

Many drivers prescribed cannabis-based products for medicinal use (CBPM) wonder if simply having their medication in the car can land them in legal hot water. This concern has grown with increasing roadside police checks and advanced detection tools such as swab tests and blood analyses. Understanding the law, including concepts like THC blood limits versus actual impairment, the statutory medical defence, and how tests work in practice, is vital. This post explains these issues clearly, referencing key organisations like **EV Powered**, **NHS England**, and the **General Medical Council (GMC)**. We'll also address practical scenarios like the role of EV charging downtime in legal risk windows.

Defining the Offence: Possession vs Driving Under the Influence

Before answering the main question, it's crucial to define the specific offence involved. Under UK law, driving or attempting to drive while impaired by drugs, including THC, is illegal. This is usually prosecuted under Section 5 of the Road Traffic Act 1988 (driving under the influence). There's also a separate offence under Section 6 related to having certain controlled drugs in your body above prescribed blood limits, regardless of impairment.

Crucially, *just possessing a controlled drug in your vehicle does not automatically mean you commit a driving offence*. Possession of the drug itself, separate from its presence in your bloodstream, is covered under separate drug laws. Medicinal CBPM possession is legal only if you:

- Have a valid prescription
- Carry the original dispensing label
- Follow instructions given by healthcare professionals

The concept of **lawful possession with prescription** is central to a statutory medical defence.

Lawful Possession with Prescription: Your Key Defence

If you are prescribed CBPM by a recognised medical authority and the medication is dispensed according to NHS England guidelines, possessing it in your car is legal. This is because you have a valid medical reason and documentation.

The **General Medical Council (GMC)** emphasises doctors' responsibilities to ensure patients understand the risks of driving while using medications that might impair them.

Key requirements for lawful possession include:

1. Carrying the original dispensing label with your name, dosage, and prescribing doctor's details.
2. Following the prescribed dosage and administration instructions.
3. Securely storing the medication (e.g., prescription bottle in a sealed bag or a dedicated medicine box, not loose in the glove compartment).

A small real-world scenario: *Keys in pocket at a charger*. If you plug your electric vehicle (EV) into a charger owned by EV Powered and your CBPM is in the car but sealed and labelled correctly, possession is lawful so long as the medication has not influenced your driving.

THC Blood Limits vs Impairment: Understanding the Distinction

The UK sets very strict blood limits for THC under Section 6A(1)(a) of the Road Traffic Act. This means you can be caught and penalised even if you are not impaired, simply if your blood THC level exceeds the set threshold:

Substance Blood Limit (nanograms per millilitre) Delta-9 THC 2 ng/ml

However, these limits are blunt tools. THC metabolites can linger in the bloodstream long after any impairing effects have worn off. This means:

- You may not show impairment despite exceeding limits.
- The police can prosecute you purely based on blood THC concentration under zero-tolerance rules, regardless of actual driving capability.

This creates some tension with the statutory medical defence, which requires evidence you were following lawful prescription parameters and were not impaired.

Roadside Swab Test vs Police Station Blood Test

Police nowadays rely on a two-stage testing approach:

1. **Roadside Swab Test:** A quick on-the-spot test on saliva or oral fluid to detect traces of controlled substances. This is a preliminary screen.
2. **Police Station Blood Test:** A laboratory analysis calibrated to measure precise THC concentrations in the blood.

The roadside swab test is used mainly to determine probable cause to require a blood test. While quicker, it can generate false positives or detect inactive metabolites.

The following flowchart summarises the procedure:

Step	Action	Purpose
1	Roadside swab test	Screen for presence of THC or other drugs
2	Fail swab = taken to police station for blood test	Determine precise drug levels
3	Blood test results analysed in forensic lab	Assess exceedance of legal limits

There's a misconception that refusal to submit to a swab or blood test means automatic guilt. But legally, refusal can itself be an offence with consequences, so knowing your rights and following procedure is essential.

EV Charging Downtime: A Legal Risk Window

Many modern drivers use electric cars, often plugging in their vehicles at infrastructure providers like EV Powered. This situation opens a new legal risk window often overlooked.

Here's the scenario:

- You enter a petrol station or EV charging point, such as one operated by EV Powered.
- You keep the keys with you, possibly with CBPM medication in your vehicle.
- You step away to use the charger and occupy the time in a cafe or nearby location.

This downtime can be risky if you still have THC in your system from earlier consumption, especially if the police have stopped the vehicle or you are under suspicion.

The issue is the timing of sample collection matters. The roadside swab and station blood tests could happen minutes or hours after your last dose, meaning THC blood levels might fluctuate or reach detectable levels even when you're not actively driving.

So EV charging breaks are a critical window during which possession of CBPM in the car is lawful but the risk of a positive test without impairment increases.

Summary of Practical Advice

If [dispensing label proof prescription](#) you use CBPM and drive, here's a quick checklist to protect yourself:

- **Always carry the original prescription and dispensing label.** Having your prescription paperwork available proves lawful possession.
- **Store your medication securely and in original containers.** Loose pills or unlabelled cannabis oils increase suspicion.
- **Know your timing.** THC blood levels may linger. Avoid driving if recently dosed or if impairment is possible.
- **At the roadside, cooperate calmly.** The roadside swab does not prove impairment but can trigger further testing.
- **Do not assume an engine off, keys out situation guarantees safety.** Police can still require tests if suspicion arises.
- **Use official NHS England advice and consult your doctor per GMC guidelines.**

Frequently Asked Questions

Can simply having my prescribed CBPM in the car get me prosecuted?

Not by itself. Lawful possession with prescription and dispensing label protects you. But driving with THC blood over the limit, regardless of possession, is an offence.

Can police use roadside swab tests to convict me?

Roadside tests alone cannot convict. They indicate suspicion and lead to blood tests, which provide definitive evidence by measuring blood THC concentrations.

What if I refuse a blood test?

Refusal is an offence with similar consequences to failing a test. It's best to comply and seek legal advice later.

Does charging my EV with my CBPM in the car affect my legal risk?

Potentially yes, as charging periods create windows where THC in the bloodstream may be detected long after impairment subsides, increasing risk during police checks.

Conclusion

Possessing your CBPM in the car is lawful if you follow NHS England prescription rules and carry the correct labels. However, the legal environment around THC levels is stringent: you can't rely solely on lawful possession if your blood THC exceeds legal limits during driving or tests. Roadside swabs and station blood tests provide police with escalating levels of evidence, making awareness and compliance essential.

Keep in mind that modern EV use and charging downtime can increase the complexity of when and where you might be tested, so manage your medication and driving carefully. For personalised advice, consult your prescribing doctor and a solicitor familiar with Road Traffic Act drug cases.

