



News Release

For Immediate Release

Canada takes action to legalize and strictly regulate cannabis

Proposed legislation would provide regulated and restricted access to cannabis and crack down on impaired driving

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Ottawa, ON

Government of Canada

The current approach to cannabis does not work. It has allowed criminals and organized crime to profit, while failing to keep cannabis out of the hands of Canadian youth. In many cases, it is easier for our kids to buy cannabis than cigarettes.

That is why the Government of Canada, after extensive consultation with law enforcement, health and safety experts, and the hard work of the Task Force on Cannabis Legalization and Regulation, today introduced legislation to legalize, strictly regulate and restrict access to cannabis.

The proposed Cannabis Act would create a strict legal framework for controlling the production, distribution, sale and possession of cannabis in Canada. Following Royal Assent, the proposed legislation would allow adults to legally possess and use cannabis. This would mean that possession of small amounts of cannabis would no longer be a criminal offence and would prevent profits from going into the pockets of criminal organizations and street gangs. The Bill would also, for the first time, make it a specific criminal offence to sell cannabis to a minor and create significant penalties for those who engage young Canadians in cannabis-related offences.

In addition to legalizing and strictly regulating cannabis, the Government is toughening laws around alcohol- and drug-impaired driving. Under the Government's proposed legislation, new offences would be added to the *Criminal Code* to enforce a zero tolerance approach for those driving under the influence of cannabis and other drugs. Additionally, the proposed legislation would authorize new tools for police to better detect drivers who have drugs in their body.

Subject to Parliamentary approval and Royal Assent, the Government of Canada intends to provide regulated and restricted access to cannabis no later than July 2018.

The Government will invest additional resources to make sure there is appropriate capacity within Health Canada, the Royal Canadian Mounted Police, the Canada Border Services Agency and the Department of Public Safety to license, inspect and enforce all aspects of the proposed legislation. These additional resources will also allow the Government to undertake a robust public awareness campaign so that Canadians are well informed about the dangers of driving under the influence of cannabis and other drugs.

Working in partnership with provinces, territories, municipalities and local communities, the Government will also make appropriate investments to train and equip law enforcement so that Canada's roads and highways are safe for all Canadians.

In the months ahead, the Government will share more details on a new licensing fee and excise tax system. It will also continue to engage with all levels of government and Indigenous Peoples.





Quotes

“As a former police officer, I know firsthand how easy it is for our kids to buy cannabis. In many cases, it is easier for our children to get cannabis than it is to get cigarettes. Today’s plan to legalize, strictly regulate and restrict access to cannabis will put an end to this. It will keep cannabis out of the hands of children and youth, and stop criminals from profiting from it.”

Bill Blair

Parliamentary Secretary to the Minister of Justice

“Today, we are following through on our commitment to introduce comprehensive legislation to legalize, strictly regulate and restrict access to cannabis and to create new laws to punish more severely those who drive under its influence. The Cannabis Act reflects an evidence-based approach that will protect Canadians’ public health and safety. By tackling alcohol- and drug-impaired driving with new and tougher criminal offences, Canadians will be better protected from impaired drivers and the number of deaths and accidents on our roads will be reduced.”

The Honourable Jody Wilson-Raybould

Minister of Justice and Attorney General of Canada

“The bills we propose today are aiming at putting drug dealers and organized crime out of the cannabis business. It will allow law enforcement to focus on other serious offences, including the distribution of cannabis to children and youth and driving under the influence of drugs. Drug-impaired driving puts the lives and the safety of drivers and passengers at risk every day, and we will lead a wide-ranging campaign to raise awareness of the dangers of driving while impaired. The proposed Bill will also provide more tools and stronger laws to punish more severely drivers who drive under the influence of drugs, including cannabis. We will continue to work with our law enforcement, provincial and territorial partners and stakeholders to develop a consistent enforcement approach and to provide support in building capacity across the country.”

The Honourable Ralph Goodale

Minister of Public Safety and Emergency Preparedness

“The Cannabis Act will help keep our children safe and address the health risks associated with cannabis. The proposed legislation would allow Canadian adults to possess and purchase regulated and quality-controlled cannabis products, while prohibiting sales to young Canadians and any products, promotion, packaging or labelling that could be appealing to young people.”

The Honourable Jane Philpott

Minister of Health

Quick Facts:

- The Cannabis Act proposes that legal sales of cannabis would be restricted to people who are 18 years of age and over. Provinces and territories could increase the minimum legal age of sale, purchase and consumption.
- The movement of cannabis and cannabis products across international borders would remain a serious criminal offence.
- Following Royal Assent, the Government intends to bring the proposed Act into force no later than July 2018. At that time, adults would legally be able to possess up to 30 grams of legal cannabis in public, and to grow up to four plants per household at a maximum height of one metre from a legal seed or seedling. Until the new law comes into force, cannabis will remain illegal everywhere in Canada, except for medical purposes.





- The provinces and territories would authorize and oversee the distribution and sale of cannabis, subject to minimum federal conditions. In those jurisdictions that have not put in place a regulated retail framework, individuals would be able to purchase cannabis online from a federally licensed producer with secure home delivery through the mail or by courier.
- The proposed legislation would amend the *Criminal Code* to modernize and simplify the transportation provisions, strengthen the criminal law responses to impaired driving, and facilitate the effective and efficient investigation and prosecution of drug- and alcohol-impaired driving.
- To facilitate detection and investigation of drug-impaired driving, law enforcement officers will be authorized and equipped to use oral fluid drug screeners at the roadside.

Related Products

[BACKGROUNDER: Legalizing and regulating cannabis: the facts](#)

[BACKGROUNDER: Roles and responsibilities](#)

[BACKGROUNDER: Impaired driving](#)

- 30 -

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Backgrounder: Legalizing and strictly regulating cannabis: the facts

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The proposed Cannabis Act would create a strict framework for controlling the production, distribution, sale and possession of cannabis in Canada. The proposed Cannabis Act is informed by [the recommendations of the Task Force for Cannabis Legalization and Regulation](#).

The Act seeks to:

- restrict youth access to cannabis
- protect young people from promotion or enticements to use cannabis
- deter and reduce criminal activity by imposing serious criminal penalties for those breaking the law, especially those who import or export cannabis, or provide cannabis to youth
- protect public health through strict product safety and quality requirements
- reduce the burden on the criminal justice system
- provide for the legal production of cannabis to reduce illegal activities
- allow adults to possess and access regulated, quality-controlled, legal cannabis
- enhance public awareness of the health risks associated with cannabis

Currently, it is illegal to buy, sell, produce, import or export cannabis unless it is authorized under the *Controlled Drugs and Substances Act* and its regulations, such as the *Access to Cannabis for Medical Purposes Regulations*. The current program for access to cannabis for medical purposes would continue under the new Act.

Cannabis will remain illegal as the Bill moves through the legislative process. If it is approved by Parliament, the Bill could become law no later than July 2018.

Protecting Youth

The Government of Canada is committed to protecting young Canadians by keeping cannabis out of the hands of children and youth. Through the proposed Cannabis Act, the Government would restrict youth access to cannabis, put in place strict safeguards to protect youth from being encouraged to use cannabis, and create new offences for those adults who either sell cannabis to youth or use youth to commit a cannabis-related offence. The Government is also investing in a robust public education campaign to inform youth of the risks and harms of cannabis use.

The Government's commitment recognizes that the current approach is not working. Canada has the highest rates of youth cannabis use of any country in the world. In 2015, use among youth aged 15 to 19 was 21%, while use among young adults aged 20 to 24 was 30%. Building on the recommendations of the Task Force on Cannabis Legalization and Regulation, this legislation pursues a new approach that sets national standards and that will be more effective at protecting youth and reducing the role of the illegal market and organized crime.

Specifically, the proposed Cannabis Act prohibits anyone from selling or providing cannabis to any person under the age of 18. The provinces and territories would have the flexibility to raise the minimum age should they wish to do so.

In addition, the Act would create two new criminal offences, with maximum penalties of 14 years in jail for:

- Giving or selling cannabis to youth
- Using a youth to commit a cannabis-related offence

To prevent youth from using cannabis, the proposed Act would also prohibit:

- products that are appealing to youth
- packaging or labelling cannabis in a way that makes it appealing to youth
- selling cannabis through self-service displays or vending machines





- promoting cannabis, except in narrow circumstances where the promotion could not be seen by a young person
- false, misleading or deceptive advertising, sponsorships, testimonials and endorsements or other forms of promotion that could entice young people to use cannabis, and would establish limits on product branding

Penalties for violating these prohibitions include a fine of up to \$5 million or 3 years in jail or both.

The proposed Act seeks to avoid criminalizing youth and avoid subjecting them to the lifelong consequences of a criminal record. Individuals under the age of 18 years would not face criminal prosecution for possessing or sharing very small amounts of cannabis (up to 5 grams). Any violations of the Act by youth would be subject to the *Youth Criminal Justice Act*, recognizing the unique nature of the youth justice system. Provinces and territories would have the flexibility to prohibit the possession of any amount of cannabis by youth, thereby permitting police to seize any cannabis in the possession of a youth.

These measures would complement a public education and awareness campaign informing Canadians, including youth, about the risks and harms of cannabis use. In Budget 2017, the Government committed \$9.6 million over five years to a comprehensive public education and awareness campaign and surveillance activities.

The Government will monitor patterns of and perceptions around cannabis use amongst Canadians, especially youth, on an annual basis through the Canadian Cannabis Survey to inform and refine public education and awareness activities and to mitigate the risks and harms of use.

Protecting Public Health and Safety

The proposed Cannabis Act would protect public health and safety by:

- setting rules for adults to access quality-controlled cannabis
- creating a new, tightly regulated supply chain

Subject to approval by Parliament, the Government intends to bring the proposed Cannabis Act into force with a target date no later than July 2018. At that time, adults who are **18 years old or older** would be able to legally:

- **possess** up to 30 grams of dried legal cannabis or equivalent in non-dried form when in public
- **share** up to 30 grams of dried legal cannabis with other adults
- **purchase** dried or fresh cannabis and cannabis oil from a provincially regulated retailer
 - in those provinces that have not put in place a regulated retail framework, individuals would be able to purchase cannabis online from a federally licensed producer with secure home delivery through the mail or by courier
- **grow** up to 4 cannabis plants per residence (not per person) for personal use, from licensed seeds or seedlings supplier, with each plant not to exceed 1 metre in height
- **make** legal cannabis-containing products at home, such as food and drinks, provided that dangerous organic solvents are not used in making them

Initially, adults would be able to legally purchase fresh and dried cannabis, cannabis oils, and seeds or plants for cultivation. Other products, such as edibles, would be made available at a later date, once federal regulations for their production and sale have been developed and brought into force.

To deter criminal activity and to protect the health and safety of Canadians, the Government is committed to ensuring that there is a safe, legal and controlled supply of cannabis available for sale when the Act comes into force, subject to approval by Parliament.

Possession, production, distribution and sale outside the legal system would remain illegal and be subject to criminal penalties proportionate to the seriousness of the offence, ranging from ticketing up to a maximum penalty of 14 years' imprisonment. The current program for access to cannabis for medical purposes would continue under the new Act.





Importing and Exporting Cannabis

Under the proposed Cannabis Act, it will remain illegal to import into Canada, or export from Canada, cannabis and cannabis products without a valid permit issued by the Government of Canada.

As is the case today, permits may be issued for certain limited purposes: medical and scientific cannabis or industrial hemp. The Canada Border Services Agency and the Royal Canadian Mounted Police will continue to work together and with local police to uphold laws governing the illegal cross-border movement of cannabis.

Travellers, mail, courier and commercial shipments will continue to be subject to the *Customs Act* and examined for prohibited goods, including cannabis and cannabis products.

The unauthorized international cross-border movement of cannabis remains a serious criminal offence, and will be subject to enforcement up to and including criminal investigation and prosecution (which could result in a penalty of up to 14 years imprisonment for conviction on indictment).





Backgrounder: Roles and Responsibilities

April 2017

The proposed Cannabis Act would create a strict national framework for controlling the production, distribution, sale and possession of cannabis in Canada. All levels of government in Canada would be able to establish certain requirements with respect to cannabis, consistent with their jurisdictional authorities and experience, which aligns with [the advice of the Task Force on Cannabis Legalization and Regulation](#).

Under the proposed Cannabis Act, the federal government would be responsible for establishing and maintaining a comprehensive and consistent national framework for regulating production, setting standards for health and safety, and establishing criminal prohibitions. More specifically, the federal government would be responsible for the following:

- Establishing restrictions on adult access to cannabis, including purchasing through an appropriate framework, sourcing from a well-regulated industry, or growing safely in limited amounts at home;
- Establishing serious criminal penalties for those operating outside the legal system, especially those who provide cannabis to youth;
- Creating rules to limit how cannabis or cannabis accessories can be promoted, packaged, labelled and displayed, to protect youth;
- Instituting a federal licensing regime for cannabis production that will set and enforce health and safety requirements and protect against the involvement of organized crime in the legal industry;
- Establishing industry-wide rules on the types of products that will be allowed for sale, standardized serving sizes and potency, the use of certain ingredients and good production practices, as well as the tracking of cannabis from seed to sale to prevent diversion to the illicit market;
- Creating minimum federal conditions that provincial and territorial legislation for distribution and retail sale would be required to meet, to ensure a reasonably consistent national framework to promote safety (e.g., adequate measures would need to be in place to prevent diversion, cannabis could not be sold to youth, and only legally produced cannabis could be sold);
- Establishing the ability for the federal government to license distribution and sale in any province or territory that does not enact such legislation; and
- Enforcing the law at the border, while maintaining the free flow of legitimate travel and trade.

The provinces and territories would license and oversee the distribution and sale of cannabis, subject to minimum federal conditions. Provinces and territories, together with municipalities, could also tailor certain rules in their own jurisdictions, and enforce them through a range of tools such as tickets. These rules may include:

- Licensing the distribution and retail sale in their respective jurisdictions, and carrying out associated compliance and enforcement activities;
- Setting additional regulatory requirements to address issues of local concern. For example, provinces and territories could set a higher minimum age or more restrictive limits on possession or personal cultivation, including lowering the number of plants or restricting where it may be cultivated;
- Establishing provincial zoning rules for cannabis-based businesses;





- Restricting where cannabis may be consumed; and
- Amending provincial traffic safety laws to address driving while impaired by cannabis (e.g., providing for 24-hour licence suspensions for adults or zero tolerance for young drivers).

Active involvement of provincial and territorial governments would be critical in helping to ensure that young people do not have access to cannabis and that those who sell outside the legal framework face stiff criminal penalties.

In Budget 2017, the federal government committed \$9.6 million over five years to a comprehensive public education and awareness campaign and surveillance activities. As health is a shared responsibility between the federal and provincial and territorial governments, provinces and territories complement federal public health programming, including management of public health and safety issues, and school-based education and counselling.

The Government of Canada is committed to ongoing collaboration with the provinces and territories as it delivers on the commitment to legalize, strictly regulate and restrict access to cannabis. In addition to working with provinces and territories to establish a secure supply chain, the Government of Canada will work with provinces and territories to raise public awareness and educate Canadians about the risks associated with cannabis use, and to monitor the impacts of providing strictly controlled access to cannabis.





Backgrounder: Changes to Impaired Driving Laws

April 2017

Impaired driving is the leading criminal cause of death and injury in Canada. The Government has committed to creating new and stronger laws to punish more severely those who drive while under the influence of drugs, including cannabis. Today, the Government has gone one step further by introducing proposed legislation that would reform the entire impaired driving regime in the *Criminal Code*. It would strengthen existing drug-impaired driving laws and create a regime that would be amongst the strongest in the world, particularly where cannabis is legal. Proposed changes include, new “legal limit” drug offences and new tools to better detect drug-impaired drivers. Other changes would apply to alcohol-impaired driving and would make the law easier to enforce, as well as simpler, more coherent and efficient.

To support these measures, the Government will undertake a robust public awareness campaign so that Canadians are well informed about the dangers of driving under the influence of cannabis and other drugs. It will also work with provinces, territories, municipalities and local communities to train and equip law enforcement so that Canada’s roads and highways are safe for all Canadians.

The first part of the proposed legislation would ensure that a robust drug-impaired driving regime is in place before cannabis legalization occurs.

The second part of the proposed legislation would reform the entire *Criminal Code* transportation regime to create a new, modern, simplified, and more coherent system to better deter drug and alcohol-impaired driving.

Part 1 – Drug-impaired driving

Roadside oral fluid drug screeners

Following a legal roadside stop, law enforcement would be authorized to demand that a driver provide an oral fluid sample if they reasonably suspect that a driver has drugs in their body. A positive reading would assist in developing reasonable grounds to believe that an offence has been committed. Once the officer has reasonable grounds to believe an offence has been committed, they could demand a drug evaluation by an “evaluating officer”, or a blood sample.

Drug-impaired driving offences

The legislation would also create three new offences for having specified levels of a drug in the blood within two hours of driving. The penalties would depend on the drug type and the levels of drug or the combination of alcohol and drugs.

These elements were included in the proposed legislation after careful consideration of the available scientific evidence on cannabis and driving.

The levels would be set by regulation. For THC (the main psychoactive compound in cannabis), the proposed levels would be:

- **2 nanograms (ng) but less than 5 ng of THC:** Having at least 2 ng but less than 5 ng of THC per millilitre (ml) of blood within two hours of driving would be a separate summary conviction criminal offence, punishable only by a fine. This lower level offence is a precautionary approach that takes into account the best available scientific evidence related to cannabis. This offence would be punishable by a maximum fine of up to \$1,000.





- **5 ng or more of THC:** Having 5 ng or more of THC per ml of blood within two hours of driving would be a hybrid offence. Hybrid offences are offences that can be prosecuted either by indictment, in more serious cases, or by summary conviction, in less serious cases.
- **Combined THC and Alcohol:** Having a blood alcohol concentration of 50 milligrams (mg) of alcohol per 100 ml of blood, combined with a THC level greater than 2.5 ng per ml of blood within two hours of driving would also be a hybrid offence.

Both hybrid offences would be punishable by mandatory penalties of \$1,000 for a first offence and escalating penalties for repeat offenders (e.g., 30 days imprisonment on a second offence and 120 days on a third or subsequent offence).

The maximum penalties would mirror the existing maximum penalties for impaired driving. These would be increased in Part 2 to two years less a day on summary conviction (up from 18 months), and to 10 years on indictment (up from 5 years). The latter would make a dangerous offender application possible in appropriate circumstances.

Strengthening Existing Framework

The proposed legislation would strengthen the existing drug-impaired driving provisions in the *Criminal Code*. These amendments would codify the Supreme Court of Canada's recent decision in *R v Bingley* that certified drug evaluating officers do not need to be qualified through an expert witness hearing before being allowed to give opinion testimony on whether a driver was impaired. The proposed legislation would also provide police with the option to pursue a drug recognition evaluation or a blood sample in situations where they have reasonable grounds to believe an offence has occurred. This could save valuable time when testing for drugs, such as THC, that leave the blood very quickly.

Part 2 Transportation Offence Reform (drug and alcohol impaired)

The proposed legislation would reform the entire *Criminal Code* regime dealing with transportation offences, including impaired driving. It would:

- Repeal and replace all transportation offences with a modern, simplified and coherent structure
- Authorize mandatory alcohol screening at the roadside where police have already made a lawful stop under provincial law or at common law
- Increase certain minimum fines and certain maximum penalties
- Facilitate investigation and proof of blood alcohol concentration
- Eliminate and restrict defences that encourage risk-taking behaviour and make it harder to enforce laws against drinking and driving
- Clarify Crown disclosure requirements
- Permit an earlier enrolment in a provincial ignition interlock program

Modernized structure of the transportation provisions

The current transportation regime was developed over decades, through piecemeal approaches and is very challenging to read and understand even for legal practitioners. The proposed legislation would create efficiencies by enacting a modern and coherent framework addressing transportation offences including impaired driving.

Mandatory alcohol screening

The proposed mandatory alcohol screening provisions would authorize law enforcement officers who have an "approved screening device" at hand to demand breath samples of any drivers they lawfully stop, without first requiring that they have a suspicion that the driver has alcohol in their body. As research shows that many impaired drivers are able to escape detection at check stops, this authority





would help police detect more drivers who are “over 80” and reduce litigation regarding whether or not the officer had a reasonable suspicion. The result of a test on an approved screening device would not, by itself, lead to a charge. It would lead only to further investigation, including a test on an approved instrument at the police station.

Penalties

The proposed legislation would enact some new and higher mandatory minimum fines, and some higher maximum penalties. Currently, the mandatory minimum penalties for impaired driving are:

- First Offence: \$1,000 mandatory minimum fine
- Second Offence: mandatory 30 days imprisonment
- Third Offence: mandatory 120 days imprisonment

The proposed legislation would increase the mandatory fines for first offenders with high blood alcohol concentration readings:

- A first offender with a reading of 80 to 119 mg of alcohol per 100 ml of blood would be subject to the current mandatory minimum fine of \$1,000
- The mandatory minimum fine for a first offender with a reading of 120 to 159 mg of alcohol per 100 ml of blood would be raised to \$1,500
- The mandatory minimum fine for first offender with a reading of 160 mg or more of alcohol per 100 ml of blood or more would be raised to \$2,000

A first offender who refuses testing would be subject to a \$2,000 mandatory minimum fine.

Repeat Offenders:

- Mandatory prison sentences for repeat offenders would stay the same as they are under the current law – 30 days for a second offence and 120 days for a subsequent offence
- Maximum Penalties – no injury or death:
 - The maximum penalties for impaired driving would be increased in cases where there is no injury or death, to two years less a day on summary conviction (up from 18 months), and to 10 years on indictment (up from 5 years). The latter would make a dangerous offender application possible in appropriate circumstances.

Offences causing bodily harm:

- Offences causing bodily harm would become hybrid offences allowing the Crown to decide whether to proceed summarily where the injuries are less severe (for example, a broken arm). This will also help to address the issue of reducing court delays because summary conviction proceedings are simpler and take less time.

Maximum Penalties – dangerous driving:

- The maximum penalty for dangerous driving causing death would be increased to life imprisonment (up from 14 years). This is consistent with the maximum penalty for other transportation offences involving death.

Eliminating and Restricting Defences

Currently, a driver may escape liability by claiming that they consumed alcohol just before or during driving, and were not over the legal limit at the time they were driving because the alcohol was not yet fully absorbed. It was only later, at the time of testing, that they reached an illegal blood alcohol concentration. This is often referred to as *bolus* drinking or “drinking and dashing”. The proposed legislation would remove this defence by changing the timeframe in which the offence of “over 80” can be committed. Instead of being “over 80” at the time of driving, the offence will be “at or over 80” within





two hours of driving. This would discourage the risky behaviour of drinking immediately before driving, in the hopes of arriving home before being too impaired to drive.

The proposed timeframe would also limit the “intervening drink defence”. This defence can be relied upon when a driver can demonstrate that they consumed alcohol after driving, but before providing a breath sample. Some individuals do this in an attempt to obstruct the course of justice making it challenging for the Crown to prove the blood alcohol concentration and often requiring the testimony of an expert witness. Recognizing that there may be situations where the post-driving consumption of alcohol was innocently done, the legislation provides for a more limited defence, (i.e., the driver drank after driving but had no reason to expect that they would be required to provide a sample of breath.)

Investigation and proof of blood alcohol concentration

The proposal would facilitate proving blood alcohol concentration by providing that the concentration at the time of testing is proven if certain conditions are met (e.g., two samples of breath at least 15 minutes apart, the approved instrument was calibrated against an approved alcohol standard before each test). These conditions are set out in accordance with the advice of the Alcohol Test Committee of the Canadian Society of Forensic Science (the scientific body that advises the Government). This will avoid the need to call forensic toxicologists to testify at trial and will contribute to efficiencies.

Crown disclosure

The proposal will also include an element that would clarify what the Crown must disclose to the defence with respect to proving blood alcohol concentration. Specifically, the legislation proposes that only scientifically relevant material is required to be disclosed, including the results of the calibration checks and any messages produced by the approved instrument (often called a breathalyzer), but does not require that records relating to the maintenance of the approved instrument be disclosed. This is consistent with the scientific advice of the Alcohol Test Committee and is expected to contribute to trial efficiencies.

Permit an earlier enrolment in a provincial ignition interlock program

Under the current law, a driver is permitted to drive during the period of prohibition if they are admitted into a provincial ignition interlock program. An ignition interlock device prevents the car from starting if the driver has been drinking. Currently, the driver must wait for a specified period before the province may consider an application. The proposed legislation would reduce the time an offender must wait before they can return to driving; there would be no wait for a first offence, three months for a second offence and six months for a subsequent offence. Evidence shows that ignition interlock devices reduce recidivism.

