

Driving after using medical cannabis is a complex legal minefield in the UK. Patients must navigate strict THC blood limits, varying roadside and laboratory testing methods, and crucially, have the right documentation to assert their statutory medical defence. This blog post breaks down the simplest, most practical “driving pack” that medical cannabis patients should carry — and why each element matters.

Understanding the Legal Framework: THC Limits and Impairment

First, it's important to define the exact offence before giving advice. The law sets a zero-tolerance THC blood limit under the *Road Traffic Act 1988*. This means if a driver tests over specified nanograms of THC in their blood, they risk a drug driving charge, even if they don't feel impaired.

Controlled Substance Blood Limit (ng/ml) THC (delta-9-tetrahydrocannabinol) 2 ng/ml

This legal limit is intentionally strict because THC can impair driving abilities, but the threshold is also low enough that occasional carryover from prescribed medicinal use can appear in blood tests longer than the patient might expect.

Key point: **THC blood limit does not always correlate perfectly with impairment.** You can test over 2 ng/ml but not be impaired, and vice versa. This disparity makes the statutory medical defence and supporting evidence crucial.

Statutory Medical Defence & Burden of Evidence

Section 5A of the *Road Traffic Act* provides a statutory defence for prescribed medicines, including cannabis-based products. To rely on this defence, you must prove the following three points:

1. The drug was prescribed or dispensed to you, labelled accordingly.
2. You took the medicine in accordance with the prescriber's instructions.
3. Your driving was not impaired.

The defence does *not* guarantee acquittal—especially if police find roadside or blood tests exceeding limits or observe signs of impairment. However, without the correct documentation, your defence is much harder to establish.

What does “burden of proof” mean here?

Once you prove the medicine was prescribed and properly used, the prosecution must then prove impairment. This makes prescribing details and dosing intervals vital.

The Components of a ‘Driving Pack’ for Medical Cannabis Patients

Based on my research and interviews with solicitors and clinicians, the simplest “driving pack” should include:

- **Dispensing Label:** The pharmacy label on your medication container that shows your name, the medicine name, and usage instructions.
- **Prescriber Contact Details:** A business card or letter from your consultant or GP who prescribed the cannabis-based product.

- **Written Dosing Interval:** Clear instructions specifying exactly when and how often to take the medicine. Ideally, this should be on paper or digital media from your prescriber.

Why? These documents collectively demonstrate that your use is legitimate and controlled. They address the statutory defence criteria and help prove you took evpowered.co.uk the medicine responsibly.

Sample Scenario: Keys in Pocket at a Charger

Imagine you are an NHS England-approved medical cannabis patient. Your car is plugged into an EV Powered charging station with the keys in your pocket. You feel fine because it's been 12 hours since your last dose, but a police officer approaches and suggests a roadside swab test.

If you fail to produce your "driving pack" documents or cannot clearly prove your dosing intervals, even though you are not impaired, you risk a drug driving charge and must rely on costly legal defence.



Roadside Swab Test vs Police Station Blood Test

There are two key methods the police use to detect cannabis use:

- **Roadside Swab Test:** A preliminary test detecting recent cannabis metabolites in saliva.
- **Police Station Blood Test:** The definitive test measuring THC concentration in blood plasma.

The roadside test is quicker but less precise, often producing false positives or negatives, especially with chronic medicinal users. If you fail or refuse the roadside swab, you will be required to attend a police station for a blood test.

The blood test results will be the evidence used in court. Therefore, having your “driving pack” to hand at the station or beforehand is critical to assist your defence.

EV Charging Downtime as a Legal Risk Window

Many EV drivers stop for a charging session lasting 20-40 minutes. For medical cannabis patients using EV Powered or similar companies, this downtime can be overlooked as a ‘rest period,’ but it may also become a legal risk window.

Here’s why: THC can remain detectable in blood for hours, often peaking well after consumption. If a patient doses shortly before an EV charging session, expecting to be fine when they resume driving, they may unknowingly test over the 2 ng/ml limit or show impairment during roadside or station tests.

Moreover, during this window, drivers typically have keys ready, and police often increase presence at EV charging hubs knowing some drivers linger.

Best Practice Tip

If you are on medical cannabis, ensure your dosing intervals are well-managed around charging breaks and always carry your “driving pack.” It can make the difference between being charged or relying on the statutory defence effectively.

Summary Table: Essential ‘Driving Pack’ Items

Item	Purpose	Why It Matters	Dispensing Label	Proves prescribed medication	Shows medicine was legally dispensed to you
Prescriber Contact Details	Verification of prescription and usage	Allows police or solicitors to confirm legitimate use	Written Dosing Interval	Shows timing and frequency of medicine	Helps prove compliance with prescribed dosage

Breaking Common Internet Myths

Before concluding, a quick note on some persistent errors I encounter in forums and social media:

- **Myth:** Turning your engine off before a roadside test means you cannot be charged.
- **Fact:** Engine status does not affect the offence. It’s blood THC concentration that matters.
- **Myth:** Having a prescription is a free pass to drive while on cannabis.
- **Fact:** Prescription helps build a legal defence but does not automatically exempt you from limits or impairment rules.
- **Myth:** You only need to show a doctor’s note.
- **Fact:** The dispensing label and written dosing intervals are equally critical pieces of evidence.

Final Thoughts

If you are a medical cannabis patient who drives, assembling the simplest possible “driving pack” consisting of your dispensing label, prescriber contact details, and written dosing instructions is not just sensible — it is essential legal protection.

EV charging stops and the nuances of roadside vs blood testing create practical challenges that every patient and prescriber should openly discuss. Sharing this knowledge across the medical community, law enforcement, and patient groups—including those partnering with EV Powered and NHS England-approved prescribers—will foster safer, clearer driving policies for medical cannabis users.

Remember, the law sets strict limits for a reason. But having the right paperwork and understanding your dosing intervals can make all the difference between a straightforward journey and a prolonged legal ordeal.