

## Prescription for safer roads

Police are now empowered to conduct mandatory roadside drug tests

**W**ith the holiday season upon us, police will be out in force to help keep impaired drivers off our roads.

But this year, for the first time ever, they'll have the authority to test for more than just alcohol impairment. With last summer's enforcement of Tackling Violent Crime Act (Bill C-2), police officers who suspect a driver is impaired by any substance—including illegal drugs and prescription and over-the-counter medications—can order a mandatory roadside sobriety test.

Should the driver refuse, the new legislation has deemed the refusal equivalent to declining a breath test for alcohol, which is a Criminal Code offence.

Drivers suspected of being impaired will be required to submit to a Standardized Field Sobriety Test, which is a roadside test of physical coordination. If the driver is found to be impaired, the officer can then demand a bodily fluid sample (blood, saliva, or urine).

The Standardized Field Sobriety Test is conducted by a drug recognition expert—typically a police officer who has been trained to spot drug-induced impairment. The process takes 45 to 60 minutes to complete. The test can be conducted at a hospital.

If the driver tests positive for drug- or alcohol-related impairment, the police officer can then order the driver off the road and issue a roadside suspension.

Impaired drivers will also face stiffer penalties under the new law, including a fine of not less than \$1000 for the first offence and imprisonment of not less than 30 days for a second offence and not less than 120 days for each subsequent offence. They will

also be prohibited from driving a vehicle for 1 to 3 years (first offence) and 2 to 5 years (subsequent offences).

A maximum 10-year sentence can be imposed on drivers who cause a crash with bodily harm, and a life sentence can be imposed in the case of a crash causing death.

In light of the new legislation, ICBC Road Safety Director Nicolas Jimenez is suggesting doctors, pharmacists, and other medical professionals take a more proactive approach in warning their patients about the dangers of potential drug impairment.

“The onus of responsibility is ultimately upon the driver,” says Jimenez. “But many people simply aren't aware of the fact that they shouldn't try to drive after taking certain kinds of medication—or combining their medication with alcohol. It's a wake-up call for all of us.”

A Traffic Injury Research Foundation poll conducted in 2002 found that nearly 20% of Canadian drivers had driven within 2 hours of taking some sort of medication (or other drug) that could potentially affect their ability to drive a vehicle safely. The actual number may be much higher, however, as the poll relied on self-disclosure to elicit results.

Other Canadian studies indicate that drugs may be found in 10% to 32% of fatally injured drivers. The drugs most commonly present were cannabis, benzodiazepines, and cocaine.

While young men aged 16 to 25 are typically overrepresented in alcohol/drug-related traffic fatality reports, the elderly are also a concern. With their driving skills already affected by declining eyesight, motor, and cognitive abilities, older drivers are particularly vulnerable to potential drug impairment.

Canadians over age 65 take an average of nine medications daily, including prescription, over-the-counter, and herbal blends, according to the Lowy Commission Report. Further, they often have difficulty reading smaller print and often miss the warnings about potential impairment on prescription labels and over-the-counter packaging.

Those issues will be exacerbated with a rapidly aging population—and particularly so in British Columbia, as more and more baby boomers retire here. In fact, a 2001 study claims that by 2030 one in four fatal car crashes will involve drivers 65 and older.

“In this case, the old adage about an ounce of prevention being worth a pound of cure takes on an entirely new meaning,” says Jimenez. “The medical community needs to be particularly vigilant in the years ahead about both screening seniors to ensure their driving skills are sound and counseling them about the potentially debilitating effects of their medication.”

—**Elizabeth Heinz**  
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### References

1. Department of Justice. Backgrounder: Strengthening Drug-Impaired Driving Investigations. 2004 (modified 14 April 2008). [www.justice.gc.ca/eng/news-nouv/nr-cp/2004/doc\\_31280.html](http://www.justice.gc.ca/eng/news-nouv/nr-cp/2004/doc_31280.html) (accessed 27 October 2008).
2. Alberta Alcohol and Drug Abuse Commission. Impaired Driving Policy Background Paper. 2005. [www.aadac.com/documents/policy\\_impaired\\_driving\\_background.pdf](http://www.aadac.com/documents/policy_impaired_driving_background.pdf) (accessed 27 October 2008).
3. Prescriptions for Health: Report of the Pharmaceutical Inquiry of Ontario (Lowy Commission Report). Toronto, 1990.