



San Diego City Attorney Mara W. Elliott



Drugged Driving has Consequences – Even When Using Legally Prescribed Medicine

By City Attorney Mara W. Elliott

As we head into the holiday season, people need to be aware that mixing even the slightest amount of alcohol with prescription drugs can have serious consequences.

This is especially true for older drivers who may be using new medicines for the first time.

Our Office is seeing an increase in otherwise law-abiding San Diegans who get behind the wheel after consuming legal substances – alcohol, prescription drugs, and cannabis – that, in combination, impair their ability to drive, putting lives at risk.

Our Office prosecutes these drugged driving cases -- called “combo” cases when both alcohol and drugs are involved -- under a state grant that has allowed us to develop a high level of expertise in often tricky cases involving multiple substances.

While illegal drugs are always a significant part of the problem, we’re seeing a surprisingly large number of cases involving older drivers who unthinkingly mixed alcohol with prescription drugs.

There are no blood-content standards for cannabis or prescription drugs like the one for alcohol, but all drivers must be able to drive with the care and caution characteristic of a sober person. Using evidence from blood tests, field sobriety tests, dashboard video cameras, and expert witnesses, our prosecutors have a conviction rate just shy of 100%.

In the past 11 months they handled 178 drugged driving cases. Only four went to trial, and only one defendant was acquitted – a woman who drove while on Ambien, a drug used to combat insomnia. The 174 other defendants all pleaded guilty.

Some recent examples:

- A 65-year-old woman crashed into the back of a car stopped at a red light at 11:30 in the morning. Though she seemed disoriented and slurred her speech, she claimed she hadn’t had a drink in 16 years. But she’d taken the anti-anxiety medication Xanax a half-hour earlier, and sometimes took medications for chronic back pain.
- A 60-year-old man was found asleep in his car, which was blocking traffic on Harbor Drive. His blood-alcohol content was well under the legal limit but a blood test showed he had the opioid painkiller hydrocodone in his system, as well as clonazepam, a sedative which treats seizures, panic disorder, and anxiety.

Several factors contribute to this trend.

As our population ages, more people are taking prescription drugs and driving after taking them. Many people who use cannabis think it makes them better drivers, but studies show that even small amounts can have huge impacts, such as slowing a driver’s response.

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Often drivers have been taking a medication for years and think it no longer affects them, since they are accustomed to it. But it does – especially when mixed with even a small amount of alcohol, another drug, or even cold medicine.

People are also taking medicines in greater doses than prescribed, not realizing the effects.

And with drug prices so high, many seniors swap medicines with friends or use old prescriptions for new ailments.

Seniors' medicine cabinets are also a source of drugs for younger family members and thieves.

Anyone with a prescription for any kind of drug should be aware of how and where it is stored, and these medications should not be accessible to children, teens, or visitors to your home.

And I urge you to be especially vigilant this holiday season, when many people drink more than usual. Keep a careful eye on yourselves and others who get behind the wheel of a car.

Hail a cab, call a ride-sharing service, have a friend or family member drive, or better yet, stay home. There are plenty of options that won't end in a life-changing accident or land you in court.

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