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Roadside Saliva Drug Testing. What This Means for Medicinal Cannabis Patients

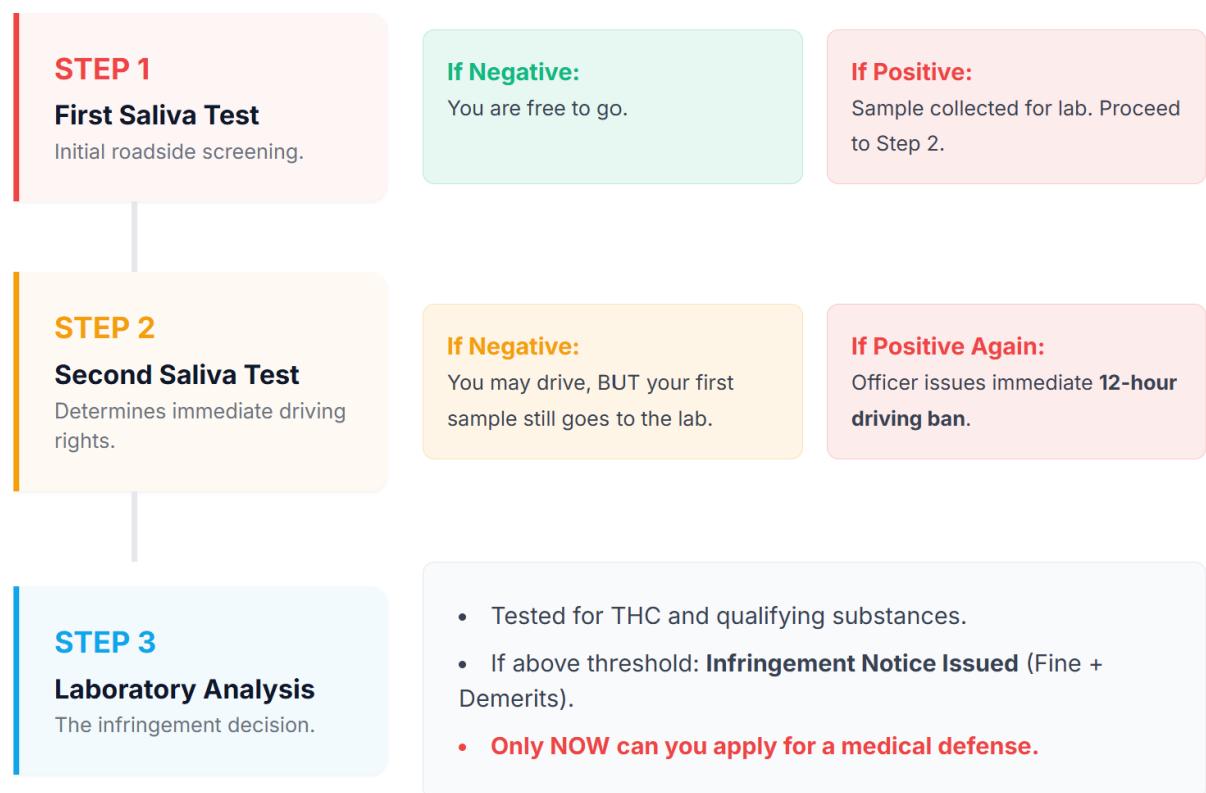
The first phase of roadside saliva drug testing began in Wellington from December 2025, then progressively expands across the rest of New Zealand throughout 2026. Police will be allowed to test drivers anywhere, without needing to suspect impairment. This is a major shift, and it will affect many medical cannabis patients, even those who are using their medicine legally, safely, and exactly as prescribed.

These roadside saliva tests do not measure impairment. They simply detect whether THC is present in your saliva. That means you could feel clear, alert, and entirely safe to drive, yet still return a positive result. THC can remain in saliva long after its effect has worn off. This creates risk and uncertainty, especially for people who use THC every day for chronic symptoms or long-term conditions.

We understand how unsettling this may feel. Many of you use medical cannabis to manage anxiety, chronic pain, PTSD, sleep issues, or neurological conditions. Yet the very rules designed for safety can cause more stress, uncertainty, and fear around driving. The testing currently treats long-term medical users the same as recreational users. It does not recognise medical need, and it does not reflect impairment.

While these laws may evolve in time, for now, we need to work within the current rules, help you prepare, protect yourself, and minimise disruption to your daily life.

See below how the new roadside testing works:



Medical Defence. What it is and what it is not

A medical defence **is not automatic**, and it cannot be used at the roadside. It can only be applied **after** receiving an infringement notice in the mail. It is evaluated later, and only if you can show that:

- ✓ You were using a legally prescribed medicinal cannabis product
- ✓ You were taking it as directed
- ✓ You were **not impaired** while driving

It is hard to accept that genuine medicinal users are treated the same as recreational users, especially when presence does not equal impairment. We believe this approach is unfair and does not reflect medical reality. While we hope the rules will evolve over time, we have no choice but to work within the current system as it begins rolling out nationwide.

The 12 hour driving ban is particularly challenging. For many patients it is simply impractical due to work, family, health, or caregiving responsibilities. That said, understanding the process, planning ahead, and keeping your documentation current is the best way to protect yourself.

Why having an active prescription is critical

If you test positive and do not have a valid prescription at the time you were driving, the law treats you the same as a recreational user. There is no medical defence available in that situation. An expired or outdated script carries the same risk.

Your prescription does not prevent positive tests, but it is the foundation of any legal argument that you are a legitimate patient. Having the correct product name, strength, and active repeat is important.

Understanding THC detection in saliva

These are general estimates. They are not guarantees, as every person metabolises THC differently.

- **Vaporised or inhaled THC:** often detectable for around 6 to 24 hours
- **Oral oils or sprays:** often detectable for around 10 to 48 hours
- **For long term daily users:** THC may be detectable at almost any time of day, even without recent dosing

THC can remain in saliva long after the therapeutic effect has ended. This is one of the key flaws in the current roadside testing system.

A note on Full Spectrum CBD oil products

Even full spectrum CBD products that contain very low levels of THC may still trigger a positive saliva test in some cases. This is uncommon, but not impossible, especially with regular or long term use. If in doubt, treat full spectrum CBD products with the same level of caution as THC-containing products when it comes to driving.

If you have concerns about your product type or THC content, speak with your doctor or prescriber about whether a CBD isolate may be more suitable for you.

General driving safety guidance (not legal advice)

Because THC can remain detectable even when you feel clear and unaffected, many clinicians recommend allowing a significant window between dosing and driving. These are health-based caution guidelines, not legal limits.

- Aim to allow at least **6 hours after inhaled or vaporised THC**
- Aim to allow at least **10 hours after THC via oral oils or sprays**
- For long term or daily users. THC may still be detectable even outside these time frames

These ranges are cautious, not guaranteed, and may vary widely between individuals. If in doubt, do not drive. Never drive if you feel impaired, regardless of timing.

Oral health and saliva comfort

Some medicinal cannabis formats, such as oils or vaporised products, may leave the mouth feeling dry or coated. Staying hydrated, brushing around the cheeks and gum line, and using alcohol free mouthwash (if tolerated) may help with general mouth comfort and oral freshness.

While this does not influence impairment or test outcomes, maintaining healthy oral conditions can be useful now that saliva-based testing is becoming more common.

This information is not part of the medical defence process, and it does not replace legal or clinical guidance. It is simply general oral care that some clinicians recommend for long term medicinal cannabis patients.

What you can do now to protect yourself

- ✓ Keep your prescription current and valid. Avoid gaps or expired repeats.
- ✓ Make sure your prescription matches your actual product, strength, and format.
- ✓ Keep a copy of your medication label or prescription in your wallet or vehicle.
- ✓ **Never drive if you feel impaired. Prescription does not override safety.**
- ✓ If you receive an infringement notice please contact us. We may be able to help with the documentation needed to apply for a medical defence.

You are not alone

We understand this may feel unfair for those who use medicinal cannabis safely and appropriately under medical supervision. We share your concerns. While the law may eventually better reflect medical reality, for now our role is to help you stay informed, prepared, and protected.