



NEW ZEALAND
POLICE
Ngā Pirihimana o Aotearoa

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FOR AGENCY USE

Roadside Drug Driving Testing

What do you need to know?

ROADSIDE DRUG DRIVING TESTING

Alcohol and drugs can seriously impair the ability to drive – they can slow reaction times and affect senses. As the level of driver impairment increases, the risk of a crash also rapidly increases.

Drug driving is on the rise. Drugs were present in 33.8% of all fatal crashes on our roads between 2019–2023.

Safety is a core Police outcome and ultimately, we want to make our roads safer – everyone deserves to get to their destination safely.

In March 2023, legislative changes to the Land Transport Act 1998 enabled Police to detect drivers who have used qualifying drugs that impair their ability to drive safely.

Since then, there have been over 1,500 fines or charges issued for driving with qualifying drugs detected.

More recently, the Land Transport (Drug Driving) Amendment Act 2025 makes further amendments to the Land Transport Act 1998 to enable New Zealand Police to rollout roadside drug driving testing – joining Australia, United Kingdom and many European countries.

The legislation seeks to deter drug driving, stop those that do, and help reduce the number of serious injuries and death caused by drug drivers on our roads.

Changes to the law mean Police will be able to stop any motor vehicle anywhere at any time to screen the driver for the presence of specified qualifying drugs. This will help us enforce the law for those who drug drive.



ROADSIDE DRUG DRIVING TESTING STARTS DECEMBER 2025

Police will start roadside drug driving testing in December 2025, and will progress nationally from April 2026. We will be testing across all New Zealand in 2026.

TYPES OF DRUG & IMPAIRMENT TESTING

Police already undertake impaired driver testing for alcohol and drugs. Adding roadside drug driver testing to our existing practices is about ensuring that we have the tools to help stop people driving over a level that is considered unsafe to drive. Police use the following tests for drugs and alcohol:

ORAL FLUID TESTING – NEW FROM DECEMBER 2025



ORAL FLUID SCREENING TEST (DRUG SCREENING TEST)

The roadside drug test screens for the **presence of specified qualifying drugs** by testing a driver's oral fluid (saliva¹). The drug screening device (used by the officer to undertake the test) will give a positive or negative result for the drugs being screened for at the roadside. It involves the driver wiping the device pads on their tongue to absorb saliva.

Outcome: Positive result of initial test leads to saliva sample collection for a confirmatory test.



ORAL FLUID CONFIRMATORY TEST (LABORATORY TEST)

A confirmatory test will test for the drug concentration level of a driver's saliva sample by laboratory analysis. A sample for laboratory analysis is collected by the driver placing a collection pad under their tongue to absorb saliva. It is different to the screening test.

Outcome: Offence primarily results in an infringement notice.



COMPULSORY IMPAIRMENT TEST (CIT)

Conducted by a trained officer where there is good cause to **suspect the driver is impaired** or has consumed a drug or drugs. It is a behavioural test that comprises eye, walk and turn, and 1-leg stand assessments.

Outcome: Can lead to a blood test if not completed satisfactorily.



ALCOHOL BREATH TESTING

A breath test is conducted using a device held in front of the driver's mouth that they talk into. This will indicate whether they have recently consumed any alcohol. Where alcohol is detected or suspected, further breath tests are conducted requiring the driver to blow into the device, which gives a breath-alcohol concentration reading.

Outcome: Offence results in an infringement notice or criminal charge depending on the breath-alcohol concentration reading.



BLOOD TEST

A drug-blood test will test for the drug concentration level of a driver's blood sample by laboratory analysis. It can also test for alcohol.

Outcome: Offence could result in an infringement notice or criminal charge depending on the drug-blood concentration found by laboratory analysis.

¹ From a medical perspective, *oral fluid* is what is tested; however, *saliva* is the general term commonly used.

DRUG DRIVING DRUGS

What drugs could be tested at the roadside?

Police will start screening for four drugs at the roadside which include THC (cannabis), methamphetamine (meth), MDMA (ecstasy), and cocaine.

This would mean that when a driver undertakes the initial drug screening test, it will only return positive results if THC (cannabis), methamphetamine (meth), MDMA (ecstasy), or cocaine are detected at the threshold that indicates recent use.

What drugs could be tested in the laboratory?

While **roadside** drug testing screens for the presence of these four drugs, if there is a positive result, a saliva sample will be collected and sent to the **laboratory** for analysis.

During laboratory analysis, the sample will be tested for all of the 25 drugs listed in Schedule 5.

However, unless a driver tests positive for THC (cannabis), methamphetamine (meth), MDMA (ecstasy), or cocaine at the roadside, they will not be required to provide a saliva sample for laboratory analysis.

LAND TRANSPORT ACT 1998



All drugs in the Land Transport Act are classified as qualifying drugs.

Drugs specific to drug driving are called listed qualifying drugs. There are currently 25 listed qualifying drugs that have the highest risk to road safety in New Zealand.

Listed qualifying drugs are included in Schedule 5 of the Act and include four illicit drugs and 21 prescription medicines.

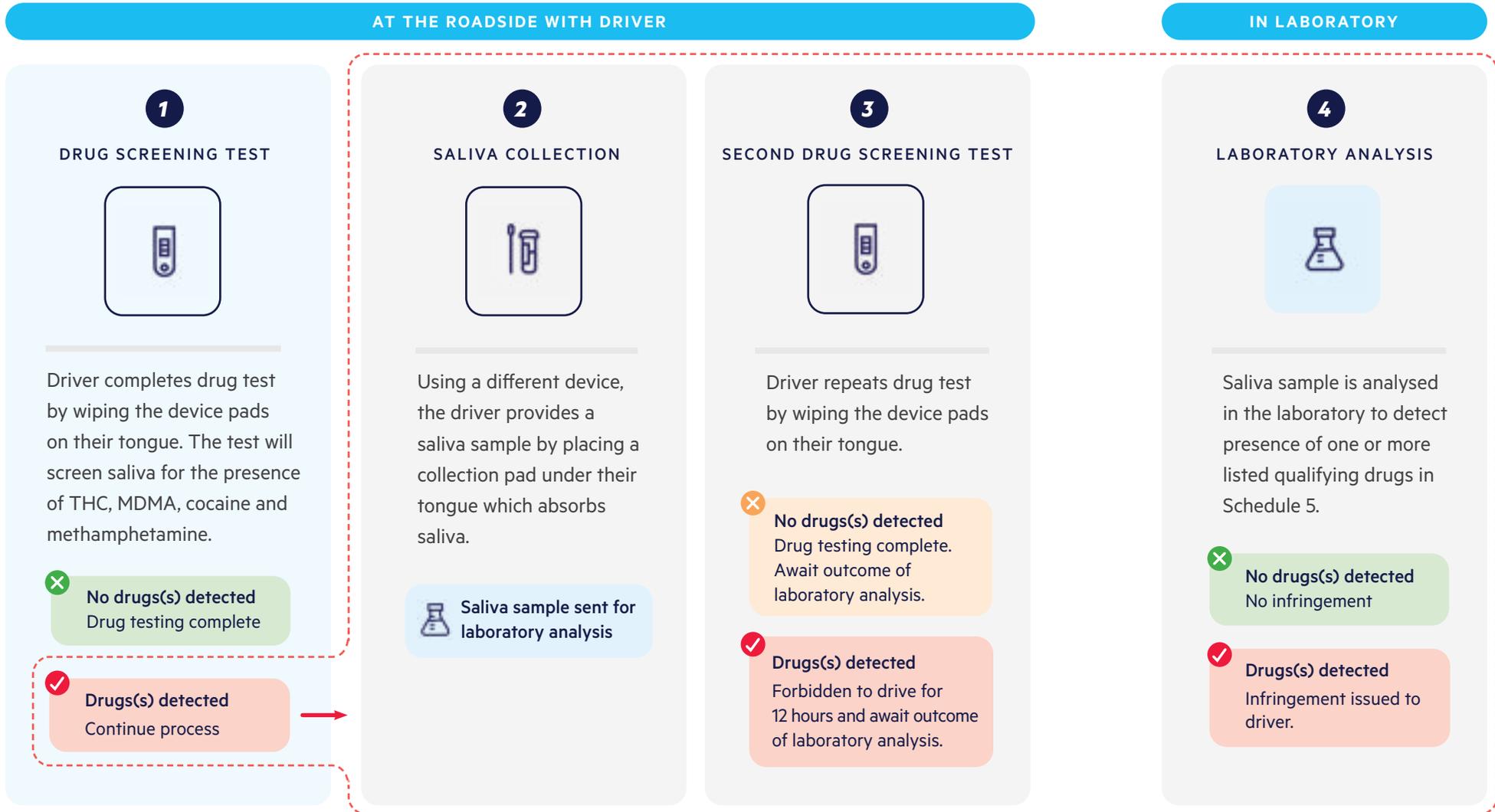
Note: *Schedule 5* currently contains the tolerance and high-risk levels for drug-blood concentration levels only.

SCHEDULE 5: LISTED QUALIFYING DRUGS

- | | |
|------------------|---------------------------|
| 1 Alprazolam | 14 Methadone |
| 2 Amphetamine | 15 Methamphetamine |
| 3 Buprenorphine | 16 Midazolam |
| 4 Clonazepam | 17 Morphine |
| 5 Cocaine | 18 Nitrazepam |
| 6 Codeine | 19 Oxazepam |
| 7 Diazepam | 20 Oxycodone |
| 8 Dihydrocodeine | 21 Temazepam |
| 9 Fentanyl | 22 THC (cannabis) |
| 10 GHB | 23 Tramadol |
| 11 Ketamine | 24 Triazolam |
| 12 Lorazepam | 25 Zopiclone |
| 13 MDMA | |

*four drugs Police are screening for at the roadside.

HOW WILL IT WORK?



Note: The information on this page outlines the process of drug driving testing and does not include all possible pathways or what a driver may experience at the roadside during a stop. For example, they may be asked to undergo an alcohol breath test.

INFRINGEMENT SUMMARY

Testing positive for drug driving from saliva will primarily result in an infringement. The infringements and other outcomes in the drug driving testing process are outlined below:

POSITIVE DRUG PRESENCE	FINE	LICENCE DEMERIT POINTS	DRIVING BAN
Two positive roadside drug screening tests	-	-	Prohibited from driving for 12 hours
One drug present in laboratory testing*	\$200	50	-
Two or more drugs present in laboratory testing*	\$400	75	-

*Drugs present at a pre-determined threshold indicating recent use of drugs.

REFUSAL OR FAILURE TO	FINE	LICENCE DEMERIT POINTS	DRIVING BAN
Remain or accompany an officer	\$400	75	Prohibited from driving for 12 hours
Undertake a test without delay			



If a person is unable to provide sufficient saliva, it could lead to a blood test instead. A positive drug-blood test could result in an infringement or criminal charge depending on the drug-blood concentration found by laboratory analysis.

Driver licence suspension

A driver's licence is suspended if a driver accumulates 100 demerit points within a two-year period. The licence is suspended for three months.

Combination offences

Combination offences include offences where a driver has tested positive for both alcohol and drugs. Penalties for combination offences are usually higher to reflect the higher crash risk.

Repeat offences

The same infringement penalty applies for each repeat offence.

WHAT YOU NEED TO KNOW ABOUT ROADSIDE DRUG DRIVING TESTING

1. Roadside drug screening test will screen for the presence of drugs

Drug testing devices can only screen for the presence of drugs. This means that the testing device can give a positive or negative result that a specified qualifying drug (or drugs) being screened for is detected in the driver's saliva.

The positive screening threshold used by the testing device indicates recent use of a specified qualifying drug.

2. Infringement-based enforcement

Testing positive for a drug (or drugs) following laboratory analysis of a saliva sample, results primarily in an infringement.

Note: A blood test for drugs could result in either an infringement or criminal charge. A blood test could be undertaken when a driver is unable to provide sufficient saliva.

3. A positive roadside drug screening test must have a confirmatory lab test

If a driver tests positive at the roadside, a sample of their saliva will be collected and sent for laboratory analysis. Only one positive drug screening test is required to proceed to laboratory testing.

An infringement notice will only be issued if the laboratory test is positive for drugs at a pre-determined level that indicates recent use of drugs.

Note: A driver can decide to have an elective saliva sample collected for independent laboratory analysis in addition to the Police-required saliva sample. The driver will be told about this process by the officer at the roadside.

The elective sample will be sent to and stored at the laboratory alongside the Police-required sample. The cost of the independent laboratory analysis is at the driver's expense.

4. Laboratory saliva sample is separate to roadside drug screening test

There are two different devices used at the roadside. The first device is the drug screening test which uses saliva to detect the presence of specified qualifying drugs.

If the test is positive, a saliva sample is collected for laboratory analysis using a different device which is a collection kit.

5. Cannot drive for 12 hours after two positive roadside test results

After a first positive drug screening test and saliva sample collection, a second drug screening test will be undertaken at the roadside which will determine whether a driver can drive away.

If the second screening test is also positive, the driver cannot drive for 12 hours to address any immediate road safety risk.

6. Other roadside infringements

Drivers can receive an infringement and be prohibited from driving for 12 hours if the driver:

- fails or refuses to undergo a test without delay,
- fails or refuses to accompany an officer (e.g., to a place to undertake the test),
- Fails or refuses to remain in place (e.g., until the result of the test).

7. Medical defence is not available roadside

A medical defence is available to a person prescribed prescription medicines who wants to dispute the infringement.

A driver can only apply for a medical defence once an infringement has been issued. It cannot be done at the time of testing at the roadside.

8. Drug-blood tests

If a driver is unable to provide sufficient saliva or is involved in a crash and returns two positive drug screening tests, they could be required to provide a blood sample for testing.

A positive drug-blood test could result in an infringement or criminal charge depending on the drug-blood concentration found by laboratory analysis.

There is no option for the driver to request a blood test during the drug screening test process.

9. Ability to conduct a Compulsory Impairment Test (CIT)

If during the roadside drug screening test process an enforcement officer develops good cause to suspect that the person is impaired or has consumed a drug (or drugs), they may require the person to undergo a CIT. A CIT follows a different pathway and involves behaviour assessments. It can lead to a blood test if not completed satisfactorily.



FREQUENTLY ASKED QUESTIONS

Why test for drug driving?

Our goal is to reduce injuries and deaths on our roads. Drugs were present in 33.8% of all fatal crashes on our roads between 2019–2023. Incidents of drug-impaired driving have more than doubled since 2015. Everyone deserves to get home safely.

How do Police currently test for drug driving?

Police already use a behavioural test called a Compulsory Impairment Test. This will still be used as a standard policing tool for impairment. Police will now also be able to test for the presence of drugs using a driver's saliva at the roadside.

What can I have in my 'disability alert' that can help Police?

If you have a disability and consent to Police recording this information, Police are able to record what the disability is and any helpful information on how to engage and communicate with you while undergoing a drug screening test. This can help Police to conduct a roadside drug test appropriately and safely.

I have a prescription, can I just show this to the Police Officer?

No. A prescription cannot stop a driver from undergoing a test or dispute a positive drug screening test result. This is because the officer is unable to validate the prescription at the roadside or know whether you have taken your prescription as prescribed.

Why is a laboratory test required to confirm the infringement?

Laboratory analysis provides evidential proof of the positive result. The laboratory test is called the confirmatory test as it confirms the roadside result.

Who does your laboratory testing?

The approved laboratory is The New Zealand Institute of Public Health and Forensic Science (PHF Science) which is a New Zealand government-owned research organisation that provides laboratory services.

Will the drug testing device detect my ADHD medicine?

The drug screening device will not test for ADHD medication/ amphetamines at the roadside.

If I take medicine, will I be over the legally allowed limit?

It is expected that if a person with a current valid prescription is taking their medicine as prescribed, they are unlikely to have breached the drug driving provisions in the legislation. Drivers should be aware of the risk of mixing drugs or prescription medicines and/or taking with alcohol.

What happens if I refuse to take a test?

Drivers can receive an infringement at the roadside and be prohibited from driving for 12 hours if they refuse or fail to undergo roadside drug testing without delay.

I don't want to give a saliva sample, is there an alternative?

No, it is compulsory by law to undertake a drug screening test and if positive, to provide a saliva sample for laboratory analysis, if requested to by an Officer. Refusal to do so can result in an infringement notice and 12 hour prohibition from driving.

If I believe the test results are wrong, what can I do?

When a driver is providing a saliva sample, they can request a second saliva sample to be taken for their own independent laboratory analysis (at the driver's cost). Alternatively, once an infringement is issued, you are able to apply for medical defence.

Can I request a drug test to check I'm safe to drive?

No, a test cannot be requested. If a driver is concerned about driving whilst taking medication, they need to check with their medical provider that it is OK to drive. Medication must only be taken in line with a current and valid prescription and in accordance with advice from the health practitioner who prescribed the medicine or the manufacturer of the prescription medicine.

What happens if I take a drug some time before I drive, or have passive or accidental exposure?

The testing devices have an in-built cut-off threshold. A positive result is generally accepted as indicative of recent drug use, rather than historical use, passive, or accidental exposure that is unlikely to cause impairment.

Can I drive home?

If the driver has two positive drug tests, they cannot drive home. They will be forbidden to drive for 12 hours. The driver will either need to organise someone else who can drive or arrange to be picked up.

What happens to my car if I can't drive?

A passenger who is legally able to drive could take over the driving. The driver could arrange for someone else to come to the location where the stop occurred and drive the vehicle. If none of these options are available, a tow operator could be arranged by the driver to pick up the vehicle.

If I get stopped, can the Police take further action, like searching me or my vehicle for drugs?

A positive drug screening test would not be sufficient to justify a search of a vehicle to establish other drug-related offences, unless the officer has reasonable grounds to believe that there is a specified controlled drug or precursor substance in or on the vehicle.

A positive drug screening test result cannot be used as evidence of the use of a controlled drug in a prosecution for an offence under the Misuse of Drugs Act 1975.

Is the information collected about me private?

Information collected and held about you is (your) personal information. Once personal information is obtained by Police it is subject to statutory requirements, in particular the Privacy Act 2020. This means that the way Police generate, store and share your personal information is subject to those requirements.

If your initial drug screening test is negative, personal information will not be collected.

What safeguards have been put in place to protect my human rights?

The drug driving legislation has been designed to ensure that drivers' human rights are respected. In particular, the new Land Transport Act provisions preserve rights established in the New Zealand Bill of Rights Act.

Detained drivers have the right to obtain legal advice, the evidence of drug consumption is provided by laboratory analysis before an infringement is issued, a driver may elect to have their own sample collected at the roadside for independent analysis, and if a driver is issued an infringement and wishes to contest the result, a driver can apply for a medical defence.



MORE INFORMATION

- For more information, please contact the Impaired Driving Programme at impaired.driving@police.govt.nz
- Link to [Land Transport \(Drug Driving\) Amendment Act](#)