

Drug-Impaired Driving

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Government
of Canada

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Canada

Overview

- Federal support for law enforcement
- Impaired driving laws
- New blood drug concentration offences
- Enforcing drug-impaired driving laws
- Roadside Drug Screening Equipment
- Investigating a drug-impaired driving offence

Federal Support for Law Enforcement

- Government of Canada is investing \$274 million into law enforcement and border efforts to deter DID and enforce new laws; \$81 million to provinces and territories (PTs).
- Public Safety worked with PTs to help meet training needs; 11 of 13 jurisdictions can access training funds, while remaining 2 are in progress.
- To facilitate device procurement, Public Safety is working with Public Services and Procurement Canada on Master National Standing Offer, which will be available to PTs.

Criminal Code Impaired Driving Laws

- Drug-impaired driving has been a criminal offence since 1925. Since 2008, police have been authorized to demand:
 - (1) standard field sobriety tests (SFST) at the roadside; and,
 - (2) a drug recognition evaluation (DRE) at the station.
- Part 1 of Bill C-46 came into force on June 21, 2018. The new law:
 - (1) created three new offences of having a prohibited blood drug concentration within two hours of driving; and,
 - (2) authorized law enforcement to use oral fluid roadside drug screeners.
- Part 2 of Bill C-46 will come into force on December 18, 2018. This includes the changes to alcohol-impaired driving, such as mandatory alcohol screening.

New Blood Drug Concentration Offences

- Three new criminal offences have been enacted.
 - 1) Summary conviction:
 - Between 2 and 5 ng THC per ml of blood
 - 2) Hybrid Offence - Drug alone:
 - 5 ng and over THC per ml of blood
 - 5 mg and over GHB per L of blood
 - Any detectable level: LSD; Ketamine; PCP; Psilocybin and Psilocin (magic mushrooms); Cocaine; Heroin (6-Mam); Methamphetamine.
 - 3) Hybrid Offence - Combination Drug and Alcohol:
 - 2.5 ng THC per ml of blood combined with 50 mg alcohol per 100 ml of blood
- The prohibited drug levels are set by regulation. Regulation came into force on June 26, 2018.

Roadside Drug Screening Equipment

- The Attorney General of Canada approved the first oral fluid drug screener on August 22, 2018.
- Oral fluid drug screeners detect the presence of some drugs in oral fluid, including THC, the main impairing component in cannabis.
- Approval of equipment is based on recommendations from the Drugs and Driving Committee (DDC) of the Canadian Society of Forensic Science.
- The DDC evaluates drug screeners against their Standards and Evaluation Procedures. If a drug screener meets the Standards, the DDC will recommend it to the Attorney General of Canada.
- Drug screeners are an available, additional tool for law enforcement, but are not required to investigate drug-impaired driving.

Enforcing Drug-Impaired Driving Laws

- Standardized Field Sobriety Testing (SFST)
- Drug Recognition Expert (DRE)
- Updated training curriculum
 - New training and refresh training on SFST
 - DRE training
 - Ongoing SFST training for CBSA
 - Drug screener training
- Drug screening equipment – an additional tool for law enforcement, but not required to detect and investigate drug-impaired driving.

Investigating a Drug-Impaired Driving Offence

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