

# HIGH DEFINITION

WHAT THE NEW LAWS SAY ABOUT  
DRUG-IMPAIRED DRIVING—AND  
HOW POLICE ARE PREPARING  
TO ENFORCE THEM



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DON'T LET YOUR  
SENSES FOOL YOU—  
IT'S POSSIBLE TO  
GET TOO HIGH TO  
DRIVE ON LESS  
THAN ONE JOINT



**W**HEN PARLIAMENT VOTED EARLIER THIS YEAR to legalize recreational cannabis, effectively ending a 95-year ban on

the drug, many Canadians welcomed the move. Pot smokers, predictably, rejoiced. Investors mused about making a fortune in a new industry. And government officials boasted about reversing decades of misguided drug policy.

But road-safety advocates have a few concerns. They say many Canadians are still largely unaware of the dangers of driving while high. They fear that with cannabis widely available, this country could see a rise in drug-related crashes, which already kill twice as many people as drunk driving when all drugs, including prescriptions and opioids, are counted.

A recent study from CAA found that one-fifth of those between 18 and 34 don't think marijuana affects their ability to handle a vehicle. That worries Ian Jack, CAA National's managing director of communications and government

relations, who is expecting a spike in drug-related collisions after legalization.

"It took a generation for people [to] understand the dangers of drinking and driving," he says. "We want to get to the same place [with marijuana], just faster. We don't want it to take 20 years."

Cannabis officially became legal in Canada on October 17, and to prevent an increase in drug-related crashes, the government crafted Bill C-46, which officials call the most comprehensive overhaul of the nation's impaired-driving laws in four decades. The legislation sets a legal limit for the amount of drugs in a driver's system, gives police more powers to stop suspected impaired drivers and authorizes patrol officers to use what are known as oral fluid screening devices. These Breathalyzer-like machines can detect a range of drugs, including cannabis and cocaine, in the saliva of drivers.

Justice officials consider those provisions key. In three American states—Oregon, Washington and Colorado—legalization has led to a rise in crashes, according to the Insurance Institute for Highway Safety ▷



#### **SLOW RIDE**

Cannabis and driving can be a deadly combination, according to experts. They say the drug, which is technically a hallucinogen, can slow reaction times and cause drivers to weave across lanes, increasing their chances of getting into a collision.

## **BY THE RULES**

In a major overhaul of impaired-driving laws, Parliament earlier this year adopted Bill C-46, which outlines a host of new penalties for driving while high. Here are some of the bill's highlights.

- It sets, for the first time, a legal limit for the amount of drugs in a driver's system. It caps THC, the active component in cannabis, at 5 nanograms per millilitre of blood. It also bans any trace of LSD, cocaine and methamphetamine.
- It creates what's known as a summary offence, a less serious crime, for having between 2 and 5 nanograms of THC per millilitre of blood. The maximum penalty for that is a \$1,000 fine.
- It discourages mixing cannabis and drinking by making it a crime for drivers to have more than 2.5 nanograms of THC per millilitre of blood and 50 milligrams of alcohol per 100 millilitres of blood.
- It allows for a maximum prison sentence of five years for someone convicted of drug-impaired driving that does not result in death or injury.
- It allows police to use machines that can detect drugs, including cannabis and cocaine, in the saliva of drivers.

in the U.S. (though there is debate about whether the rise is statistically significant).

"The experience in other jurisdictions that have legalized cannabis has highlighted the importance of having a more robust drug-impaired driving regime," says Ian McLeod, a spokesperson for Canada's Department of Justice.

While parliamentarians beefed up the law, police forces across the country were bracing for legalization. The Ontario Provincial Police (OPP), for example,

The OPP is still working to raise awareness about the dangers of drug-impaired driving, which jumped 38 per cent in Ontario between 2015 and 2016, Wallbank says, citing a report from Statistics Canada. "While driving impaired by a drug has...been illegal for a long time, the public does

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instructed more officers in how to conduct roadside sobriety tests, says Sgt. Dave Wallbank, a drug-evaluation coordinator with the OPP. The exams, which include asking drivers to stand on one leg and walk in a straight line, will be used alongside newly approved saliva-screening devices. The OPP also began training additional drug-recognition experts: officers who can detect the physiological signs of impairment and often make the ultimate decision on whether someone is charged with drug-impaired driving. Ontario is home to more than 300 of those drug-recognition experts, according to Wallbank. Across Canada, there are more than 13,000 law enforcement officers trained in field sobriety tests and 800 drug-recognition officers, the federal justice department says.

not have a strong awareness of the risks of driving while high," he explains.

Robert Mann can attest to this. A researcher at Toronto's Centre for Addiction and Mental Health, he's been studying impaired driving for three decades and says many Canadians don't know how dangerous it is to drive under the influence of cannabis.

"A lot of people are wondering, 'It's legal, I might want to try it. Should I drive?'" Mann says. "Twenty years ago, we really didn't know. But now, the evidence is clear that if you drive under the influence of cannabis, you are at increased risk of being involved in a collision."

The drug is technically a hallucinogen and interferes with the electrical signals in your brain. Research has shown that marijuana can slow drivers' reaction times, and causes motorists to vary their speed and weave across lanes. The body of research is still new and continues to grow. But Mann has seen a few studies suggesting it can up your chances of getting into a collision.



### SPIT TAKE

Federal officials recently approved a Breathalyzer-type machine—for use by police—that can detect drugs, like cannabis and cocaine, in the saliva of drivers

It's also surprisingly easy to become too stoned to drive. Bill C-46 sets the legal limit for THC, the active component of cannabis, at 5 nanograms per millilitre of blood. In lab tests, Mann says, subjects often reached that limit after smoking less than one joint. When asked what he would tell someone who was considering driving while high, Mann said the answer was simple. "The advice would be the same as we give for drinking. If you're going to smoke, don't drive, and if you're going to drive, don't smoke."

That's the approach that Michael Stewart, program director at Arrive Alive Drive Sober, is taking. "If you know your night is going to involve alcohol or something a little harder, plan a safe ride home," he says. "It's important to have a plan in place to keep yourself safe and fellow road users safe as well."

Not only that, it can help drivers avoid steep financial consequences. "If you're convicted of impaired driving, your insurance can go up by around \$18,000 over three years," Stewart explains. "And that's if your insurer chooses to renew your policy after the fact."

If that argument isn't enough to dissuade drivers, police say they are ready to step in. "Our primary goal is to keep the roadways safe," says Const. Karen Didham, a collision analyst with the Royal Newfoundland Constabulary. "There's zero tolerance [for drugged driving]. If someone is believed to be impaired, then they will be charged. There's no leniency. People have to be aware that police are out there, and we're looking." **CAA**



#### EYES OPEN

Police forces across the country are training more officers to better identify if a driver is high. These officers, dubbed drug-recognition experts, often make the final call on whether someone is charged with driving under the influence of cannabis.



## A PROVINCIAL AFFAIR

While the federal government spearheaded the legalization of cannabis, Ottawa has left it up to the provinces to regulate sales of the drug. Some provinces have also created their own penalties for drug-impaired driving. Here's how those laws are shaping up in Ontario.\*

#### LEGAL AGE

19

#### WHERE IT WILL BE SOLD

Online through the Ontario Cannabis Store website. As of press time, the province was also considering allowing cannabis sales

through privately owned retail stores.

#### WHERE YOU CAN USE IT

A private home, including on your patio or balcony. If you rent in a multi-unit building, your landlord can restrict use. You won't

be allowed to toke in public or at work.

#### NUMBER OF PLANTS YOU CAN HAVE AT HOME

Four  
**CAN COMMERCIAL OR NOVICE DRIVERS HAVE ANY CANNABIS IN THEIR SYSTEM?** No

#### PENALTIES FOR DRIVING HIGH

A 90-day licence suspension, vehicle impoundment and \$550 penalty (effective in January 2019), plus more fines and potentially jail time if convicted in court.



Together with CAA National, CAA North & East Ontario is a long-standing advocate for safer roads. We believe that starts with greater public awareness and education. For more information on cannabis-impaired driving, please visit [caa.ca/cannabisimpaireddriving](http://caa.ca/cannabisimpaireddriving).

\*Information was accurate as of press time.