

Don't Dope & Drive

Driving High

New law puts alcohol and drugs on an equal footing in roadside checks for impaired driving, and promises to reduce driving "high."



New legislation in effect since July 2 will, for the first time in Canada, establish parity between drug- and alcohol-impaired driving under the law. Bill C-2, the Tackling Violent Crime Act, comes into force after a decade of rising rates of drug-impaired driving in Canada.

Canadian studies indicate that drugs, often in combination with alcohol, are detected in up to 30% of fatally injured drivers. The 2004 Canadian Addiction Survey by the Canadian Centre on Substance Abuse (CCSA) found that 5% of Canadian drivers admitted to driving within two hours of using cannabis; a 50% increase since 1989. Among 16- to 18-year-olds, 21% reported driving after using cannabis, slightly higher than the 20% of their peers who reported driving after alcohol use. "Such findings suggest that the drugs-and-driving problem is by no means insignificant and appears to be increasing," said Doug Beirness, CCSA manager of research and policy.

Mandatory roadside checks for alcohol impairment are recognized as having a deterrent effect on drinking and driving because of the perceived risk of being caught and charged. However, before Bill C-2, a police officer who suspected a driver of being impaired by drugs could only request that the driver undergo voluntary testing, and there was no sanction if the driver refused. This left officers with little chance of pursuing a conviction on the basis of drug-impaired driving. "As a result, many drug-impaired drivers have been risking their own safety and the safety of others because they believed they would not be caught," said Beirness.

Beginning July 2, refusing a roadside drug test will be equivalent to declining a breath test for alcohol and will be subject to the same sanctions. Refusing to take a breath test is a Criminal Code offence. "The legislation clarifies that you must comply with demands from police to assess whether you are impaired and, if you refuse, you are

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subject to the same penalties,” said RCMP Cpl. Evan Graham, national co-ordinator, Drug Evaluation and Classification Program, Traffic Services.

The new legislation empowers Canadian police who suspect a driver of being impaired by any drug, illegal, prescription or over-the-counter, to conduct a Standardized Field Sobriety Test, a roadside test of physical co-ordination. If found to be impaired, the driver must submit to a mandatory Drug Evaluation and Classification (DEC) assessment, a 12-step process that requires the driver to provide a bodily fluid sample (blood, saliva or urine). The DEC is conducted by a Drug Recognition Expert, a DEC-trained community police officer, and takes 45-60 minutes to complete.

“In this way, Bill C-2 has the potential to reduce the harms associated with drugs by enabling police officers to remove dangerous drivers from Canadian roads, whether they are impaired by drugs or alcohol,” said Beirness.

The DEC program has been operating in Canada for 13 years, but only for cases in which drivers agree to participate. Research on the DEC program, including studies conducted by CCSA staff, has established the accuracy and reliability of this method in determining impairment from a variety of drugs and drug combinations.

Impaired drivers will face new penalties under the law, including a fine of not less than \$1,000 for the first offence, and imprisonment of not less than 30 days for the second offence and not less than 120 days for each subsequent offence.

Impaired drivers who cause an accident can face a maximum 10-year sentence in the case of causing bodily harm, and a life sentence in the case of causing death.

Anyone convicted of operating a vehicle under the influence of drugs, alcohol, or both will be prohibited from driving a vehicle for one to three years for the first offence and two to five years for the second offence.

“We hope that by creating awareness of the new legislation, its tests and penalties, we can prevent Canadians from getting behind the wheel while they're impaired by drugs, alcohol, or both,” said Beirness.