

# Driving on Methadone or Buprenorphine (Suboxone): DUI?

**“I was arrested while driving from my treatment program and charged with a DUI. What can I do?”**

Individuals who take methadone or buprenorphine (Suboxone) for opioid use disorder (OUD) under a doctor’s supervision are sometimes arrested and charged with “driving under the influence” (DUI) merely because they take these medications. Is that legal?

## THE LAWS

The answer depends on the law in your state. Methadone and buprenorphine are controlled substances. There are some laws regarding driving and controlled substances that apply even when the controlled substance is a doctor-prescribed medication.

Injectable naltrexone (Vivitrol), another medication for OUD, is not a controlled substance. The DUI laws discussed here should not apply to people taking naltrexone.

To find out which type of law your state has, you may need to ask a lawyer.

## LAWS THAT SAY IT IS ONLY ILLEGAL TO DRIVE IF YOU’RE IMPAIRED

Some laws say:

1. There is no DUI unless the substance makes the driver “incapable” of driving safely, or
2. There is no DUI unless the substance impairs the driver’s ability to operate safely or the driver is under the influence of (or affected by) an “intoxicating” drug.

Under these laws, the prosecution must show that the substance was present and actually impaired the person’s ability to drive, or that the person was “intoxicated.” The driver’s conduct does not violate the law if the driver was taking a medication, like methadone or buprenorphine, and the medication did not impair driving ability or make the person “intoxicated.”



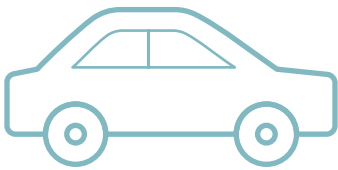
## LAWS THAT SAY IT IS ILLEGAL TO HAVE METHADONE OR BUPRENORPHINE IN ONE'S SYSTEM WHILE DRIVING



In some states, it is a criminal offense merely to have any amount of a substance in one's body while driving. It does not matter if the substance is a legal, prescribed medication that does not impair functioning.

### ADVOCACY STRATEGIES

What can patients do if they are arrested for driving with prescribed methadone or buprenorphine in their bodies?



### FOR LAWS THAT SAY IT IS ILLEGAL TO DRIVE IF IMPAIRED

An attorney can defend an individual in such a case by showing that:



- The person was legally prescribed the medication. It is helpful to get a letter from the opioid treatment program or physician prescriber saying that the patient is in good standing and stable on their dose of medication.
- The driver's use of the medication did not impair functioning/driving because the individual was stabilized on a clinically appropriate dose. There were no side effects that impaired normal functioning, including driving ability. For methadone, point to studies of methadone-maintained patients' functioning, including driving abilities. These studies show that there is no cognitive or psychomotor skills impairment from methadone.
- If relevant, explain that there is no evidence of other substances that would interact with methadone or buprenorphine in a way that might impair driving ability. If the driver is taking other medications, address concerns that the interaction of different medications may impair driving ability.



### FOR LAWS THAT SAY IT IS ILLEGAL TO HAVE METHADONE OR BUPRENORPHINE IN ONE'S SYSTEM WHILE DRIVING

Here, the only real advocacy tool is community relations and public education to change law enforcement attitudes and how they apply DUI law to patients receiving medication to treat opioid use disorder. Or, conduct advocacy to change the law itself.

### ADDITIONAL RESOURCES

For more information about rights of individuals who receive addiction medication, visit the [Legal Action Center's MAT Advocacy Toolkit](#).



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