| Police Scotland logo | Freedom of Information Response Our reference: FOI 24-0165  Responded to: 08 February 2024 |
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Your recent request for information is replicated below, together with our response.

## I am writing to request information under the Freedom of Information Act regarding the training, procedures, and guidance provided to officers in your constabulary concerning individuals using prescription medications, specifically medical cannabis users, who may be stopped while operating a vehicle.

## Q1: Please could you provide copies of relevant training documents/excerpts that explain to officers how to manage situations where prescription medication users, generally or medical cannabis-specific, are stopped while operating a vehicle and would test positive, but their driving is not impaired?

## Q2: Are alternative sobriety tests ever used, and under what circumstances? If yes, does this take into account the physical difficulties a prescription user may have? Please could you provide any supporting guidance or documentation about this given to front line officers.

In response to these questions, our [Drink & Drug Driving](https://www.scotland.police.uk/spa-media/u5jhwnlp/drink-drug-driving-including-railway-marine-and-aviation-sop-v12.doc) Standard Operating Procedure should be of assistance and I can provide the following additional information; if someone has taken medical Cannabis that does not contain THC (Tetrahydrocannabinol) in the product it would not register on the 3s Drugwipe. If it does register then they have taken more than medical cannabis and the procedure would continue as prescribed in law. A doctor would have to have issued a certificate authorising the use of medical cannabis.

Similar to drunk driving, people can drive without showing obvious signs of impairment. They may be stopped for an unrelated offence and this leads to a breath test or indeed drug wipe / road side process.

If there are signs of impairment and nothing registers on the 3s Drugwipe the officers should then conduct the PIT test (Preliminary Impairment Test) that all Road Policing officers are provided training on and if satisfied that subject is showing impairment they then can be taken in for blood sample.

## Q4: Please could you provide excerpts of any guidance provided to front-line officers on procedures around prescription medication, particularly but not exclusively: Under what circumstances confiscation of prescription medication is reasonable Under what circumstances arrest of a prescription medication holder is reasonable What actions a police officer should take to verify if a prescription is genuine What actions a police officer should take when a member of the public raises legislation they are unfamiliar with?

Police Scotland has provided internal briefings to officers in relation to a person’s possession of CBPMs.

This has included detail on that person’s right to do so once lawful authority is established.

Police Scotland engages with Scottish Government, Public Health and the Sapphire Clinic on this subject to ensure all current detail is known and shared.

Officers will conduct enquiries to prove that a prescription is in place for the Cannabis Based Product in a person’s possession.

Persons who have possession of cannabis for medicinal use should produce relevant supporting documentation that it is legitimately prescribed to them.

The following guidance was provided in September 2022:

​On 1 November 2018 the Misuse of Drugs Regulations 2001 and the Misuse of Drugs (Designation) Order 2015 were amended to introduce ‘cannabis based products for medicinal use in humans’. As such it is increasingly likely that officers will encounter members of the public in possession of prescribed medicinal cannabis.

Medicinal Cannabis is no different to any other controlled drug which has been legally prescribed and therefore should be treated in the same manner. If proof of prescription is established then the medicine should remain with that person. If proof cannot be established then the drug should be seized to enable enquiry into the legitimacy of possession. If proof of prescription is established the medicinal Cannabis should then be returned to that person.

If you require any further assistance, please contact us quoting the reference above.

You can request a review of this response within the next 40 working days by [email](mailto:foi@scotland.police.uk) or by letter (Information Management - FOI, Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH). Requests must include the reason for your dissatisfaction.

If you remain dissatisfied following our review response, you can appeal to the Office of the Scottish Information Commissioner (OSIC) within 6 months - [online](http://www.itspublicknowledge.info/Appeal), by [email](mailto:enquiries@itspublicknowledge.info) or by letter (OSIC, Kinburn Castle, Doubledykes Road, St Andrews, KY16 9DS).

Following an OSIC appeal, you can appeal to the Court of Session on a point of law only.

This response will be added to our [Disclosure Log](http://www.scotland.police.uk/access-to-information/freedom-of-information/disclosure-log) in seven days' time.

Every effort has been taken to ensure our response is as accessible as possible. If you require this response to be provided in an alternative format, please let us know.