

Commentary

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Contact: Dr. Bob DuPont
Ph: 301 231 9010

Canada Cracks Down on Drugged Drivers with “Zero Tolerance” *Per Se* Drugged Driving Legislation

On July 2nd Canada became the latest nation to pass comprehensive and enforceable *per se* drugged driving legislation, making it a punishable offense to drive with any detectable levels of drugs in the driver's body. With the passage of the *Tackling Violent Crime Act*, provisions of which are aimed at reducing drugged driving, Canada joins Australia, the United Kingdom, and other countries taking a crucial first step to combat the growing threat of drugged driving. At midnight on July 2nd Canadian police were granted the powers to test all drivers for drugs if they suspect these drivers are impaired, both at the roadside and with a chemical test sent to a laboratory.

After three previous attempts to pass this law failed, many Canadians are heralding its enactment as a great step forward for road safety and drug abuse prevention. Sgt. Richard Butler of the Calgary Police Service's traffic section said, "This is something we've been waiting for for a long time. We know there's drug-impaired drivers out there."

¹ Police estimate that approximately one-third of suspected impaired drivers are high on drugs based on data gathered from 24-hour driving prohibitions.

Canada's justice minister, Robert Nicholson, said that with the new law suspected impaired drivers will no longer be able to refuse roadside sobriety tests and those testing positive will face stiffer fines and longer jail times. Mr. Nicholson told a press conference in Toronto yesterday that drivers can be charged for refusing to take roadside sobriety tests, and that police will have the right to take any driver suspected of being high on drugs to a police station to take blood, urine or saliva samples.² The new law calls for a minimum \$1,000 fine for a first offence and up to a month in jail if a driver is convicted a second time.³

The new law does not specify amounts or “cut-off” limits for impairing drugs that must be exceeded in order for the driver to be found guilty of impaired driving. This is in contrast to the widely known .08 BAC cut-off that has been established for alcohol. Sgt. Butler explained, “We're really encroaching on new ground here. Everyone's familiar with that 0.08 (blood-alcohol level) -- that magic line in the sand. There isn't that same limit with drugs.”¹ With so many drugs being widely used, and with each drug producing a unique range of effects depending on a host of external and internal factors, there are no reliable “thresholds” beyond which a driver is impaired, but beneath which a driver can be considered to be sober. Under this new Canadian law no amount of any illegal drugs is considered to be safe when combined with driving. In this regard, known as the *per se* standard, Canada uses the same standard that has been used successfully for 12 million licensed commercial drivers in the United States since 1988.

With the passage of this law in Canada, drivers suspected of being impaired will be required to perform physical tests at the side of the road, such as walking a straight line. If they fail, they will be sent to the police station for further tests by a trained drug recognition expert, who will be watching for both visual and physical clues to impairment. If they fail the second test, the driver can then be forced to give blood, urine or saliva samples.⁴

Mothers Against Drunk Driving has been fighting for tougher drug-impaired legislation for more than seven years. Margaret Miller, national president of MADD Canada is confident that this new law will help save lives. She said "For this to be happening today - it's amazing. I think it's going to give MADD members and (the) victims' families a sigh of relief."⁵

¹ Kom, Joel. "Drug-impaired drivers face police scrutiny" The Calgary Herald. June 25, 2008. <<http://www.canada.com/calgaryherald/news/city/story.html?id=65e9bd68-1890-48d2-beed-122849a8c288>>

² "New laws will crack down on drug-impaired drivers" CTV.ca. June 27, 2008. <http://toronto.ctv.ca/servlet/an/local/CTVNews/20080627/drug_driving_080627/20080627/?hub=TorontoNewHome>

³ "New Law Targets Both Drunk And Drugged Drivers" City News. June 27, 2008. <http://www.citynews.ca/news/news_24255.aspx>

⁴ Yutangco, Precious. "Fines, jail time hiked for drunk drivers" The Star June 28, 2008. <<http://www.thestar.com/News/GTA/article/451004>>

⁵ "Drug-impaired drivers facing mandatory sobriety tests, stiffer penalties" The Canadian Press. June 27, 2008. <http://canadianpress.google.com/article/ALeqM5g3jimpsdzg6i_w25lXH9IXcg_T2vw>

-Bob DuPont, M.D., is president of the Institute for Behavior and Health. He is a former White House Drug Czar and former director of the National Institute on Drug Abuse (NIDA).

-Established in 1978, the Institute for Behavior and Health, Inc. (IBH) is a 501(c) 3 non-profit organization. IBH is a national leader in the development of new ideas to reduce illegal drug use. In recent years IBH has targeted drugged driving, school-based drug abuse prevention programs, policies that emphasize prevention and investment in better treatment approaches. Non-partisan and non-political, IBH serves as a catalyst for change.