



Legalization of Cannabis

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Road Safety

Experience tells us:

- When legalization occurs, usage increases
- Traffic related incidents increase
- And in the US, positive drug tests are on the rise.
 - Legalization often offered as an explanation

The Colorado Experience: Safety Impacts

- Traffic/hospital marijuana-related statistics*:

Marijuana traffic-related deaths: 2013 (55) vs. 2016 (125)	+125%
Marijuana-related emergency room visits: 2011-2012 vs. 2013-2015	+35%
Marijuana-related hospitalizations: 2009-2012 vs. 2013-2015	+72%

Quest Diagnostics Drug Testing Index 2017 Report – U.S. Workforce Results

- Positive marijuana test results continue upward climb
 - Oral fluid positive increased 75% over the last three years in general U.S. workforce. (5.1% in 2013 to 8.9% in 2016)
 - Marijuana use among safety-sensitive workers increased 5%, the largest year-over-year increase in five years.



Safety Sensitive Positions

- Need to deal with legalization's potential impact on the workplace (particularly in safety sensitive occupations).
- Comprehensive testing programs (including random testing).
- National Coalition of Employer and Employer Groups.
- Now is the time to look at current drug and alcohol policies.



Impaired Driving

- Ontario "zero-tolerance" approach for commercial drivers.
- Federal impairment laws (all drivers, including commercial drivers).

Federal



Jurisdiction over criminal law
(Federal impaired driving offences)

Provincial



Jurisdiction over property and civil rights, and matters of local or private nature
(Regulates driving within the province)



Ontario's Zero-Tolerance

As of July, certain vehicle operators have been prohibited from having any presence of alcohol in their blood when behind the wheel of these types of vehicles.

These drivers are also prohibited from having any presence of cannabis in their system as well as other drugs that can be detected by an oral fluid screening device.

- New and young drivers.
- Drivers of vehicles requiring an A-F class licence.
- Vehicles requiring a Commercial Vehicle Operator's Registration (CVOR).
- Road building machines.

How Does This Impact You?



Ontario is implementing zero tolerance laws prohibiting drivers of commercial motor vehicles (CMVs) from having the presence of alcohol or a drug in their system (the latter detected by a federally approved screening device).



July 1, 2018
New zero tolerance laws prohibiting drivers of commercial vehicles from having the presence of alcohol or a drug in their system commences. Sanctions include licence suspensions and monetary penalties. Mandatory remedial measures such as education, treatment, and an ignition interlock licence condition are also required.



Ontario's Zero-Tolerance

- The feds have now approved an oral fluid screening device (Drager 5000).
- An oral fluid drug screener could be used by police to detect the presence of some drugs in oral fluid, including THC, the main impairing component in cannabis.
- Meant to detect recent use.

Bottom Line:

- Domestic only drivers/ employers need to be concerned about the recent use part.

- 2 days, 28 days, never.

- Cross-border drivers, US DOT rules still apply post-legalization. Cannabis remains a US Schedule 1 drug.

Administrative Sanctions for CMV Drivers

- New zero tolerance penalties prohibiting commercial drivers from having the presence of alcohol and drugs* in their system, as detected by a federally approved screening device.
- The new penalties are:

Zero Tolerance (Drugs or Alcohol) - Commercial Drivers						
	Current (Drugs and Alcohol) Licence Suspension	Monetary Penalty	Other	Effective July 1, 2018 (Drugs and Alcohol) Licence Suspension	Monetary Penalty	Other
First occurrence	There are currently no zero tolerance laws for Commercial Drivers.			Three Days	\$250**	Mandatory education or treatment program, and ignition interlock requirements may also apply for repeat offenders.
Second occurrence	Existing impaired driving laws for all drivers would apply			Three Days	\$350**	
Third and subsequent occurrences	Existing impaired driving laws for all drivers would apply			Three Days	\$450**	

*Note: It is important to note that the Zero Tolerance drug sanctions will not be enforced until the Federal Minister of Justice approves and authorizes the use of approved drug screening equipment.



OTA Concerns

- Exemptions built into legislation for medical cannabis
 - *Commercial drivers with medical authorization exemption from zero-tolerance laws (but not impaired laws).*
- Workplaces
 - *Nothing new introduced*
- Random testing not explicitly dealt with
 - US DOT
 - *TTC Experience*



Many Unexpected Issues

Example, potential for issues at the border.

Cannabis is an illegal drug (US federally)

- Positives may go up for cross-border drivers
- Issues between the two driver pools

Slow downs at the border

- Thickening of the border
- Spill over from passenger vehicles

Those 'associated' with the cannabis industry

- Legal advice is mixed at best – safe bet is to stay away from it
- Highly dependent on individual border officials (likely)





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