

OC250316

07 May 2025

Tēnā koe [REDACTED]

I refer to your email sent on 7 April 2025, requesting the following under the Official Information Act 1982 (the Act):

“1. Do legal medications have traces of amphetamines?

<https://pubmed.ncbi.nlm.nih.gov/articles/PMC3570929/>

2. Will LEGAL/ prescribed medications be taken into account when people are randomly stopped by Police for illegal drug testing?

3. If blood tests show a person randomly drug tested because of erratic driving, and is on legal prescribed medications, be deemed unsafe on the road and need to reapply for a driver's license?”

The Act allows New Zealanders to access official information, including documents, reports, letters, emails, and non-written information such as video recordings. Further information on what can be requested under the Act can be found on the Ombudsman's website:

<https://www.ombudsman.parliament.nz/what-ombudsman-can-help/requests-official-information/your-ability-request-official-information>.

Parliament has recently passed legislation that will enable Police to roll out a roadside oral fluid testing regime later this year to better detect and deter drug driving. I'm assuming that your questions relate to this new regime.

As you have not requested information the Ministry holds but rather asked a number of questions, we have treated your request as a correspondence. I will endeavour to answer each question you have asked.

Regarding your first question, I am not able to advise if legal medications have traces of amphetamines. This will depend on the chemical composition of the individual medication. I suggest anyone concerned about a particular medication discuss it with their doctor or pharmacist.

In reference to your second question, the oral fluid testing regime is focussed on deterring those who are impaired by drugs from driving. Since some prescribed drugs can cause impairment, they were included on the advice the government received from an independent expert panel on which impairing drugs the testing regime could target. A copy of the independent expert panel's report can be found at:

www.transport.govt.nz/assets/Uploads/Report/IndependentExpertPanelonDrugDrivingFinalReportApril2021.pdf.

However, no final decision has been made yet on which drugs will be subject to testing. This is a decision for the Minister of Police and will be taken later this year.

I can confirm that a medical defence is available for drivers who receive an infringement notice or are charged with an offence related to a positive test result for an impairing drug which they had a valid prescription for, as long as they have taken it in compliance with instructions from their health practitioner and the drug manufacturer. More information about this defence is available here: <https://www.police.govt.nz/advice-services/infringement-services/medical-defence>.

Regarding your third question, drivers are not randomly required to have their blood tested. If a driver is driving erratically and is stopped by Police, they may be required to perform a compulsory impairment test and if they fail, they may be required to provide a blood sample to be tested in a laboratory.

If the result of a blood test indicates the presence of a qualifying drug, the driver may be issued with an infringement notice or charged with an offence, depending on the blood concentration level of the qualifying drug in their blood. Depending on the circumstances, the driver may receive demerit points or be disqualified from holding a licence.

At the end of their disqualification or suspension period, a driver will be unlicensed. They will then have to apply at a driver licensing agent to have their licence reinstated.

Thank you for writing.

Nāku noa, nā



Joanna Heard
Manager, Safety