

Driving Under the Influence of Drugs (DUID) Stops in Florida

The National Organization for the Reform of Marijuana Laws recently drafted a report detailing the data regarding drivers who operate motor vehicles after using marijuana. While the organization certainly does not condone driving after the use of illicit substances, the data seems to suggest less of a correlation between pot use and bad driving than alcohol and bad driving. Marijuana is the most common illicit substance consumed by persons who report driving after its use. The problem with making an accurate determination of how the substance impacts a driver's capabilities lies in a few different areas. First, it appears that cannabis' effect on psychomotor performance varies widely among individual subjects. The basis of this distinction is due to the differences between experienced or chronic users, versus those who are naïve. Chronic users are more familiar with the effects of the substance, thus developing a tolerance, and therefore are less likely to be impaired to a significant extent while those who are naïve users, may be more affected by the use. However, it is important to note that in both groups the users tend to be aware of cannabis impairment and actually try to compensate for it by driving more cautiously or simply not driving at all. This is a significant distinction when comparing the effects of alcohol impairment versus that of cannabis. In a 2007 study, it was determined that drivers with a BAC of .05, a level well below the legal limit, were three times more likely to engage in unsafe driving activity prior to a fatal crash than those who tested positive for the use of marijuana. Taken as a whole, the data reflects that, in general, cannabis induced variations in driving behavior, if present, are less consistent or pronounced than indicators of impairment shown by those under the influence of alcohol.

These findings are important when it comes to law enforcement's attempt to prosecute those suspected of driving while impaired by cannabis. In addition to the variations in its effects on users, methods on detection are even more problematic. THC may accumulate and be detected in blood for several hours in occasional users and for days or weeks in those who use it chronically. Therefore, one may test positive for cannabis use long after its impairing effects have worn off. Even more troubling, once broken down in a user's body, THC metabolites may be found in a urine sample days or week after use and its corresponding impairment. Therefore, it is nearly impossible to determine whether or not the presence of cannabis in blood or urine is having any effect at the time the sample is taken. Studies have tried to correlate specific THC levels to impairment, but for the reasons stated above, it is difficult to do so.

If you have been arrest for DUI based on a positive drug test, please contact the Whited Law Firm to discuss your case. We will evaluate your case and apply the data above when building your defense.

Contact an experienced Florida DUI attorney.