



# New drugs and driving legislation: Advice for pharmacists and their patients

A QUICK REFERENCE GUIDE

## Background

Currently, Section 4 of the Road Traffic Act 1988 includes an offence of driving whilst impaired through drugs, regardless of whether or not the drugs are being used legitimately. This means that if a patient's driving is found to be impaired by medicines, even if he or she is taking them as prescribed or as recommended in the product information, he or she may still be prosecuted.

A new additional offence of driving with certain specified drugs in excess of specified levels will come into force on 2 March 2015 in England and Wales. The legislation also provides for a statutory "medical defence" for patients taking their medicines as prescribed or in accordance with product information.

Roadside drug screening devices will use saliva to identify if a driver has taken one of the drugs listed below, or a drug that is metabolised to one of these. The first group are commonly abused drugs for which low limits have been set, the second group consists mainly of licensed medicines that have a significant liability to be abused and the specified limits have been set higher than those for the first group.

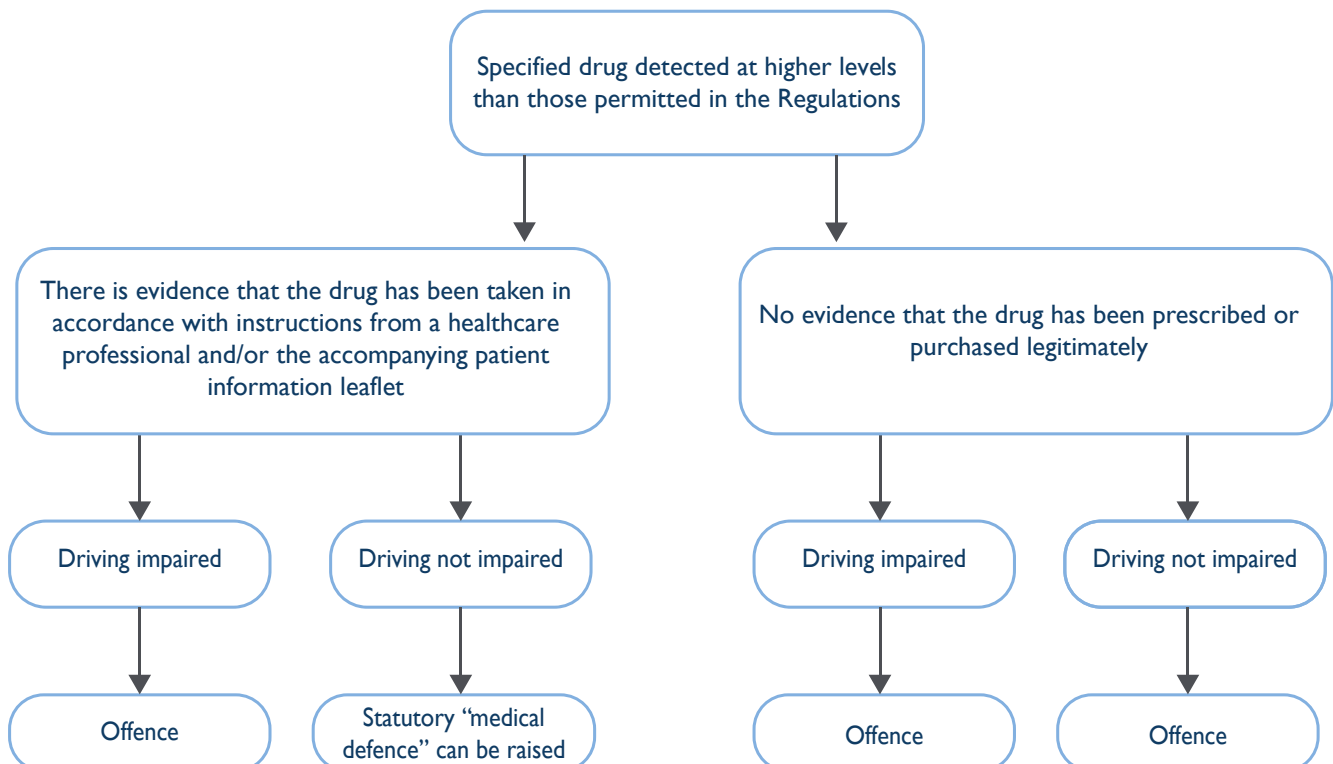
## Specified drugs

**First group**  
 Cannabis (THC)  
 MDMA (ecstasy)  
 Ketamine  
 Methylamfetamine  
 Cocaine (and a cocaine metabolite, BZE)  
 Lysergic acid diethylamide (LSD)  
 Heroin/diamorphine metabolite (6-MAM)

**Second group**  
 Clonazepam  
 Diazepam  
 Lorazepam  
 Oxazepam  
 Temazepam  
 Flunitrazepam  
 Methadone  
 Morphine

Amfetamine is expected to be included later in 2015 once a limit has been agreed.

## Summary of how the new drug driving offence fits in with existing legislation



To protect patients who may test positive for certain drugs as a result of taking medicines in accordance with advice from a healthcare professional or the patient information leaflet, the new offence has a statutory "medical defence". This may be raised at any point providing that the drug was:

- Lawfully prescribed, supplied or purchased over-the-counter, for medical or dental purposes; and
- Taken in accordance with advice given by the prescriber or supplier, and in accordance with any accompanying written instructions (provided these are consistent with any advice given by the prescriber).

Patient specific advice provided by a healthcare professional may sometimes differ from the general information given in the patient information leaflet of a medicine. In these cases, the advice provided by the healthcare professional may be used as a basis for the patient's statutory "medical defence".

Pharmacists should be mindful of any new medicines added to a patient's regime that may interact with their existing therapies, affecting the metabolism of one of the specified drugs. They should also be cautious if there is a developing medical condition that could increase the risk of side effects from a medicine (e.g. during the development of a serious illness with significant weight loss).

### Advice for patients

Reminder of the advice that should be provided to all patients receiving medicines that may impair driving ability:

- You must not drive if you feel sleepy, dizzy, are unable to concentrate or make decisions, have slowed thinking, or if you experience sight problems. If the medicine is one that could affect your driving ability, you should not drive until you know how the medicine affects you as an individual, particularly when starting a new medicine or following a dose change.
- If you start a new medicine, even if it is one that does not directly affect your driving you should check with your pharmacist if it could have an effect on any of the medicines you are already taking that could in turn affect your driving.
- Remember that alcohol taken in combination with medicines, even in small amounts can greatly increase the risk of accidents.
- An untreated medical condition may itself cause driving impairment and so it is important that you do not stop taking your medicines.

In addition to this, patients who are taking medicines that are affected by the new legislation should also receive the following information and advice:

- There is new legislation in place which places limits on the amounts of certain drugs that you can have in your blood stream whilst driving. There is a "medical defence" for those who are taking medicines in line with a healthcare professional's advice, provided that their driving is not impaired.
- Keep some suitable evidence with you when driving to show that you are taking your medicine as prescribed or supplied by a healthcare professional. Examples of evidence could include a repeat prescription slip for a prescribed medicine or the patient information leaflet for a P or GSL medicine.

It is important to note that if the individual's driving is impaired, they can still be prosecuted under the existing offence of driving whilst impaired through drugs, for which there is no statutory "medical defence". It remains the responsibility of all drivers to consider whether their driving is or could be impaired by their medicines.

### Further information

The Department for Transport has issued a [press release](#) asking pharmacies to support their campaign to help patients understand the changes to drug driving legislation. This includes a [partner pack](#) to download and details of how pharmacies can register their interest and obtain campaign materials such as posters, leaflets and stickers.

- SI 2014/2868 The Drug Driving (Specified Limits) (England and Wales) Regulations 2014: <http://www.legislation.gov.uk/uksi/2014/2868/contents/made>
- Department for Transport. Guidance for healthcare professionals on drug driving July 2014: <https://www.gov.uk/government/publications/drug-driving-and-medicine-advice-for-healthcare-professionals>
- Driving after taking drugs and medicines. The Pharmaceutical Journal, 16 September 2014: <http://www.pharmaceutical-journal.com/learning/cpd-article/driving-after-taking-drugs-and-medicines/20066477.cpdarticle>
- Medicines and Healthcare Products Regulatory Agency. Drug Safety Update July 2014. Drugs and driving: blood concentration limits to be set for certain controlled drugs in a new legal offence (includes link to leaflet for patients): <http://www.mhra.gov.uk/Safetyinformation/DrugSafetyUpdate/CON432898>
- Medicines and Healthcare Products Regulatory Agency. Drug Safety Update October 2014. Drugs and driving: clarification for Wales, Scotland, and Northern Ireland: <http://www.mhra.gov.uk/Safetyinformation/DrugSafetyUpdate/CON462303>
- Royal Pharmaceutical Society quick reference guide: [Counselling patients on medicines](#)

### RPS Support

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