

Legislation



Alberta: 68% C+

British Columbia: 60% C-

Ontario: 60% C-

Prince Edward Island: 60% C-

Nova Scotia: 56% D

Saskatchewan: 52% D-

Manitoba: 48% F+

Newfoundland and Labrador: 48% F+

New Brunswick: 44% F

Québec: 44% F

The 2015 Provincial Impaired Driving Report



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The 2015 Provincial Impaired Driving Report

Introduction

MADD Canada believes that the recent decreases in impaired driving deaths and injuries in Canada are largely due to provincial initiatives, particularly comprehensive graduated licensing programs (GLPs), extended .00% blood-alcohol concentration (BAC) limits for new and young drivers, and the strengthening of the short-term roadside .05% BAC administrative licence suspension (ALS) programs. While some provinces have enacted key features of these programs, other provinces have done relatively little. Even the best provincial programs could be strengthened. Moreover, all the provinces need to enact or greatly enhance their drug-related ALS programs. It is also important to note that, despite the progress that has been made, Canada's impaired driving record remains poor relative to comparable democracies.

This document sets out 20 legislative provisions based on recognized best practices.¹ Two sets of charts are included. The first set presents the data on a province-by-province basis, while the second presents the data on an issue-by-issue basis. In order to provide a national perspective, both sets of charts include the total number of provinces that have fully enacted the provision in issue. The provinces were assessed based on the legislation in force as of September 1, 2015. Although credit was not given for pending or proposed legislation, the recent proposals are briefly referred to in the notes.

In the conclusion, we assess the provinces' performance on the provisions and identify the areas in which greater effort is required. The document ends with a discussion of emerging concerns, such as driving after drug use among young drivers.

The 2015 Provincial Impaired Driving Report (The 2015 Provincial Report) is part of a much broader project that began in 1998 to encourage the provinces and territories to review their legislation and enact reforms that would significantly reduce impairment-related crash deaths and injuries. The first step was undertaking a review of the Canadian and international traffic research in order to identify effective countermeasures that were compatible with Canada's constitution, including *The Canadian Charter of Rights and Freedoms (The Charter)*.² Based on this review, model provincial and territorial legislative policies and a rating scale were developed, and a detailed summary of the legislation in each jurisdiction was prepared. Leading Canadian traffic safety experts were retained to independently evaluate the legislation in each province and territory based on the rating scale. Individual reports were prepared for each jurisdiction, as was a shorter national report showing how the jurisdictions fared relative to one another. These reports were released at a media launch in 2000, accompanied by press releases and other background materials. Shortly thereafter, MADD Canada's CEO sought meetings with the responsible

¹ MADD Canada has previously recommended that the provinces enact comprehensive legislation in each of these areas, as well as additional measures. For a detailed review of MADD Canada's recommendations, see R. Solomon *et al.*, *The 2012 Provincial and Territorial Legislative Review* (Oakville: MADD Canada, 2012) (*The 2012 Review*).

² Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c. 11.

cabinet ministers in each jurisdiction to review the report and offer the organization's assistance.

MADD Canada repeated the process of research, assessment and review, issuing detailed reports in 2003, 2006 and 2009, and brief updates in the intervening years. In 2012, MADD Canada published *The 2012 Provincial and Territorial Legislative Review (The 2012 Review)*. Unlike its predecessors, *The 2012 Review* included the estimated number, and per capita rates, of impairment-related traffic deaths and injuries in each jurisdiction from 2000-2009. In March 2015, MADD Canada released *A Summary of Graduated Licensing, Short-Term and 90-Day Licence Suspensions, Alcohol Interlocks, and Vehicle Sanctions across Canada*,³ which sets out the major features of the legislation in each jurisdiction.

Before turning to the charts, we have set out below the assessment criteria upon which they are based. Five of the 20 assessment criteria have been more heavily weighted than the others to reflect the importance of these measures and to give credit for legislation that partially meets the assessment criteria. A brief explanation of some of the assessment criteria is provided in order to clarify the specific circumstances in which a province will receive credit. The assessment criteria are followed by a brief discussion of the scope of *The 2015 Provincial Report*.

(a) Assessment Criteria

Section I: GLPs and Extended .00% BAC Limits

- (a) Minimum age of 16 to start the GLP, regardless of whether the applicant is enrolled in a driver education course. (1 point)
- (b) Minimum 12-month duration for Stage 1 of the GLP, regardless of whether the applicant is enrolled in a driver education course. (2 points; and 1 point for 8 months)
- (c) Night-time driving ban for Stage-2 drivers, subject to exceptions for drivers who are 21 or older, supervised or are driving for employment purposes. (1 point)
- (d) Minimum 24-month duration for Stage 2 of the GLP. (2 points; and 1 point for 12 months)
- (e) Prohibition on being positive for any illicit drug for all GLP drivers, regardless of whether their driving ability is impaired or affected by drugs. Credit was not given if the legislation simply prohibits GLP drivers from driving while affected by drugs. (1 point)
- (f) A .00% BAC limit on drivers for a minimum of 3 years beyond the GLP. (2 points; and 1 point for a .00% BAC limit on drivers for a minimum of 2 years beyond the GLP)

Section II: Short-Term Roadside .05% BAC ALS Programs

- (a) Minimum 3-day ALS for first occurrence. (2 points)
- (b) Mandatory or discretionary vehicle impoundment for first occurrence. (1 point)
- (c) ALS recorded on the driver abstract or record for at least 3 years. (1 point)
- (d) Drivers subject to a licence reinstatement fee. (1 point)
- (e) Minimum 3-year, look-back period for repeat occurrences. (1 point)
- (f) Minimum 7-day ALS for second occurrence. (1 point)

³ R. Solomon, D. Perkins-Leitman & E. Dumschat, *A Summary of Graduated Licensing, Short-Term and 90-Day Licence Suspensions, Alcohol Interlocks, and Vehicle Sanctions across Canada* (Oakville: MADD Canada, 2015).

Section III: Drug-Related, Short-Term Roadside ALS Programs

- (a) Minimum 24-hour ALS for drivers reasonably believed to be affected or impaired by a drug. (1 point)
- (b) Minimum 24-hour ALS for drivers reasonably believed to be impaired by a drug, based on a failed Standard Field Sobriety Test (SFST). (1 point)
- (c) Roadside vehicle impoundment for a first drug-related ALS. (1 point)
- (d) Minimum 3-month ALS for refusing or failing to take a required SFST or a Drug Recognition Evaluation (DRE). Credit was also given if the ALS was limited to drivers who were charged with the *Criminal Code* offence of failing or refusing to take a SFST or DRE. Credit was also given if the ALS was imposed only until the disposition of the *Criminal Code* charge. (1 point)

Section IV: Interlock Programs for Federal Impaired Driving Offenders

- (a) Successful completion of the provincial interlock program prior to relicensing for all alcohol-related *Criminal Code* impaired driving offenders. (2 points; and 1 point if completion of the program is mandatory for only some categories of federal impaired driving offenders)
- (b) Reduced “hard” provincial licence suspension (*i.e.* the fixed period of no driving) for all alcohol-related *Criminal Code* impaired driving offenders enrolled in the interlock program. Credit was also given if offenders convicted of impaired driving causing death or bodily harm were ineligible for a reduced “hard” suspension. (1 point)
- (c) Relicensing based on performance criteria. (1 point)
- (d) Minimum 3-year interlock order for a second *Criminal Code* impaired driving offence. (1 point)

(b) The Scope of *The 2015 Provincial Impaired Driving Report*

The 2015 Provincial Report does not address the full range of provincial impaired driving legislation, such as the provinces’ police enforcement powers, 90-day .08% BAC ALS programs and mandatory remedial initiatives. Nor does it include the provincial victims’ rights, support and compensation programs. We recognize that the provinces could also be assessed in terms of the total number, and per capita rates, of impaired driving charges, convictions, crashes, injuries, and deaths.⁴ Rather, *The 2015 Provincial Report* assesses only a subset of the provincial impaired driving legislation and programs.

⁴ It should be noted that MADD Canada has examined these aspects of the provincial impaired driving programs and the related statistical data in earlier studies and reports. These documents can be found at www.madd.ca under “Impaired Driving” and “News & Publications.”

Province-by-Province Analyses

ALBERTA

Section I: GLPs and Extended .00% BAC Limits	AB	CAN
(a) Minimum age of 16 to start GLP.	0/1	7/10
(b) Minimum 12-month duration for Stage 1. (2 points; and 1 point for 8 months)	2/2	3/10
(c) Night-time driving ban for Stage 2.	0/1	4/10
(d) Minimum 24-month duration for Stage 2. (2 points; and 1 point for 12 months)	2/2	4/10
(e) Prohibition on being positive for any illicit drug for all GLP drivers.	0/1	0/10
(f) A .00% BAC limit for a minimum of 3 years beyond the GLP. (2 points; and 1 point for a .00% BAC limit for a minimum of 2 years beyond the GLP)	0/2	4/10

Section II: Short-Term Roadside .05% BAC ALS Programs	AB	CAN
(a) Minimum 3-day ALS for first occurrence. (2 points)	2/2	8/10
(b) Mandatory or discretionary vehicle impoundment for first ALS.	1/1	2/10
(c) ALS recorded on driver abstract or record.	0/1	5/10
(d) Drivers subject to relicensing fee.	0/1	6/10
(e) Minimum 3-year, look-back period for repeat occurrence.	1/1	6/10
(f) Minimum 7-day ALS for second occurrence.	1/1	9/10

Section III: Drug-Related, Short-Term Roadside ALS Programs	AB	CAN
(a) Minimum 24-hour ALS for drivers reasonably believed to be affected or impaired by a drug.	1/1	3/10
(b) Minimum 24-hour ALS for drivers reasonably believed to be impaired by a drug, based on a SFST.	0/1	4/10
(c) Mandatory or discretionary vehicle impoundment for a first drug-related ALS.	1/1	2/10
(d) Minimum 3-month ALS for refusing or failing to complete a required SFST or DRE.	1/1	7/10

Section IV: Interlock Programs for Federal Impaired Driving Offenders	AB	CAN
(a) Successful completion of interlock program required for relicensing. (2 points; and 1 point if interlock mandatory for only some categories of federal impaired driving offenders)	2/2	3/10
(b) Reduced provincial licence suspension for all alcohol-related federal impaired driving offenders in the interlock program.	1/1	6/10
(c) Relicensing based on performance criteria.	1/1	10/10
(d) Minimum 3-year interlock order for second offenders.	1/1	3/10

TOTAL

AB: 17/25	CAN: 13.5/25 (Average)
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BRITISH COLUMBIA

Section I: GLPs and Extended .00% BAC Limits	BC	CAN
(a) Minimum age of 16 to start GLP.	1/1	7/10
(b) Minimum 12-month duration for Stage 1. (2 points; and 1 point for 8 months)	2/2	3/10
(c) Night-time driving ban for Stage 2.	0/1	4/10
(d) Minimum 24-month duration for Stage 2. (2 points; and 1 point for 12 months)	1/2	4/10
(e) Prohibition on being positive for any illicit drug for all GLP drivers.	0/1	0/10
(f) A .00% BAC limit for a minimum of 3 years beyond the GLP. (2 points; and 1 point for a .00% BAC limit for a minimum of 2 years beyond the GLP)	0/2	4/10

Section II: Short-Term Roadside .05% BAC ALS Programs	BC	CAN
(a) Minimum 3-day ALS for first occurrence. (2 points)	2/2	8/10
(b) Mandatory or discretionary vehicle impoundment for first ALS.	1/1	2/10
(c) ALS recorded on driver abstract or record.	1/1	5/10
(d) Drivers subject to relicensing fee.	1/1	6/10
(e) Minimum 3-year, look-back period for repeat occurrence.	1/1	6/10
(f) Minimum 7-day ALS for second occurrence.	1/1	9/10

Section III: Drug-Related, Short-Term Roadside ALS Programs	BC	CAN
(a) Minimum 24-hour ALS for drivers reasonably believed to be affected or impaired by a drug.	1/1	3/10
(b) Minimum 24-hour ALS for drivers reasonably believed to be impaired by a drug, based on a SFST.	0/1	4/10
(c) Mandatory or discretionary vehicle impoundment for a first drug-related ALS.	1/1	2/10
(d) Minimum 3-month ALS for refusing or failing to complete a required SFST or DRE.	0/1	7/10

Section IV: Interlock Programs for Federal Impaired Driving Offenders	BC	CAN
(a) Successful completion of interlock program required for relicensing. (2 points; and 1 point if interlock mandatory for only some categories of federal impaired driving offenders)*	1/2	3/10
(b) Reduced provincial licence suspension for all alcohol-related federal impaired driving offenders in the interlock program.	0/1	6/10
(c) Relicensing based on performance criteria.	1/1	10/10
(d) Minimum 3-year interlock order for second offenders.	0/1	3/10

TOTAL

BC: 15/25	CAN: 13.5/25 (Average)
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* Participation in the alcohol interlock program had been mandated by administrative policy. However, a new system was implemented in April 2013 requiring consideration of the driving record and circumstances of each federal impaired driving offender. Nevertheless, the government website states that a single federal impaired driving offence

is generally considered evidence that the offender's "driving record is unsatisfactory," likely warranting a referral to the Remedial Driver Program and Ignition Interlock Program. Thus, while most federal impaired driving offenders will likely be required to participate in the interlock program, it is not mandatory for all offenders. RoadSafetyBC, "Guidelines for Referrals to Remedial Programs", Ministry of Justice at 7 & 12, online: <www.pssg.gov.bc.ca/osmv/shreddocs/Guidelines-for-Referral.pdf> (Date accessed: May 26, 2015).

MANITOBA

Section I: GLPs and Extended .00% BAC Limits	MB	CAN
(a) Minimum age of 16 to start GLP.	0/1	7/10
(b) Minimum 12-month duration for Stage 1. (2 points; and 1 point for 8 months)	1/2	3/10
(c) Night-time driving ban for Stage 2.	0/1	4/10
(d) Minimum 24-month duration for Stage 2. (2 points; and 1 point for 12 months)	1/2	4/10
(e) Prohibition on being positive for any illicit drug for all GLP drivers.	0/1	0/10
(f) A .00% BAC limit for a minimum of 3 years beyond the GLP. (2 points; and 1 point for a .00% BAC limit for a minimum of 2 years beyond the GLP)	2/2	4/10

Section II: Short-Term Roadside .05% BAC ALS Programs*	MB	CAN
(a) Minimum 3-day ALS for first occurrence. (2 points)	0/2	8/10
(b) Mandatory or discretionary vehicle impoundment for first ALS.	0/1	2/10
(c) ALS recorded on driver abstract or record.	1/1	5/10
(d) Drivers subject to relicensing fee.	1/1	6/10
(e) Minimum 3-year, look-back period for repeat occurrence.	1/1	6/10
(f) Minimum 7-day ALS for second occurrence.	1/1	9/10

Section III: Drug-Related, Short-Term Roadside ALS Programs	MB	CAN
(a) Minimum 24-hour ALS for drivers reasonably believed to be affected or impaired by a drug.	0/1	3/10
(b) Minimum 24-hour ALS for drivers reasonably believed to be impaired by a drug, based on a SFST.*	1/1	4/10
(c) Mandatory or discretionary vehicle impoundment for a first drug-related ALS.	0/1	2/10
(d) Minimum 3-month ALS for refusing or failing to complete a required SFST or DRE.	1/1	7/10

Section IV: Interlock Programs for Federal Impaired Driving Offenders	MB	CAN
(a) Successful completion of interlock program required for relicensing. (2 points; and 1 point if interlock mandatory for only some categories of federal impaired driving offenders)**	0/2	3/10
(b) Reduced provincial licence suspension for all alcohol-related federal impaired driving offenders in the interlock program.	0/1	6/10
(c) Relicensing based on performance criteria.	1/1	10/10
(d) Minimum 3-year interlock order for second offenders.	1/1	3/10

TOTAL

MB: 12/25	CAN: 13.5/25 (Average)
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* On June 4, 2015, Manitoba proposed amendments which, if enacted, would increase the suspension for first, second, third, and subsequent .05% BAC ALSs to 3, 15, 30, and 60 days, respectively. If a child under the age of 16 was in the vehicle at the time, the first ALS would be increased to 7 days. The amendments would also increase the

length of the drug-related ALSs. Moreover, the government reported that the look-back period for previous infractions would be increased from 3 to 10 years. Government of Manitoba, News Release, “Manitoba Government Introduces Legislation that Would Toughen Laws Aimed at Impaired, High-Risk Drivers” (4 June 2015) online: <<http://news.gov.mb.ca/news/index.html?item=35078&posted=2015-06-04>> [News Release].

** On June 4, 2015, Manitoba proposed amendments which, if enacted, would make participation in the interlock program a mandatory condition of relicensing for all federal impaired driving offenders. See News Release, *ibid*.

NEW BRUNSWICK

Section I: GLPs and Extended .00% BAC Limits	NB	CAN
(a) Minimum age of 16 to start GLP.	1/1	7/10
(b) Minimum 12-month duration for Stage 1. (2 points; and 1 point for 8 months)	1/2	3/10
(c) Night-time driving ban for Stage 2.	1/1	4/10
(d) Minimum 24-month duration for Stage 2. (2 points; and 1 point for 12 months)	1/2	4/10
(e) Prohibition on being positive for any illicit drug for all GLP drivers.	0/1	0/10
(f) A .00% BAC limit for a minimum of 3 years beyond the GLP. (2 points; and 1 point for a .00% BAC limit for a minimum of 2 years beyond the GLP)	2/2	4/10

Section II: Short-Term Roadside .05% BAC ALS Programs	NB	CAN
(a) Minimum 3-day ALS for first occurrence. (2 points)	2/2	8/10
(b) Mandatory or discretionary vehicle impoundment for first ALS.	0/1	2/10
(c) ALS recorded on driver abstract or record.	0/1	5/10
(d) Drivers subject to relicensing fee.	0/1	6/10
(e) Minimum 3-year, look-back period for repeat occurrence.	0/1	6/10
(f) Minimum 7-day ALS for second occurrence.	1/1	9/10

Section III: Drug-Related, Short-Term Roadside ALS Programs*	NB	CAN
(a) Minimum 24-hour ALS for drivers reasonably believed to be affected or impaired by a drug.	0/1	3/10
(b) Minimum 24-hour ALS for drivers reasonably believed to be impaired by a drug, based on a SFST.	0/1	4/10
(c) Mandatory or discretionary vehicle impoundment for a first drug-related ALS.	0/1	2/10
(d) Minimum 3-month ALS for refusing or failing to complete a required SFST or DRE.	0/1	7/10

Section IV: Interlock Programs for Federal Impaired Driving Offenders*	NB	CAN
(a) Successful completion of interlock program required for relicensing. (2 points; and 1 point if interlock mandatory for only some categories of federal impaired driving offenders)	0/2	3/10
(b) Reduced provincial licence suspension for all alcohol-related federal impaired driving offenders in the interlock program.	1/1	6/10
(c) Relicensing based on performance criteria.	1/1	10/10
(d) Minimum 3-year interlock order for second offenders.	0/1	3/10

TOTAL

NB: 11/25	CAN: 13.5/25 (Average)
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* In early July, 2015, the government announced its intention to strengthen its drug-impaired driving legislation and introduce mandatory ignition interlocks for all federal impaired driving offenders. L. Michael, "Stephen Horsman signals shift to mandatory interlock devices", CBC News (10 July 2015), online: <<http://www.cbc.ca/news/canada/new-brunswick/stephen-horsman-signals-shift-to-mandatory-interlock-devices-1.3142229>>.

NEWFOUNDLAND AND LABRADOR

Section I: GLPs and Extended .00% BAC Limits	NL	CAN
(a) Minimum age of 16 to start GLP.	1/1	7/10
(b) Minimum 12-month duration for Stage 1. (2 points; and 1 point for 8 months)	1/2	3/10
(c) Night-time driving ban for Stage 2.	1/1	4/10
(d) Minimum 24-month duration for Stage 2. (2 points; and 1 point for 12 months)	1/2	4/10
(e) Prohibition on being positive for any illicit drug for all GLP drivers.	0/1	0/10
(f) A .00% BAC limit for a minimum of 3 years beyond the GLP. (2 points; and 1 point for a .00% BAC limit for a minimum of 2 years beyond the GLP)	0/2	4/10

Section II: Short-Term Roadside .05% BAC ALS Programs	NL	CAN
(a) Minimum 3-day ALS for first occurrence. (2 points)	2/2	8/10
(b) Mandatory or discretionary vehicle impoundment for first ALS.	0/1	2/10
(c) ALS recorded on driver abstract or record.	0/1	5/10
(d) Drivers subject to relicensing fee.	1/1	6/10
(e) Minimum 3-year, look-back period for repeat occurrence.	0/1	6/10
(f) Minimum 7-day ALS for second occurrence.	1/1	9/10

Section III: Drug-Related, Short-Term Roadside ALS Programs*	NL	CAN
(a) Minimum 24-hour ALS for drivers reasonably believed to be affected or impaired by a drug.	1/1	3/10
(b) Minimum 24-hour ALS for drivers reasonably believed to be impaired by a drug, based on a SFST.	0/1	4/10
(c) Mandatory or discretionary vehicle impoundment for a first drug-related ALS.	0/1	2/10
(d) Minimum 3-month ALS for refusing or failing to complete a required SFST or DRE.	1/1	7/10

Section IV: Interlock Programs for Federal Impaired Driving Offenders	NL	CAN
(a) Successful completion of interlock program required for relicensing. (2 points; and 1 point if interlock mandatory for only some categories of federal impaired driving offenders)	0/2	3/10
(b) Reduced provincial licence suspension for all alcohol-related federal impaired driving offenders in the interlock program.	1/1	6/10
(c) Relicensing based on performance criteria.	1/1	10/10
(d) Minimum 3-year interlock order for second offenders.	0/1	3/10

TOTAL

NL: 12/25	CAN: 13.5/25 (Average)
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* The police are authorized to impose a 7-day roadside ALS on any driver, if they reasonably believe that his or her ability to drive is impaired by drugs or a combination of drugs and alcohol. The officer's belief need not be based on the results of a SFST. *Highway Traffic Act*, RSNL 1990, c. H-3, ss. 60.02 and 60.03(2)(a).

NOVA SCOTIA

Section I: GLPs and Extended .00% BAC Limits	NS	CAN
(a) Minimum age of 16 to start GLP.	1/1	7/10
(b) Minimum 12-month duration for Stage 1. (2 points; and 1 point for 8 months)	0/2	3/10
(c) Night-time driving ban for Stage 2.	1/1	4/10
(d) Minimum 24-month duration for Stage 2. (2 points; and 1 point for 12 months)	2/2	4/10
(e) Prohibition on being positive for any illicit drug for all GLP drivers.	0/1	0/10
(f) A .00% BAC limit for a minimum of 3 years beyond the GLP. (2 points; and 1 point for a .00% BAC limit for a minimum of 2 years beyond the GLP)	1/2	4/10

Section II: Short-Term Roadside .05% BAC ALS Programs	NS	CAN
(a) Minimum 3-day ALS for first occurrence. (2 points)	2/2	8/10
(b) Mandatory or discretionary vehicle impoundment for first ALS.	0/1	2/10
(c) ALS recorded on driver abstract or record.	1/1	5/10
(d) Drivers subject to relicensing fee.	1/1	6/10
(e) Minimum 3-year, look-back period for repeat occurrence.	1/1	6/10
(f) Minimum 7-day ALS for second occurrence.	1/1	9/10

Section III: Drug-Related, Short-Term Roadside ALS Programs	NS	CAN
(a) Minimum 24-hour ALS for drivers reasonably believed to be affected or impaired by a drug.	0/1	3/10
(b) Minimum 24-hour ALS for drivers reasonably believed to be impaired by a drug, based on a SFST.	0/1	4/10
(c) Mandatory or discretionary vehicle impoundment for a first drug-related ALS.	0/1	2/10
(d) Minimum 3-month ALS for refusing or failing to complete a required SFST or DRE.	0/1	7/10

Section IV: Interlock Programs for Federal Impaired Driving Offenders	NS	CAN
(a) Successful completion of interlock program required for relicensing. (2 points; and 1 point if interlock mandatory for only some categories of federal impaired driving offenders)	1/2	3/10
(b) Reduced provincial licence suspension for all alcohol-related federal impaired driving offenders in the interlock program.	1/1	6/10
(c) Relicensing based on performance criteria.	1/1	10/10
(d) Minimum 3-year interlock order for second offenders.	0/1	3/10

TOTAL

NS: 14/25	CAN: 13.5/25 (Average)
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ONTARIO

Section I: GLPs and Extended .00% BAC Limits	ON	CAN
(a) Minimum age of 16 to start GLP.	1/1	7/10
(b) Minimum 12-month duration for Stage 1. (2 points; and 1 point for 8 months)	1/2	3/10
(c) Night-time driving ban for Stage 2.	0/1	4/10
(d) Minimum 24-month duration for Stage 2. (2 points; and 1 point for 12 months)	1/2	4/10
(e) Prohibition on being positive for any illicit drug for all GLP drivers.	0/1	0/10
(f) A .00% BAC limit for a minimum of 3 years beyond the GLP. (2 points; and 1 point for a .00% BAC limit for a minimum of 2 years beyond the GLP)	2/2	4/10

Section II: Short-Term Roadside .05% BAC ALS Programs	ON	CAN
(a) Minimum 3-day ALS for first occurrence. (2 points)	2/2	8/10
(b) Mandatory or discretionary vehicle impoundment for first ALS.	0/1	2/10
(c) ALS recorded on driver abstract or record.	1/1	5/10
(d) Drivers subject to relicensing fee.	1/1	6/10
(e) Minimum 3-year, look-back period for repeat occurrence.	1/1	6/10
(f) Minimum 7-day ALS for second occurrence.	1/1	9/10

Section III: Drug-Related, Short-Term Roadside ALS Programs*	ON	CAN
(a) Minimum 24-hour ALS for drivers reasonably believed to be affected or impaired by a drug.	0/1	3/10
(b) Minimum 24-hour ALS for drivers reasonably believed to be impaired by a drug, based on a SFST.	0/1	4/10
(c) Mandatory or discretionary vehicle impoundment for a first drug-related ALS.	0/1	2/10
(d) Minimum 3-month ALS for refusing or failing to complete a required SFST or DRE.	1/1	7/10

Section IV: Interlock Programs for Federal Impaired Driving Offenders	ON	CAN
(a) Successful completion of interlock program required for relicensing. (2 points; and 1 point if interlock mandatory for only some categories of federal impaired driving offenders)**	1/2	3/10
(b) Reduced provincial licence suspension for all alcohol-related federal impaired driving offenders in the interlock program.***	0/1	6/10
(c) Relicensing based on performance criteria.	1/1	10/10
(d) Minimum 3-year interlock order for second offenders.	1/1	3/10

TOTAL

ON: 15/25	CAN: 13.5/25 (Average)
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* If proclaimed in force, the *Transportation Statute Law Amendment Act (Making Ontario's Roads Safer), 2015, S.O. 2015, c. 14* would authorize the police to impose a short-term ALS on a driver whom they reasonably believed to be impaired by a drug, or a combination of drugs and alcohol. The officer's reasonable belief would have to be based on all of the circumstances, including the driver's performance on a SFST. The duration of these drug-related ALSs,

the associated look-back period for repeat infractions and the related remedial programs would parallel those for alcohol-related, short-term ALSs. Government of Ontario, Press Release, “Ontario Passes Legislation to Improve Road Safety” (2 June 2015).

** Following the provincial licence suspension, an impaired driving offender is prohibited from driving a vehicle without an ignition interlock for specified periods of time based on whether he or she is a first, second or subsequent offender. However, interlock participation is not a requirement of relicensing for all impaired drivers, in that first and second offenders can sit out the interlock period by not driving any vehicle and regain full driving privileges.

If the *Transportation Statute Law Amendment Act (Making Ontario’s Roads Safer), 2015*, S.O. 2015, c. 14 is proclaimed in force and the related regulation is enacted, participation in an interlock program would become a mandatory condition of licence reinstatement for all federal impaired driving offenders.

*** The reduced provincial licence suspension only applies to certain categories of first offenders. As well, first offenders who plead guilty receive a shorter licence suspension and interlock order than drivers who do not. No reduction is available for first offenders who were impaired by a combination of alcohol and drugs, or who were convicted of impaired driving causing death or bodily harm.

PRINCE EDWARD ISLAND

Section I: GLPs and Extended .00% BAC Limits	PE	CAN
(a) Minimum age of 16 to start GLP.	1/1	7/10
(b) Minimum 12-month duration for Stage 1. (2 points; and 1 point for 8 months)	1/2	3/10
(c) Night-time driving ban for Stage 2.	1/1	4/10
(d) Minimum 24-month duration for Stage 2. (2 points; and 1 point for 12 months)	2/2	4/10
(e) Prohibition on being positive for any illicit drug for all GLP drivers.	0/1	0/10
(f) A .00% BAC limit for a minimum of 3 years beyond the GLP. (2 points; and 1 point for a .00% BAC limit for a minimum of 2 years beyond the GLP)	0/2	4/10

Section II: Short-Term Roadside .05% BAC ALS Programs	PE	CAN
(a) Minimum 3-day ALS for first occurrence. (2 points)	2/2	8/10
(b) Mandatory or discretionary vehicle impoundment for first ALS.	0/1	2/10
(c) ALS recorded on driver abstract or record.	0/1	5/10
(d) Drivers subject to relicensing fee.	1/1	6/10
(e) Minimum 3-year, look-back period for repeat occurrence.	0/1	6/10
(f) Minimum 7-day ALS for second occurrence.	1/1	9/10

Section III: Drug-Related, Short-Term Roadside ALS Programs	PE	CAN
(a) Minimum 24-hour ALS for drivers reasonably believed to be affected or impaired by a drug.	0/1	3/10
(b) Minimum 24-hour ALS for drivers reasonably believed to be impaired by a drug, based on a SFST.	1/1	4/10
(c) Mandatory or discretionary vehicle impoundment for a first drug-related ALS.	0/1	2/10
(d) Minimum 3-month ALS for refusing or failing to complete a required SFST or DRE.	1/1	7/10

Section IV: Interlock Programs for Federal Impaired Driving Offenders	PE	CAN
(a) Successful completion of interlock program required for relicensing. (2 points; and 1 point if interlock mandatory for only some categories of federal impaired driving offenders)	2/2	3/10
(b) Reduced provincial licence suspension for all alcohol-related federal impaired driving offenders in the interlock program.	1/1	6/10
(c) Relicensing based on performance criteria.*	1/1	10/10
(d) Minimum 3-year interlock order for second offenders.	0/1	3/10

TOTAL

PE: 15/25	CAN: 13.5/25 (Average)
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* The website of the Department of Transportation and Infrastructure Renewal states that the interlock order may be removed if there has been no “serious program violations.” Although this term is not defined, it appears that failed breath tests would constitute serious program violations, resulting in the extension of the interlock order.

QUÉBEC

Section I: GLPs and Extended .00% BAC Limits	QC	CAN
(a) Minimum age of 16 to start GLP.	1/1	7/10
(b) Minimum 12-month duration for Stage 1. (2 points; and 1 point for 8 months)	2/2	3/10
(c) Night-time driving ban for Stage 2.	0/1	4/10
(d) Minimum 24-month duration for Stage 2. (2 points; and 1 point for 12 months)	2/2	4/10
(e) Prohibition on being positive for any illicit drug for all GLP drivers.	0/1	0/10
(f) A .00% BAC limit for a minimum of 3 years beyond the GLP. (2 points; and 1 point for a .00% BAC limit for a minimum of 2 years beyond the GLP)	2/2	4/10

Section II: Short-Term Roadside .05% BAC ALS Programs	QC	CAN
(a) Minimum 3-day ALS for first occurrence. (2 points)	0/2	8/10
(b) Mandatory or discretionary vehicle impoundment for first ALS.	0/1	2/10
(c) ALS recorded on driver abstract or record.	0/1	5/10
(d) Drivers subject to relicensing fee.	0/1	6/10
(e) Minimum 3-year, look-back period for repeat occurrence.	0/1	6/10
(f) Minimum 7-day ALS for second occurrence.	0/1	9/10

Section III: Drug-Related, Short-Term Roadside ALS Programs	QC	CAN
(a) Minimum 24-hour ALS for drivers reasonably believed to be affected or impaired by a drug.	0/1	3/10
(b) Minimum 24-hour ALS for drivers reasonably believed to be impaired by a drug, based on a SFST.	1/1	4/10
(c) Mandatory or discretionary vehicle impoundment for a first drug-related ALS.	0/1	2/10
(d) Minimum 3-month ALS for refusing or failing to complete a required SFST or DRE.	1/1	7/10

Section IV: Interlock Programs for Federal Impaired Driving Offenders	QC	CAN
(a) Successful completion of interlock program required for relicensing. (2 points; and 1 point if interlock mandatory for only some categories of federal impaired driving offenders)	1/2	3/10
(b) Reduced provincial licence suspension for all alcohol-related federal impaired driving offenders in the interlock program.*	0/1	6/10
(c) Relicensing based on performance criteria.	1/1	10/10
(d) Minimum 3-year interlock order for second offenders.	0/1	3/10

TOTAL

QC: 11/25	CAN: 13.5/25 (Average)
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* Impaired driving offenders in the voluntary interlock program are subject to a reduced provincial licence suspension, whereas those who did not apply or were ineligible for the voluntary program do not receive a reduced provincial suspension.

SASKATCHEWAN

Section I: GLPs and Extended .00% BAC Limits	SK	CAN
(a) Minimum age of 16 to start GLP.	0/1	7/10
(b) Minimum 12-month duration for Stage 1. (2 points; and 1 point for 8 months)	1/2	3/10
(c) Night-time driving ban for Stage 2.	0/1	4/10
(d) Minimum 24-month duration for Stage 2. (2 points; and 1 point for 12 months)	1/2	4/10
(e) Prohibition on being positive for any illicit drug for all GLP drivers.	0/1	0/10
(f) A .00% BAC limit for a minimum of 3 years beyond the GLP. (2 points; and 1 point for a .00% BAC limit for a minimum of 2 years beyond the GLP)	0/2	4/10

Section II: Short-Term Roadside .05% BAC ALS Programs	SK	CAN
(a) Minimum 3-day ALS for first occurrence. (2 points)	2/2	8/10
(b) Mandatory or discretionary vehicle impoundment for first ALS.	0/1	2/10
(c) ALS recorded on driver abstract or record.	1/1	5/10
(d) Drivers subject to relicensing fee.	0/1	6/10
(e) Minimum 3-year, look-back period for repeat occurrence.	1/1	6/10
(f) Minimum 7-day ALS for second occurrence.	1/1	9/10

Section III: Drug-Related, Short-Term Roadside ALS Programs	SK	CAN
(a) Minimum 24-hour ALS for drivers reasonably believed to be affected or impaired by a drug.	0/1	3/10
(b) Minimum 24-hour ALS for drivers reasonably believed to be impaired by a drug, based on a SFST.	1/1	4/10
(c) Mandatory or discretionary vehicle impoundment for a first drug-related ALS.	0/1	2/10
(d) Minimum 3-month ALS for refusing or failing to complete a required SFST or DRE.	1/1	7/10

Section IV: Interlock Programs for Federal Impaired Driving Offenders	SK	CAN
(a) Successful completion of interlock program required for relicensing. (2 points; and 1 point if interlock mandatory for only some categories of federal impaired driving offenders)	2/2	3/10
(b) Reduced provincial licence suspension for all alcohol-related federal impaired driving offenders in the interlock program.	1/1	6/10
(c) Relicensing based on performance criteria.	1/1	10/10
(d) Minimum 3-year interlock order for second offenders.	0/1	3/10

TOTAL

SK: 13/25	CAN: 13.5/25 (Average)
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Issue-by-Issue Analyses

Section I: GLPs and Extended .00% BAC Limits

	Age 16 to Start GLP	Stage 1: 12 Months	Stage 2: Night Limit	Stage 2: 24 Months	Drug Ban on GLP Drivers	.00% BAC for 3 Years Post GLP
AB	No	Yes	No	Yes	No	No
BC	Yes	Yes	No	No	No	No
MB	No	No	No	No	No	Yes
NB	Yes	No	Yes	No	No	Yes
NL	Yes	No	Yes	No	No	No
NS	Yes	No	Yes	Yes	No	No
ON	Yes	No	No	No	No	Yes
PE	Yes	No	Yes	Yes	No	No
QC	Yes	Yes	No	Yes	No	Yes
SK	No	No	No	No	No	No
CAN	7/10	3/10	4/10	4/10	0/10	4/10

Section II: Short-Term Roadside .05% BAC ALS Programs

	3-Day ALS	Impoundment	ALS on Abstract	Relicensing Fee	3-Year Look-Back Period	7-Day ALS on 2nd Violation
AB	Yes	Yes	No	No	Yes	Yes
BC	Yes	Yes	Yes	Yes	Yes	Yes
MB	No	No	Yes	Yes	Yes	Yes
NB	Yes	No	No	No	No	Yes
NL	Yes	No	No	Yes	No	Yes
NS	Yes	No	Yes	Yes	Yes	Yes
ON	Yes	No	Yes	Yes	Yes	Yes
PE	Yes	No	No	Yes	No	Yes
QC	No	No	No	No	No	No
SK	Yes	No	Yes	No	Yes	Yes
CAN	8/10	2/10	5/10	6/10	6/10	9/10

Section III: Drug-Related, Short-Term Roadside ALS Programs

	24-Hour ALS for Driving Affected by Drugs	24-Hour ALS for Drug-Impaired Driving Based on SFST	Vehicle Impoundment for 1st Violation	3-Month ALS for Failing/Refusing a SFST or DRE
AB	Yes	No	Yes	Yes
BC	Yes	No	Yes	No
MB	No	Yes	No	Yes
NB	No	No	No	No
NL	Yes	No	No	Yes
NS	No	No	No	No
ON	No	No	No	Yes
PE	No	Yes	No	Yes
QC	No	Yes	No	Yes
SK	No	Yes	No	Yes
CAN	3/10	4/10	2/10	7/10

Section IV: Interlock Programs for Federal Impaired Driving Offenders

	Interlock Required for Relicensing	Reduced Provincial Suspension	Relicensing on Performance Criteria	3-Year Interlock Order for 2nd Offenders
AB	Yes	Yes	Yes	Yes
BC	No	No	Yes	No
MB	No	No	Yes	Yes
NB	No	Yes	Yes	No
NL	No	Yes	Yes	No
NS	No	Yes	Yes	No
ON	No	No	Yes	Yes
PE	Yes	Yes	Yes	No
QC	No	No	Yes	No
SK	Yes	Yes	Yes	No
CAN	3/10	6/10	10/10	3/10

Conclusion

With the exception of drug-impaired driving, most provinces have legislation that addresses, in some fashion, the assessment criteria used. However, key elements of a comprehensive and effective program are often missing, and much of the existing legislation needs to be strengthened. These shortcomings in the legislation are reflected in the provincial scores, which range from 11 to 17 on a 25-point scale. The scores were then converted to percentages and grades were assigned accordingly.

Provincial Scores on a 25-Point Scale, Percentages and Grades

Alberta	17 (68%)	C+
British Columbia	15 (60%)	C-
Ontario	15 (60%)	C-
Prince Edward Island	15 (60%)	C-
Nova Scotia	14 (56%)	D
Saskatchewan	13 (52%)	D-
Manitoba	12 (48%)	F+
Newfoundland and Labrador	12 (48%)	F+
New Brunswick	11 (44%)	F
Québec	11 (44%)	F
Canada (average)	13.5 (54%)	D

In reviewing these scores, it should be noted that the assessment criteria in this report are not as rigorous as those in *The 2012 Review*.⁵ For example, *The 2012 Review* calls for a GLP composed of a 12-month Stage 1 and a 24-month Stage 2. Nevertheless, the provinces received partial credit in this report for having an 8-month Stage 1 and a 12-month Stage 2. Similarly, while *The 2012 Review* proposes a minimum 3-day vehicle impoundment for a first roadside .05% BAC ALS, the provinces were given full credit if they had a mandatory or discretionary impoundment of any duration.⁶ Given the liberal assessment criteria used in *The 2015 Provincial Report*, the results are disappointing. Our major concerns are set out below.

Most provinces do not have a 12-month Stage-1 and 24-month Stage-2 for all beginning drivers. Only four provinces have any night-time ban on Stage-2 drivers, and these are subject to numerous exceptions. Furthermore, most provinces do not have a .00% BAC limit on drivers for a minimum of 3 years beyond the GLP. The provinces' poor performance on these criteria is troubling, given their proven efficacy in reducing impaired driving death and injuries among young and new drivers.⁷

⁵ The assessment criteria in *The 2012 Review* were based on model provincial policies. For a description of these policies and the research upon which they are based, see E. Chamberlain & R. Solomon, *Provincial Impaired Driving Policies: The MADD Canada Model: 2009* (Oakville: MADD Canada, 2009) (*Model Policies: 2009*).

⁶ *The 2012 Review*, *supra* note 1 at 11.

⁷ For a discussion of night-time driving limits, see *Model Policies: 2009*, *supra* note 5 at 19-20; and J. Fell, M. Todd & R. Voas, "A national evaluation of the night-time and passenger restriction components of graduated

No province has a ban on being positive for illicit drugs for all GLP drivers and all drivers with less than 3 years of driving experience beyond the GLP. The current levels of driving after using cannabis and other drugs among young drivers warrant the immediate enactment of such a ban.⁸ For example, the *Canadian Addiction Survey* found that 39.8% of 15 to 24 year-olds reported having driven within two hours of using cannabis during the past 12 months, compared to 20.9% who reported having driven under the influence of alcohol.⁹ The legislation prohibiting being positive for illicit drugs should parallel the .00% BAC limit for all GLP drivers and drivers with less than 3 years of driving experience beyond the GLP.

Most provinces scored relatively well on their short-term roadside .05% BAC ALS programs except in regard to vehicle impoundment for a first occurrence. While the effectiveness of the .08% BAC 90-day ALS programs is well established,¹⁰ there is relatively little research on the short-term roadside .05% BAC ALSs. Nevertheless, recent legislation in British Columbia demonstrates the potential impact of short-term roadside .05% BAC ALS programs which include vehicle impoundment. For example, MacDonald *et al.* reported that following the enactment of the legislation in British Columbia alcohol-related fatal collisions fell by 40.4%, alcohol-related personal injury collisions fell by 23.4% and alcohol-related property damage only collisions fell by 19.5%.¹¹ Similarly, a roadside screening study conducted after the legislation's enactment reported that the percentage of drivers with BACs above .08% and BACs of at least .05% fell by 59% and 44%, respectively.¹²

Despite the high rates of driving after drug use, no province has enacted a comprehensive short-term, drug-related ALS program that parallels the .05% BAC ALSs for alcohol. The shortcomings in the

driver licensing" (2011) 42 *Journal of Safety Research* 283.

For a discussion of .00% BAC limits for young and new drivers, see R. Solomon & E. Chamberlain, "Zero blood alcohol concentration limits for drivers under 21: lessons from Canada" (2008) 14 *Injury Prevention* 123; and *Model Policies: 2009*, *ibid* at 31-39.

⁸ B. Jonah, *CCMTA Public Opinion Survey of Drugs and Driving in Canada: Summary Report* (Ottawa: Canadian Council of Motor Transport Administrators, 2013) at 16-17; R. Solomon & E. Chamberlain, "Canada's New Drug-Impaired Driving Law: The Need to Consider Other Approaches" (2014) 15 *Traffic Injury Prevention* 685 at 685-86 (Canada's New Drug-Impaired Driving Law); and D. Beirness, E. Beasley & K. McClafferty, *Alcohol and Drug Use Among Drivers in Ontario: Findings from the 2014 Roadside Survey* (Ottawa: Unpublished, 2015).

⁹ J. Flight, *Canadian Addiction Survey (CAS): Substance Use by Canadian Youth* (Ottawa: Health Canada, 2007) 95 (CAS-2007). Moreover, the mean number of times that respondents admitted to driving under the influence of cannabis in the past 12-months was 10, compared to 1.6 to alcohol.

¹⁰ See *Model Policies: 2009*, *supra* note 5 at 50-52; T. Babor *et al.*, *Alcohol: No Ordinary Commodity*, 2nd ed. (Oxford: Oxford University Press, 2010) at 173-74; and R. Voss & J. Lacey, *Alcohol and Highway Traffic Safety 2006: A Review of the State of Knowledge* (Washington, D.C.: National Traffic Safety Administration, 2011) at xxii.

¹¹ S. MacDonald *et al.*, "The impact on alcohol-related collisions of the partial decriminalization of impaired driving in British Columbia, Canada" (2013) 59 *Accident Analysis and Prevention* 200 at 200. See also J. Brubacher *et al.*, "Reduction in Fatalities, Ambulance Calls, and Hospital Admissions for Road Trauma After Implementation of New Traffic Laws" (2014) 104(10) *American Journal of Public Health* e89 at e89. The authors reported that in the two years following the implementation of the legislation in British Columbia, total fatal crashes decreased by 21% and alcohol-related fatal crashes decreased by 52%.

¹² D. Beirness & E. Beasley, "An Evaluation of Immediate Roadside Prohibitions for Drinking Drivers in British Columbia: Findings from Roadside Surveys" (2014) 15 *Traffic Injury Prevention* 228 at 228.

federal drug-impaired driving legislation¹³ make it imperative that the provinces enact effective drug-impaired driving legislation, including short-term roadside and 90-day ALS programs.

The provinces scored well on some elements of their alcohol interlock programs, but poorly on others. Impaired driving offenders with interlocks on their vehicles have lower rates of impaired driving and related crashes than offenders who receive a suspension alone.¹⁴ Only three provinces require all federal impaired driving offenders to successfully complete the interlock program as a condition of relicensing. Moreover, only three provinces have a 3-year minimum interlock order for a second federal impaired driving offence.

With the exception of Québec, the provinces have poor interlock participation rates, which in 2010 ranged from approximately 8.5% in New Brunswick to 33.9% in Ontario.¹⁵ Clearly, the potential traffic safety benefits of interlocks are not being realized in Canada. Participation in the provincial interlock program should be made a mandatory condition of relicensing for all federal impaired driving offenders, and the “hard” provincial licence suspension that would otherwise apply to these offenders should be shortened to encourage participation.

As noted, MADD Canada believes that the modest decreases in Canadian impaired driving deaths and injuries since the late 1990s have been largely due to the provinces’ enactment of progressive legislation. Nevertheless, the factors that contribute to impaired driving are not static. MADD Canada is concerned about several counterbalancing factors that may offset or even reverse the modest gains achieved over the last 17 years. Alcohol availability and per capita alcohol consumption has increased,¹⁶ and there are strong pressures to further deregulate alcohol marketing and sales. Rates of binge drinking (*i.e.* consuming five or more standard drinks in a single sitting) remain high, particularly among the young.¹⁷

¹³ The enforcement of the federal drug-impaired driving law is expensive, time-consuming, highly technical, and readily susceptible to successful legal challenges on various grounds, including *The Charter*, *supra* note 2. See Canada’s New Drug-Impaired Driving Law, *supra* note 8 at 688-89. The available survey and charge data, albeit dated, suggest that a person would, on average, have to drive after using cannabis every day for almost 40 years before he or she would likely be charged once, let alone convicted, of a federal drug-impaired driving offence.

¹⁴ See D. Beirness & P. Marques, “Alcohol Ignition Interlock Programs” (2004) 5 *Traffic Injury Prevention* 299; C. Willis, S. Lybrand & N. Bellamy, *Alcohol ignition interlock programmes for reducing drink driving recidivism (Review)* (Oxford: The Cochrane Collaboration, 2009) at 8; and R. Elder *et al.*, “Effectiveness of Ignition Interlocks for Preventing Alcohol-Impaired Driving and Alcohol-Related Crashes: A Community Guide Systematic Review” (2011) 40(3) *American Journal of Preventative Medicine* 362.

¹⁵ These figures should be viewed as providing only a rough estimate, due to several shortcomings in the underlying statistics. For an explanation of the estimated participation rates, see E. Chamberlain & R. Solomon, “The challenges of implementing interlock best practices in a federal state: the Canadian experience” (2012) 18(5) *Injury Prevention* 347 at 350-51.

¹⁶ The numbers and types of licensed venues and events have risen sharply, and the days and hours of operation have increased. For example, Ontario now licenses U-Brews, U-Vins, brew pubs, wine pubs, mobile carts on golf courses, micro-breweries, wine outlets in grocery stores, private sector delivery services, bowling alleys, sports stadiums, movie theatres, and a broad network of agency stores and other outlets. Restrictions on alcohol advertising, pricing, sponsorship, and other marketing activities have been eased. Per capita sales of alcohol increased by over 11% from 7.2 litres of pure alcohol in 1997 to 8.0 litres in 2013. Statistics Canada, *CANSIM Table 183-0019: Volume of sales of alcoholic beverages in litres of absolute alcohol and per capita 15 years and over, fiscal years ended March 31, *Terminated* annual (litres)*. (Ottawa: Statistics Canada, 2015).

¹⁷ For example, almost 65% of 15 to 19 year-old current drinkers reported binge drinking at least once in the past 12 months and of these 48% did so at least 12 times. Similarly, almost 76% of 20 to 24 year-old current drinkers

Other factors, such as the easing of the recession and falling gasoline prices, will also likely impact rates of alcohol-related impaired driving.

Canadian survey data, roadside screening studies, and post-mortem reports suggest that the incidence of driving after drug use has increased during the last 20 years. As indicated, more young Canadians report having driven after using cannabis than after drinking.¹⁸ Equally concerning is national data indicating that almost 40% of 16 to 24 year-olds report having been a passenger in a vehicle driven by someone under the influence of cannabis.¹⁹ The increased availability of extremely potent THC products, the continued expansion of the medical marijuana program and the possible legalization of recreational cannabis use would each exacerbate the current drug-impaired driving problem. Making significant progress on drug-impaired driving will be challenging, given that the current law and enforcement technology is not well developed. The increased use of hand-held and hands-free electronic devices while driving compounds the risks associated with driving after alcohol and/or drug use.

MADD Canada is concerned that many provinces have proposed or introduced progressive legislation only to quietly abandon it or not proclaim it into force. For example, Ontario issued a 2008 press release announcing plans to lengthen Stages 1 and 2 of its GLP, but removed both measures from Bill 126²⁰ before it was enacted. Similarly, Prince Edward Island introduced legislation in November 2010 which, had it been enacted, would have imposed a .00% BAC limit on all drivers under 21.²¹ Problems have also arisen in regard to: short-term roadside .05% BAC ALSs; short-term, drug-related ALSs; and alcohol interlock programs. As well, there are often long delays between the enactment of legislation and its proclamation into force. For example, Nova Scotia enacted legislation in 2007 strengthening its GLP and extending its .00% BAC limit for two years after completion of the GLP, but only brought the legislation into force on April 1, 2015.

Research from Canada and abroad has identified legislative measures that will significantly reduce impaired driving deaths and injuries. This is not an area in which research gaps thwart the development of effective legislative policies. Rather, the major issue is a lack of political will to enact measures that have been shown to be effective. Unfortunately, it often takes a horrendous crash to galvanize the government into taking action. MADD Canada welcomes all progressive legislation, but its timely enactment is necessary to prevent needless impaired driving deaths and injuries.

reported binge drinking at least once in the past 12 months and of these 59% did so at least 12 times. Statistics Canada, *CANSIM Table 105-0431, Frequency of drinking in the past 12 months, by age group and sex...peer groups, every two years, 2005* (Ottawa: Statistics Canada, 2005). Moreover, 15 to 24 year-olds have the highest rates of weekly and monthly binge drinking, and of consuming five or more drinks on a typical drinking day. E. Adlaf, P. Begin & E. Sawka, eds., *Canadian Addiction Survey (CAS): A National Survey on Canadians' Use of Alcohol and Other Drugs (Detailed Report)* (Ottawa: Canadian Centre on Substance Abuse, 2005) at 29 and 31. More recent Statistics Canada data indicate that binge drinking rates have remained relatively stable among males and increased slightly among females. Statistics Canada, *Heavy Drinking, 2013* (Ottawa: Statistics Canada, 2014).

¹⁸ *CAS-2007, supra* note 9 at 95. See also, A. Boak *et al.*, *Drug Use Among Ontario Students 1977-2013: Detailed OSDUHS Findings* (Toronto: CAMH, 2013) at viii.

¹⁹ *CAS-2007, ibid.* In comparison, 32.5% of youth reported having been a passenger in a vehicle driven by someone under the influence of alcohol.

²⁰ *Road Safety Act 2009*, S.O. 2009, c. 5.

²¹ Bill 23, *Highway Traffic (Zero Tolerance) Amendment Act*, 4th Sess., 63rd Ass. 2010, s. 2 (first reading 24 November 2010).

MADD Canada is also concerned that public and government interest in the impaired driving issue appears to have waned, due to several factors. First, the campaign against drinking and driving, which is now in its third decade, may not be seen as being as newsworthy as it once was. Second, other traffic safety issues, such as distracted driving, have garnered much recent attention. Third, impaired driving deaths and injuries have fallen significantly, albeit from the record high levels of the early 1980s.

Nevertheless, in 2010 (the latest year for which national data is available) impairment-related crashes constituted the number one criminal cause of death in Canada, claiming almost twice as many lives annually as all categories of homicide combined.²² Moreover, as indicated, Canada's impaired driving record remains extremely poor by international standards. While Canada is unlikely to match the traffic safety record of much smaller countries which have well-developed public transportation systems and far lower rates of vehicle ownership, it can still dramatically reduce impaired driving deaths and injuries. Consequently, it is incumbent on MADD Canada to continue collaborating with the provinces and encouraging them to implement proven impaired driving countermeasures.

²² T. Mahony, *Homicide in Canada, 2010* (Ottawa: Statistics Canada, 2011) at 1; and S. Pitel & R. Solomon, *Estimating the Number and Cost of Impairment-Related Traffic Crashes in Canada 1999-2010* (Oakville: MADD Canada, 2013) at 3.