

STUDY ON ENFORCEMENT MEASURES AGAINST DRIVERS USING DRUGS
RESULTS OF QUESTIONNAIRE ON DRUG DRIVING

COUNTRY	QUESTION 1 Is driving under the influence of drugs considered an offence in your country?
IRELAND	YES
TURKEY	YES
NORWAY	In accordance with the Norwegian Road Traffic act § 22, no one must drive or attempt to drive a motor vehicle when he is under the influence of alcohol (not sober) or some other intoxicating or narcotic agent.
U.K.	YES
SLOVAKIA	YES
SWEDEN	YES
FINLAND	YES
PORTUGAL	Yes, it is considered a very serious offence in our country.
ANDORRA	Yes, it is considered an offence in Andorra.
HONG KONG	Yes! At the moment, if a driver commits a driving offence and Police suspect the driver is under the influence of drug, we shall conduct a detailed search of the driver and inside the car for any trace of drugs. If dangerous drugs are found, the Police will charge the driver for possession of dangerous drug.
SWITZERLAND	Yes, anyone who, for other reasons (e.g. drugs), is incapable of driving and drives a motor vehicle will, in accordance with Article 91, Section 2 of the Road Traffic Act (SVG), be punished with 3 years' imprisonment or a fine.
THE NETHERLANDS	Driving under the influence of drugs is considered a criminal offence
ITALY	Yes, it is. The art. 187 of the Italian Highway Code regulates and applies sanctions to such an offence.
ESTONIA	Using drugs or psychotropic substances without medical permission is considered an offence. In case the drugs have caused intoxication, it is also considered a criminal offence.
AUSTRALIA VICTORIA	Yes

SOUTH AUSTRALIA	Yes – (Australia).
AUSTRALIAN CAPITAL TERRITORY	Yes
AUSTRALIA NSW REGION	Yes
AUSTRALIA QUEENSLAND	Yes
MONACO	The Kingdom of Monaco has no legislation regarding coercive measures against drug driving. In case of a serious or a fatal traffic accident toxicological analyses take place at the Hospital Centre Princess Grace of Monaco.
CYPRUS	Yes
FRANCE	YES
AUSTRIA	<p>Vehicles may only be driven when the driver is in a physical and mental state to control the vehicle and obey the laws to be observed. People whose consciousness is impaired by a narcotic drug lack the necessary ability to drive and therefore, must not drive a vehicle or put it into operation. Penalties for driving whilst under the influence of drugs are the same as those for excessive drinking (breath alcohol content of 0.4 mg/l to 0.59 mg/l).</p> <p>Note: in contrast to impairment by alcohol, there are no limits if a person is under the influence of drugs. In accordance with legal provisions, a decisive factor in determining an offence is that a driver's impairment can only be determined by a duly authorised doctor.</p>
CANADA	Yes CCC. 253 (1)(a)
GERMANY	YES

COUNTRY	QUESTION 2 What are the provisions of the relevant legislation?
IRELAND	There is legislation. The degree depends on the drug used (felony or misdemeanor)

TURKEY	-
NORWAY	If the driver have a larger content of alcohol in his blood than 0,2 pro mille, or he if has in his body an amount of alcohol which may result in such alcohol content in his blood, or the content of alcohol in his breath exceeds 0,1 milligrams per liter of air, he shall in any case be deemed to be under the influence of alcohol for the purposes of this Act.
U.K.	<p>The legislation makes it an offence to drive whilst unfit through drink or drugs;</p> <p>Definition;</p> <p>The Road Traffic Act 1988, section 4(1) makes it an offence to drive or attempt to drive a mechanically propelled vehicle on a road or public place when unfit through drink or drugs.</p> <p>Penalty;</p> <p>Maximum fine of £5000, up to 6 months imprisonment, a minimum disqualification of 1 year and endorsement unless "special reasons" exist. If it is a second like offence within 10 years then the minimum disqualification is 3 years unless "special reasons exist"</p> <p>Drunk in charge of a vehicle:</p> <p>Definition;</p> <p>The Road Traffic Act 1988, section 4(2) (as amended) makes it an offence to be in charge of a mechanically propelled vehicle on a road or public place when unfit through drink or drugs.</p> <p>Penalty;</p> <p>A fine of up to £2500, up to 3 months imprisonment, discretion to disqualify and must endorse unless "special reasons" exist. 10 points in the absence of a ban.</p>
SLOVAKIA	The new Act on Road Traffic in force as of February 1, 2009 (no.8/2009 Coll.). According to the art.4/2b,2c, it is forbidden to drink alcohol prior to and whilst driving (it applies to beer as well) or to use any other addictive substance and to drive a vehicle while you still could be affected by the substance - 0 ‰ of alcohol and drugs in blood is permitted. In some cases (drug recidivist or driver of public transport) driving drug user can be prosecuted according to art. 289 of Criminal Code(CC) or to art. 171-176 (toxikomania crimes) CC.
SWEDEN	The limit for drunk driving is 0.10 milligrams of alcohol per litre of exhaled deep lung air, which corresponds to

	<p>0.02 per cent. Drunk driving is punishable by fines or a prison sentence of up to six months.</p> <p>The limit for aggravated drunk driving is 0.50 milligrams of alcohol per litre of exhaled deep lung air, which corresponds to 0, 1 per cent in the blood. The driver can be sentenced to prison for up to two years. Even drivers who have been significantly affected by alcohol or other drugs, or who have constituted a grave danger to traffic safety, can be sentenced for aggravated drunk driving.</p> <p>The lower limit for drunk sailing is 0.02 per cent. The limit for aggravated drunk sailing is 0,1 per cent. Drunk sailing is punishable by fines or a prison sentence of up to six months. For aggravated drunk sailing, the operator can be sentenced to prison for up to two years. The Swedish Police, the Swedish Coast Guard, and Swedish Customs have the right to conduct breathalyser tests at sea.</p> <p>The limit for confiscation of a driver's license is 0.15 milligrams of alcohol per litre of exhaled air.</p> <p>Driving under influence of other drugs than alcohol is also prohibited except for medical prescription (zero limit.)</p>
FINLAND	Possession of drugs and driving under the influence of drugs are illegal
PORTUGAL	<p>In our legal framework, the penalty for this type of action is provided for in the Highway Code in Articles 81 and 157. As a complement, there are regulations which govern driving under the influence of alcohol or psychotropic substances (Act 18/2007 of 17 May) and the framework of the penalties pursuant to Portaria No 902-A/2007 of 13 August.</p> <p>If driving under the influence of drugs is confirmed, the driver is punished with EUR 500 fine and banned from driving for 2 to 24 months. However, if the drugs really affect driving, it is considered a crime under Article 291 of the Criminal Code and punishable by one year in prison or a 120-day fine and a driving ban of between 3 to 34 months pursuant to Article 69 of the Code.</p>
ANDORRA	Article 268 of the Criminal Code states that driving a car in a state which may pose a risk to the public due to the consumption of alcohol, drugs or similar substances carries a prison sentence of up to 1 year or arrest and a 3-year driving ban.
HONG KONG	<p>Section 39 of Chapter 374 Road Traffic Ordinance (i.e. driving under the influence of drugs)</p> <p>Chapter 134 covers the Dangerous Drug Ordinance</p>

	<p>Please refer to the link below for the Laws of HK.</p> <p>http://www.legislation.gov.hk/chi/home.htm</p>
SWITZERLAND	Up to 3 years' imprisonment or a fine.
THE NETHERLANDS	<p>Fine, community service, disqualification, imprisonment, mandatory educational course, requires examination of fitness. See Annex guideline for criminal proceedings and actions of the CBR schedule.</p> <p>In The Netherlands you are prosecuted when you are above 235 ugl/l or 0,54 promille.</p> <p>For starting drivers (young) this is lower, 95 ugl/l or 0.22 promille.</p> <p>By use of drugs and/or medication that can be of any influence to a driver it must be a substance that can be of any influence of a drivers capability to drive a motor vehicle.</p> <p>This is mostly proven by the outcome of a laboratory analyses.</p>
ITALY	<ol style="list-style-type: none"> 1) Arrest for a period of time from 6 months to 1 year and a fine from € 1500,00 to € 6000,00; 2) Confiscation of the driving licence for a period of time from 1 to 2 years and deduction of 10 points from the driving licence. 3) Penalties raise from 1/3 to the moiety in the case of vocational drivers (taxi drivers, lorry drivers, etc...) or recently qualified drivers. Continuing confiscation of the vehicle. 4) Continuing confiscation of the driving licence if an accident is caused.
ESTONIA	Drunk driving of motor vehicles will be punished by financial penalty or 3 years in prison.
AUSTRALIA VICTORIA	It is an offence to drive in Victoria while impaired by any drug, illicit or prescribed
SOUTH AUSTRALIA	<p>Relevant legislation in South Australia is two fold:</p> <ul style="list-style-type: none"> ➤ Impairment based legislation for driving under the influence of any drug

	<p>➤ Presence based per se legislation with the limit set at zero for 3 drugs being:</p> <ul style="list-style-type: none"> ▪ Methamphetamine ▪ Delta 9 THC ▪ 3,4 methylenedioxymethamphetamine <p>The legislation allows police to randomly test drivers for drug at the roadside by using either oral fluid or blood.</p> <p>Penalties associated with these offences include:</p> <p>Expiation Notice for driving with drugs present for first offence if there is no faculty impairment: \$469 + \$60 levy</p> <p>Any subsequent offence an expiation notice can not be given. The driver must attend Court and face fines, and loss of driver's licence.</p> <p>First offence: \$500 - \$900 fine and loss of licence for not less than 3 months.</p> <p>Second offence: \$700 - \$1200 fine and loss of licence for not less than 6 months.</p> <p>Third or more: \$1,100 - \$1,800 fine, loss of licence for 12 months (3rd offence) or not less than 2 years for subsequent offences.</p> <p><u>If there is a faculty impairment</u> then the driver is deemed Driving Under the Influence of a drug / alcohol and faces arrest or report. Police can require the driver to submit to a blood test by a Doctor. The driver must attend Court. The following penalty applies:</p> <p>First offence: Fine of between \$700 - \$1,200 and imprisonment for not more than 3 months.</p> <p>Subsequent offence: Fine of between \$15,00 - \$2,500 and imprisonment of not more than 6 months.</p> <p>The driver may also have their car impounded for a period of 28 days and pay an impounding fee. If 2 convictions they can forfeit their vehicle.</p>
AUSTRALIAN CAPITAL	Road Transport (Alcohol & Drugs) Act 1977 as amended

TERRITORY	
AUSTRALIA NSW REGION	<p>Road Transport (Safety and Traffic Management) Act 1999 No 20 is the primary source of legislation. It should be noted that a penalty unit is AUD \$110.</p> <p>http://www.legislation.nsw.gov.au/maintop/view/inforce/act+20+1999+cd+0+N</p>
AUSTRALIA QUEENSLAND	<p><i>Traffic Regulation 1962</i></p> <p>172 Relevant drugs prescribed</p> <p>For schedule 4 of the Act, definition relevant drug, each of the following drugs is prescribed—</p> <p>(a) 3,4-Methylenedioxymethamphetamine (MDMA);</p> <p>(b) Delta-9-tetrahydrocannabinol;</p> <p>(c) Methylamphetamine</p> <p><i>Transport Operations (Road Use Management) Act 1995</i></p> <p>79 Vehicle offences involving liquor or other drugs</p> <p>Note: For details see Appendix 1</p>
CYPRUS	<p>Law 86/72 on Motor Vehicles and Traffic, Article 9</p> <p>Driving under the influence of alcohol, drugs or medicines, which inhibit the capacity for safe driving, is a criminal offence, punishable with 1 year imprisonment or €1,708 fine or both penalties</p>
FRANCE	<p>Article L235-1 of the HIGHWAY CODE</p> <p>Modified by Act No 2007-297 of 5 March 2007 - Article 48 JORF 7 March 2007</p> <p>I. - Anyone who drives a vehicle or accompanies a learner driver and undergoes a blood test that shows they have used substances or plants classified as drugs may be punished by two years' imprisonment and a fine of EUR 4,500.</p> <p>If the person was also under the influence of alcohol characterised by a concentration of alcohol in the blood or in exhaled air at or above the rates set by the statutory or regulatory provisions of this Code, the penalties are</p>

	<p>increased to three years imprisonment and a EUR 9,000 fine.</p> <p>II. - Any person guilty of the offences provided by this section shall also incur the following additional penalties:</p> <ol style="list-style-type: none"> 1) 3-year suspension of the driver's licence; this suspension cannot be limited to non-professional driving and cannot be suspended, even partially; 2) Cancellation of the driving licence with no right to apply for a new licence for three years; 3) The sentence of community service pursuant to Article 131-8 of the Criminal Code and under the conditions laid down in Articles 131-22 to 131-24 of the Code and Article 20-5 of Ordinance No. 45-174 of 2 February 1945 on juvenile delinquency; 4) The penalty of daily fines under the conditions laid down in Articles 131-5 and 131-25 of the Criminal Code; 5) Banned from driving certain motorised terrestrial vehicles, including those for which a driving licence is not required, for a period of five years; 6) The obligation to attend, at one's own expense, an road safety awareness course; 7) The obligation to attend, at one's expense, an awareness course on the dangers of using drugs. <p>III. - Immobilisation of the vehicle may be prescribed in accordance with Articles L. 325-1 to L. 325-3.</p> <p>IV. - The offences covered by this Article automatically give rise to a 50% reduction in the maximum number of points on the driver's licence.</p>
AUSTRIA	<p>Administrative assessment</p> <p>The operation of a vehicle when under the influence of alcohol or drugs is prohibited under § 5 of the Road Traffic Act (Highway Code) [7]. The text of the law is aimed at determining impairment on the one hand and the detection of alcohol (paragraphs 1-8) or a drug (section 1, 8, 9, 9a and 10, § 5 Highway Code) on the other.</p> <p>Determining impairment comes from an investigation by a specially trained doctor, within the framework of which additional immunological test samples can be taken. Once the doctor has determined impairment, confirmation of the use of drugs is determined by a blood sample in order to establish the cause of the impairment. The aim of proving drug consumption can only be currently achieved by mass spectrometric methods and, based on current standards, only these are able to unequivocally determine from submitted bodily fluids not only the identity of suspected drugs, but also their concentration in e.g. blood, urine or other bodily fluids (saliva, "oral fluid").</p> <p>Paragraph 10 in § 5 of the Highway Code, which is enshrined in the Constitution, governs the blood-collection process if it can be concluded that drugs have been consumed.</p>

	<p>The 1994 amendment to the Road Traffic Regulations of 1960 enshrined the taking of a blood sample to chemically test for alcohol content into the Constitution. Since 2002, this is also required evidence if it is concluded that there is impairment due to drug consumption. The driver under suspicion must give his consent, failing which, penal provisions of the Highway Code § 99 come into force.</p> <p>In the presence of symptoms of deficiency, despite the existence of a negative breathalyser test result, Austrian legislation provides for conducting a medical examination, which also includes taking a blood sample. In contrast to Germany and Switzerland, the individual may refuse to give a blood sample in Austria. The punishment is then raised to a higher level and can be compared to alcohol consumption of 1.6 mg. The text of § 5 of the Highway Code shows that someone who is incapable of driving due to the consumption of drugs must not drive a vehicle and will be punished for non-compliance. As there is no precise threshold information (unlike with alcohol), the person's condition must be recorded with the help of a medical examination. The examining doctor must then indicate whether the person is under the influence of drugs and, if so, whether they are unfit to drive due to the drugs. With reference to the term 'drugs', the legislation refers to the provisions of the Narcotics Act and the Narcotic Drugs Decree. It is important that the legislators are concerned only with drugs. Persons affected by other drugs - for example medication – are subject only to the provisions of § 58 of the Highway Code (drivers of vehicles). This statutory provision is a general law with respect to § 5 of the Highway Code (Special safety measures against impairment by alcohol or drugs) and is applicable only when driving ability is not affected by alcohol. The medical examination essentially consists of reviewing balance, coordination, motor skills and vision as well as the sampling and analysing saliva and urine.</p> <p>Criminal judgment</p> <p>Neither the consumption of alcohol nor alcohol intoxication - apart from restrictions enacted in state legislation for the protection of children and adolescents – is a criminal offence. However, if a person is drunk before commencing any operations and, in this state is a threat to the life, health or physical safety of others, the person must face the legal consequences. Therefore, causing a death by dangerous driving due to the consumption of alcohol or the use of any other intoxicating agent carries a prison sentence of up to 3 years (§ 81 of the Austrian Criminal Code). In assessing the ability to drive, a distinction is made between a relative and an absolute inability to drive. Absolute inability to drive is achieved at 0.8 mg; relative inability to drive cannot be determined by a certain alcohol level, but is derived from witness statements, expert opinion or clinical testing. A blood</p>
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	<p>alcohol level of at least 0.8 mg is an irrefutable alcohol impairment, which is why it is used as the legal limit for driving all vehicles, including mopeds and bicycles. 0.5 mg suffices for an indictment under § 81 (2) of the Austrian Criminal Code if the offender is apprehended on the road at least three times with at least 0.5 mg within 12 months before the current violation.</p>
CANADA	<p>253. (1) Every one commits an offence who operates a motor vehicle or vessel or operates or assists in the ← operation → of an aircraft or of railway equipment or has the care or control of a motor vehicle, vessel, aircraft or railway equipment, whether it is in motion or not,</p> <p>(a) while the person's ability to operate the vehicle, vessel, aircraft or railway equipment is ← impaired → by alcohol or a drug;</p>
GERMANY	<p>§ 36 (5) Straßenverkehrsordnung (German Highway Code)</p> <p>§ 36 (5) Straßenverkehrsordnung (German Highway Code) allows police officers to conduct roadside checks any time, any place without any further suspicion. The legal right includes checking the vehicle and the fitness of the driver. Not following a police officers order to stop, is an offence.</p> <p>§ 81 a Strafprozessordnung (German Code of Criminal Procedure)</p> <p>If the officer has reason to suspect drug-driving (leaflet, pre-testing device), he is allowed to contact a prosecutor or judge who can legally order for a blood sample to be taken by a certified doctor according to § 81 a Code of Criminal Procedure. If a judge or prosecutor cannot be reached in time, the officer is allowed to order for a blood sample to be taken (case of imminent danger – of the evidence being destroyed by waiting too long).</p> <p>Drug-driving can result in an expensive fine, a driving ban and withdrawal of the driving licence. Even persons who do not drive (passenger, pedestrian) can loose their driving licences if consumption of drugs was proven.</p> <p>Legislation provides for zero tolerance.</p>

COUNTRY	QUESTION 3 What methods are used by the Police for carrying out roadside tests on drivers for drug use: saliva testing, urine testing, blood testing or impairment tests?
IRELAND	They fall under the same guidelines as alcohol
TURKEY	Saliva testing
NORWAY	<p>The police may require the driver of a vehicle to undergo a breath test (breathalyzer test), if</p> <ol style="list-style-type: none"> 1) there is reason to believe that he has violated the provisions of § 22 2) there is reason to believe that he has violated other provisions of this Act, 3) he is involved in a traffic accident, whether he is fault or not, or 4) he has been stopped in a traffic control <p>If the result of a breath test or other circumstances indicate that the driver of a vehicle has violated § 22, the police may have him present for a breath analyzer or a blood test. Blood test may only be performed by a medical practitioner or a registered nurse or medical technician.</p>
U.K.	Field Impairment Testing
SLOVAKIA	<p>There are no special controls focused on driving drug users, if yes they are random in Slovakia or based on suspicion. Slovak Police prefer blood testing carrying out by surgeon in health institution.</p> <p>Following an increase in fatalities and accidents on Slovak roads, interior minister Daniel Lipsic wants to get tougher on drivers and tighten traffic regulations. Lipsic also plans to provide the Police with drug tester kits, like those recently introduced in the Czech Republic.</p>
SWEDEN	<p>Exhaled deep lung air is the normal test for alcohol control on drivers. If that's not possible blood testing or/and urine testing will be carried out.</p> <p>Eye examination is done on a driver who you suspect is under influence of other drugs than alcohol. If the examination confirms your suspicion the driver is informed that he/she is suspected for good reasons for drugged driving and a specimen of blood will be taken as evidence by a doctor or a nurse and sent for examination to the National Laboratory of Forensic Science.</p>
FINLAND	Saliva road-side test. If positive – blood or urine test in hospital
PORTUGAL	<p>In Chapter II of the regulations for driving under the influence of alcohol or psychotropic substances (Act 18/2007 of 17 May), Article 11 provides for taking of saliva, urine, sweat or blood samples. These will be rapid tests for detection. If the result is positive, the completion of a confirmation test (section 157(4) of the Highway Code) at a hospital is required. Examination by a doctor is used only as a last resort if all other procedures have been followed (Section III of Portaria No 902-B/2007 of 13 August).</p>

ANDORRA	To date, these types of tests are not specifically carried out.
HONG KONG	<p>At the moment, we are not empowered to conduct an oral test, etc on the road. We are introducing a new section of law to empower Police to conduct random oral test, impairment test and body fluid test. The new law will take effect in July 2011.</p> <p>If a driver failed a random oral test on the road, he will be invited to go to a Police station for impairment test. If he fails, he has to undergo body fluid test such as Urine or blood test. If the driver refuses to provide his body fluid for testing, he will be charged of failing to provide body fluid test.</p>
SWITZERLAND	<p>Our legislation permits various possibilities regarding the procedure. As a result, there are differences in this respect between the various cantons on collecting evidence and implementing the procedure.</p> <p>In the canton of Appenzell Ausserrhoden, an official decides according to the situation. That is, depending on the situation and observations made, the official decides whether or not he wants to perform a rapid drug test (pre-test) or not on the person to be checked. Our preliminary test consists of a 'saliva test'. If this turns out to be positive or other signs of drug use are found, blood and urine samples are normally taken. These will normally be done at the nearest Cantonal Hospital. In addition, the official and the responsible doctor will record the observations for assessing driving ability.</p>
THE NETHERLANDS	<p>There is no drug test, but there comes on. That will be a saliva test. The legislation is being drafted. Should be arranged so that a driver is obliged to cooperate to provide a saliva test as a means of selection. The proof must come from a blood test. At this point, the police have a reasonable suspicion that a driver has used drugs before a blood test may be requested / ordered. So the police must suspect drugs use based on driver behavior or characteristics of certain drugs.</p> <p>Urine Test? DNA test? of saliva? Blood? etc. There is no selection method and at present only the saliva test. If there is a suspicion of drug use, it follows a breath analysis to determine the breath alcohol and a blood test to determine use of drugs. Participation in the blood test is required. The refusal can not be enforced (with violence), but is charged with refusal.</p>
ITALY	At present roadside tests are not available, since some pre-tests to verify the state of the drivers are still in a phase of type-testing. They should be ready by 2011. The approval is given by the Ministry of the Interior, the

	Ministry of Health, the Ministry of Transport and the Ministry of Justice.
ESTONIA	Test on drivers for drug use is saliva testing. In addition there are tests on pulse, Romberg track of time, nystagmus and papillary reaction of light.
AUSTRALIA VICTORIA	Drivers are first screened for Alcohol with a Preliminary Breath Test. They then provide a saliva sample (POFT - Preliminary Oral Fluid Test).
SOUTH AUSTRALIA	Saliva testing is used for roadside tests with second stage testing being either oral fluid or blood. All tests undertaken by Police and sent to a laboratory for confirmation
AUSTRALIAN CAPITAL TERRITORY	Saliva about to be introduced
AUSTRALIA NSW REGION	Saliva testing or sobriety assessment depending on circumstances. Both may lead to further testing of blood and/or urine.
AUSTRALIA QUEENSLAND	Predominantly Saliva (Oral Fluid) Testing Blood can be used
CYPRUS	A bill has been prepared that has to be passed in Parliament, according to which a preliminary saliva test will take place and if positive, a final laboratory blood test will take place.
FRANCE	<p>Drug screenings is performed on all drivers involved in a fatal accident or injury. The police may also conduct testing upon certain infringements of the Highway Code.</p> <p>Random checks, which may affect all motorists, are also possible on request of the Prosecutor of the Republic, with respect to blood alcohol.</p> <p>Article L235-3</p> <p>Modified by Act No 2007-297 of 5 March 2007 - Article 48 JORF 7 March 2007</p> <p>I. - Refusing to undergo the checks provided for in Article L. 235-2 is punishable by two years' imprisonment and a EUR 4,500 fine.</p> <p>II. - Any person guilty of the offences provided by this section shall also incur the following additional penalties:</p> <p>1) 3-year suspension of the driver's licence, this suspension cannot be limited to non-professional driving, and cannot be suspended, even partially;</p> <p>2) Cancellation of the driving licence with no right to apply for a new licence for three years;</p>

	<p>3) The sentence of community service pursuant to Article 131-8 of the Criminal Code and under the conditions laid down in Articles 131-22 to 131-24 of the Code and Article 20-5 of Ordinance No. 45-174 of 2 February 1945 on juvenile delinquency;</p> <p>4) The penalty of daily fines under the conditions laid down in Articles 131-5 and 131-25 of the Criminal Code;</p> <p>5) Banned from driving certain motorised terrestrial vehicles, including those for which a driving licence is not required, for a period of five years;</p> <p>6) The obligation to attend, at one's own expense, a road safety awareness course;</p> <p>7) The obligation to attend, at one's expense, an awareness course on the dangers of using drugs.</p> <p>III. - The offences covered by this Article automatically give rise to a 50% reduction in the maximum number of points in the driver's licence.</p>
AUSTRIA	<p>For road traffic drug testing, the following phased model applies:</p> <ul style="list-style-type: none"> • Testing the suspected person <p>Intervention by the police with the help of a drug check form</p> <ul style="list-style-type: none"> • Saliva sample (not currently implemented) <p>If there is presumption of impairment of the driver's driving ability, then medical practitioners or specially trained and duly authorised officers of the Highway Patrol (police officers) are entitled to check the saliva of individuals for traces of drugs using saliva preliminary test devices or strips.</p> <p>Note: The legislation required for the use of such devices and strips has not been currently enacted.</p> <ul style="list-style-type: none"> • Clinical examination <p>If suspicion of impairment by narcotic drugs has been confirmed, the police can allow the degree of impairment to be determined by the authorised doctor. For this purpose, the police can move the driver from the place of detention to the place of examination. The doctor performs a clinical examination.</p> <ul style="list-style-type: none"> • Blood test <p>If suspicion of impairment caused by narcotic drugs is heightened during the clinical examination (determination of impairment by a medical report), the authorised doctor must take and test a blood sample.</p>

	<p>Note:</p> <p>Taking a blood sample by force is not permitted. The blood sample cannot be taken against the will of the person to be examined. Refusal, however, is subject to a fine!</p> <p>If it is determined from the blood test that the examined person has taken drugs, no criminal charges are brought, but the competent health authority is notified.</p> <p>Separate legal proceedings under the Road Traffic Act for driving under the influence of drugs are not affected.</p> <p>Note: The investigated individual only bears the cost of the examination if evidence of drug use is found.</p> <p>Official medical examination</p> <p>In the event of questionable suitability for driving a vehicle the applicant shall submit to the competent authority an appropriate medical document, with the responsible authority being the one in the district which the person being examined has their primary residence. The creation of an official medical report includes the study of documents, the assessment of any specialist medical opinion or a traffic-psychological report and possibly an accompanied test drive. The investigation by the medical officer is mandatory for a blood alcohol content greater than 1.6 mg (addiction or suspected alcohol dependence) or refusal to take the alcohol test. The validity of this report lasts a year.</p> <p>Traffic-psychological statement</p> <p>The psychological fitness for driving is to be investigated by means of a traffic-psychological examination. This involves assessing the physical and mental abilities of a person, which are detected by means of traffic-psychological exploration of the psycho-physical capabilities and personality testing. The review of the psycho-physical performance is used to identify performance deficiencies. After drinking and driving with a high blood alcohol content, it may be a question of the existence of an alcohol habit, and thus excessive alcohol consumption. For the psycho-physical performance to be tested, the most important elements are the attention and concentration ability, observational ability, reactive safety and reactive capacity, motor sensory ability, memory and logical thinking. The willingness to adapt to traffic will tested using the personality test and traffic</p>
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	<p>psychological exploration interview. Special emphasis will be placed on personality variables such as emotional disinhibition, tendency to social adaptation, enthusiasm, flexibility, restraint, anxiety, inner tension and spontaneity.</p> <p>In addition, the degree of preferences with respect to traffic adverse behaviour, alcohol disposition, willingness to take risks and the extent of aggression will be determined by questionnaires, as these variables may promote alcohol and traffic behavioural abnormalities. The traffic-psychological exploration interview should reveal, among other findings, disorders regarding the alcohol consumption patterns of the affected person as well as recording the possible separation of "drinking and driving".</p> <p>Psychiatric opinion</p> <p>With the help of a professional medical opinion, the possible existence of alcohol dependency is investigated. Especially for high levels of alcohol consumption and several alcohol offences within a short time, the existence of alcohol addiction must be suspected, which means a psychiatric examination will be arranged by the authorities. The provision of a psychiatric report is also required for suspected drug or medication dependency.</p> <p>How long do the roadside tests last?</p> <p>In principle, the preliminary alcohol test takes only 1 minute. If this should provide a positive result, a breathalyser test must be done within 15 minutes. This then takes approximately 3 to 5 minutes. After this breathalyser test, follow-up measures, such as revoking the driving licence, data collection, etc., must be carried out within approximately 15 minutes. For an alcohol offence, the total time is expected to be approximately 40 minutes.</p> <p>For drug offences, at least one preliminary alcohol test will also usually be taken beforehand. If this does not indicate a positive result but there is still reasonable doubt, the officer fills in the drug-check form and the suspect is then transferred to an appropriate doctor. It is difficult to specify a time period, as it makes a big difference whether official action occurs within the Federal Police Department, where a medical officer is always available, or the District Commission, where the ability to see a public health officer is often difficult.</p> <p>A period of approximately 1 hour is to be expected from the start of the official investigation up to examination by the medical officer. After that, the medical examination, etc, takes place. Its duration also differs from doctor to</p>
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	doctor.
CANADA	SFST (standardized field sobriety test) at side of road is completed if investigating. If an arrest is made a twelve step Drug Recognition evaluation is completed and if a drug is detected urine is taken and sent to CFS.
GERMANY	<p>Police Forces in Germany use different pre-testing devices like Nal von Minden or Drugwipe (oral fluid like sweat and saliva testing device) or Malvand (urine testing device) which are able to identify smallest quantities of drugs. To help officers identify drug abuse, a leaflet (see attachment) has been created which describes:</p> <ul style="list-style-type: none"> • common driving mistakes and other noticeable disorders, • physical and psychological behaviour, • other indicators of drug use (spoons, syringes, vitamin C etc.) • the size of the pupils • the effects of each individual drug. <p>Blood tests at a hospital or at a police station provide the needed legal proof. With blood tests it is also possible to determine the quantity of drugs taken and the point of time when the drugs were consumed.</p> <p>The officer will write a report because of drug-driving (German Penal Code) and because of using drugs (German Narcotics Act). In addition, the officer will write a report for the Driving Licence Authority who will check whether the offender is suitable to drive. In case of “hard” drugs (ecstasy, cocaine, speed etc.), the person is considered to be unfit to drive and without further evidence the driving licence will be withdrawn. In case of cannabis, a person who consumes regularly is considered unfit.</p> <p>The Driving Licence Authority can order a:</p> <ul style="list-style-type: none"> • drug screening

	<ul style="list-style-type: none"> • medical opinion • MPA (Medical Psychological Assessment). <p>These procedures are cost-intensive and can take a long time during which the person's drug abuse is being monitored.</p>
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COUNTRY	QUESTION 4 What is the duration of the roadside test?
IRELAND	Field test a few minutes and then blood test if arrested
TURKEY	5 min
NORWAY	See question 3 above.
U.K.	Variable, usually 10-20 minutes
SLOVAKIA	See above
SWEDEN	5 min – 1 hr
FINLAND	15 min
PORTUGAL	Normally it is very quick with the application of a rapid screening test already mentioned (5 minutes). If positive, the person is taken to hospital for the confirmation test where blood is collected for analysis, which can take up to 30 days (Article 12 No 4 of Act 18/2007 of 17 May).
ANDORRA	No fixed duration.
HONG KONG	It is expected to be completed in three minutes.
SWITZERLAND	Depending on the situation and subsequent monitoring, a check may be conducted within a few minutes or take more than 1 hour.
THE NETHERLANDS	A selection test for alcohol is realized within 10 seconds. A selection test for drugs will take longer. Estimated minutes to 10 minutes.
ITALY	When they will be available, these pre-tests will not require more than 10 minutes, the response being included.

ESTONIA	Tests with indicators take about 15-60 minutes, other tests about 15 minutes.
AUSTRALIA VICTORIA	The POFT takes about 6-10 minutes to complete
SOUTH AUSTRALIA	Two step process: Oral fluid screening – 5 -10 minutes (swab indicator to see if there is a drug present) Oral fluid analysis – 20 minutes (some drugs take longer to detect than others)
AUSTRALIAN CAPITAL TERRITORY	About 15 minutes
AUSTRALIA NSW REGION	5 minutes for a saliva test
AUSTRALIA QUEENSLAND	5 minutes for Oral Fluid Testing
CYPRUS	Around 10 minutes
FRANCE	The time strictly necessary for the progress of testing. In the event of a positive test, the driver may be taken into custody for up to 24 hours for purposes of the investigation. This measure may be extended for a further period of 24 hours, if necessary. For this type of offence, such an extension does not seem necessary.
AUSTRIA	<p>In principle, the preliminary alcohol test is completed within one minute. If this should show a positive result a breathalyser test has to be done after 15 minutes. This takes approximately 3 to 5 minutes. After the breathalyser test, the follow-up procedures such FSCH-reduction, data collection, etc. must be done after approximately 15 minutes. For an alcohol offence, a total time of 40 minutes is to be expected.</p> <p>For drug offences, at least one preliminary alcohol test will also usually be taken beforehand. If this does not indicate a positive result but there is still reasonable doubt, the officer fills in the drug-check form and the suspect is then transferred to an appropriate doctor. It is difficult to specify a time period, as it makes a big difference whether official action occurs within the area of BPD, where a medical officer is always available, or within the area of BH, where the ability to see a public health officer is often difficult.</p>

	A period of approximately 1 hour is to be expected from the start of the official investigation up to examination by the medical officer. After that, the medical examination, etc, takes place. Its duration also differs from doctor to doctor.
CANADA	10 minutes to 20 minutes
GERMANY	Drug-driving can be detected rapidly (within minutes) with the help of the information leaflet and a pre-testing device.

COUNTRY	QUESTION 5 What procedures are followed for roadside testing of drivers for driving under the influence of drugs?
IRELAND	If accident, drug can be drawn, otherwise a court order
TURKEY	-
NORWAY	See question 3 above.
U.K.	As above, Field Impairment Testing, consisting of pupillary examination and 4 divided attention tests, which are Modified Romberg Test, Walk and Turn Test, One Leg Stand and Finger to Nose Test
SLOVAKIA	See above
SWEDEN	Exhaled deep lung air is the normal test for alcohol control on drivers.(98%) If that`s not possible blood testing or/and urine testing will be carried out. Eye examination is done on a driver who you suspect is under influence of narcotics. If the examination confirm your suspicion, the driver is informed that he/she is suspected for good reasons for drugged driving a specimen of blood will be taken for securing of evidence by a doctor or a nurse.
FINLAND	Saliva road-side test. If positive – inform superior, who decides on a blood or urine test in hospital
PORTUGAL	Normally, road checks are related to driving under the influence of alcohol, if there is evidence of drug-impairment drivers are subject to saliva, urine, sweat or blood tests.
ANDORRA	None.
HONG KONG	We are drafting the instruction at the moment.

SWITZERLAND	In this case, a blood sample and a urine sample are normally taken. In addition, the officer and the responsible doctor will record the observations for assessing driving ability.
THE NETHERLANDS	First analyses of the breath to establish use of alcohol and its `percentage`.. Then the police ask for permission by blood investigator. If you refuse, by consent or order by deputy public prosecutor, the test follows. Refusal is punishable. The police can not force blood from the suspect to take a blood sample. Blood sampling is performed by a doctor in the presence of the police. A urine test can replace the blood and blood for medical reasons is not desirable. It can also cooperate with the blood in addition a further urine tests are required. This happens rarely, if ever.
ITALY	We will use some tests which will allow the saliva or the mucus testing, making a screening on several kinds of different drugs. These tests will be carried out by the Police medical staff direct or by the auxiliary paramedical staff of the Police Forces, that is police doctors and police trained nurses or local health authority's doctors and trained nurses operating with the Police personnel. In the case any doctor or trained nurse is present, the police officers can take the driver to the nearest hospital for the biological samples.
ESTONIA	Urine tests in the hospital and in addition tests of clinical intoxication.
AUSTRALIA VICTORIA	If the POFT show an indication of THC or Methamphetamine the driver is required to accompany Police to a Police Station or Booze Bus where an Oral Fluid test is conducted
SOUTH AUSTRALIA	<p>Tests conducted in South Australia are conducted randomly roadside.</p> <p>At a random roadside testing station there is a two step process. Firstly, an initial test is done (Oral fluid screening). This is an indicator of whether there are drugs present.</p> <p>If this indicates positive then a second test is done (Oral fluid analysis) which will provide an oral fluid sample for laboratory confirmation that the driver is positive or negative to a drug.</p> <p>The analysis (vial of oral fluid) must be then sent for forensic testing which will provide an accurate reading of the type of drug present. (Takes about 2 weeks)</p> <p>Police will then follow-up and take action on this result.</p>

	Police will take action immediately if there is an obvious faculty impairment at the time of testing.
AUSTRALIAN CAPITAL TERRITORY	See act
AUSTRALIA NSW REGION	The driver must provide a breath test result that is lower than their permitted limit. The officer must have suspicion that they are driving under the influence of a drug at which time they can be submitted to a sobriety assessment, failure of which (or refusal to participate) will result in their arrest for the purpose of obtaining a blood and urine sample at hospital.
AUSTRALIA QUEENSLAND	Confirmatory Oral Fluid Test. 24 Hour license suspension for a positive result, Failing to provide a specimen is an immediate license suspension (until court). Sample is analyzed by laboratory and certificate issued. Prosecution commenced and offender attends court. 1 month to 2 year disqualification fine up to \$2000 imprisonment is also available at sentencing.
CYPRUS	Preliminary saliva test and if positive, a final laboratory blood test
FRANCE	The Interministerial Committee on Road Safety of 18 February 2010 decided that, in the case of a positive result, the offender should bear the costs of medical laboratory tests.
AUSTRIA	<p>Accompanying measures – Retraining</p> <p>In Austria, for drivers within the two-year probationary period after receiving a licence, and with a blood alcohol content of 0.1 mg or greater and for those outside the probationary period with a blood alcohol content of 1.2 mg, or for other issues, such as driving a motor vehicle whilst affected by narcotics or medication, attendance at a refresher course is required. The duration of traffic-psychological retraining is between 22 and 40 days, the number of participants being 6 to 11 persons.</p> <p>The completion of a refresher course in the form of individual sessions is only possible in exceptional cases (e.g. inadequate language skills, mental illness). Because it is assumed the ability to separate alcohol and driving is present, a reason for exclusion from retraining is the presence of alcohol or dependency on another substance with a lack of abstinence. If this is the case, the person concerned is encouraged to undertake prior completion of an alternative treatment. With the help of these measures, a reduction in relapse rate of 50% can be achieved. 85% of people who have attended a refresher course will not be stopped in the following three years on the road with more than 0.5 mg. The best results have been seen among younger drivers, since their drinking</p>

	patterns and attitudes are less consolidated.
CANADA	<ul style="list-style-type: none"> - Eye exam - Walk and Turn - One leg stand

COUNTRY	QUESTION 6 What type of device is used for carrying out the pretests and final tests?
IRELAND	Blood and / or urine tests
TURKEY	Pre-test: Lion alcoholmeter; Final test: Blood test
NORWAY	Most of the tests are a breath analyzer tests.
U.K.	No specific devices used at this time, officers observations, Field Impairment Tests, doctor examination and blood or urine analysis used
SLOVAKIA	See above
SWEDEN	Alcometer for scanning and, for securing of evidence, we use the Evidenzer instrument. Specimens of Blood (narcotics) are sent to the National Laboratory of Forensic Science (NLFS) for analysis.
FINLAND	Impairment tests with Drug Wipe testers, observation of drivers' behavior, signs and symptoms, ie examination of the eye pupil
PORTUGAL	To carry out preliminary tests, rapid tests are used involving the application of a kit that, in the event of prohibited substance being present, reacts to the fluids tested. The confirmation test (final) will always be a blood test.
ANDORRA	None.
HONG KONG	<p>We are sourcing the oral teat device. The manufacturer is going to create an instance test for six illicit drugs (namely, Heroin, Ketamine, Methylamphetamine, Cannabis, Cocaine and MDMA)</p> <p>The impairment test was originated from the Australia and the HKSAR Laboratory will conduct the final test.</p>
SWITZERLAND	In the canton of Appenzell Ausserrhoden, a quick drug test (Drugwipe) manufactured by Labtec, is used for the preliminary test. If this is positive or other signs of drug use are found, a further measure is usually arranged, normally taking a blood sample and a urine sample. After consultation with the Public Prosecutor's Office, these

	samples will be evaluated by the Institute of Forensic Medicine and used as evidence.
THE NETHERLANDS	<p>Alcoholtests on a street designated by use of a tester (1 of 4) authorized by the Minister. There are about four designated testers. The drug test will be done by the minister with a drug tester, which has not been designated yet.</p> <p>At the police station or in a state alcohol bus (coach) a calibrated breath analysis device. Having completed this device gives a result and prints it out. The print is attached to the police report and a supporting evidence document.</p>
ITALY	Portable kits for saliva and mucus testing for the roadside pre-tests; blood and urine testing at hospitals.
ESTONIA	-
AUSTRALIA VICTORIA	Instrument that collects sample of saliva, one sample to driver and other sent for forensic testing at a laboratory
SOUTH AUSTRALIA	<p>Securetec drug wipe II twin for screening. Immunoassay testing.</p> <p>Cozart DDS device for oral fluid analysis</p> <p>Then all samples undergo forensic laboratory confirmation testing for final results.</p>
AUSTRALIAN CAPITAL TERRITORY	Still to be introduced.
AUSTRALIA NSW REGION	<p>Initial test – Drugwipe II Twin</p> <p>Secondary test – Cozart RapiScan</p> <p>Final test - Laboratory</p>
AUSTRALIA QUEENSLAND	<p>Securetec 2 panel screening test</p> <p>Cozart DDS for confirmatory</p>
CYPRUS	The respective law has to pass before the technical details are defined

FRANCE	<p>Since summer 2008, the police have been equipped with saliva tests, which give them a new ability to combat driving under the influence of drugs.</p> <p>When a person is tested positive, a blood sample is taken by a doctor for toxicological analysis in a laboratory.</p>
AUSTRIA	<p>Drug check form.</p> <p>Prof. Dr Reinhard Mörz, Chief Medical Officer of the Interior Ministry has created a drug check form that is used for vehicle drivers who are suspected of using drugs. With this form, the observations of police officers and the findings of the examining doctor may be combined. The first two pages are filled out by police officers and contain observations of driving behaviour, accident situation, detention, pupils, responsiveness, mood, voice, gait, the result of the breathalyser tests.</p> <p>The clinical examination by a doctor records information on illnesses, alcohol, drugs and medication, blood pressure, heart rate and body temperature as well as the examination of the eyelids, conjunctiva and pupils. A "glazed look" is typical of cannabis use;</p> <p>"Drug cocktails" (taking several drugs simultaneously), however, can mask the typical symptoms that occur after the consumption of one type of drug.</p> <p>The psychological findings include the areas of mental thought process, orientation, concentration (simple maths test), attention, mood, behaviour and language.</p> <p>Other tests include the one-leg stand test, the walk and turn test, the finger to finger and finger to nose test and the Romberg test, in which the examinee has to estimate, with eyes closed, a period of 30 seconds.</p> <p>"After the test, the doctor must determine whether the driver is under the influence of drugs" said Chief Police Medical Officer Üblagger. A blood test, which determines whether a drug has been used, costs approximately EUR 500.</p> <p>In the period from 1996 to 2002 - according to the legislation then in force - after clinical examination, a urine specimen was used for suspected drivers. With amendments to the Road Traffic Regulations 2002, this was changed to blood as the test material and, for sample preparation, both serum as well as whole blood were used.</p>

	<p>The recovered specimens were tested by immunological processes of the companies Abbott and Microgenics initially only in the context of the police medical examination; in the event of a positive result, the case was forwarded for confirmation and then the same immunological procedures were repeated for the purpose of internal quality control on a preliminary test level.</p> <p>The low molecular organic components from the biological specimen material were, after suitable dilution with phosphate buffer (0.05 molar, pH 7.4) and deionised water, enriched with polystyrene resins; all solvents used for chemical analysis were distilled before use in order to separate low-volatile components of phthalic esters. The resulting crude extract was separated into acidic and basic fractions which were subject to further mass spectrometric analysis. The procedure followed the method described in [8].</p> <p>Until 2004, measurement was done using combined gas chromatography-mass spectrometry (GCMS) and from 2005 with liquid chromatography coupled to a tandem mass spectrometry (LC-MS/MS).</p> <p>In any case, - regardless of the chromatographic separation methods - detection and quantification of the substances were carried out using deuterated internal standards as internal quality control; external quality control was assured through successful participation in international proficiency tests.</p>
CANADA	-none

COUNTRY	QUESTION 7 Do Police carry out checks randomly or on the basis of suspicion?
IRELAND	Vehicles stopped when a violation is observed
TURKEY	Randomly
NORWAY	See question 3 above.
U.K.	Random tests are not conducted; but can be done after observing manner of driving, if driver commits 'moving traffic offence', etc
SLOVAKIA	See above
SWEDEN	Based on the Act on Random Testing of Alcohol we are carrying out 2 500 000 road side tests. For other drugs than alcohol we can only perform an eye examination where the police officer through profiling is suspecting that the driver is under influence of any drug.

FINLAND	On the basis of suspicion, due to long time required to take test
PORTUGAL	Checks are carried out in the event of suspicion.
ANDORRA	Randomly.
HONG KONG	The new section of law will empower us to conduct the oral test randomly on the road.
SWITZERLAND	This varies and depends on the individual officer. It is conceivable that a driver has already attracted attention because of his driving style and other findings or clarifications heighten this suspicion. Mostly, however, vehicles are stopped randomly and relevant findings are made only in the context of this check.
THE NETHERLANDS	The police checks are mostly at random moments, (ad hoc) , selective or not. With a suspicion of drug use following a blood test. Examples of drug use are: weed air from the car and the driver appears to have weed, clearly strange behavior when using GHB, cocaine or ecstasy. In fact every police stop may result into testing. This depends on the observed indications that allow police officers to justify their suspicions.
ITALY	At present checks can be carried out randomly with the pre-tests.
ESTONIA	Tests are done randomly.
AUSTRALIA VICTORIA	Testing of drivers is random, but can be targeted ie- towards truck drivers.
SOUTH AUSTRALIA	<p>Police carry out checks randomly and as a result of an incident involving a driver. In addition to these situations, all drivers who attend at or are admitted into a hospital for treatment as a result of a crash have their blood compulsory acquired for alcohol and drug analysis.</p> <p>South Australia police screen over 40,000 drivers for drugs each year. The following table shows the current YTD figures in our detections for SA as of 22 December 2010.</p>

	DRIVER DRUG TESTING RESULTS IN SOUTH AUSTRALIA										
	Year	Screening	Positive						Total Positives	Detection Rate	
			THC	METH	MDMA	METH/THC	METH/MDMA	THC/MDMA			ALL
	2006/07	10,097	77	127	9	64	10	2	5	294	1:34
	2007/08	13,146	56	108	10	70	16	6	14	280	1:46
	2008/09	39,510	278	305	29	190	31	23	32	888	1:44
	2009/10	46,414	435	402	3	290	9	6	2	1,147	1:40
	2010/2011 (YTD)	21,412	262	239	0	200	0	0	0	701	1:31
AUSTRALIAN CAPITAL TERRITORY	Random and also on suspicion										
AUSTRALIA NSW REGION	Both										
AUSTRALIA QUEENSLAND	Random										
CYPRUS	Presently only final laboratory blood tests are performed on fatalities										
FRANCE	<p>63 500 checks for "drugs" were made by police in 2009; 34.6% of them were positive. For more targeted checks, police have increasingly used the behavioural analysis method. ¹</p> <p>¹ This is a pre-assessment method that involves analysing the behaviour of a person on five specific points.</p> <p>Article L235-2 Amended by Act No 2003-495 of 12 June 2003 - Article 35 JORF 13 June 2003 Officers or police officers shall conduct screening tests on the driver or escort of a learner driver involved in a fatal road traffic accident to establish whether the person who was driving has made use of substances or plants classified as drugs. The same applies if the person is involved in a traffic accident that caused injury, when there are one or more plausible reasons to suspect that they have used drugs. Officers or police officers may also conduct the same tests on any driver or escort of a learner-driver who is either involved in a road traffic accident, or who is the alleged perpetrator of one of the breaches of this code punishable by suspension of the driver's licence, or with respect to the speed of the vehicle or the wearing of</p>										

	<p>seat belts or helmets, or for whom there are one or more plausible reasons to suspect that they have used drugs.</p> <p>If these screening tests are positive or the driver refuses or is unable to undergo them, the officers or police officers will conduct checks involving tests or medical examinations, clinical and laboratory, in order to determine whether the person who was driving has used substances or plants classified as drugs.</p> <p>A decree of the Conseil d'Etat (Council of State) determines the conditions for application under this section.</p>
AUSTRIA	If, due to driving behaviour, an accident and/or physical anomalies, there is suspicion of a physical impairment and blood alcohol is ruled out, the police may conduct a drug test.
CANADA	"Reasonable grounds to suspect"

COUNTRY	<p>QUESTION 8</p> <p>What specific preventive measures (training, information campaigns, etc.) are taken with respect to vulnerable groups of the population (young, professional and elderly drivers).</p>
IRELAND	Educational programs in schools and follow-up counseling if caught and convicted
TURKEY	Informative videos broadcasted on TV
NORWAY	Traffic authorities, the national police, traffic police etc., have different information campaigns, through media etc.
U.K.	TV and radio advertising campaigns, 'THINK' campaign
SLOVAKIA	Another area that the Minister of Interior wants to focus is to teach learner drivers better driving skills, with the possibility of drivers having to be accompanied by an experienced driver for the first year after receiving their driving license.
SWEDEN	Information in schools such as "Don't drink & drive" conferences addressed to young people 15 to 24 years old. To applicants in driving schools by risk assessment lessons.
FINLAND	Training and information campaigns
PORTUGAL	There are preventive measures but they are for preventing the general consumption of drugs and not for driving under the influence of drugs.
ANDORRA	None.
HONG KONG	We have launched a voluntary drug test programme in secondary school in one of the 19 districts in Hong Kong

	<p>as a pilot scheme.</p> <p>The Road Safety Unit and Fight Crime Committee have also launched a series of anti-drug campaigns to the targeted groups.</p>
SWITZERLAND	-
THE NETHERLANDS	<p>Advertising on TV, BOB(Non Alcohol Driver= NAD) key chains, etc. In our region beercoasters are handed over after a test . Alcohol controls during evenings and nights from Friday to Saturday and Saturday to Sunday a priority. The number of drink drivers arrested in the North Holland North in recent years by intensive supervision increased from 1540 to 2008, 1,875 in 2009 to 2611 in 2010. Through Communication (Public Relations) is maximum attention to drink drivers and alcohol testing. On drugs, at present there is no specific TV advertising or information on drugs and driving. Alcohol and drug use also has a trade relationship with violence and nuisance.</p>
ITALY	Information campaigns from the Ministry of the interior and the Ministry of Health.
ESTONIA	There are no training courses. Also no special campaigns for drunk drivers have been carried out. There has been campaigns “Drive sober” and it involves drugs and alcohol.
AUSTRALIA VICTORIA	TV advertising mainly and via Transport Accident Commission of Victoria.
SOUTH AUSTRALIA	<p>In South Australia there are numerous preventative measures conducted by Police, the State and Federal Government and various agencies including the Road Safety Commission. Measures include media campaigns via:</p> <ul style="list-style-type: none"> • Radio and TV advertisements; • South Australia Police internet site; • Posters and information brochures; • School talks and presentations; • Mock traffic accident exercises for schools and young drivers;

	<ul style="list-style-type: none"> • Driver testing for elderly drivers who do not pass Doctor's medical tests when they are 70 years old or over;
AUSTRALIAN CAPITAL TERRITORY	Advertising campaign is being planned.
AUSTRALIA NSW REGION	<p>All measures. The main contributor to this is the New South Wales Roads and Traffic Authority.</p> <p>http://www.rta.nsw.gov.au/rulesregulations/penalties/serioustrafficoffences/alcoholanddrugs.html?rrlid=drugsandalcohol</p>
AUSTRALIA QUEENSLAND	Government advertising campaign (TV, Internet and print) Unit talks at high risk group meetings
CYPRUS	Information campaigns for drunk driving involve drug driving as well
FRANCE	See Annexes 1 to 4
AUSTRIA	<p>In the field of school road safety education, especially road safety education in vocational schools, the problem of drugs and driving is also discussed.</p> <p>Furthermore, offences relating to ADDICTIVE DRUGS also form part of the prevention programmes.</p>
CANADA	- Public education talks, media campaign (MADD, OSAID etc.)
GERMANY	Suspicion is needed.

COUNTRY	QUESTION 9 What rehabilitation measures are taken for repeated offenders?
IRELAND	Drivers license restrictions and/or cancellations
TURKEY	<p>First time conviction: 6 months suspension of driving license</p> <p>Second time conviction: 6 months jail punishment</p> <p>Police cancels the driving license if the same driver is caught driving for the third time under the influence of drugs</p>
NORWAY	The correction authorities have own programs for repeated offenders.

U.K.	Alcohol/drug rehabilitation programs can be included in sentencing and driving disqualification term can be reduced upon successful completion of program
SLOVAKIA	Repeated offenders can be prosecuted according to Criminal Code and the court can impose toxicomania treatment. The driving license suspension and fines are another measures according to valid legislation.
SWEDEN	<p>We have the “Skellefteå Method” or SMADIT, where early treatment measures are initiated by the investigating police officer, followed by an interview by the Local Councils, Social Department and then at a Hospital’s Psychiatric Clinic, Drug Abuse unit in order to start a rehabilitation process (alcohol). For drug abuse addicts who are repeatedly driving a motor driven vehicle under influence of other drugs than alcohol, we will use the legislative matter (LVM) where the drug addict, if necessary by using force can execute a placement at a psychiatric clinic, Drug abuse unit.</p> <p>Early treatment is vital to gain that goal.</p>
FINLAND	No specific rehabilitation measures for drug driving only
PORTUGAL	In this area, there are only sentences that become more severe when someone is a repeat offender.
ANDORRA	None.
HONG KONG	Repeated offenders would be taken care of by drug treatment centres and the social workers.
SWITZERLAND	-
THE NETHERLANDS	<p>Taking away the driving license for a short or longer term,</p> <p>Higher fines,</p> <p>Implementing a former punishment which was sentenced as a “conditional “measure,</p> <p>Adding extra penalty points.</p> <p>Having to take new driving license examination.</p>
ITALY	Drivers, since their very first offence, are guided to the local health authority to verify if they usually or occasionally use drugs and then they are directed to a rehabilitation program.
ESTONIA	No special measures have been used.

AUSTRALIA VICTORIA	No really conducted by police but handled by the courts
SOUTH AUSTRALIA	For repeat offenders: Under legislation Drug assessment is done on offenders who have 2 convictions in 5 years. Drug & Alcohol Services conduct assessment. Also every drug driver is given a drug information brochure.
AUSTRALIAN CAPITAL TERRITORY	Courts can direct attendance at courses.
AUSTRALIA NSW REGION	This is subject to a decision made by court.
AUSTRALIA QUEENSLAND	Unknown (Drug Diversion is a counseling option available to the courts)
CYPRUS	None for the time being
FRANCE	Article L235-4 Created by Act 2003-87 2003-02-03 Article 1(2) JORF 4 February 2003 I. - Any person guilty, being a repeat offender pursuant to section 132-10 of the Criminal Code, of one of the offences specified in Articles L. 235-1 and L. 235-3 of this Code, shall also incur the following additional penalties: 1) Confiscation of the vehicle the defendant has used to commit the offence, if they are the owner, the provisions of Article L. 325-9 then being applicable, if any, to the secured creditor; 2) The immobilisation, for a period of one year, of the vehicle which the defendant has used to commit the offence, if they are the owner. The act of destroying, misappropriating or attempting to destroy or misappropriate a vehicle seized or immobilised under (1) and (2) shall incur the penalties pursuant to section 434-41 of the Criminal Code. II. - Any conviction for offences under Articles L. 235-1 and L. 235-3 committed by a repeat offender within the meaning of section 132-10 of the Criminal Code automatically gives rise to the driver's licence being revoked and the inability to apply for a new licence for 3 years.
AUSTRIA	As already stated in cases of repeated alcohol or drug offences, driving ability is questioned and relevant official medical and specialist examinations are conducted. Only with positive completion of the screening is restoration of the driving licence possible. Generally, for known drug abuse, control tests are arranged by the respective health authority - they do not need

	to have a direct connection with the driving of motor vehicles under the influence of drugs.
CANADA	Program new to Canada and not aware of any programs like there are for Alcohol driving convictions.

COUNTRY	QUESTION 10 Are you aware of the existence of any statistics which reveal a correlation between drug driving and road traffic accidents?
IRELAND	No
TURKEY	65%
NORWAY	IPA Norway doesn't have this information.
U.K.	Safemotoring.co.uk, RAC, Association of Chief Police Officers
SLOVAKIA	No
SWEDEN	<p>25% of all fatal accidents in Sweden were related to alcohol or narcotics (1997-2006).</p> <p>During one year about 1 000 alcohol related road injury crashes were reported by the police, whereof 150 drivers or passengers were fatally injured.</p> <p>During year 2010, the number of fatally injured in crashes related to alcohol and other drugs, have been reduced to 46!</p>
FINLAND	<p>2010: 698 cases of drunk and drug driving, 3125 cases of drug driving, 17200 cases of drunk driving</p> <p>In cases of road traffic accidents, drug riving is 15% of all drunk driving accidents</p>
PORTUGAL	I am not aware of any statistics on this subject, only regarding alcohol.
ANDORRA	No
HONG KONG	It is slightly correlated to the severity of the traffic accident.
SWITZERLAND	No, I am not aware of any meaningful statistics. The publications I am aware of, e.g. the bfu (Swiss Council for Accident Prevention) documentation 'Alcohol and illicit drugs in road traffic: extent, risks, measures' refer to foreign studies.
THE NETHERLANDS	I think that drugs and drug use in many traffic accidents is not known because there is insufficient attention or inadequate resources to find out. The saliva and other tests as well as our own experiences, will lead to an

	increase in detected cases of driving under the influence of drugs
ITALY	The ISTAT (the Italian Central Institute of statistic) has not carried out a monitoring system for this problem yet (whilst it still exists for the alcohol abuse); in the case of a road accident the driver must undergo clinical controls, but, for instance in the case of his death, the autopsy is not compulsory and Police Forces are not required to supplement the statistic form with these data.
ESTONIA	We do not have any statistics on this matter.
AUSTRALIA VICTORIA	Contacted my Traffic Department who indicated that most single car accidents showed driver with drugs in their system.
SOUTH AUSTRALIA	Fatal statics in South Australia show that over the last 5 years 20% of samples from the road deaths involving a driver or rider contained the 3 proscribed drugs tested for in our roadside testing environments. Anecdotally, 8-9% of our seriously injured drivers are testing positive to one or more of the proscribed drugs.
AUSTRALIAN CAPITAL TERRITORY	No
AUSTRALIA NSW REGION	Yes.
AUSTRALIA QUEENSLAND	Yes unable to release that information but drug testing was implemented due to the number of fatalities involving drugs in the deceased's blood is well over 50%
CYPRUS	During 2010, out of the 56 fatalities as a result of road traffic accidents, 2 were under the influence of drugs and 2 – drugs and alcohol, or a total of 7,14%.
FRANCE	The "Drugs and fatalities" survey issued in 2005 by the French Monitoring Centre for Drugs and Drug Addiction is the baseline study in France. It establishes that for nearly 11,000 drivers involved in fatal accidents, 8% tested positive for drugs of which 87.5% were for cannabis. Half of them were aged under 25. 230 deaths in road accidents could have been avoided if all drivers had respected the laws concerning drug consumption. In addition, driving under the influence of drugs is very often associated with excessive alcohol consumption,

which multiplies the risk of a fatal accident by a factor of 14.
63 500 "drug" checks were made by law enforcement agencies in 2009 and 34.6% of them were positive.

LES INFRACTIONS AU CODE DE LA ROUTE

STUPEFIANTS	Nombre de délits							Evolution
	2003	2004	2005	2006	2007	2008	2009	
Conduite d'un véhicule après usage de stupéfiants	70	1 577	4 409	6 359	8 917	12 640	20 968	+ 66%
Refus de se soumettre au dépistage de produits stupéfiants	5	112	435	193	232	304	489	+ 61%
Total	75	1 689	4 844	6 552	9 149	12 944	21 457	+ 66%

Conduite d'un véhicule après usage de stupéfiants et sous l'empire d'un état alcoolique	208	528	922	1 212	1 633	2 130	3 268	+ 53%
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TOTAL	283	2 217	5 766	7 764	10 782	15 074	24 725	+ 64%
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LES INFRACTIONS AU CODE DE LA ROUTE

HIGHWAY CODE OFFENCES

STUPEFIANTS

DRUGS

Nombre de délits

Number of offences

Evolution

Trend

	Conduite d'un véhicule après usage de stupéfiants	Driving a vehicle after taking drugs
	Refus de soumettre au dépistage de produits stupéfiants	Refusal to undergo a drug test
	Total	Total
	Conduite d'un véhicule après usage de stupéfiants et sous l'empire d'un état alcoolique.	Driving a vehicle after taking drugs and under the influence of alcohol.
AUSTRIA	Such statistics are not known, but there are always publications that show correlations. Where the authors get their figures and how they interpret them is unknown.	
CANADA	Not at this time	