

# NEW ALCOHOL-IMPAIRED DRIVING LAWS

## What do they mean?

Impaired driving is the leading criminal cause of death and injury in Canada and this is unacceptable. In 2017, there were **more than 69,000 impaired driving incidents reported by the police**, including almost **3,500 drug-impaired driving incidents**. In December 2018, new impaired driving laws came into effect to **make our roads safer and to save lives**.

### MYTH:



Mandatory alcohol screening permits police to demand a breath sample from people in their homes or bars.



Police cannot stop you while driving unless you have done something wrong.



Police can use mandatory alcohol screening to come to your house two hours after you arrive home and demand a breath sample.



You can beat an “at or over 80 mg” charge if you have several drinks right before driving, because the alcohol didn’t affect you until after you drove.



You can beat a charge of “at or over 80 mg” if you drink after being stopped by the police.



If you are under 80 mg of blood alcohol concentration, you are safe to drive.

### FACT:



Mandatory alcohol screening **can only be used** if you, as the driver, are in care and control of the vehicle, have been lawfully stopped, and if the police officer has the approved screening device at hand.



Police have long had the power to stop drivers to check to see if they have a valid licence, if they are sober, and if their vehicle is roadworthy. They don’t need to see you do anything wrong.



For mandatory alcohol screening to be used:

- ✓ The car must be lawfully stopped
- ✓ You, as the driver, must be in care and control of the vehicle
- ✓ The police officer must have the device at hand



The new law covers this situation and you can be convicted if you have a blood alcohol concentration (BAC) at or over 80 mg within two hours of driving. This change was made to address this type of risky and dangerous behaviour on our roads.



This defence now only applies if:

- ✓ A driver drank after driving
- ✓ There was no reason to think they would need to provide a sample (e.g., they were not involved in an accident)
- ✓ The breath results indicate they were under a blood alcohol concentration of 80 mg while driving



Many individuals are impaired long before they reach a blood alcohol concentration of 80 mg. You can still be charged with impaired driving, and you may face serious provincial consequences, like losing your licence.

**The best practice is not to drink and drive.**



The two hour window aims to prevent risky and dangerous behavior that decreases road safety by eliminating the “bolus drinking” defence and limiting the “intervening drinking” defence.

For example:

- ✓ In a “bolus drinking” defence, a driver would admit that their BAC was at or over 80 mg at the time of testing but claim it was not at the time of driving because they consumed a significant amount of alcohol just before or while driving, arguing that the alcohol was still being absorbed and, not at or over 80.
- ✓ In an “intervening drink” defence, a driver claims to have consumed alcohol after operating the vehicle but before testing, often used after an accident where the driver claimed they drank to calm their nerves. This defence made it difficult for law enforcement to determine the actual BAC at the time of driving.