



Prescribed Cannabis Medicines and Driving

Guidance for Patients

As a patient prescribed with a cannabis medicine, you can possess and take your medicine, and continue to drive a motor vehicle so long as:

- you are not impaired
- the cannabis medicine has been prescribed to you and this can be evidenced
- you are following the directions provided by your specialist consultant and the instructions given by the manufacturer or distributor of the medicine

If you can provide sufficient evidence that you meet the criteria above, you have a statutory medical defence. You should not be arrested and have a defence to the offence of driving or being in charge of a motor vehicle with THC over the specified limit of $2\mu\text{g/L}$ in the blood.

Following the guidance in this leaflet and raising your statutory medical defence if you are stopped on the roadside, will help you to avoid unnecessary blood samples, arrest and potential prosecution.



Patient Responsibilities

1. Do not drive impaired

- It is an offence to drive whilst impaired by medicines or for any other reason
- It is the responsibility of all drivers, including patients, to consider whether they believe their driving is, or might be, impaired on any given occasion
- Do not drive if you are experiencing sleepiness, poor coordination, impaired or slowed thinking, dizziness, or visual problems
- Do not to drive when the risk of impairment may be temporarily increased, for example, when first starting, or when first increasing or reducing the dose of your medicine
- Take particular care if you are taking other prescribed or over-the-counter medicines that could impair your driving or interact with your medical cannabis prescription to impair your driving
- Take particular care if you have a developing medical condition that could increase the risk of the impairing side effects of your prescription (eg. a serious illness with recent marked weight loss)
- Be aware that alcohol taken in combination with other impairing drugs can substantially increase the risk of accidents
- **The statutory medical defence cannot be used if a patient is impaired**

2. Follow specialist and manufacturer guidance

- You must follow the directions provided to you by your specialist consultant, including dosing instructions, use with other medicines (prescribed and over-the-counter) and impairment.
- You must also follow any accompanying instructions (so far as consistent with any directions by your specialist consultant) given by the manufacturer or distributor of the medicine.

3. Carry Evidence

- Carry the following, up to date, documentation with you in your vehicle:
 - A physical or digital copy of your most recent prescription
 - Photo ID eg. driver's licence
 - If possible, a physical or digital letter from your specialist confirming you are their patient
- If you need to carry your medication with you, it must be in its original packaging, as dispensed by the pharmacist, with the label showing your name

What to do if you are stopped by the police

- ✓ Remain calm, polite and compliant
- ✓ There is no need to mention that you are prescribed a cannabis medicine unless the police suspect you have used cannabis or are impaired in some way
- ✓ If the police suspect you have cannabis in your system, calmly inform them that you are legally prescribed a cannabis medicine, that you have a medical defence to exceed the limit and share your documentation with them
- ✓ The police are now legally obligated to investigate your medical defence
- ✓ If the police insist on a roadside swab to detect THC, remind them that you are legally prescribed a cannabis medicine (and legally permitted to possess the medication) and that preliminary tests are to identify the presence of illicit - not legal - controlled drugs
- ✓ You may want to share the Guidance for Police (which includes a link to a full evidence pack) via the QR link on the next page
- ✓ If the police continue to insist on a roadside swab, it may be best to take the test, remain calm and follow their instructions
- ✓ If the police ask to conduct an impairment test you should comply, as failure to cooperate may amount to a separate criminal offence
- ✓ If you are arrested and taken to a police station to be interviewed under caution, it is vital that you request representation by either a solicitor of your own choosing, or the duty solicitor. Inform the solicitor of your medical defence and the basis for it

Conclusion

Provided you follow the patient responsibilities above, you will have a defence to driving or being in charge of a motor vehicle with THC over the specified limit. You should not be arrested or prosecuted.

In the unlikely event that you are arrested, please contact Seed our Future Ltd for further advice and support by emailing seedourfuture@mail.com

For a digital copy of this leaflet, a summary Guidance for Police and all the supporting evidence, please follow the QR link below.

Disclaimer: Please note this guidance does not consist legal advice, which should be sought from a solicitor and be patient-specific.



Digital Copy



Guidance for Police

Contributors

Written by: Seed Our Future and FCBD Consulting

Reviewed by: BCL Solicitors

Support from: CIC Members (Standards Working Group)

enquiries@cicouncil.org.uk
cicouncil.org.uk

