Understanding Prescription Drug DUI Charges in Pennsylvania

When most people think of DUI, they picture someone who has had too much alcohol. But in Pennsylvania, a DUI charge can also come from prescription medication. Many drivers don't realize that their legal prescription can lead to an arrest, license suspension, and even jail time. If you take a prescribed controlled substance, you need to know how the law applies to you.

I have seen clients who were shocked to learn that the medicine they take every morning put them at risk of a drunk driving charge. It does not matter if the drug was prescribed by a doctor. What matters is whether the medication impairs your ability to drive safely. And the state has a very low tolerance for any impairment behind the wheel.

How Prescription Drugs Affect Your Driving

Prescription drugs that can impair driving include painkillers, anxiety medication, sleep aids, muscle relaxants, and even some antidepressants. These drugs can cause drowsiness, blurred vision, slowed reaction time, and poor coordination. The effect is similar to alcohol, which is why police officers treat them the same way.

In Pennsylvania, the law does not distinguish between illegal drugs and prescription drugs when it comes to DUI. If a drug impairs your ability to drive, you can be charged with a DUI. The key is that the state does not need to prove a specific BAC level for drugs, because the impairment standard is different. Instead, the prosecutor relies on observations from the traffic stop, field sobriety tests, and chemical test results.

The Role of Field Sobriety Tests and Drug Recognition Experts

When you are pulled over on suspicion of a prescription drug DUI, the officer will likely ask you to perform field sobriety tests. These tests include walking in a straight line, standing on one leg, and following an object with your eyes. The officer is looking for clues of impairment that are common with certain categories of drugs.

If the officer suspects drug impairment, they may call a drug recognition expert, or DRE. A DRE is a specially trained officer who can identify which class of drug is causing impairment. The DRE will conduct a 12-step evaluation that includes checking your pulse, pupil size, and eye reactions. They will also interview you and look for other signs like tremors or unusual behavior. The DRE's opinion can be powerful evidence in court, so it is important to understand what they are looking for.

If you refuse to take a field sobriety test or a chemical test, you face immediate consequences under Pennsylvania's implied consent law. By driving on state roads, you have already agreed to submit to chemical testing. Refusal results in an automatic license suspension of 12 months for a first offense, and up to 18 months for subsequent refusals. This is separate from any DUI penalty.

Chemical Testing for Drugs

Chemical testing for alcohol is straightforward: a breathalyzer gives a BAC number. For drugs, the process is more complicated. Blood or urine samples are sent to a lab to detect the presence of controlled substances. The results can show not just that a drug is in your system, but also its concentration. However, the mere presence of a drug does not automatically mean you were impaired. The prosecutor must show that the drug had an impairing effect.

This is where a defense attorney can make a difference. An experienced criminal defense lawyer can challenge the accuracy of the test, the chain of custody of the sample, and whether the drug actually affected your driving. In some cases, the medication you take may not have been at a level that would cause impairment. A skilled attorney can also argue that the officer's observations were not caused by drugs but by something else, like fatigue or a medical condition.

Penalties for a Prescription Drug DUI in Delaware County

If you are charged with a prescription drug DUI in Delaware County, the case will be heard in the court of common pleas. The penalties depend on your prior record and the specific circumstances of the arrest. For a first offense, you may face up to six months of probation, a fine, and a license suspension of 12 months. You will also be required to complete a substance abuse evaluation and attend driver improvement school.

For a second offense, the penalties increase significantly. You could face jail time, a longer license suspension, and the requirement to install an ignition interlock device on your vehicle. An ignition interlock requires you to blow into a breathalyzer before the car will start. For a third offense, you are looking at a felony charge and mandatory prison time.

One option that may be available for first-time offenders is the ARD program. ARD stands for Accelerated Rehabilitative Disposition. It is a pretrial diversion program that allows you to avoid a conviction if you complete certain requirements. If you are accepted into ARD for a prescription drug DUI, you will need to complete a period of probation, pay fines, and attend a substance abuse education class. Successful completion results in the charge being dismissed and your record being expunged. However, ARD is not automatically granted. The prosecutor must approve it, and the judge must agree.

How an Attorney Can Help

If you are facing a prescription drug DUI charge in Delaware County, you need an attorney who understands the nuances of drug impairment cases. A good criminal defense lawyer will examine every detail of your arrest, from the traffic stop to the chemical test. They will look for procedural errors, such as whether the officer had probable cause to pull you over or whether the DRE evaluation followed proper protocol.

Your lawyer can also negotiate with the prosecutor to reduce the charges or get you into the ARD program. In some cases, they may be able to get the charge dismissed entirely if the evidence is weak. For example, if the chemical test showed only trace amounts of a drug that does not typically cause impairment, the prosecutor may agree to drop the case.

It is also important to remember that a DUI conviction stays on your driving record for many years. PennDOT will impose a license suspension, and your insurance rates will go up. You may also face professional licensing issues if you hold a commercial driver's license or work in certain fields.

What to Do If You Are Pulled Over

If you are pulled over and you have taken a prescription drug, stay calm. Be polite and cooperative with the officer, but do not admit to taking any medication unless you are sure it is relevant. You have the right to remain silent. You do not have to answer questions about what drugs you have taken. You should also know that you can refuse a field sobriety test without immediate legal penalty, though refusing a chemical test will trigger a license suspension under implied consent.

If you are arrested, call a lawyer as soon as possible. Do not speak to the police about the case without your attorney present. The earlier you get legal help, the better your chances of a favorable outcome.

Driving while impaired by prescription medication is a serious matter in Pennsylvania. The state's DUI laws are broad enough to cover any substance that affects your ability to drive safely. Whether you take a daily painkiller or an occasional anxiety pill, you need to understand the risk. A prescription drug DUI charge can upend your life, but with the right legal defense, you can protect your rights and your future.