



Impaired Driving in Canada

Key Points

- Driving while impaired by alcohol, other drugs or both remains a leading contributor to motor vehicle deaths and injuries in Canada.
- Impaired driving offences carry stiff criminal sanctions, including fines, driving prohibitions, and incarceration. Sanctions escalate with repeat offences.
- Alcohol-impaired driving has decreased considerably over the past several years while drug-impaired driving has increased.

Background

Driving while impaired by alcohol, other drugs or both remains one of the most prominent factors contributing to serious road crashes in Canada. Although meaningful progress has been made over the past several years, impaired drivers continue to present a significant risk to the safety of all road users. It is estimated that between one-third and one-half of all motor vehicle fatalities involve a driver who had consumed alcohol other drugs or both (Brown et al., 2020; British Columbia Coroners Service, 2019; Beirness et al., 2021).

In the past, the term “impaired driving” was typically interpreted to mean impaired by alcohol. In recent years, however, drivers who use other drugs have become more prominent. This summary presents an overview of Canada’s impaired driving laws and data on the extent of both alcohol- and drug-impaired driving in Canada.

Impaired Driving Laws

Impaired driving is an offence under the [Criminal Code](#) (1985) of Canada. Most provinces and territories also provide for [sanctions](#) within their respective highway traffic legislation for drivers who have a blood alcohol concentration (BAC) lower than the limit specified in the *Criminal Code* or whose ability is impaired by drugs (Canadian Centre on Substance Use and Addiction, 2024).



Criminal Code

The *Criminal Code* of Canada states that it is an offence to operate a motor vehicle or vessel, or operate or assist in the operation of an aircraft or railway equipment, or have the care or control of a motor vehicle, vessel, aircraft or railway equipment, whether it is in motion or not:

- While one's ability to operate the vehicle, vessel, aircraft or railway equipment is impaired "to any degree" by alcohol or a drug or a combination of alcohol and a drug, or
- If one has a blood alcohol concentration (BAC) that is equal to or exceeds 80 milligrams of alcohol in 100 millilitres of blood (80 mg/dl), or
- If one has a concentration of drug in one's blood that is equal to or exceeds the concentration for the drug prescribed by regulation.

It is also an equivalent offence to fail or refuse to comply with a demand from a police officer:

- To perform tests of physical coordination – i.e., the Standardized Field Sobriety Test (SFST), which is composed of the horizontal gaze nystagmus, walk-and-turn, and one-leg stand tests; or
- To be evaluated by a police officer certified as a Drug Recognition Expert (DRE) to determine drug influence; or
- To provide a sample of breath, blood, urine, or oral fluid for analysis of alcohol, other drug content or both.

Impaired driving offences can result in severe sanctions, including fines, driving prohibitions, and incarceration. Offenders can also be required to attend an alcohol education or assessment program. Sanctions escalate with higher BACs, and repeat convictions can lead to more severe sanctions. For example, driving with a BAC in excess of 80 mg/dl carries a minimum fine of \$1,000, but if the driver's BAC is between 120 and 159 mg/dl, the minimum fine increases to \$1,500, and with a BAC of 160 mg/dl or over, the minimum fine reaches \$2,000. The sanctions also escalate with repeat offences. Although incarceration is an option for a first offence, a second offence carries a mandatory minimum of 30 days, and this increases to 120 days for each subsequent offence.

As well, if the commission of one of the offences listed above results in bodily injury to another person, the penalty can be up to 14 years in prison, while an offence causing the death of another person can lead to life imprisonment. The sanctions for refusing to provide a sample of bodily fluid or failure to comply with a demand to perform the tests of impairment are equivalent to those for impaired driving.



In December 2018, [mandatory alcohol screening](#) (MAS) came into effect in Canada (Canadian Centre on Substance Use and Addictions, 2021). MAS allows police officers who have made a lawful traffic stop and have an approved screening device (ASD) in their possession to require a driver to provide a breath sample to screen for the presence of alcohol in the absence of suspicion that the driver has alcohol in their body. MAS is similar to random breath-testing programs used in Australia and many other countries around the world.

Provincial and Territorial Laws

Canada's provinces and territories have enacted legislation to supplement the provisions of the *Criminal Code*. These laws typically impose immediate short-term licence suspensions (from 24 hours up to 30 days) for drivers deemed affected by alcohol or drugs or with a BAC of 50 mg/dl or greater. Additional sanctions can include vehicle impoundment, licence reinstatement fees, attendance at an alcohol education or rehabilitation program, and participation in an ignition interlock program. All jurisdictions also impose zero alcohol and drug limits for novice drivers; some include all drivers under 22 years of age in their zero-tolerance rule.

Canadian Data on Impaired Driving

There are a variety of information sources on the extent of impaired driving in Canada (Canadian Centre on Substance Use and Addictions, 2022). These include telephone surveys of the general population, roadside surveys of drivers, data on impaired driving charges, and data on drivers who are fatally or seriously injured in crashes. Each of these sources provides a different window on the problem. Together they provide a snapshot of the issue, although not a complete picture. Repeated cycles of measurement using consistent methods are required to present a comprehensive picture and monitor trends as they emerge from the indicators over time.

General Population Surveys

From 2008 through 2012, the Canadian Alcohol and Drug Use Monitoring Survey (CADUMS) (Health Canada, 2014), a survey of alcohol and drug use among residents of Canada aged 15 years and older, assessed the frequency of driving after using alcohol or cannabis. It includes data from over 10,000 respondents in all 10 provinces but excludes residents of the territories.

In each year of the survey, respondents were asked about driving within an hour after consuming two or more drinks and driving within two hours of using cannabis. The prevalence of these two behaviours did not change substantially over the five years of the survey. About 8% of drivers in each year reported driving after consuming alcohol, while just under 3% reported driving after using cannabis.

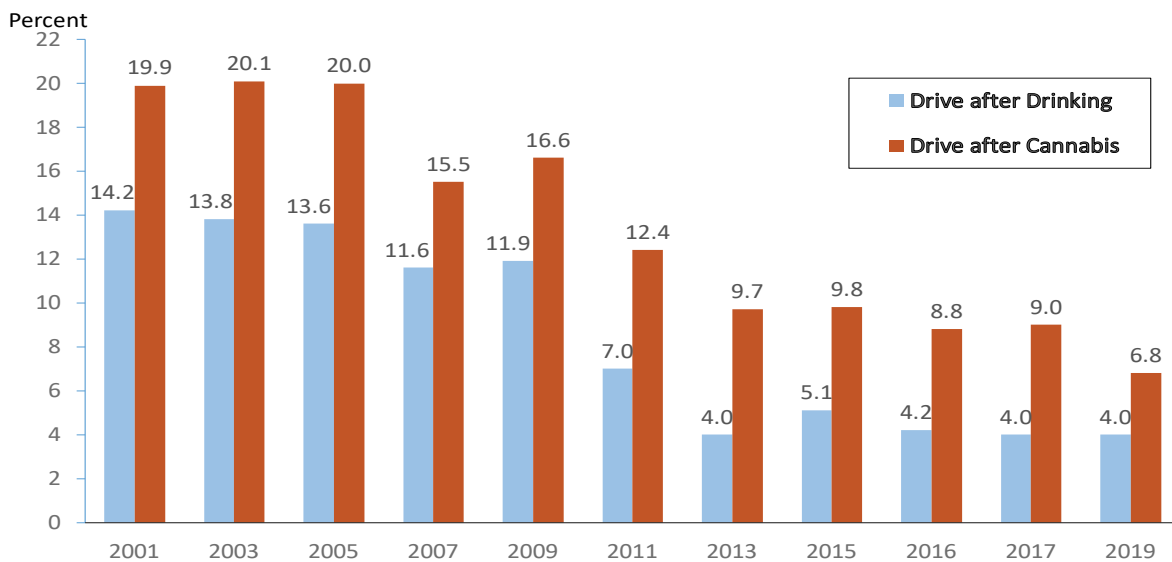


The Canadian Cannabis Survey (Health Canada, 2021) was launched by Health Canada in 2017 to better understand cannabis use before and after legalization. The 2023 survey revealed that 26% of respondents reported using cannabis in the past 12 months. Among those who reported cannabis use, 17% reported having driven within two hours of using cannabis. Males were more likely than females to have driven after using cannabis (19% and 14%, respectively).

Young people (aged 15–24 years) were more than twice as likely as older people to report driving after using cannabis (5.0% and 2.3%, respectively), but only slightly more likely to report driving after drinking (9.6% and 8.0%, respectively).

The Centre for Addiction and Mental Health has conducted surveys of Ontario students concerning alcohol and drug use and related harms since 1977 (Boak et al., 2020). In 2001, questions about driving after using cannabis were added to the survey, which had previously focused on questions about driving after drinking. Figure 1 shows the percentage of high school students with a driver’s licence who reported driving after drinking and driving after using cannabis.

Figure 1: Driving After Drinking and Driving After Cannabis Use Among Ontario Students



Source: Boak, et al., 2020.

In each year the two questions were asked, students were more likely to report driving after using cannabis than driving after drinking. However, the reported prevalence of both behaviours has decreased substantially since 2001. Males are about twice as likely as females to report driving after drinking and driving after using cannabis.

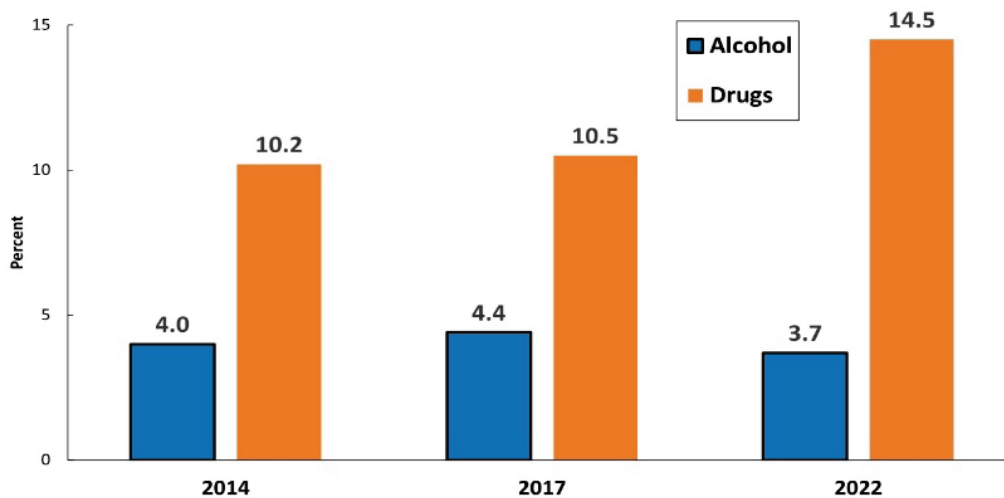


Roadside Surveys

Another approach to determining the prevalence of driving after drinking and driving after drug use is to collect voluntary breath and oral fluid samples from a random sample of nighttime drivers to test for the presence of alcohol and drugs. Such surveys were conducted in Ontario in 2014, 2017, and 2022 (Beirness et al., 2015; Beirness & Beasley, 2017; Beirness, 2023).

Figure 2 shows the percentage of drivers selected from traffic between the hours of 9 p.m. and 3 a.m. on Wednesday through Saturday nights who tested positive for alcohol and the percentage who tested positive for drugs. Over the series of three surveys, the proportion of drivers who tested positive for alcohol did not change substantially. However, drug use by drivers increased considerably from 10.5% in 2017 to 14.5% in 2022. Most of this increase was attributed to drivers testing positive for cannabis.

Figure 2: Percentage of Drivers Positive for Alcohol and Drugs in Roadside Surveys in Ontario (2014–2022)



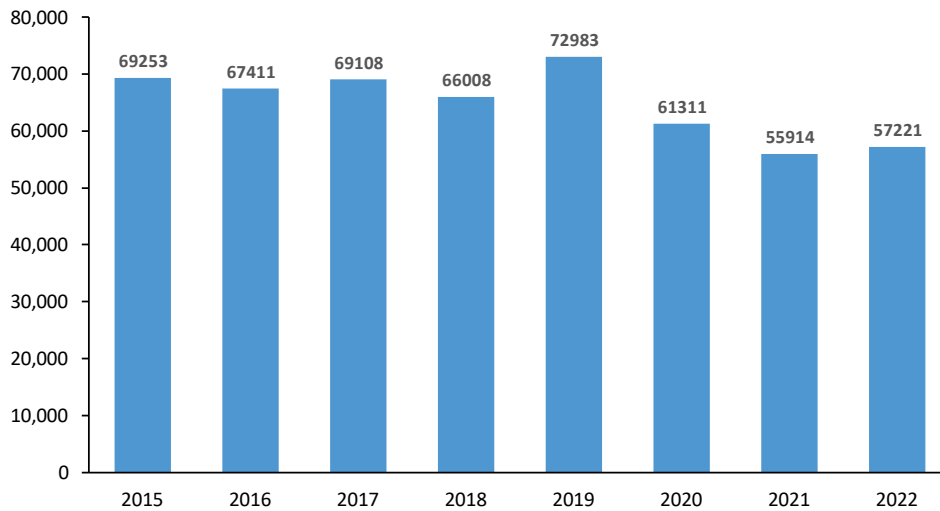
Impaired Driving Incidents

Data on impaired driving incidents are compiled annually by Statistics Canada from the Uniform Crime Reporting Survey, which collects data on all criminal incidents reported to Canadian police services (Perreault, 2021; Statistics Canada, 2023). The survey does not provide a count of all crimes, only those that are reported to and substantiated by the police. The prevalence of alcohol- and drug-impaired driving greatly exceeds the capacity of police to detect and charge offenders, so there are many more instances of the behaviour than ever to come to the attention of police. Hence, the data on impaired driving incidents are strongly influenced by enforcement: the higher the level of enforcement effort, the higher the number of impaired driving incidents reported.



Figure 3 presents the number of alcohol-impaired driving incidents reported to police from 2015 through 2022. Over this period, the number of incidents reached a peak of 72,983 in 2019. During the past several years, the number of incidents has decreased by over 15,000.

Figure 3: Number of Police-Reported Alcohol-Impaired Driving Incidents in Canada (2015–2022)

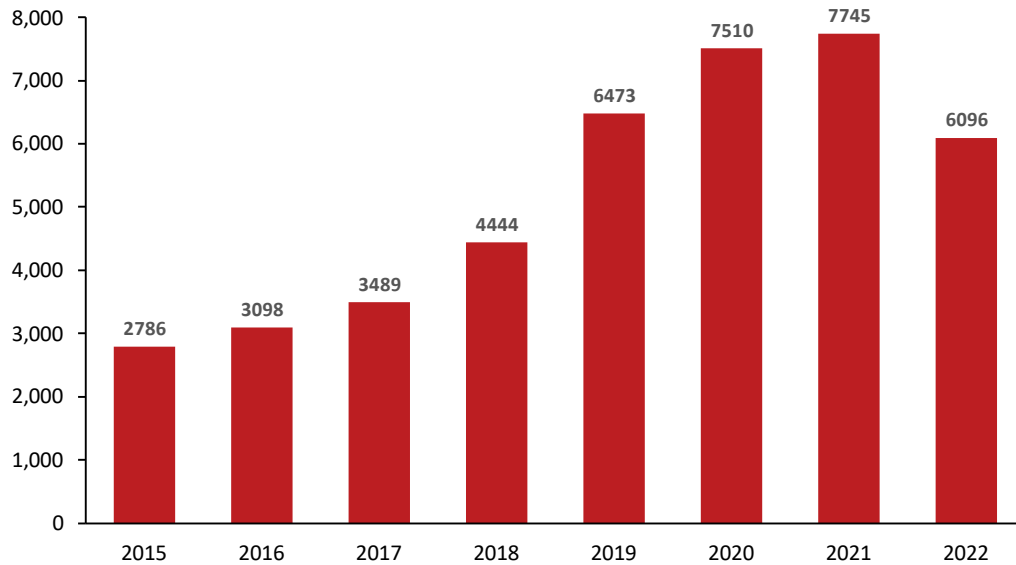


Source: Statistics Canada, 2023

Figure 4 presents the number of reported drug-impaired driving incidents from 2015 through 2022. The pattern of drug-impaired driving incidents differs considerably from that of alcohol-impaired driving incidents: whereas alcohol-impaired driving incidents have decreased in recent years, the number of drug-impaired driving incidents increased sharply starting in 2019 and has remained elevated in subsequent years. This increase coincides with the legalization of cannabis in the latter part of 2018.



Figure 4: Number of Drug-Impaired Driving Incidents in Canada (2015–2022)



Source: Statistics Canada, 2023

Injured Drivers

Since 2018, an ongoing study at 15 participating hospitals across Canada has been collecting blood samples from drivers who were treated for injuries sustained in motor vehicle collisions (Brubacher et al., 2021). Samples are collected within six hours of crash involvement and are screened for a broad spectrum of substances known to have adverse effects on the operation of a motor vehicle.

Between 2018 and 2022, at least one substance was found in the blood of 53.7% of drivers. Alcohol was present in 16.1%, central nervous system (CNS) depressants (e.g., antihistamines, muscle relaxants, benzodiazepines) were detected in 26.5%, cannabis (THC) was found in 17.9%, CNS stimulants (e.g., cocaine, methamphetamine) in 11.8% and opioids (e.g., oxycodone, morphine, fentanyl) were found in 11.0%. Overall, 21.8% of drivers tested positive for two or more types of impairing substances.

Fatally Injured Drivers

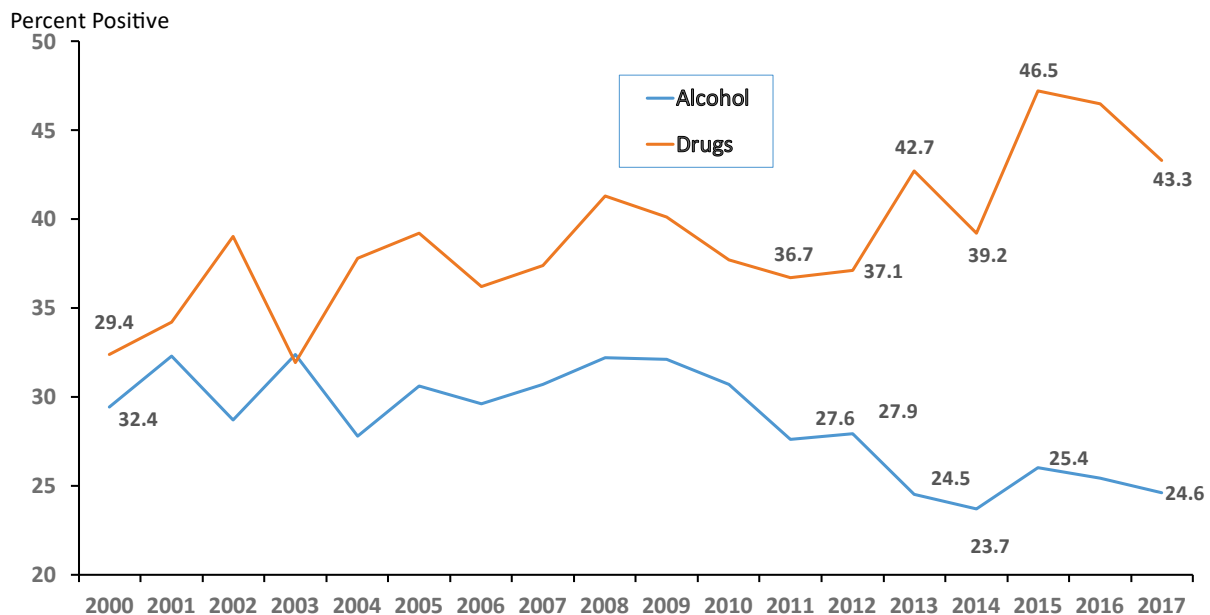
The results of tests for alcohol and drugs on drivers who die in crashes provide an indicator of the extent to which alcohol and other drugs are involved in fatal crashes. Over many years, tests for alcohol have become commonplace, with over 80% of fatally injured drivers tested by coroners and medical examiners. Drug testing is becoming more common, with testing rates rising from 37% in 2000 to 83% in 2017.

The percentage of fatally injured drivers of vehicles who test positive for alcohol or drugs is a commonly used indicator of the magnitude of the alcohol- and drug-impaired driving



problem. Figure 5 presents these data for the years 2000 through 2017. Until 2010, about one-third of fatally injured drivers tested positive for alcohol. This was followed by a general downward trend. In contrast, the percentage of fatally injured drivers testing positive for drugs has increased in recent years, averaging over 40% per year since 2010. As is evident in Figure 5, the percentage of fatally injured drivers who tested positive for drugs has exceeded that of alcohol for many years. As noted previously, however, the rate of testing for drugs has also increased substantially over the past several years. Hence, the increase in drug-involved driver fatalities could be at least partly attributable to the increased rate of testing.

Figure 5: Percentage of Fatally Injured Drivers Positive for Alcohol or Drugs



Note: Data from Newfoundland and Labrador are not included.

Source: Brown, et al., 2020.

Looking Forward

In Canada, the legalization of non-medical cannabis was accompanied by new legislation on impaired driving. Amendments to the *Criminal Code* included per se limits of 2 and 5 ng/ml for the use of cannabis by drivers, limits of zero for eight other substances, oral fluid drug screening at roadside, allowing blood samples to be drawn by a qualified technician, and mandatory alcohol screening. The impact of these legislative amendments needs to be closely monitored to assess their effect on road safety and the potential to implement new or revised countermeasures and prevention programs.



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CCSA was created by Parliament to provide national leadership to address substance use in Canada. A trusted counsel, we provide national guidance to decision makers by harnessing the power of research, curating knowledge and bringing together diverse perspectives.



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