

Driving Under the Influence of Drugs in Ireland

Example scenarios which can arise during road traffic law enforcement for driving under the influence of drugs.

Scenario 1

Driver is randomly stopped at a mandatory intoxicant checkpoint by Gardaí and asked to provide a specimen of oral fluid which is tested for drugs.

- The oral fluid test is positive for benzodiazepines.
- The driver explains that he is legitimately prescribed benzodiazepines for a medical condition by his Doctor.
- The Garda assesses whether the driver is impaired.
- Garda is satisfied that the driver is not impaired and there is no further action.
- Driver continues on his journey.

Scenario 2

Occasional cannabis smoker has smoked a few joints on Saturday night finishing at 3am. Wakes up Sunday at 8am and decides to use his car. On the journey he is stopped at a Garda mandatory intoxicant checkpoint and his oral fluid is tested.

- Oral fluid is positive for cannabis.
- The Garda has no evidence of impairment.
- Driver arrested and a blood specimen is taken within 3 hours.
- Blood specimen sent to the Medical Bureau of Road Safety for testing.
- Cannabis is confirmed by the detection of Δ^9 -tetrahydrocannabinol at a concentration of 2ng/ml (limit is 1ng/ml).
- A statutory certificate is issued to the driver and the Garda.
- Driver is prosecuted and, if convicted, will be disqualified from driving for 1 year. Fine and prison sentence is also possible.

Scenario 3

Driver is spotted by Garda weaving from one side of the road to the other. His lights are not on, even though it is midnight on a poorly lit public road. The Garda stops the driver and there are obvious signs of impairment such as slurred speech and unstable gait.

- The Garda has formed the opinion that the driver is impaired.
- Driver arrested and a urine specimen is taken within 3 hours.
- Urine specimen is sent to the Medical Bureau of Road Safety for testing.
- The presence of the benzodiazepine alprazolam and its metabolite alpha-hydroxyalprazolam are confirmed in the urine.
- A certificate stating that the presence of a 'benzodiazepine class' drug has been detected is issued by the MBRS to the driver and the Garda.
- Driver is prosecuted and in court presents valid prescription for the drug alprazolam.
- The Garda's impairment evidence is accepted by the court and the driver is convicted.
- The penalty is disqualification from driving for 4 years. Fine and prison sentence are also possible.

Scenario 4

Young man on a weekend away, in a country where cannabis is legally available, smokes cannabis while there. Finishes smoking cannabis on Saturday night at 11pm. Flies back on a flight landing in Dublin at 8pm on Sunday. Drives home and is stopped at a mandatory intoxicant checkpoint.

- Oral fluid is tested for cannabis and other drugs.
- Oral fluid negative for cannabis due to the time since last smoking cannabis.
- No further action and driver continues home.

Scenario 5

A driver, who is legally prescribed medicinal cannabinoids, is stopped at a mandatory intoxicant checkpoint.

- Oral fluid is tested for cannabis and other drugs.
- Oral fluid positive for cannabis.
- Driver confirms they are legally prescribed a medicinal cannabis product and produces a statutory medical exemption certificate for medicinal cannabis.
- The Garda does not form the opinion that the driver is impaired and the driver continues on their journey.

Scenario 6

Driver is observed driving erratically on a motorway. The Gardaí pull the car over and find that the driver is obviously impaired.

- Oral fluid is tested for cannabis and other drugs.
- Oral fluid positive for cannabis.
- Driver confirms they are legally prescribed a medicinal cannabis product and produces a statutory medical exemption certificate for medicinal cannabis.
- The Garda forms the opinion that the driver is impaired and the driver is arrested.
- A blood specimen is taken within 3 hours.
- Blood specimen sent to the Medical Bureau of Road Safety for testing.
- Cannabis is confirmed by the detection of Δ^9 -tetrahydrocannabinol at a concentration of 10ng/ml (limit is 1ng/ml).
- A statutory certificate is issued to the driver and the Garda.
- Driver is prosecuted and, if convicted, will be disqualified from driving for 4 years. Fine and prison sentence is also possible.