and Risk Prevention Survey

It is interesting to note that while these were the two most common sources for alcohol in both 2015 and 2021, there was a substantially lower percentage of youth who reported getting their alcohol from both sources in 2021 compared to 2015, which may be pandemic related (e.g., parties may have been less prevalent in 2021 vs. 2015). A set of options that formed a secondary tier of youth alcohol sources⁵ included: "someone I know under 21," "a family member other than my parents," "from home with my parents' permission," and "from home without my parents' permission."

For adults, an item to assess places of alcohol use was added to the Utah BRFSS from 2017 to 2021 in order to understand where alcoholic products are purchased in situations that potentially contribute to driving under the influence (DUI) and/or alcohol-related motor vehicle crashes. The BRFSS item asks the place of use on the last occasion, and is only asked of individuals who indicated binge drinking in the past month (30 day users are not included in the sample). Data for this item from 2019-2021 are provided in Table 4.

⁴This item will be asked every other SHARP Survey administration (or every four years, with new data available again in 2025).

⁵All were reported by approximately 20% of youth as a source of alcohol in 2021, and by approximately 30% of youth in 2015.

Sources of alcohol and places of alcohol use, continued

As seen in Table 4, by far, the most common place of alcohol use among adult binge drinkers was in their home (with another person's home a distant second place). "At home" was the most commonly reported place of use across all age groups, and in 2020, there was a substantial increase of participants who indicated "at home" (and concomitant decrease in use at restaurants and bars) which is attributable to the pandemic. There was some correction to pre-pandemic places of use in 2021 with an increased percentage of younger adults (<50 years old) reporting use at restaurants

and bars compared to 2020. However, older adults (50+ years old) continued to report similar rates of use at home in 2021 (and continued lower use at restaurants and bars).

Table 4. Where Utah adult binge drinkers used alcohol* (2019-2021)

During the most recent occasion, where were you when you did most of your drinking?

	Respondents who binge drank in the past 30 days														
	18-34 yrs			35-49 yrs			50-64 yrs			65+			Total		
	2019	2020	2021	2019	2020	2021	2019	2020	2021	2019	2020	2021	2019	2020	2021
At your home	51.6%	65.8%	54.2%	59.7%	72.2%	70.3%	64.9%	78.0%	75.6%	59.2%	83.7%	84.4%	57.5%	70.8%	66.8%
At another person's home	17.6%	22.2%	21.4%	15.3%	13.3%	15.4%	12.6%	7.6%	11.0%	18.3%	6.1%	6.7%	15.9%	16.1%	15.9%
At a restaurant or banquet hall	3.4%	0.5%	3.5%	1.9%	1.6%	2.7%	2.3%	1.5%	2.4%	4.2%	2.0%	0.0%	2.8%	1.1%	2.7%
At a bar or club	15.6%	6.1%	16.9%	11.0%	3.9%	7.1%	7.5%	3.8%	3.1%	8.5%	0.0%	4.4%	11.9%	4.7%	9.5%
At a public place	6.5%	2.4%	4.0%	7.5%	2.8%	4.4%	7.5%	3.0%	7.9%	5.6%	0.0%	4.4%	7.0%	2.5%	5.0%

*For 2018-2020, responses include only individuals who indicated binge drinking in the past 30 days.

Source: Utah Department of Health and Human Services

Alcohol-related arrests and court charges for driving under the influence and underage drinking

This section presents available data for alcohol-related arrests and court charges. DUI and underage drinking arrest data were obtained by the AATC via the Department of Public Safety (Highway Safety and Driver's License Division [DLD]), while court charges were obtained via the Administrative Office of the Courts (AOC).

These data speak to the AATC's goal of understanding the number of individuals who are convicted of, plead guilty or no contest to, or resolve by diversion, violations of underage drinking and DUI.

Alcohol-related arrests: Driving under the influence

The Utah Department of Public Safety, through its Driver License Division and Highway Safety Office, collects information on all DUI arrests. For comparison purposes, it is important to note that these data are collected on a fiscal year calendar (July through June), rather than calendar year as most of the other data provided in this report. Table 5 presents DUI arrest data by gender and age from 2019 to 2023. In FY2023, law enforcement officers made 11,246 DUI arrests. This was higher than the number of arrests in FY2022. From FY2011 (13,816 DUI arrests) to FY2019, there had been a steady downward trend observed in the number of DUI arrests (despite a significant population increase over that timeframe), but DUI arrests have increased from 2019 to 2023. It is likely that this increase is at least partially attributable to Utah's .05 DUI laws, which effectively began in calendar year 2019. Based on the data, it is clear that males consistently represent the vast majority of DUI arrests each year (between 72-74%). While no age group is immune to contributing to the DUI numbers for the state, the data suggest that DUI arrests are most strongly associated with drivers between the ages of 25 and 36, with this age group accounting for nearly 40% of all DUI arrests each year.

In order to interpret the meaning of a change in the number of DUI arrests from year to year, it is important to consider whether the change is attributable to changes in actual drinking and driving, to changes in enforcement efforts, or a combination of both of these factors. Fortunately, data are available for understanding DUI enforcement levels from year to year. Table 6 presents data

associated with specialized DUI overtime enforcement events such as enforcement blitzes, saturation patrols, and DUI checkpoints. These activities are funded by a portion of the DUI impound fees collected which are specifically designated to fund the overtime shifts, as well as federal funds received through the National Highway Traffic Safety Administration. There has been a clear increasing trend in

Table 5. Arrests for driving under the influence of alcohol by age and sex in Utah (FY2019-2023)

	2019		2020		2021		2022		2023	
	#	%	#	%	#	%	#	%	#	%
Males	7,112	71.2%	7,598	72.1%	7,834	73.8%	7,704	74.0%	8,244	73.3%
Females	2,657	26.6%	2,678	25.4%	2,552	24.0%	2,498	24.0%	2,716	24.2%
Unspecified gender	226	2.2%	256	2.4%	233	2.2%	211	2.0%	286	2.5%
Ages 13-20	1,101	11.0%	1,306	12.4%	1,287	12.1%	1,145	11.0%	1,163	10.3%
Ages 21-24	1,347	13.4%	1,474	14.0%	1,473	13.9%	1,383	13.3%	1,529	13.6%
Ages 25-36	3,734	37.3%	3,902	37.1%	3,914	36.9%	3,840	36.9%	4,041	35.9%
Ages 37-48	2,242	22.4%	2,384	22.6%	2,465	23.2%	2,508	24.1%	2,836	25.2%
Ages 49+	1,571	15.7%	1,466	13.9%	1,480	13.9%	1,537	14.8%	1,677	14.9%
Total	9,995	100.0%	10,532	100.0%	10,619	100.0%	10,413	100.0%	11,246	100.0%

Source: Source: Utah Department of Public Safety via the Utah Commission on Criminal and Juvenile Justice's Annual DUI Report to the Utah Legislature

the number of DUI overtime shifts since 2012. Compared to 2012, the number of overtime DUI shifts worked in 2023 was two times higher (5,141 vs. 2,116), resulting in an approximate 50% increase in the number of vehicles stopped and DUI arrests. With that said, there has been a significant drop in the number of overtime DUI shifts since 2018, when the number of DUI shifts peaked at 6,362 shifts. There was a significant increase in the number of DUI shifts in 2023 compared to the number of shifts implemented in 2022 (which was the fewest since 2014). Also presented in Table 6 is the rate of DUI arrests per 100 DUI shifts worked. This indicator provides a more objective measure of the prevalence of DUI by accounting for the level of enforcement present each year (# of shifts worked). Between 2012 and 2016, it was clear that the rate of arrests was trending steadily downward, despite the increase in the actual number of arrests (i.e., increases in arrests were attributable to a greater number of shifts not greater prevalence). However, 2017 marked the end of this trend as the rate of DUI arrests per 100 DUI shifts increased substantially (back to levels similar to 2014). The rate of arrests per 100 DUI shifts was relatively stable from 2017 to 2022 (with the exception of 2021 when the rate peaked at 38.8 arrests per 100 shifts), and a small decrease was observed in 2023.

Data examining repeat DUI offenses are available from the Utah Department of Public Safety. These data were calculated by identifying arrests that occurred in 2023 as a starting point, then counting back ten years to determine previous arrests. Based on the analyses, approximately 73.0% of the DUI arrests in 2023 were first offenses, and 27.0% represented repeat offenders (17.6% were second offenses, and 9.4% represented a third offense or more). These proportions are consistent with previous years. These data are interesting because they suggest that a relatively large proportion of DUI offenders end up engaging in DUI again after their initial arrest. Interventions to reduce the likelihood of DUI offenders repeating their DUI behavior are potentially important in reducing future risky behavior in this high risk population.

Table 6. Utah overtime DUI enforcement shifts summary data (FY2016-2023)

	2016	2017	2018	2019	2020	2021	2022	2023
# of DUI shifts worked	5,759	5,734	6,362	6,229	5,917	4,191	4,047	5,141
Vehicles stopped	55,592	51,881	53,630	54,319	49,151	36,306	33,198	44,474
DUI arrests	1,472	1,971	2,247	2,124	1,981	1,626	1,367	1,551
Rate of DUI arrests per 100 DUI shifts worked	25.56	34.37	35.32	34.10	33.48	38.80	33.78	30.17
Vehicles impounded	1,307	1,671	1,828	1,717	1,669	1,396	1,218	1,331
alcohol related arrests*	744	2,014	1,026	1,915	1,116	1,080	884	1,047
drug related arrests	1,341	2,594	2,306	2,342	2,185	1,658	1,466	1,924
Warrants served	1,036	981	1,232	1,104	6,073	547	785	814
Other warnings/citations	54,676	47,083	54,090	48,583	51,642	38,240	35,796	47,599
Designated drivers documented	848	873	720	735	540	348	237	264

*Includes open container, underage alcohol violations

Note: Data combines state and federally funded enforcement events which are reported on different time frames (State FY: July 1-June 30; Federal FY: Oct 1-Sept 30).

Source: Utah Department of Public Safety via the Utah Commission on Criminal and Juvenile Justice's Annual DUI Report to the Utah Legislature

Adjudication of alcohol-related offenses: Driving under the influence

AOC provides the AATC with state level data from district court, justice court, and juvenile court for: 1) Underage drinking; 2) Driving under the influence; and 3) Over serving/Consumption of an alcohol product. Justice courts are established by counties and municipalities and have the authority to handle class B and C misdemeanors, violations or ordinances, small claims, and infractions committed within their territorial jurisdiction. District courts are the state trial court of general jurisdiction. The district court has original jurisdiction to try all civil cases, all criminal felonies, such as homicides, assaults, sex and drug offenses, forgery, arson, and robbery, and misdemeanors in certain circumstances. Finally, the juvenile court is a court of special jurisdiction that has exclusive original jurisdiction over youths, younger than age 18, who violate any federal, state, or municipal law, and any child who is abused, neglected, or dependent. Cases between the three courts do not overlap.

In calendar year 2023, 7,540 charges for DUI offenses were filed in justice court, a small decrease from 2022. Of the cases judged in justice court in 2023, 6,263 cases (83.1%) ended in conviction. This is a higher conviction rate than seen in previous years (2020 in particular was marked by a much lower conviction rate, which likely reflected a greater number of pending cases as a result of the COVID-19 pandemic). In district court, a total of 5,108 charges were filed in calendar year 2023, which was much higher than previous years. AOC staff attributed the increased district court charges to the impact of HB0143, which went into effect in 2022, increasing

the severity of some DUI offenses and moving them from justice courts to district courts. In regard to district court convictions, 3,590 of the cases ended in conviction (70.2%), resulting in a similar conviction rate to 2022. In juvenile court, 21 charges for DUI offenses were filed in 2023. Dispositions for juvenile court cases were not available. Table 7 presents a summary of DUI charges and cases for each of the three courts for 2019-2023.

In order to estimate the conviction rates for cases of DUI judged in both justice and district courts, we looked at data provided for fiscal years 2019-2023 by the AOC that were included in the 21st Annual DUI Report to the Utah Legislature by the Utah Commission on Criminal and Juvenile Justice. Table 8 presents a breakout of the number of DUI offense charges filed each fiscal year by disposition in justice and district court. Based on these data, the estimated conviction rate for DUI charges heard in justice court ranged from 77.2% to 80.7%, while the conviction rate in district court ranged from 80.5% to 82.6%. For justice courts, the estimated conviction rate observed in 2023 was lower than 2022, which was the highest rate since 2017. For District Courts, the estimated conviction rate in 2023 was 82.6%, representing the highest rate in several years.

In addition to the court data presented above, the Department of Public Safety's Driver License Division (DLD) collects data regarding the number of alcohol-related driver license suspension/revocation hearings conducted. These data provide an

Table 7. Utah DUI adjudication data from Justice, District and Juvenile Courts 2019-2023 (Calendar year)

	Justice court					District court					Juvenile court				
	2019	2020	2021	2022	2023	2019	2020	2021	2022	2023	2019	2020	2021	2022	2023
Charges filed	7819	7692	7970	7868	7540	3381	3412	3383	3968	5108	43	57	46	34	21
Offense convictions (total)	5888	4830	6101	6363	6263	2527	1785	2700	2740	3590	n/a	n/a	n/a	n/a	n/a
Bail forfeiture	15	9	11	15	12										
Guilty	3826	3116	4017	4368	4230	2408	1723	2601	2620	3475					
Guilty bench	27	36	34	50	34			3	2	5					
Guilty jury	27	8	22	34	24			7	15	15					
Guilty plea	1606	1397	1671	1547	1602	9									
No contest	387	264	346	349	361	110	62	89	103	95					

Source: Utah Administrative Office of the Courts

Adjudication of alcohol-related offenses: Driving under the influence, continued

additional metric regarding the number of DUI cases occurring across the state. The DLD is required to suspend or revoke the license of a person who has been convicted or sanctioned for serious alcohol offenses such as DUI, refusal of a chemical test, or “not a drop” (youth) violations. When a driver is arrested for DUI, an administrative action may be taken against the driving privilege which is independent of the criminal charges filed and the driver license sanction resulting from a criminal conviction. Drivers may request a license hearing within 10 days, and the Driver License Division must schedule the hearing within the 45-day period from the arrest date. Table 9 presents the number of hearings requested from FY2018-2023, by violation type. Historically, there had been a decreasing trend in the total number of hearings from 2011 to 2019, but 2020 saw a dramatically higher number of hearings for alcohol violations at 5,663 (the highest number since 2011). However, 2020 appears to have been an outlier, as the total numbers for FY2021-2023 were similar to or below pre-2020 totals.

See the 2023 DUI Statutory Overview provided in the attachments section of this report for more information about DUI sentencing guidelines. The overview presents statutory provisions and court ordered sentencing guidelines for DUI in Utah based on severity and number of offenses.

Table 8. Utah justice, district and juvenile court DUI case outcomes with estimated conviction rate (FY2019-2023)

	2019		2020		2021		2022		2023	
	#	%	#	%	#	%	#	%	#	%
Justice court cases										
Guilty or equivalent ¹	6,035	78.1%	5,069	77.2%	5,777	79.5%	6,172	80.7%	6,492	78.4%
Not guilty or equivalent ²	1,645	21.3%	1,424	21.7%	1,407	19.4%	1,385	18.1%	1,669	20.2%
Other ³	45	0.6%	28	0.4%	86	1.2%	93	1.2%	119	1.4%
Cases pending	0	0.0%	47	0.7%	0	0.0%	0	0.0%	0	0.0%
Total	7,725	---	6,568	---	7,270	---	7,650	---	8,280	---
Number of justice courts reporting	121	---	114	---	116	---	113	---	112	---
District court cases										
Guilty or equivalent ¹	2,669	80.5%	2,059	81.1%	2,388	80.7%	2,577	80.5%	3,208	82.6%
Not guilty or equivalent ²	537	16.2%	367	14.4%	503	17.0%	555	17.3%	558	14.4%
Other ³	110	3.3%	114	4.5%	67	2.3%	70	2.2%	119	3.1%
Total	3,316	---	2,540	---	2,958	---	3,202	---	3,885	---

¹Includes: guilty, no contest, and plea in abeyance.

²Includes: not guilty, dismissed, declined prosecution

³Includes: deceased, diversion, transferred, and remanded

Source: Utah Administrative Office of the Courts via the Utah Commission on Criminal and Juvenile Justice's Annual DUI Report to the Utah Legislature

Table 9. Number of driver license division hearings for alcohol violations by type in Utah (FY2018-2023)

	2018	2019	2020	2021	2022	2023
Per se violations	3,448	3,190	4,719	2,792	2,822	3,159
Not a drop violations	95	105	150	125	111	115
Refusal to submit to a chemical test	573	540	794	424	503	530
Total	4,116	3,835	5,663	3,370	3,436	3,804

Source: Utah Department of Public Safety, Driver License Division via the Utah Commission on Criminal and Juvenile Justice's Annual DUI Report to the Utah Legislature

Justice and district court DUI offender screening and assessment process

Screening and assessment: As part of any sentence for a DUI offense, Utah law requires offenders to participate in a screening, and, if indicated by the screening, an assessment. This information is used to identify possible educational and/or treatment interventions appropriate for the offender. A screening involves gathering information that is used to determine if an individual has a problem with alcohol and/or other drug abuse, as well as, whether an in-depth clinical assessment is appropriate. An assessment is a collection of detailed information concerning the individual's alcohol and/or other drug abuse, emotional and physical health, social roles, and other relevant areas of the individual's life. The assessment is used to determine the need for substance use disorder treatment.⁶

Education: The purpose of DUI education is to “address any problems or risk factors that appear to be related to use of alcohol and other drugs and attempt to help the individual recognize the harmful consequences of inappropriate use, with special emphasis placed on the dangers of drinking and driving”⁷. Utah DUI offenders sentenced to an educational series attend the PRIME For Life® (PFL) program developed by the Prevention Research Institute (PRI). “PRIME For Life® is a motivational intervention that provides education and strategies for individuals who have experienced problems due to high-risk alcohol or drug use. PFL is an interactive experience designed to motivate and guide individuals toward making low-risk choices and adopting more accurate beliefs about personal risk that will support low-risk choices. The program provides research-based low-risk guidelines and assists participants in making choices to best protect what they value.”

Treatment: For a first and second DUI offense, the court may order treatment; for a third or subsequent offense within 10 years, the court must order substance use disorder treatment. “Treatment involves the application of planned procedures to identify and change patterns of behavior that are maladaptive, destructive, and/or injurious to health; or to restore appropriate levels of physical, psychological and/

or social functioning.” The level of treatment needed (e.g., day treatment, outpatient, intensive outpatient, residential) is determined by the assessment on the basis of the severity of the substance use disorder.

Table 10 presents the number of orders for substance use disorder screening and assessment by the district and justice courts for fiscal years 2018 to 2023 (for those cases where the values were known), and the number of cases ordered to participate in an education series and/or substance abuse treatment services. As seen in Table 10, the number of screening and assessments ordered by both justice courts and district courts was higher in 2023 vs. previous years. The number ordered to attend treatment was similar to previous years for justice courts, but higher than typical for district courts (likely to the increased number of cases as a result of HB0143). Similarly, the number ordered to attend an education series was similar in 2023 to previous years for justice courts, but higher for district courts.

⁶ Center for Substance Abuse Treatment, Screening and Assessment for Alcohol and Other Drug Abuse Among Adults in the Criminal Justice System, Treatment Improvement Protocol (TIP) Series, #7.

⁷ Utah Sentencing Commission, DUI Best Sentencing Practices Guidebook, 2003.

Table 10. Number of DUI offenders ordered to complete screening, assessment, education and treatment by justice and district courts in Utah (2018-2023)

	2018	2019	2020	2021	2022	2023*
Justice court						
# Of substance use disorder screening and assessments ordered	4,558	4,271	4,392	4,434	4,783	5,141
# Ordered to attend education series	2,985	2,803	2,982	2,940	2,879	2,886
# Ordered to attend substance abuse treatment	3,018	2,985	3,031	3,028	3,272	3,336
District court						
# Of substance use disorder screening and assessments ordered	1,173	1,301	1,173	1,358	1,383	1,785
# Ordered to attend education series	476	420	379	519	502	591
# Ordered to attend substance abuse treatment	1,418	1,432	1,185	1,486	1,555	2,035

*Note: HB0143 went into effect in 2022, increasing the severity of some DUI offenses moving them from Justice Courts to District Courts

Source: Utah Administrative Office of the Courts via the Utah Commission on Criminal and Juvenile Justice's Annual DUI Report to the Utah Legislature

Alcohol-related arrests: Liquor law offenses

The number of arrests for liquor law violations is available through the Utah Department of Public Safety, Bureau of Criminal Identification's internet Crime in Utah Dashboard. Liquor law violations are defined as any violation of state or local laws (federal violations are excluded) and ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence or drunkenness. Table 11 presents the number of liquor law arrests in Utah from 2019-2023. Within this timeframe, liquor law arrests have fluctuated with no clear trend pattern. As with any arrest indicator, when interpreting the data it is important to consider whether changes in the data reflect a change in prevalence of the behaviors or a change in the level

of enforcement. Unfortunately, we are not aware of any data to illuminate the level of enforcement for liquor laws from year to year. Therefore, it is unclear whether changes to this indicator reflect changes in prevalence or enforcement level/priority for these violations (or multiple factors).

Table 11. Number of arrests for liquor law offenses in Utah 2019-2023

	Adult				
	2019	2020	2021	2022	2023
Liquor law offenses	2,489	2,005	2,293	2,467	2,581

Source: Utah Department of Public Safety-Bureau of Criminal Identification

Adjudication of alcohol-related offenses: Underage drinking

Based on data provided by the AOC, there were 1,798 charges for underage drinking offenses filed in justice court in calendar year 2023. Of the cases judged, 633 cases ended in conviction. In district court, a total of 273 charges were filed in calendar year 2023, and 52 of the cases judged ended in conviction. In 2020, the percentage of cases ending in conviction for both justice and district courts was lower than previous years, and this is attributable to disruptions to court services during the COVID-19 pandemic. By 2022, the conviction rate for justice court and district court cases rebounded to pre-pandemic levels. In juvenile court, there were 102 charges filed for underage drinking offenses in 2023 which was similar to 2022. Table 12 presents a summary of underage drinking charges and cases for each of the three courts for 2019-2023. Overall, there has been a decreasing trend in the number

of underage drinking charges filed and the number of convictions for all three courts since 2014 (the first year of data collected by the AATC). More specifically, justice court charges filed have decreased 49% (n = 3,543 in 2014), District Court charges have decreased 33% (n = 408 in 2014), and juvenile court charges have decreased 89% between 2014 (n = 734) and 2023. Whether these decreases are attributable to lower prevalence, reduced enforcement, or both cannot be determined from the available data. With that said, the decrease in charges is consistent with decreases in youth alcohol use trends.

Table 12. Utah underage drinking adjudication data from justice, district and juvenile courts 2019-2023

	Justice court					District court					Juvenile court				
	2019	2020	2021	2022	2023	2019	2020	2021	2022	2023	2019	2020	2021	2022	2023
Charges filed	2118	2159	1879	2000	1798	249	222	213	225	273	154	143	106	99	102
Offense convictions (total)	763	616	613	688	633	67	46	45	54	52	n/a	n/a	n/a	n/a	n/a
Bail forfeiture	13	14	9	8	10										
Guilty	533	434	469	530	478	49	38	41	47	51					
Guilty bench	13	7	12	8	1				2						
Guilty plea	113	91	76	83	68	1									
No contest	91	70	47	59	76	17	8	4	5	1					

Source: Utah Administrative Office of the Courts

Violations of the State Alcoholic Beverage Control Act: Over-serving/consumption and sales to minors

Three agencies provided data to the AATC that shed light on the number of violations among alcohol retailers for over-serving, over-consumption, or sales to minors. For off-premise alcohol outlets (grocery stores, convenience stores, gas stations, etc.) the Department of Public Safety (DPS) funds the Utah Eliminating Alcohol Sales to Youth (EASY) compliance check program, which has been implemented since 2007. The State Bureau of Investigation (SBI) conducts compliance checks and investigations of on-premise alcohol outlets (restaurants,

bars, clubs, etc.) for any violations of the state's Alcohol Beverage Control Act, and refers establishments in violation to the Department of Alcoholic Beverage Services (DABS). Both SBI and DABS provided data regarding on-premise compliance checks to the AATC. Additionally, the SBI provided data regarding the number of off-premise compliance checks they conduct each year.

Off-premise retail compliance checks

Through the DPS EASY program, covert underage buyers (CUBs) attempt to purchase alcohol from off-premise retailers. If a retailer sells to the CUB, they are considered non-compliant and are warned or cited. Another important component of the EASY program is mandatory retail training for anyone who sells or supervises the sale of alcoholic beverages, which is administered by the DHHS Office of Substance Use and Mental Health. The effectiveness of the EASY program is enhanced through this two-pronged approach (education and enforcement). Table 13 presents a summary of compliance check data in each of the nine counties that implemented EASY checks in calendar year 2023. Figure 5 presents historical data from the EASY program, including the number of outlets checked and the compliance rate for checks through fiscal year 2023 (historical data was not available by calendar year). The number of CUB compliance checks conducted was dramatically affected by the COVID-19 pandemic as a result of the limited ability of counties to conduct covert underage buying checks due to public health restrictions (e.g., social distancing, mask wearing, etc.). As a result, there was a sharp drop in the number of off-premise compliance checks for underage sales conducted through the EASY program in 2020, and the compliance rate dropped substantially as well.⁸ A partial rebound in the number of EASY compliance checks conducted was seen in 2021, but it was not until 2022

that CUB activities returned to near pre-pandemic levels. The compliance rate also rebounded to pre-pandemic levels in 2022, and reached a new high in FY2023, at 94.7% compliance.

While most of the off-premise compliance checks are conducted using local law enforcement agencies, the State Bureau of Investigation also conducts a number of off-premise retail store checks each year. SBI conducts off-premise compliance checks at the request of smaller law enforcement agencies across the state that do not have the capacity to conduct their own checks. In 2023, SBI conducted 45 off-premise checks of which 41 were compliant (89% compliance rate), as well as 42 checks at state liquor stores (which had a 100% compliance rate).

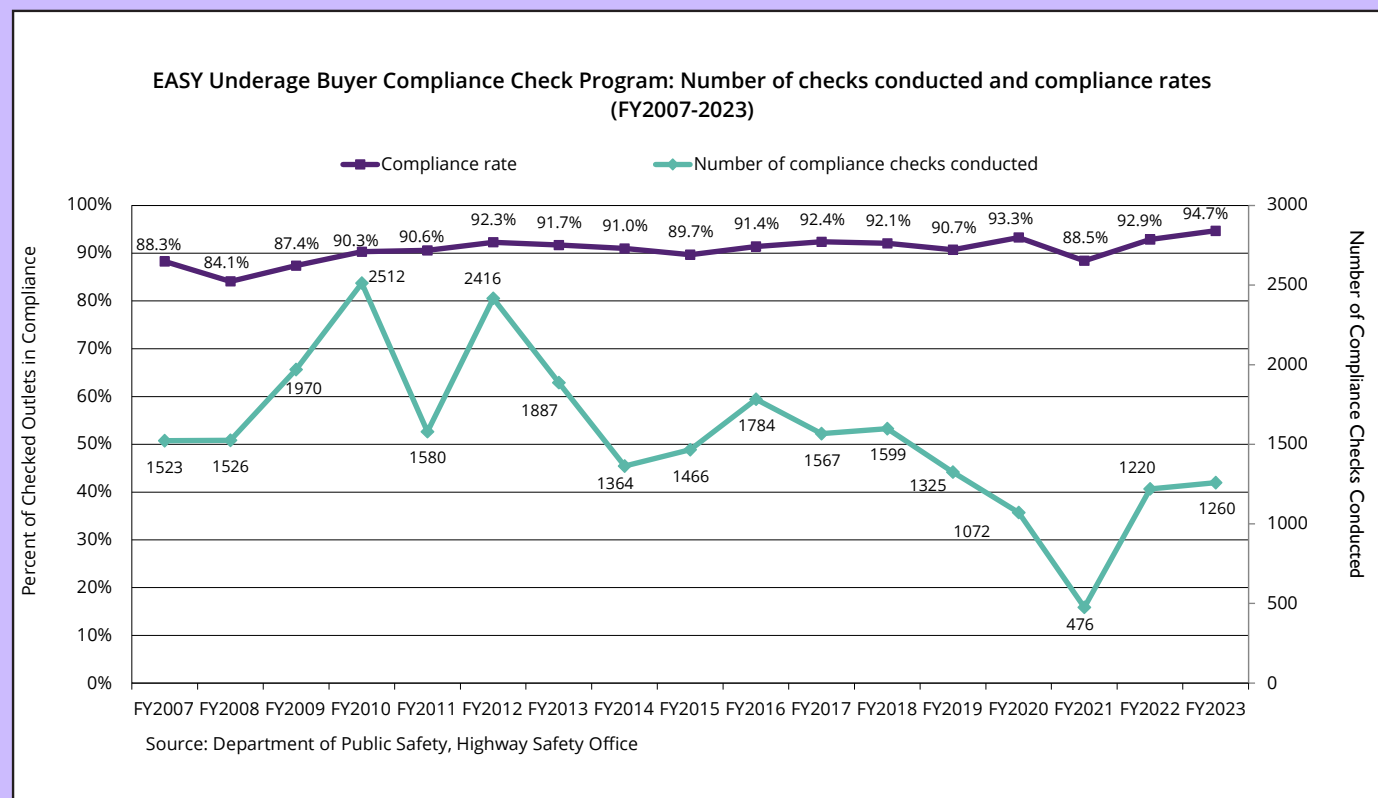
⁸ When examining the FY data trends, note that the FY2021 compliance check numbers were impacted to a much larger extent by the pandemic than the FY2020 numbers because of the timing of the fiscal year calendar (July 1– June 30). Specifically, FY20 included only four months (March 2020–June 2020) affected by the pandemic, while all months of FY21 were affected by the pandemic.

Table 13. Utah EASY Underage Buyer Compliance Check Program: Compliance rates by county (2023)

County	Number of Compliance Checks	Number Compliant	Compliance Rate
Box Elder	53	51	96.2%
Cache	114	111	97.4%
Davis	222	214	96.4%
Salt Lake County	480	451	94.0%
San Juan	4	4	100.0%
Tooele	135	129	95.6%
Utah County	32	30	93.8%
Washington	30	26	86.7%
Weber	165	161	97.6%
Total	1235	1177	95.3%

Source: Utah Department of Public Safety, Highway Safety Office

Figure 5



On-premise alcohol violations

State Bureau of Investigation (SBI) agents make up an alcohol enforcement team (AET) aimed at on-premise alcohol enforcement in the State of Utah. The AET focuses primarily on public safety, with an emphasis on service to intoxicated persons, service of alcohol to minors or consumption of alcohol by minors, and DUI. Agents conduct statewide compliance operations and investigations at random or as a result of a tip, complaint, or anonymous report of violation(s). If violation(s) are found, the information is gathered and referred to the Utah DABS for administrative action and/or local prosecution in the case of a criminal violation. If the commission or department wants the right to initiate or maintain a disciplinary proceeding on the basis of a violation alleged in a report, the department shall notify the licensee by no later than eight business days from the day on which the department receives the report. The DABS initiates disciplinary proceeding by issuance of a Notice of Agency Action, and the assistant attorney general assigned to the department represents the department and commission in the disciplinary proceeding. Ninety-nine percent of violations are settled out of court, meaning that the establishment pays the fine plus administrative cost. The violation stays on record for three years. If repeat violations occur, the penalties increase up to, and including, a \$25,000 fine and revocation of license. During the 2023 calendar year, total licensee fines assessed in Utah were approximately \$373,750, and administrative costs totaled approximately \$70,740. Administrative costs are put into the state General Fund.

As a result of SBI compliance checks, approximately 215 cases were referred to DABS for one or more violations in 2023. More than 430 violations were associated with these cases in 2023 (an average of just over two violations per case). Sale to a minor has historically been the most common violation, representing ~65% of cases in a typical year. In 2023, the percentage of cases that involved a sale to minor violation

was even higher (approximately 98% of cases). Interestingly, in 2020 only 42% of cases involved a sale to a minor, but this was likely a pandemic related anomaly. Violations for sale to an intoxicated person are historically rare, and this remained true in 2023; only five cases involved a Sale to an Intoxicated Person.

Looking specifically at SBI's CUB operations, SBI agents conducted CUB checks on 1,253 on-premise alcohol outlets, resulting in 142 underage sales (compliance rate of 88.7%). The compliance rate for on-premise SBI checks dropped significantly in 2021 following the pandemic, and has yet to fully return back to pre-pandemic levels. Our SBI contact person attributes the lower compliance rates with difficulties in hiring and retaining serving staff that are associated with the post-pandemic transition. Frequent staff turnover, hiring of less qualified staff, and delays in alcohol compliance training are all believed to contribute to a higher number of compliance failures since the pandemic. The hope is that as staffing and server training issues continue to normalize, compliance rates will eventually return to pre-pandemic levels. Table 14 provides a breakout of SBI CUB compliance checks by type of outlet (both on-premise and off-premise). Note that the calendar year 2020 & 2021 alcohol sales compliance data were both strongly impacted by the COVID-19 pandemic (due to closures and capacity restrictions for on-premise retailers, by social distancing protocols that affected the ability of law enforcement to conduct CUB operations, and retailer staffing issues).

Table 14. Utah State Bureau of Investigation Covert Underage Buyer (CUB) compliance checks by type of outlet (2018-2023)

	Restaurants						Bars/Clubs						Retail stores					
	2018	2019	2020*	2021*	2022	2023	2018	2019	2020*	2021*	2022	2023	2018	2019	2020*	2021*	2022	2023
# of Compliance Checks	1292	1315	247	667	1079	1012	232	313	52	198	260	241	18	46	11	13	119	87
Number Sold to CUB	99	82	10	86	149	119	8	10	1	12	15	23	2	7	0	3	0	4
Compliance Rate	92.3%	93.8%	96.0%	87.1%	86.2%	88.2%	96.6%	96.8%	98.1%	93.9%	94.2%	90.5%	88.9%	84.8%	100.0%	77%	100.0%	95.4%

Source: Utah Department of Public Safety, State Bureau of Investigation

*2020 compliance check operations were much smaller scale than typical as a result of the COVID-19 pandemic; compliance check activities increased in 2021, but had not returned to pre-pandemic levels.

Consequences of alcohol use: Abuse/dependence, treatment, and mortality/morbidity

This section of the report focuses on data that highlight some of the physical and behavioral health consequences of alcohol use. Included are data examining the estimated percent of individuals within the state who are dependent and/or abusing alcohol or in need for alcohol treatment, the number of admissions to state funded treatment programs for alcohol abuse, and indicators of mortality and morbidity

related to alcohol. While these data do not provide a direct metric for understanding the economic costs of alcohol use to the state of Utah, they do begin to shed light on these costs to the state (as well as the emotional and social costs of alcohol consumption).

Estimates of adult abuse or dependence on alcohol

The National Survey on Drug Use and Health (NSDUH) provides state level estimates of the number of adults who were categorized as being dependent or abusing alcohol in the past year at the time of the survey. Table 15 presents estimates of the number and percentage of Utah adults categorized as abusing or dependent on alcohol from 2015 to 2022 (most recent data available). Note that prior to 2020, dependence or abuse categorization was based on definitions found in the 4th edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders (DSM-IV). In 2020, the definition was changed to reflect updated criteria in the 5th edition of the DSM. As a result, data collected using the old and new definitions cannot be directly compared. Prior to 2020, rates

had fluctuated, marked by an upward trend between 2012 and 2014, followed by a mostly downward trend between 2014 and 2019. In 2021 and 2022, the rates were fairly similar with a slight decrease in 2022. With only two data points available using the new definition for abuse and dependency, a trend cannot be interpreted.

Table 15. The estimated number and rates of adults in Utah with dependence or abuse of alcohol by age (2015-2022)

	2015	2016	2017	2018	2019	2020*	2021^	2022
	Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent
18-25 years	9.9%	8.7%	8.9%	8.1%	7.7%	n/a	12.6%	12.0%
26+ years	4.1%	3.7%	4.5%	4.1%	3.8%	n/a	8.9%	8.2%
Total (18+ years)	5.2%	4.6%	5.3%	4.8%	4.5%	n/a	9.5%	8.9%

*Data not available for 2020 due to impact of the COVID-19 pandemic on sample size.

^Estimates from 2021 and later are not directly comparable to previous years due to changes in methodology and item wording.

Source: National Survey of Drug Use and Health (NSDUH)

Estimates of youth in need of alcohol treatment

The Utah Student Health and Risk Prevention Survey provides estimates of the percentage of youth who are in need of alcohol treatment. Treatment need is based on indication of a high volume of alcohol use during the past 30 days (10+ occasions), as well as responses to six items measuring the extent to which alcohol use interfered or disrupted aspects of the youth's life during the past year (e.g., spent more time using than expected, others objected to your use, using to relieve feelings of sadness, anger or boredom, etc.). Table 16 presents need for alcohol treatment estimates for Utah youth from 2013-2023 by grade level. Rates of treatment need, unsurprisingly, increase with grade (age) similarly to alcohol use rates. Overall, rates of alcohol treatment need in youth have declined steadily over time for all grades, which is consistent with the decreasing youth alcohol use trends presented earlier in this report.

Table 16. Estimates of Utah youth in need for alcohol treatment by grade (2013-2023)

	2013	2015	2017	2019	2021	2023
6th Grade	0.1%	0.1%	0.1%	0.1%	0.2%	0.1%
8th Grade	1.0%	0.9%	0.6%	0.8%	0.6%	0.5%
10th Grade	3.1%	2.5%	2.5%	1.9%	1.2%	0.9%
12th Grade	4.2%	3.8%	3.4%	2.5%	1.8%	1.4%
Grades 6, 8, 10 & 12 combined	2.1%	1.7%	1.6%	1.3%	1.0%	0.7%

Source: Utah Student Health and Risk Prevention Survey

Admissions into state funded alcohol treatment programs

The DHHS Office of Substance Use and Mental Health (OSUMH) provides data regarding the number of admissions to state-funded substance abuse treatment programs, including a breakout of treatment admissions based on primary substance of use. While alcohol had traditionally been indicated as the primary substance of use at admission for more individuals than any other substance, it was displaced from this position in 2016. In 2023, admissions for alcohol as primary substance of use were second (after methamphetamine) for state-funded treatment admissions (26.0% of all cases). Table 17 presents the number of treatment admissions in state-funded alcohol treatment programs from FY2019 through 2023, as well as the percentage of all treatment admissions with alcohol indicated as the primary

substance. Since 2012, the number of alcohol treatment admissions has decreased from 6,371 to 4,274 (a 32.9% decrease). Over the same timeframe, the total number of treatment admissions has fluctuated. An initial decrease was observed from 2012 (17,264) to 2015 (14,923), followed by a dramatic increase from 2015 to 2019 (19,938), and finally by another decrease over the past four years.

Table 17. Utah adults in state-funded alcohol treatment programs (FY2019-2023)

	2019		2020		2021		2022		2023	
	Number	Percent of total	Number	Percent of total	Number	Percent of total	Number	Percent of total	Number	Percent of total
Adults in state funded alcohol treatment programs	4,549	22.8%	4,322	25.4%	4,023	25.8%	4,400	26.4%	4,274	26.0%
Total number of adults in state funded treatment programs (all substances)	19,938	100.0%	17,004	100.0%	15,618	100.0%	16,640	100.0%	16,431	100.0%

Source: Utah Department of Human Services, Division of Substance Abuse and Mental Health

Alcohol-related mortality and morbidity indicators

In addition to abuse and dependence, alcohol is associated with a variety of health consequences, both acute and chronic. Table 18 presents data for several types of mortality and morbidity associated with alcohol use. These data were queried from the Utah Department of Health and Human Services' Indicator Based Information System (IBIS). Emergency department (ED) encounters for alcohol overdose provide a useful measure of acute alcohol poisoning incidents.⁹ Likewise, alcohol poisoning fatalities and homicides provide acute mortality data related to alcohol use.¹⁰ The other mortality indicators represent chronic health issues that result from longer term alcohol use. It is important to compare rates over time to assess trends given the rapid population growth of Utah over the past decade. Most of the fatality indicators have fluctuated in recent years without a clear increasing or decreasing pattern. Additionally, none of the causes of death in Table 18 is responsible for an extensive number of deaths in Utah annually (only alcoholic liver disease was associated with more than 200 deaths in a single year through 2022).

Another important consequence of alcohol use that results in loss of life, injury and property damage is alcohol-related motor vehicle crashes (ARMVC). In 2023, there were 875 total ARMVC. This was the lowest number of ARMVC in the last six years. In 2023, there were a total of 41 fatal ARMVC (lower than 2022), and 306 injury ARMVC (similar to 2022). Table 19 presents the number and rate of: a) total ARMVC (crashes resulting in death, injury or property damage only), b) ARMVCs resulting in fatality, and c) ARMVCs resulting in injury between 2018 to 2023. Figure 6 presents data that provide a greater historical perspective on fatal and injury ARMVC. The rate of fatal

ARMVC had been increasing from 2015 to 2022, but decreased in 2023. The rate of injury ARMVC has decreased since 2020.

It should be noted that the Utah Highway Safety Office (UHSO) recently adopted new criteria/definitions for coding ARMVC that substantially changed how ARMVC are counted -- comparisons should not be made between ARMVC counts (or rates) using the new and historical definitions. The new coding criteria exclusively count crashes where alcohol involvement has been confirmed. The historical definition included both crashes confirmed to involve alcohol and those suspected to involve alcohol as ARMVC. The new definition results in far fewer crashes being categorized as ARMVC. Previous AATC data reports reported ARMVC data using the old definition, and therefore should not be compared with data presented in this year's report.

⁹ It is important to note that the ED encounters database switched from an ICD-9 based coding system to ICD-10 in the third quarter of 2015. As a result, 2015 data are not available, and pre-2015 data are not comparable to data queried after 2015.

¹⁰ According to the Center for Disease Control and Prevention's Alcohol-Related Disease Impact Program, approximately 47% of homicides are attributable to alcohol use.

Table 18. Rates and numbers of alcohol related mortality and morbidity in Utah (2017-2021)

	2018		2019		2020		2021		2022	
	Number	Rate per 100,000*	Number	Rate per 100,000*	Number	Rate per 100,000*	Number	Rate per 100,000*	Number	Rate per 100,000*
Alcoholic liver disease (cirrhosis) fatalities (ICD-10: K70)	158	5.51	145	4.89	185	6.07	230	7.40	202	6.35
Other cirrhosis fatalities (ICD-10: K73, K74)	129	4.51	116	3.92	122	4.25	125	4.02	120	3.82
Alcoholism fatalities (ICD-10: F10)	120	4.16	109	3.63	170	5.54	168	5.41	136	4.22
Homicides (ICD-10: X85-Y09, Y87.1)	67	2.19	82	2.58	96	2.95	91	2.69	72	2.15
Alcohol poisoning fatalities (ICD-10: X45, Y15, T51.0, T51.1, T51.9)	23	0.78	24	0.83	29	0.95	19	0.55	15	0.43
Emergency department encounters for alcohol overdose (2016 and later- ICD-10: Any case involving T51)	515	16.8	421	13.5	381	12.0	322	9.5	312	9.1

*Age-adjusted rates per 100,000 population

Source: Utah Department of Health and Human Services

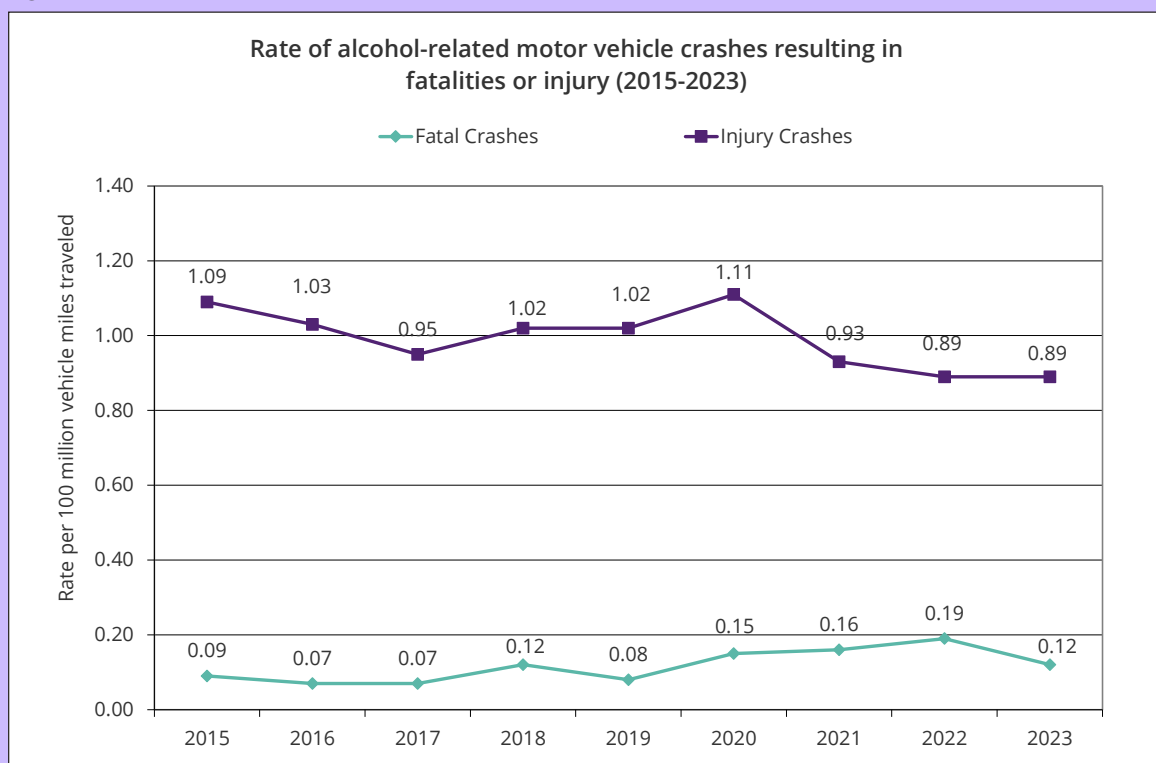
Table 19. Alcohol-related motor vehicle crashes in Utah (2018-2023)

	2018		2019		2020		2021		2022		2023	
	Number	Rate per 100M VMT	Number	Rate per 100M VMT	Number	Rate per 100M VMT	Number	Rate per 100M VMT	Number	Rate per 100M VMT	Number	Rate per 100M VMT
Alcohol-related motor vehicle crashes-fatal	40	0.12	25	0.08	45	0.15	55	0.18	57	0.19	41	0.12
Alcohol-related motor vehicle crashes-injury	330	1.02	335	1.02	336	1.11	313	1.04	304	1.01	306	0.89
Alcohol-related motor vehicle crashes-total (fatal, injury and property damage)	928	2.88	932	2.83	895	2.96	918	3.04	925	3.06	875	2.55

Rate per 100 million vehicle miles traveled

Source: Utah Department of Public Safety (<https://udps.numeric.net/utah-crash-summary#/>; queried 4.4.24)

Figure 6



Costs of excessive alcohol consumption in Utah

This section of the report highlights some of the costs of alcohol consumption in Utah. Excessive alcohol use can exact a high cost on those who use it, their families, communities, and society overall. These costs may be expressed in terms of dollars and cents, negative behavioral health outcomes, physical disease, and/or loss

of human lives. Highlighted below are findings from two studies that examine the costs of alcohol from different perspectives applied to the state of Utah.

Alcohol-attributable deaths and years of potential life lost

Excessive alcohol use¹¹ is one of the top five preventable causes of death in the U.S. The Centers for Disease Control and Prevention's (CDC) Alcohol Related Disease Impact (ARDI) Application website¹² provides data to highlight the costs of excessive or risky alcohol use in terms of human lives by state. One indicator provided by the ARDI application is alcohol attributable deaths (AAD). AAD provides an estimate of the number of actual deaths associated with 58 causes known to be attributable to alcohol to some degree. In simplified terms, the first step in calculating AADs consists of multiplying the number of deaths for each cause by an alcohol-attributable fraction (AAF) that represents the estimated proportion of deaths from that cause that is attributable to alcohol use. AAFs can range from 1.0 (causes of death that are 100% attributable to alcohol such as alcohol poisoning) to .01 (causes of death that are only 1% attributable to alcohol). Next, the number of attributable deaths for each of the 58 causes is added to provide the total number of AADs. The second indicator, years of potential life lost (YPLL) as a result of excessive alcohol use, is a statistic that estimates the number of years those who died from alcohol-related causes would likely have lived based on the life expectancy of the individual at the time of their death. For example, YPLL for a male who dies at the age of 25 in an alcohol-related motor vehicle crash would be 50 years because the life expectancy of a 25 year old male is 75 years ($75 - 25$ [actual age of death] = 50 YPLL).

Based on the data, there were an estimated 1,113 alcohol-attributable deaths annually in Utah between 2020 and 2021. This is an increase from the previous estimate of 903 annual AADs which was based on data from 2015-2019. Males accounted for just over two-thirds (67%) of the AAD burden in Utah, and in terms

of age, the highest percentage of AADs were in the 65 and older age group (31%), followed closely by 50-64 year olds (30%). In regard to YPLL, there were an estimated 28,970 YPLL annually to excessive alcohol use in Utah between 2020 and 2021 (an increase from the previous estimate of 26,746 [based on data from 2015-2019]). Again, males accounted for a disproportionate number of YPLL (66%), while the 35-49 age group accounted for the highest percentage of YPLL (32%), followed closely by the 20-34 and 50-64 age groups (both at 25%).

In summary, excessive alcohol use was responsible for an estimated 2,226 preventable deaths and 57,940 YPLL in Utah between 2020 and 2021. Clearly, even in Utah where alcohol use rates and alcohol morbidity/mortality are low relative to the nation, the cost of excessive alcohol use in human lives is substantial.

¹¹ Excessive alcohol use was defined as: binge drinking (4 or more drinks per occasion for women; 5 or more drinks per occasion for men), heavy drinking (more than 1 drink per day on average for women; more than 2 drinks per day on average for men), any alcohol consumption by individuals under the age of 21, and any alcohol consumption by pregnant women.

¹² https://nccd.cdc.gov/DPH_ARDI/default/default.aspx

Economic costs of excessive alcohol consumption

A 2011 study published in the American Journal of Preventive Medicine¹³ estimated the costs associated with excessive alcohol consumption in the U.S. in 2006. The study builds on previous studies that estimate the cost of alcohol abuse using guidelines for a “cost of illness” methodology widely used in estimating the economic burden of various diseases. Based on data examined in the study, the estimated economic cost of excessive alcohol use in the U.S. in 2006 was \$223.5 billion, which equated to approximately \$1.90 per standard alcoholic drink consumed. The study defined excessive alcohol use as any of the following: a) binge drinking (4 or more drinks in a row per occasion for women; 5 or more drinks for men), b) heavy drinking (an average of more than 1 drink per day for women; more than 2 drinks per day for men), c) any underage alcohol consumption, and

d) any alcohol consumption by pregnant women. An in-depth analysis of alcohol-related cost was conducted by examining the cost of a wide array of alcohol-related consequences within the following categories: a) health care, b) productivity losses, and c) other effects such as property damage. Table 20 provides examples of the cost items included in each of the categories included in the study.

¹³ Bouchery, E.E., Harwood, H.J., Sacks, J.J., Simon, C.J., & Brewer, R.D. (2011). Economic Costs of Excessive Alcohol Consumption in the U.S., 2006. American Journal of Preventive Medicine, 41(5), 516-524.

Table 20. Cost categories and example cost items included in analyses of the economic costs of excessive alcohol consumption

Category	Examples
Health care costs associated with treatment and prevention services, and alcohol related disease	Specialty care for alcohol abuse/dependency, hospitalizations for 54 conditions associated with alcohol attributable deaths, fetal alcohol syndrome, health insurance administration, alcohol prevention and research, etc.
Lost productivity costs due to alcohol related illness, disability or death	Impaired work productivity, impaired home productivity, mortality/loss of life, absenteeism, incarceration of perpetrators, crime victims, etc.
Other effects of alcohol including property damage, criminal justice costs, etc.	Criminal justice, motor vehicle crashes, fire losses, crime victim property damage, fetal alcohol syndrome-special education costs, etc.

Economic costs of excessive alcohol consumption, continued

The study provides a breakdown of the costs of excessive alcohol consumption both regarding cost categories as well as who bears the costs. Of the \$223.5 billion associated with excessive alcohol consumption in 2006, the majority (72.2%) of alcohol-related costs were associated with lost productivity. Health care costs came in a distance second place (11%), followed closely by criminal justice costs (9.4%), and finally other effects (7.5%). In terms of who bears the cost of excessive alcohol, costs were attributed to four entities: a) the federal government, b) state governments, c) the alcohol user and family, or d) others in society. The largest burden of excessive alcohol use costs were borne by the alcohol user/family (41.5%), followed by state governments (23.9%), the federal government (18.2%), and others in society (16.3%). From a cost per drink perspective, the cost to state governments was approximately \$0.45 per drink, and \$0.35 per drink for the federal government.

Using the per drink cost estimate for state governments from the study, it is possible to estimate the economic cost of excessive alcohol consumption in Utah. The National Institute on Alcohol Abuse and Alcoholism (NIAAA) tracks alcohol consumption at the state level through alcohol sales data collected in the Alcohol Epidemiological Data System (AEDS). In Utah, estimates of wine and spirits (liquor) consumption are collected by NIAAA from the Utah Department of Alcoholic Beverage Services. Beer consumption estimates are based on industry sales/shipment data provided by the Beverage Information Group which tracks volumes of alcoholic beverage shipment data for each state.¹⁴ For 2021 (most recent data

available), the AEDS reported that approximately 38.4 million gallons of alcohol were consumed in Utah (80.1% of which was beer, 9.8% wine, and 10.0% spirits), equating to approximately 3.41 million gallons of ethanol (pure alcohol).¹⁵ Based on these alcohol consumption data, there were approximately 727.1 million “standard drinks” (SD) of alcohol consumed in Utah in 2021,¹⁶ which represented a 1% decrease from 2020. Using the study estimates of state burden (\$0.45 per standard drink), the cost of excessive alcohol use to the state of Utah was over \$327.2 million in 2021. Table 21 presents the estimates of the costs of excessive alcohol use in Utah by category and burden.

¹⁴ Industry estimates are more useful for beer sales because the Utah DABS tracks the sale of “heavy beers” sold at state liquor stores, and does not track beer sold at grocery stores, restaurants, and other retail outlets which accounts for the majority of beer consumed.

¹⁵ <https://www.niaaa.nih.gov/sites/default/files/pcyr1970-2021.tx>

¹⁶ A standard drink contains .6 fluid ounces of pure alcohol (ethanol). A typical beer is equal to one standard drink, as would a 5 ounce serving of wine, or a 1.45 ounce serving of 80 proof liquor.

Table 21. Estimated costs of the excessive use of alcohol in Utah in 2021

Category	Formula	Amount
State government burden	State = 727.1 (SD) * \$0.45 per drink	\$327.2 million
Federal government burden	Federal = 727.1 * \$0.35 per drink	\$254.5 million
Alcohol user (and family) burden	User = 727.1 * \$0.79 per drink	\$574.4 million
Others in society burden	Others = 727.1 * \$0.31 per drink	\$225.4 million
Total costs of excessive alcohol in Utah	Total = 727.1 * \$1.90 per drink	\$1.38 billion

Environmental strategies to reduce excessive alcohol consumption in Utah

Increased focus on strategies recommended by the Community Preventive Services Task Force in The Community Guide could reduce the frequency, intensity, and ultimately the prevalence of binge drinking, as well as the health and social costs related to it. The Community Preventive Services Task Force is an independent body of public health and prevention experts. The task force findings and recommendations for intervention strategies to prevent excessive alcohol consumption are based on systematic reviews of the available evidence. Below are five of the 10 recommended strategies and how they are employed in Utah.¹⁷

Strategies to increase alcohol prices have proven effective in reducing consumption, leading to fewer deaths and injuries due to motor vehicle crashes, liver disease, violence, and other alcohol-related problems. For every 10% increase in price, alcohol consumption is expected to decrease by more than 7%. Utah directly controls the sale of alcoholic beverages at both the retail and wholesale levels. Recent changes to Utah legislation increased the markup on spirituous liquor, wine, and heavy beer by%.¹⁸

Commercial host liability laws are laws that permit alcohol retail establishments to be held liable for injuries or harms caused by illegal service to intoxicated or underage customers. In states with commercial host liability there was a median 6.4% reduction in deaths resulting from motor vehicle crashes. According to the CDC's Prevention Status Report on Alcohol Related Harms, as of January 1, 2015, Utah had commercial host liability with major limitations. A state's commercial host liability law was considered to have major limitations if it 1) covered underage patrons or intoxicated adults but not both, 2) required increased evidence for finding liability, 3) set limitations on damage awards, or 4) set restrictions on who may be sued.¹⁹

Regulation of alcohol outlet density refers to the monitoring of the number and concentration of alcohol retailers (e.g. bars, restaurants, and liquor stores) in an area. Higher alcohol outlet density is associated with excessive alcohol use and related

harms, including injuries and violence. On the local level, alcohol outlet density is often regulated by licensing or zoning regulations. In Utah, the total number of liquor stores is also tied to the state population. One store is permitted for every 48,000 citizens.²⁰

Enhanced enforcement of laws prohibiting sales to minors through retailer compliance checks and sanctions is effective in reducing sales of alcohol to minors in commercial settings by a median of 42%. In CY2023, Utah had a compliance rate of 95.3% for off-premise compliance checks for underage sales through the Eliminate Alcohol Sales to Youth (EASY) Program.

Maintaining existing limits on the hours during which alcoholic beverages are sold at on premise outlets is also recommended as another strategy to prevent alcohol-related harms. Increasing hours of sale by two or more hours is associated with an increase in alcohol-related harms. Utah has limits on hours of sale depending on the license type. Recent legislation modified hours of sale for certain on premise outlets to be increased by one hour.

¹⁷ Community Preventive Services Task Force Community Guide, Alcohol Section

¹⁸ Utah State Legislature, 2017, House Bill 442: Alcohol Amendments

¹⁹ Centers for Disease Control and Prevention Status Reports, Alcohol Related Harms, Utah

²⁰ Utah Department of Alcoholic Beverage Services

Limitations and future directions

The annual AATC report continues to provide updated data that serve as a solid foundation for alcohol policy discussion. The data presented here afford policy makers the opportunity to understand the impact of alcohol consumption in Utah on a variety of levels. In particular, the report provides a valuable summary of: a) alcohol consumption rates among Utah youth and adults, b) alcohol related arrests and court charges associated with DUI, underage drinking, and violations of the state's Alcoholic Beverage Control Act, c) mortality and morbidity associated with alcohol

use in our state, and d) considerations regarding the costs of excessive alcohol use in our state.

The AATC will continue to identify additional data that are relevant to the committee's mission, and present these data in future editions. Additionally, the AATC is open to feedback from the governor and the legislature regarding how to make the report more useful in future editions.

Attachments

Acronyms

Alcohol Abuse Tracking Committee

<u>Acronym</u>	<u>Description</u>
AAD	Alcohol-attributable deaths
AATC	Alcohol Abuse Tracking Committee
AEDS	Alcohol Epidemiological Data System
AET	Alcohol Enforcement Team
AOC	Administrative Office of the Courts
ARMVC	Alcohol-related motor vehicle crashes
BRFSS	Behavioral Risk Factor Surveillance System
CCJJ	Commission on Criminal and Juvenile Justice
CDC	Center for Disease Control and Prevention
COVERT	Undercover
CUB	Covert underage buyer
DABC	Department of Alcoholic Beverage Control
DHS	Department of Human Services
DLD	Driver License Division
DOH	Department of Health
DPS	Department of Public Safety
DSAMH	Division of Substance Abuse and Mental Health
DUI	Driving under the influence
DTS	Department of Technology Services
EASY	Eliminating Alcohol Sales to Youth
Epi Profile	Utah state substance and abuse epidemiological profile
IBIS	Indicator-based information system (Utah Department of Health and Human Services)
NIAAA	National Institute on Alcohol Abuse and Alcoholism
NSDUH	National Survey on Drug Use in Households
PFL	PRIME For Life®
PRI	Prevention Research Institute
SBI	State Bureau of Investigation
SD	Standard drink (approximately .6 fluid ounces of pure alcohol)
SEOW	Statewide Epidemiological Outcome Workgroup
SHARP	Student Health and Risk Prevention (survey)
UHSO	Utah Highway Safety Office
USAAV	Utah Substance Abuse Advisory
<u>YPLL</u>	<u>Years of potential life lost</u>

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(updated May 2024)

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Alcohol Abuse Tracking Committee Resources
(updated May 2024)

Alcohol Epidemiological Data System	https://pubs.niaaa.nih.gov/publications/surveillance.htm
Parents Empowered	http://www.parentsempowered.org
Utah Commission on Criminal and Juvenile Justice DUI Annual Report to the Utah Legislature	https://justice.utah.gov/wp-content/uploads/2023-DUI-Annual-Report-Final.pdf
Mothers Against Drunk Driving	http://www.madd.org
Utah Department of Public Safety	
Administrative Services	http://publicsafety.utah.gov/admin
Driver License Division	http://dld.utah.gov/
State Bureau of Investigation Alcohol Enforcement Team	http://sbi.utah.gov/alcohol-enforcement-team/
Bureau of Criminal Identification Crime in Utah Dashboards	https://bci.utah.gov/crime-in-utah-dashboards/
Highway Safety	http://highwaysafety.utah.gov/
EASY	http://highwaysafety.utah.gov/drunkdiriving/easy/
Impaired Driving	http://highwaysafety.utah.gov/drunkdiriving/impaired-driving/
Crash Data and Statistics	https://highwaysafety.utah.gov/crash-data/
Utah Department of Alcoholic Beverage Services	https://abs.utah.gov/
Utah Department of Health and Human Services	http://dhhs.utah.gov/
Indicator Based Information System	https://ibis.health.utah.gov
Utah State Courts	http://www.utcourts.gov
State Epidemiological Outcomes Workgroup Social Indicators Data System	http://indicators.bach-harrison.com/utsocialindicators/
Utah Student Health and Risk Prevention Survey	https://sumh.utah.gov/data-reports/sharp-survey
Behavioral Risk Factor Surveillance System Survey	https://www.cdc.gov/brfss/brfssprevalence/index.html

UTAH DUI STATUTORY OVERVIEW ^{1,2}					(Current as of May 2023)
Court-Ordered Sentencing	MISDEMEANOR DUI				
	FIRST CONVICTION	FIRST CONVICTION PLUS	SECOND CONVICTION WITHIN 10 YEARS	SECOND CONVICTION WITHIN 10 YEARS PLUS	
		<ul style="list-style-type: none"> • BAC .16 or higher • BAC .05 or higher + any controlled substance • Combination of two or more controlled substances 		<ul style="list-style-type: none"> • BAC .16 or higher • BAC .05 or higher + any controlled substance • Combination of two or more controlled substances² 	
CLASSIFICATION (§41-6a-503)	CLASS B MISDEMEANOR CLASS A MISDEMEANOR: <ul style="list-style-type: none"> • if passenger is under 16⁴ • if passenger is under 18 and driver is 21 or older • if driving in the wrong direction on a divided or controlled-access highway 		CLASS A MISDEMEANOR		
Jail (§41-6a-505)	SHALL order: 2 days OR 48 hours compensatory service MAY: Suspend jail time if individual is participating in 24/7 sobriety program; ⁶ Convert jail time to electronic home confinement ¹⁰ or order two-day increments if requirements are met ¹¹	SHALL order not less than: <ul style="list-style-type: none"> • 5 days OR • 2 days AND 30 days consecutive electronic home confinement⁴ that includes substance abuse testing MAY: Suspend jail time if individual is participating in 24/7 sobriety program; ⁶ Convert jail time to electronic home confinement ¹⁰ or order two-day increments if requirements are met ¹¹	SHALL order not less than: <ul style="list-style-type: none"> • 10 days OR • 5 days AND 30 days electronic home confinement⁴ that includes substance abuse testing MAY: Suspend jail time if individual is participating in 24/7 sobriety program AND serves: <ul style="list-style-type: none"> • 5 days jail for a second offense or • 10 days jail for third/subsequent offense;⁶ Convert jail time to electronic home confinement ¹⁰ or order two-day increments if requirements are met ¹¹	SHALL order: <ul style="list-style-type: none"> • Not less than 20 days jail OR • 10 days jail AND 60 consecutive days electronic home confinement⁴ that includes substance abuse testing OR • Not less than 10 days jail AND substance use tx (if tx is more likely to reduce recidivism and is in interest of public safety) MAY: Suspend jail time if individual is participating in 24/7 sobriety program AND serves: <ul style="list-style-type: none"> • 5 days jail for a second offense; or • 10 days jail for third/subsequent offense;⁶ Convert jail time to electronic home confinement ¹⁰ or order two-day increments if requirements are met ¹¹	
Increased Sentencing (§41-6a-505)		SHALL order unless described on the record why the order(s) not appropriate: <ul style="list-style-type: none"> • Treatment and • One or more of the following: <ul style="list-style-type: none"> • Interlock • Ankle attached continuous transdermal alcohol monitoring device • Electronic home confinement 		SHALL order unless described on the record why the order(s) not appropriate: <ul style="list-style-type: none"> • Treatment and • One or more of the following: <ul style="list-style-type: none"> • Interlock • Ankle attached continuous transdermal alcohol monitoring device • Electronic home confinement 	
Supervised Probation ⁷ (§41-6a-507)	MAY order supervision	SHALL order supervised probation			

Court-Ordered Sentencing	MISDEMEANOR DUI	
	FIRST CONVICTION	SECOND CONVICTION WITH IN 10 YEARS
Fine, Surcharge, and Court Security Fee (§41-6a-505) (§51-9-401)	SHALL order: \$700 minimum fine plus a \$630 surcharge plus a \$60 court security fee (justice court) or \$53 (district court)	SHALL order: \$800 minimum fine plus a \$720 surcharge plus a \$60 court security fee (justice court) or \$53 (district court)
Screening, Assessment, Educational Series, and Treatment (§41-6a-505)	SHALL order: • Screening • Assessment (if found appropriate by screening) • Educational series, unless treatment is ordered MAY order: • Treatment 24-7 sobriety program	SHALL order: • Screening • Assessment (if found appropriate by screening) • Educational series, unless treatment is ordered MAY order: • Treatment 24-7 sobriety program
Impaired Driving (§41-6a-502.5)	A conviction may NOT be entered as impaired driving if: • BAC .16 or higher; • BAC .05 or higher + any measurable controlled substance; • Combination of two or more controlled substances that were not prescribed by a licensed physician or medical cannabis as defined in §26-61a; or • any prior conviction as defined in §41-6a-501(2)	Impaired driving is unavailable after first offense.
Ignition Interlock⁸ (§41-6a-518) (§41-6a-530)	SHALL order unless: • The court determines and states on the record that an ignition interlock system is not necessary for the safety of the community and in the best interest of justice. SHALL order: • Interlock if under 21 Interlock for an ARD ⁹ violation OR describe on the record why such order not appropriate	
Driver License Suspension (§41-6a-509)	Court MAY order additional 90 days, 120 days, 180 days, one year or two years Court MAY shorten suspension periods for a convicted DUI defendant under the age of 21 if the defendant: completes at least six months of suspension, completes a screening, completes an assessment as appropriate, completes substance abuse treatment or educational series as appropriate, has not committed any traffic offense during suspension, has complied with probation, and provides an affidavit that the defendant has not unlawfully consumed alcohol.	

¹ The DUI Statutory Overview was formerly called the DUI Sentencing Matrix. The DUI Statutory Overview is not a substitute for reference to the Utah State Code. It does not constitute legal advice and is not legally binding. It does not create any right or expectation on behalf of an offender or any party within the criminal justice system.

² 2022's HB 29 created new offense for Negligent Operation of a Vehicle Resulting in Injury (76-5-102.1), which replaced a prior statutory scheme using injuries to enhance DUI offenses. Because this new statute directs the sentencing authority to refer to the sentencing guidelines and other factors, this offense is not reflected in the DUI Statutory Overview. Note, however, that 76-5-102.1(5)(b) prohibits a court from imposing a lesser sentence than what would be available under DUI sentencing statutes (41-6a-505), which are reflected in this overview.

³ A combination of two or more controlled substances may only be considered if the substances are not (A) prescribed by a licensed physician; or (B) recommended in accordance with Title 26, Chapter 61a, Utah Medical Cannabis Act.

⁴ A person is guilty of a separate offense for each passenger in the vehicle at the time of the offense that is under 16 years old.

⁵ See §41-6a-506 for electronic home confinement provisions.

⁶ If an individual fails to successfully complete all the requirements of the 24/7 sobriety program, the court shall impose the suspended jail sentence or prison sentence.

⁷ Supervised probation is also required for all violations of §41-6a-517(14)(a) (driving with any measurable controlled substance or metabolite in the body).

⁸ Adoption of the ignition interlock restricted driver (IRD) provision (§41-6a-518.2) does not change the obligation of judges to impose interlock as a condition of probation. Note: If a person's violation of Section 41-6a-502 does not involve alcohol, the requirement to order ignition interlock does not apply.

⁹ ARD = Alcohol Restricted Driver.

¹⁰ A jail sentence may be converted to electronic home confinement with stipulation of both parties and approval from the judge (§41-6a-505(12)(b))

¹¹ A court may order a jail sentence imposed as a condition of misdemeanor probation to be served in multiple two-day increment at weekly intervals if the court determines the defendant can serve the statutorily required jail term and maintain employment as described in (§41-6a-505(12)©

UTAH DUI STATUTORY OVERVIEW

(Current as of May 2023)

Court-Ordered Sentencing	FELONY DUI	
CLASSIFICATION (§41-6a-503)	THIRD DEGREE FELONY <ul style="list-style-type: none"> • if third or subsequent DUI offense within 10 years • if any prior felony DUI conviction or negligent operation of a vehicle resulting in injury conviction 	THIRD DEGREE FELONY PLUS: <ul style="list-style-type: none"> • BAC .16 or higher • BAC .05 or higher + any measurable controlled substance • Combination of two or more substances³
Jail (§41-6a-505)	SHALL order: 0-5 year prison term OR <ul style="list-style-type: none"> • 60 days jail AND • 60 days consecutive electronic home confinement that includes substance abuse testing MAY: Convert jail time to electronic home confinement ¹⁰ or order two-day increments if requirements are met ¹¹	SHALL order 0-5 year prison term OR <ul style="list-style-type: none"> • Not less than 120 days jail AND • 120 days consecutive electronic home confinement that includes substance abuse testing MAY: Convert jail time to electronic home confinement ¹⁰ or order two-day increments if requirements are met ¹¹
Fine, Surcharge, and Court Security Fee (§41-6a-505) (§51-9-401)	SHALL order: \$1,500 minimum fine plus a \$1,350 surcharge plus a \$53 court security fee, UNLESS a 0-5 prison term is imposed	
Screening, Assessment, Educational Series, and Treatment (§41-6a-505)	SHALL order: <ul style="list-style-type: none"> • Screening • Assessment • Treatment as appropriate UNLESS 0-5 prison term is imposed MAY order: 24-7 sobriety program ⁶	
Supervised Probation⁷ (§41-6a-507)	SHALL order supervised probation if 0-5 prison term is not imposed	
Ignition Interlock⁸ (§41-6a-518) (§41-6a-530)	SHALL order unless: The court determines and states on the record that an ignition interlock system is not necessary for the safety of the community and in the best interest of justice.	
Driver License Suspension (§41-6a-509)	Court MAY order additional 90 days, 120 days, 180 days, one year or two years Court MAY shorten suspension periods for a convicted DUI defendant under the age of 21 if the defendant: completes at least six months of suspension, completes a screening, completes an assessment as appropriate, completes substance abuse treatment or educational series as appropriate, has not committed any traffic offense during suspension, has complied with probation, and provides an affidavit that the defendant has not unlawfully consumed alcohol.	

The following statutory provisions also apply to DUI offenders, although they do not require a court order. Failure to comply carries additional criminal sanctions.		
Statutory Provisions	FIRST OFFENSE	SECOND OR SUBSEQUENT OFFENSES WITHIN 10 YEARS
Driver License Denial, Suspension, or Revocation		
Driving Under the Influence/ DUI Conviction (§41-6a-509)	If 21 or older: 120 days If 19-20: Longer of one year or until 21st birthday If under 19: Until 21st birthday	If 21 or older: 2 years If 19-20: Longer of 2 years or until 21st birthday If under 19: Until 21st birthday
Driving with Controlled Substance/ Metabolite in Body Conviction (§41-6a-517)	If 21 or older: 120 days If 19-20: Longer of one year or until 21st birthday If under 19: Until 21st birthday	If 21 or older: 2 years If 19-20: Longer of two years or until 21st birthday If under 19: Until 21st birthday
Refusal of Chemical Test (§41-6a-521)	If 21 or older: 18 months If under 21: Longer of 2 years or until 21st birthday	If 21 or older: 36 months If under 21: Longer of 36 months or until 21st birthday
Per se Arrest (§53-3-223) ≥ .05 BAC, impaired to degree unsafe to drive, operating with metabolite of drug in system	If 21 or older: 120 days If under 21: 6 months	If 21 or older: 2 years If under 21: Longer of 2 years of until 21st birthday
Not A Drop (§53-3-231) A person under 21 may not operate a vehicle or motorboat with detectable alcohol in body	If under 21: Until successful completion of substance abuse program recommendation, but not less than 6 months	If under 21: Until successful completion of substance abuse program recommendation, and the longer of 2 years or until 21st birthday
Failure to Install or Removal of Ignition Interlock Device (§53-3-1007)	A person who is an interlock restricted driver (IRD) shall have their driving privilege suspended until they have had an, interlock device installed in their vehicle. If the interlock device is removed prior to the ending date of the interlock restriction period, the driver license shall be re-suspended until an interlock device is re-installed. This suspension may be imposed in addition to other license sanctions as listed above.	
Early License Reinstatement for Drivers Under 21		
Driving Under the Influence/DUI Conviction First Conviction (§41-6a-509)	Court may order shortening of the suspension period after 6 months if the person completes a screening; completes an assessment if appropriate; completes an education series or substance abuse treatment, as deemed appropriate by the court; has not been convicted of a violation of a motor vehicle law during the suspension period; has complied with all terms of probation or all court orders if not ordered to probation; and provides a sworn statement to the court that the person has not unlawfully consumed alcohol during the suspension period.	
Driving with Controlled Substance/ Metabolite in Body Conviction First Conviction (§41-6a-517)	Same as above but sworn statement must include the person has not consumed a controlled substance not prescribed by a practitioner during the suspension period.	
Early License Reinstatement for Drivers 21 or Older		
Driving Under the Influence/DUI Conviction First Conviction (§41-6a-509)	Court may order individual to participate in a 24/7 sobriety program, which allows for early reinstatement of the driving privilege upon payment of driver license reinstatement fees and ignition interlock installation. Provision does not apply if the person refused to submit to a chemical test when arrested for DUI. Person is not able to reinstate their driving privilege unless all other outstanding license sanctions have been cleared.	
Driving with Controlled Substance/ Metabolite in Body Conviction First Conviction (§41-6a-517)	Court may order individual to participate in a 24/7 sobriety program, which allows for early reinstatement of the driving privilege upon payment of driver license reinstatement fees. Provision does not apply if the person refused to submit to a chemical test when arrested for DUI. Person is not able to reinstate their driving privilege unless all other outstanding license sanctions have been cleared.	

Other Sanctions	
<p>IRD – Interlock Restricted Driver (§41-6a-518.2)</p> <p>An “interlock restricted driver” may not operate a motor vehicle without an ignition interlock.</p> <p><u>Note:</u> If a person’s violation of Section 41-6a-502 does not involve alcohol, or if <u>all</u> offenses are for metabolite convictions under Section 41-6a-517 (no alcohol involved), IRD does not apply.</p>	<ul style="list-style-type: none"> • 18 months IRD for 1st DUI (§41-6a-502) if over 21 or refused blood draw (§41-6a-520.1(1)) • 3 years IRD for 1st Driving Without Ignition Interlock Device if IRD (§41-6a-518.2), Refusal to Submit to Chemical Test (§41-6a-520), or 1st DUI (§41-6a-502) if under 21 or refused blood draw if under 21 (§41-6a-520.1(1)) • 3 years IRD for a combination of two of the following within 10 years: DUI (§41-6a-502), Refusal to Submit to Chemical Test (§41-6a-521), Controlled Substance/Metabolite (§41-6a-517), Alcohol-Related Reckless (§41-6a-512 – <i>only violations prior to July 1, 2008</i>), Impaired Driving (§41-6a-502.5), Driving with Controlled Substance/Bodily Injury or Death (§58-37-8(2)(g)), or Automobile Homicide (§76-5-207) • 6 years IRD for Felony DUI (§41-6a-502) or 2nd+ offense for refused blood draw (§41-6a-520.1(1)) • 10 years IRD for Automobile Homicide (§76-5-207)
<p>ARD – Alcohol Restricted Driver (§41-6a-529)</p> <p>An “alcohol restricted driver” may not operate or be in actual physical control of a vehicle with any measurable or detectable amount of alcohol in the person’s body.</p> <ul style="list-style-type: none"> • <u>Note:</u> If Per se is drug only or metabolite, ARD does not apply. • <u>Note:</u> A person under the age of 21 is an alcohol restricted driver 	<ul style="list-style-type: none"> • 2 years ARD for 1st DUI (§41-6a-502), Alcohol/Drug-Related Reckless (§41-6a-512), or Impaired Driving (§41-6a-502.5) • 2 years ARD for any Per se offense (§53-3-223) • 3 years ARD for any driving without an IID if an IRD (§41-6a-518.2) or driving with alcohol in body if an ARD (§41-6a-530) offense • 5 years ARD for 1st Refusal to Submit to Test (§41-6a-521) or Class A misdemeanor DUI (§41-6a-502) • 10 years ARD for 2nd offense within 10 years, DUI (§41-6a-502), Alcohol/Drug-Related Reckless (§41-6a-512), or Impaired Driving (§41-6a-502.5) • 10 years ARD for 2nd offense of Refusal to Submit to Chemical Test (§41-6a-520.1(1)) if prior suspension for prior refusal within 10 years (41-6a-520(7)) • 10 years ARD for felony violation of refusal to submit to chemical test 41-6a-520.1(1)) • Lifetime ARD for any Felony DUI (§41-6a-502) or Automobile Homicide (§76-5-207)

Other Sanctions	
<p>IRD – Interlock Restricted Driver (§41-6a-518.2)</p> <p>An "interlock restricted driver" may not operate a motor vehicle without an ignition interlock.</p> <p>Note: A person violates §41-6a-518.2 if charged under §41-6a-518.2 or §41-6a-518.2a.</p>	<ul style="list-style-type: none"> • 18 months IRD for 1st DUI (§41-6a-502) if over 21 or refused blood draw (§41-6a-520(7)) • 3 years IRD for 1st Driving Without Ignition Interlock Device if IRD (§41-6a-518.2), Refusal to Submit to Chemical Test (§41-6a-520), or 1st DUI (§41-6a-502) if under 21 or refused blood draw if under 21 (§41-6a-520(7)) • 3 years IRD for a combination of two of the following within 10 years: DUI (§41-6a-502), Refusal to Submit to Chemical Test (§41-6a-521), Controlled Substance/Metabolite (§41-6a-517), Alcohol-Related Reckless (§41-6a-512 – only violations prior to July 1, 2008), Impaired Driving (§41-6a-502.5), Driving with Controlled Substance/Bodily Injury or Death (§58-37-6(2)(g)), or Automobile Homicide (§76-5-207) • 5 years IRD for Felony DUI (§41-6a-502) or 2nd+ offense for refused blood draw (§41-6a-520(7)) • 10 years IRD for Automobile Homicide (§76-5-207)
<p>ARD – Alcohol Restricted Driver (§41-6a-529)</p> <p>An "alcohol restricted driver" may not operate or be in actual physical control of a vehicle with any measurable or detectable amount of alcohol in the person's body.</p> <ul style="list-style-type: none"> • Note: If Person is charged with ARD, ARD does not apply. • Note: A person under the age of 21 is an alcohol restricted driver. 	<ul style="list-style-type: none"> • 2 years ARD for 1st DUI (§41-6a-502), Alcohol/Drug-Related Reckless (§41-6a-512), or Impaired Driving (§41-6a-502.5) • 2 years ARD for any Per se offense (§53-3-223) • 3 years ARD for any driving without an IID if an IRD (§41-6a-518.2) or driving with alcohol in body if an ARD (§41-6a-530) offense • 5 years ARD for 1st Refusal to Submit to Test (§41-6a-521) or Class A misdemeanor DUI (§41-6a-502) • 10 years ARD for 2nd offense within 10 years, DUI (§41-6a-502), Alcohol/Drug-Related Reckless (§41-6a-512), or Impaired Driving (§41-6a-502.5) • 10 years ARD for 2nd offense of Refusal to Submit to Chemical Test (§41-6a-520(7)) if prior suspension for prior refusal within 10 years (41-6a-520(7)) • 10 years ARD for felony violation of refusal to submit to chemical test 41-6a-520(7)) • Lifetime ARD for any Felony DUI (§41-6a-502) or Automobile Homicide (§76-5-207)