

**MEDIA BACKGROUNDER :**  
**Consequences – impacts of Bill C-46**

The federal government’s new legislation under Bill C-46 adds three new drug-impaired driving offences and prescribed “per se” unacceptable blood-drug concentration levels for impaired driving under the Criminal Code. These offences cover driving with **low threshold levels** of drug concentration, **high threshold levels** of drug concentration, and **combinations of drugs and alcohol**. Bill C-46 is currently in the Senate for approval; it will move on from there to the Governor General. On Royal Assent (anticipated December 2017), the new changes will be in effect, meaning police will be able to immediately lay charges.

What does this mean for drivers in Saskatchewan? First, let’s look at the current state:

<b>CURRENT STATE</b>	
Criminal Code – section 253	Consequences under <i>The Traffic Safety Act</i> (same for ALL drivers)
<p><b>Exceeds .08 Blood Alcohol Content (BAC)</b>            CC 253(1)(b)</p> <p><i>“Everyone commits an offence who operates a motor vehicle or vessel or operates or assists in the operation of an aircraft or of railway equipment or has the care or control of a motor vehicle, vessel, aircraft or railway equipment, whether it is in motion or not:            (b) having consumed alcohol in such a quantity that the concentration in the person’s blood exceeds eighty milligrams of alcohol in one hundred millilitres of blood.”</i></p>	<p><b>Criminal Code Charge (can occur immediately, at roadside):</b></p> <ul style="list-style-type: none"> <li>– Immediate licence suspension until the court has disposed of the charge</li> <li>– 30-day vehicle seizure if BAC is less than .16</li> <li>– 60-day vehicle seizure if BAC is .16 or more</li> </ul> <p><b>Criminal Code Conviction:</b></p> <ul style="list-style-type: none"> <li>– Minimum 1 year driving suspension to a maximum of 5 years, depending on number of previous Criminal Code convictions</li> <li>– SGI Safe Driver Recognition (SDR)* program impacts:               <ul style="list-style-type: none"> <li>• BAC less than .16 = financial penalty of \$1,250</li> <li>• BAC of .16 BAC or more = financial penalty of \$2,250</li> <li>• If conviction includes injury or death = financial penalty of \$2,500</li> </ul> </li> <li>– Mandatory participation in the ignition interlock program; length of participation determined by BAC at the time of the incident and number of previous impaired driving convictions</li> <li>– Completion of prescribed education program, as applicable, depending on number of previous Criminal Code convictions</li> </ul> <p>*SGI’s Safe Driver Recognition program was created in 2002 to recognize safe driving behaviour and deter unsafe driving habits. Drivers with good records are rewarded with discounts on their basic vehicle insurance, while drivers with poor driving records (traffic convictions and at-fault collisions) pay financial penalties.</p>

<p><b>Impaired by drugs or alcohol</b> CC 253(1)(a)</p> <p><i>“Everyone commits an offence who operates a motor vehicle or vessel or operates or assists in the operation of an aircraft or of railway equipment or has the care or control of a motor vehicle, vessel, aircraft or railway equipment, whether it is in motion or not: (a) while the person’s ability to operate the vehicle, vessel, aircraft or railway equipment is impaired by alcohol or a drug”</i></p>	<p><b>Criminal Code Charge (can occur immediately, at roadside):</b></p> <ul style="list-style-type: none"> <li>– 30-day vehicle seizure (<u>NOTE</u>: Recent amendments to <i>The Traffic Safety Act</i> will see this changed to allow for “immediate licence suspension until the court has disposed of the charge.” This change is not yet in effect as the amendments have not yet passed in the Saskatchewan Legislature)</li> </ul> <p><b>Criminal Code Conviction:</b></p> <ul style="list-style-type: none"> <li>– Minimum 1 year driving suspension to a maximum of 5 years, depending on number of previous Criminal Code convictions</li> <li>– SDR impacts: financial penalty of \$1,250, or \$2,500 if conviction includes injury or death</li> <li>– Mandatory participation in the ignition interlock program; length of participation determined by the number of previous impaired driving convictions</li> <li>– Completion of prescribed education program, as applicable, depending on number of previous Criminal Code convictions</li> </ul>
<p><b>Refuse to comply with a demand</b> (for blood draw, breath sample, standardized field sobriety test or evaluation by a Drug Recognition Evaluator)</p> <p>CC 254(5)</p> <p><i>“Everyone commits an offence who, without reasonable excuse, fails or refuses to comply with a demand made under this section”</i></p>	<p><b>Criminal Code Charge (can occur immediately, at roadside):</b></p> <ul style="list-style-type: none"> <li>– Immediate licence suspension until the court has disposed of the charge</li> <li>– 60-day vehicle seizure</li> </ul> <p><b>Criminal Code Conviction:</b></p> <ul style="list-style-type: none"> <li>– Minimum 1 year driving suspension to a maximum of 5 years, depending on number of previous Criminal Code convictions</li> <li>– SDR impacts: financial penalty of \$2,250, or \$2,500 if conviction includes injury or death</li> <li>– Mandatory participation in the ignition interlock program; length of participation determined by the number of previous impaired driving convictions</li> <li>– Completion of prescribed education program, as applicable, depending on number of previous Criminal Code convictions</li> </ul>

Once Bill C-46 is in place, police will have the authority to use federally-approved roadside drug screening devices for impaired driving -- as well as the existing standardized field sobriety tests (SFST) -- if they have reason to believe that a driver is impaired. These devices will test saliva for the presence of THC (the impairing ingredient in cannabis) as well as some other drugs. Where a driver tests positive or fails the SFST, police can demand a blood sample or a drug recognition evaluator test.

## New Criminal Code charges

There are stiff consequences resulting from the new Criminal Code charges, as outlined in the following chart:

<b>FUTURE STATE</b>		
<b>ONCE BILL C-46 RECEIVES ROYAL ASSENT FROM THE GOVERNOR GENERAL (antic. mid-Dec. 2017)</b>		
CC – section 253 (new charges) <i>Can be laid by police as early as mid-Dec. 2017 (est.)</i>	THC (impairing ingredient in cannabis)	Consequences under <i>The Traffic Safety Act</i> (same for ALL drivers)
<p><b>Low Drug</b> CC 253(3)(b)</p> <p><i>“A blood drug concentration that is equal to or exceeds the blood drug concentration for the drug that is prescribed by regulation and that is less than the concentration prescribed for the purposes of paragraph (a).”</i></p>	<p>2-5 nanograms</p>	<p><b>Criminal Code Charge (can occur immediately, at roadside):</b></p> <ul style="list-style-type: none"> <li>– Immediate licence suspension until the court has disposed of the charge</li> <li>– 30-day vehicle seizure</li> </ul> <p><b>Criminal Code Conviction:</b></p> <ul style="list-style-type: none"> <li>– Minimum 1 year driving suspension to a maximum of 5 years, depending on number of previous Criminal Code convictions</li> <li>– SDR impacts: financial penalty of \$1,250, or \$2,500 if conviction includes injury or death</li> <li>– No ignition interlock impacts (n/a)</li> <li>– Completion of prescribed education program, as applicable, depending on number of previous Criminal Code convictions</li> </ul>
<p><b>Exceeds Drug</b> CC 253(3)(a)</p> <p><i>“A blood concentration that is equal to or exceeds the blood drug concentration for the drug that is prescribed by the regulation.”</i></p>	<p>5 nanograms or more</p>	<p><b>Criminal Code Charge (can occur immediately, at roadside):</b></p> <ul style="list-style-type: none"> <li>– Immediate licence suspension until the court has disposed of the charge.</li> <li>– 30-day vehicle seizure</li> </ul> <p><b>Criminal Code Conviction:</b></p> <ul style="list-style-type: none"> <li>– Minimum 1 year driving suspension to a maximum of 5 years, depending on number of previous Criminal Code convictions</li> <li>– SDR impacts: financial penalty of \$1,250, or \$2,500 if conviction includes injury or death</li> <li>– No ignition interlock impacts (n/a)</li> <li>– Completion of prescribed education program, as applicable, depending on number of previous Criminal Code convictions</li> </ul>

<p><b>Combo Drugs and Alcohol</b> CC 253(3)(c)</p> <p><i>“A blood alcohol concentration and a blood drug concentration that is equal to or exceeds the blood alcohol concentration and the blood drug concentration for the drug that are prescribed by regulation for instances where alcohol and that drug are combined.”</i></p>	<p>.05 BAC + 2.5 nanograms</p>	<p><b>Criminal Code Charge (can occur immediately, at roadside):</b></p> <ul style="list-style-type: none"> <li>- Immediate licence suspension until the court has disposed of the charge.</li> <li>- 30-day vehicle seizure if BAC is less than .16</li> <li>- 60-day vehicle seizure if BAC is .16 or more</li> </ul> <p><b>Criminal Code Conviction:</b></p> <ul style="list-style-type: none"> <li>- Minimum 1 year driving suspension to a maximum of 5 years, depending on number of previous Criminal Code convictions</li> <li>- SDR impacts: <ul style="list-style-type: none"> <li>• BAC less than .16 = financial penalty of \$1,250</li> <li>• BAC of .16 BAC or more = financial penalty of \$2,250</li> <li>• If conviction includes injury or death = financial penalty of \$2,500</li> </ul> </li> <li>- Mandatory participation in the ignition interlock program; length of participation determined by BAC at the time of the incident and number of previous impaired driving convictions</li> <li>- Completion of prescribed education program, as applicable, depending on number previous Criminal Code convictions</li> </ul>
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**NOTE:** Bill C-46 deals with prescribed amounts for various other drugs, not just cannabis

### **Administrative sanctions when there is no Criminal Code charge**

Saskatchewan already has administrative sanctions in place for both drug-related and alcohol-related impaired driving incidents where no Criminal Code charge is laid. The following chart explains what happens for any driver in Saskatchewan if police decide to impose drug-impaired driving sanctions (but no Criminal Code charge is laid).

Consequences largely mirror what happens for alcohol-impaired driving (see chart on the following page).

## ADMINISTRATIVE SANCTIONS (No Criminal Code charge)

SGI is administrator of *The Traffic Safety Act* (TSA). The TSA sets out the authority to enable law enforcement to issue these sanctions immediately at roadside:

**Blood alcohol content (BAC) of 0-.08 (new drivers), .04-.08 (experienced drivers)  
and drug-impaired driving**

	Current	Once Bill C-46 receives Royal Assent (anticipated Dec. 2017)
	.01-.08 BAC (zero tolerance), or fail an SFST, but <u>no</u> Criminal Code charge is laid	A driver tests positive for recent drug use using an approved drug-screening device, fails an SFST, .01-.08 BAC (zero tolerance), but <u>no</u> Criminal Code charge is laid
<b>New drivers</b>	<p>Zero drug and alcohol tolerance for drivers in the Graduated Driver's Licensing (GDL) programs and all drivers 21 years of age and under.</p> <p><b>1<sup>st</sup> offence</b></p> <ul style="list-style-type: none"> <li>- 60-day immediate roadside licence suspension</li> <li>- 3-day immediate roadside vehicle seizure</li> <li>- Required to complete the Driving Without Impairment (DWI) course</li> <li>- 4 demerits under the SDR program</li> </ul> <p><b>2<sup>nd</sup> offence</b></p> <ul style="list-style-type: none"> <li>- 120-day immediate roadside licence suspension</li> <li>- 7-day immediate roadside vehicle seizure</li> <li>- After serving a 60-day suspension period, can opt for voluntary ignition interlock for 120 days</li> <li>- Required to complete the Alcohol and Drug Education (ADE) course</li> <li>- 4 demerits under the SDR program</li> </ul>	<p><b>All sanctions remain the same since there is already zero tolerance for drugs and alcohol for new drivers</b> (with the exception of no ignition interlock requirement if only drugs are involved, as ignition interlock devices can't currently detect drugs)</p> <p><b>1<sup>st</sup> offence</b></p> <ul style="list-style-type: none"> <li>- All consequences at left apply</li> </ul> <p><b>2<sup>nd</sup> offence</b></p> <ul style="list-style-type: none"> <li>- All consequences at left apply, except ignition interlock will only be available in conjunction with alcohol-related offences</li> </ul>

<b>New drivers</b>	<b>3<sup>rd</sup> and subsequent offences</b> <ul style="list-style-type: none"> <li>- 18-month immediate roadside licence suspension</li> <li>- 7-day immediate roadside vehicle seizure</li> <li>- Mandatory ignition interlock for 1 year, can apply after serving a 1-year suspension period</li> <li>- Addiction assessment</li> <li>- 4 demerits under the SDR program</li> </ul>	<b>3<sup>rd</sup> and subsequent offences</b> <ul style="list-style-type: none"> <li>- All consequences at left apply, except ignition interlock will only be available in conjunction with alcohol-related offences</li> </ul>
	<b>Current</b> Drivers with a BAC between .04-.08 or fail an SFST, but <u>no</u> Criminal Code charge is laid	<b>Once Bill C-46 receives Royal Assent (anticipated Dec. 2017)</b> A driver tests positive for recent drug use using an approved drug-screening device, fails an SFST or has a BAC between .04 -.08, but <u>no</u> Criminal Code charge is laid
<b>Experienced drivers</b>	<b>1<sup>st</sup> offence</b> <ul style="list-style-type: none"> <li>- 3-day immediate roadside licence suspension</li> <li>- 3-day immediate roadside vehicle seizure</li> <li>- Required to complete the DWI course</li> <li>- 4 demerits under the SDR program</li> </ul> <b>2<sup>nd</sup> offence</b> <ul style="list-style-type: none"> <li>- 21-day immediate roadside licence suspension</li> <li>- 7-day immediate roadside vehicle seizure</li> <li>- Required to complete the ADE course</li> <li>- 4 demerits under the SDR program</li> </ul> <b>3<sup>rd</sup> and subsequent offences</b> <ul style="list-style-type: none"> <li>- 90-day immediate roadside licence suspension</li> <li>- 14-day immediate roadside vehicle seizure</li> <li>- Mandatory ignition interlock for 1 year following the 90-day suspension period</li> <li>- Addiction assessment</li> <li>- 4 demerits under the SDR program</li> </ul>	<b>All sanctions remain the same</b> (with the exception of no ignition interlock requirement if only drugs are involved, as ignition interlock devices can't currently detect drugs)  <b>1<sup>st</sup> offence</b> <ul style="list-style-type: none"> <li>- All consequences at left apply</li> </ul> <b>2<sup>nd</sup> offence</b> <ul style="list-style-type: none"> <li>- All consequences at left apply</li> </ul> <b>3<sup>rd</sup> and subsequent offences</b> <ul style="list-style-type: none"> <li>- All consequences at left apply, except ignition interlock will only be available in conjunction with alcohol-related offences</li> </ul>

**NOTE:** Suspension and seizure periods may increase if there are passengers under 16 in the vehicle