

Roadside Drug Testing by Mouth Swab

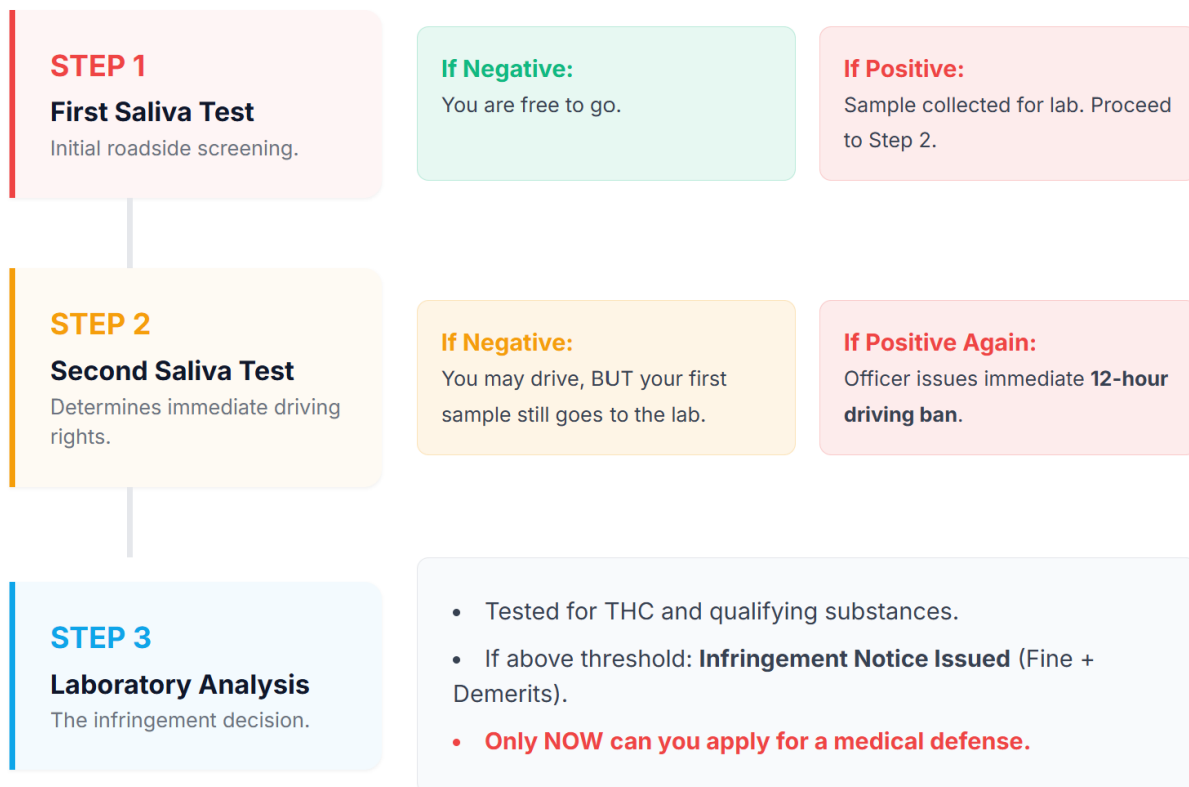
Police are able to test drivers anywhere, anytime without needing to suspect impairment. This could affect medical cannabis patients, even those who are using their medicine legally, safely and exactly as prescribed.

These roadside mouth swab tests do not measure impairment. They simply detect whether **THC, methamphetamine, cocaine** or **MDMA** are present in your mouth. 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 use medical cannabis to manage anxiety, chronic pain, PTSD, sleep issues, or neurological conditions. Yet the very rules designed for road 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:



A **MEDICAL DEFENCE** is a way for you to dispute your drug driving infringement by providing evidence that you have taken your prescription medication in accordance with your current prescription and any instructions from a health practitioner. It **is not automatic**,

and it cannot be used at the roadside. It can only be applied **after** receiving an infringement notice in the mail.

If your mouth swabs and your blood test is positive you may complete an online form that asks for

- ✓ A **copy of your prescription** for THC oil or dried flower
- ✓ A **copy of the label** on the THC oil or flower container
- ✓ **Other relevant information** where you explain you were **not impaired** while driving. You are NOT required to give the medical reasons why you take THC.

It is hard to accept that genuine medicinal users are treated the same as recreational users, especially when presence of THC does not equal impairment. We believe this approach is unfair and does not reflect medical reality. 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.

Never drive if you feel impaired, regardless of timing

Rinse your mouth with water before swab tests and before driving

Understanding THC detection in oral fluids (saliva)

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

- **Allow at least 6 hours after vaporised or inhaled THC:** THC may be detectable for around 6 to 24 hours
- **Allow at least 10 hours after oral oils or sprays:** THC may be 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

Full Spectrum CBD oil products contain tiny amounts of THC that are unlikely to test positive. If concerned you could change to a CBD-only (isolate) product.

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.

Modified from Ngā Hua Pharmacy, December 2025

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