

I spent nine years in the insurance industry, sitting in offices listening to the fallout of "near misses" that weren't so near. I've seen the paperwork that follows a conviction, and I've read the forensic summaries of collisions that could have been avoided with one simple, sensible choice: staying off the road.

These days, as a motoring writer, I hear the same recurring anxiety from readers: "How do I explain to my family that I'm not driving today, even though I have a legal prescription?"

When you are prescribed medical cannabis, you are entering a complex intersection of the Road Traffic Act, the Misuse of Drugs Act, and your own personal risk assessment. Families often push back, arguing that because the medicine is prescribed, it's no different from taking paracetamol or an antidepressant. But as someone who has dealt with the raw, brutal reality of liability and claims, I'm here to tell you: **there is a massive difference between "legal" and "safe."**

If you are struggling to communicate this to your family, let's break down the reality of the road, the law, and why your "safety first decision" is actually the most responsible thing you can do.

The Section 5A Myth: Why "Legal" Doesn't Mean "Immune"

When we talk about drug-driving in the UK, we are almost always talking about Section 5A of the Road Traffic Act 1988. This legislation was introduced to simplify prosecutions for the police. Before Section 5A, officers had to prove you were impaired. That was hard. Now, for specified controlled drugs, they only have to prove you have a certain concentration of the substance in your blood.



For THC (the active component in cannabis), that limit is set at an incredibly low **2 micrograms per litre of blood**.

What this means at the roadside:

In legal terms, this is a "strict liability" offence. The police don't necessarily have to prove you were stumbling around; they only need to prove that you are over that 2mcg threshold. If you have consumed cannabis, even medicinally, you can easily exceed that limit.

Many family members conflate "legal prescription" with "legal to drive with any amount in your system." That is a dangerous assumption. The law provides a medical defence, not an exemption from being stopped, tested, or processed. Being stopped by the police is an ordeal—it involves arrest, a trip to the station, a blood draw, and the potential for your license to be suspended pending the results of forensic analysis.



Concept The Reality "It's a prescription" You are exempt from the statutory limit, but not the impairment charge. "I'm not high" Subjective feeling vs. physiological presence. The law cares about the latter. "Police won't bother me" Roadside testing is binary; if the device flags you, the process begins.

The Medical Defence: Not a "Get Out of Jail Free" Card

There is a specific statutory defence in Section 5A for those with a valid medical prescription. However, I want you to read this carefully, because this is where the "boring legal details" become crucial to your survival:

1. **The Burden of Proof:** You have to prove that you followed your doctor's instructions. If you've been taking more than the prescribed dose or using it in a way not advised by your consultant, your defence evaporates.
2. **The Procedural Nightmare:** A medical defence doesn't stop the police from arresting you. It is a defence you present after the fact, often requiring legal representation and expert testimony. Do you really want that stress in your life?
3. **The Impairment Factor (Section 4):** Even if you successfully argue the Section 5A defence, you can still be prosecuted under Section 4 of the Road Traffic Act for driving while "unfit through drugs." This is based on officer observation. If your eyes are dilated, your speech is slurred, or your driving is erratic, the prescription in your pocket becomes irrelevant.

My checklist for you: If you are unsure if you are fit to drive, you are already impaired. If you have to ask yourself, "Am I okay?", the answer is "No."

Impairment Awareness vs. Presence

This is the crux of the safety first decision. When I worked in claims, I saw people try to argue that they were "used to" their medication. They believed that because they felt "normal," their reaction times weren't affected.

Driving is a high-stakes, multi-tasking activity. It requires cognitive load, split-second decision-making, and physical reaction times. THC can slow these processes even if you feel perfectly capable.

When you are explaining this to your family, focus on **Impairment Awareness**. You aren't just protecting yourself from a police prosecution; you are protecting yourself from the liability of a collision. If you hit a pedestrian and you have THC in your system, your insurance policy—regardless of your medical cannabis prescription—is likely to be voided. You could be personally liable for millions in damages. That's not a risk worth taking.

How to Talk to Your Family (Without Being Vague)

Vague advice like "I just don't feel like driving" gives your family room to argue, persuade, or pressure you. You need to be firm, factual, and focused on the checklist. Here is a script for when the "Why aren't you driving?" question comes up:

1. Focus on the Reality of the Process

"I know this is a legal prescription, but the law regarding cannabis and driving is based on blood concentration, not impairment levels. If I get pulled over for a routine check, the police have a legal duty to process me. That would mean being arrested, a blood test, and potentially losing my license for months while the evidence is reviewed, even if I'm ultimately cleared. I am not willing to risk that, and I don't want to go through that trauma."

2. Focus on Liability

"My insurance policy has strict clauses about driving while under the influence of any substance that affects reaction time. Even with a prescription, if I were involved in a collision, the insurance company could use the presence of THC to refuse a claim. I am not prepared to bankrupt myself or put our family assets at risk just to save a few minutes on the road."

3. Explain the "Fit to Drive" distinction

"Driving is about being 100% focused. My medication is designed to treat [X], but it carries a known side effect profile that can influence reaction times. As a responsible driver, my job is to ensure I am at my absolute best when I get behind the wheel. Today, I don't feel that I am, so I am choosing to be safe rather than 'technically legal'."

A Note on ADAS and Modern Vehicles

I hear people say, "But the car has Lane Keep Assist and Emergency Braking, so it doesn't matter if I'm a bit hazy."

Let me tell you something from years of looking at insurance claim photos: **ADAS is not a safety blanket.** Advanced Driver Assistance Systems fail. They get confused by bad weather, poorly marked roads, and unexpected movements. They do not replace the driver. If you are relying on a computer to compensate for your own impairment, you are a disaster waiting to happen. Never treat your car's safety features as an excuse to lower your own personal standards.

The Responsible Driving Checklist

Before you ever touch your keys, run through this simple, cold-eyed checklist. If you can't tick every box, do not drive. There is no shame in getting an Uber, a taxi, or a bus. The cost of a ride is infinitely cheaper than the cost of a conviction—or a life.

- **Is your vision clear?** (No blurring or tunnel vision).
- **Is your reaction time sharp?** (Could you brake for a child running into the road right now?).
- **Have you met your prescription guidelines?** (Are you within the dose prescribed by your consultant?).
- **Are you free from "residual" effects?** (Are you still experiencing any physical or cognitive changes from your last dose?).
- **Are you legally compliant?** (Do you have your prescription and ID on you?).

If you have any doubt, stay off the road. Your family might be annoyed that you aren't driving them to the shops, but they will be even more annoyed if you are sitting in a police cell or handling a massive insurance lawsuit.

Being a "responsible driver" isn't about following the rules to the letter; it's about exercising the judgment to keep yourself, your family, and the public safe. Sometimes, the most "responsible" thing you can do is leave the keys in the drawer and walk away. Don't let anyone make you feel guilty for making the safest choice possible.