

19 December 2024

Gregory Soar

fyi-request-29440-66d0cdcc@requests.fyi.org.nz

Dear Gregory

Thank you for your Official Information Act 1982 (OIA) request of 4 December 2024 in which you asked:

I am scripted cannabis flower @ 22% THC as part of my medical care. Please may I have the following information in regard roadside oral fluid devices and use:

- 1. Have the roadside oral fluid testing devices to be used been chosen and / or purchased as yet?*
- 2. In regard to the drug cannabis only, how long after "inhaling" cannabis will the roadside oral fluid testing device detect "evidence of use of a qualifying drug" (in this instance cannabis) as referenced in the Land Transport Act 1998 s11a ?*
- 3. In regard to the drug cannabis only, how long after "ingesting" cannabis will the roadside oral fluid testing devices detect "evidence of a qualifying drug" (in this instance cannabis) as referenced in the Land Transport Act 1998 s11a?*

It is illegal to drive while impaired, and the changes to the legislation does not change this. A driver must have a current and valid prescription and must follow the directions given by the medical practitioner or manufacturer, so that you do not drive if impaired. There are no changes to these current practices.

No device has been chosen or purchased. The formal procurement process is underway, but until legislation is passed, a final choice of an oral fluid screening device cannot be made. Police has indicated to potential suppliers that it intends to procure suitable devices in the near future.

Currently, the Land Transport (Drug Driving) Amendment Bill is before Select Committee, and it is expected that legislation will be passed in the first quarter of next year.

Testing levels are yet to be set for the listed qualifying drugs in the Bill. However, they will be set at a level that is indicative of recent use and high-risk of impairment. This will be in accordance with approval criteria found in the legislation.

Police National Headquarters

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Because no device has yet been procured, parts 2 and 3 of your request cannot be answered and is therefore refused under section 18(g) of the OIA as the information is not held by Police and I have no grounds for believing it is held by any other agency subject to the OIA.

Please note that Police is not able to provide advice regarding the effect the proposed legislation may have on an individual's medical situation. Police recommends that anyone who has concerns about their individual situation speak with their doctor, medical practitioner, pharmacist, and/or seek independent legal advice.

If you are not satisfied with the way I have responded to your request, you have the right under section 28(3) of the OIA to ask the Ombudsman to review my decisions. Information on how to do this is available online at www.ombudsman.parliament.nz.

Yours sincerely



Superintendent Steve Greally

Director: Road Policing

New Zealand Police