

Teetotaling Grandma got a DUI

By Jay S. Volquardsen

I recognize that the headline may be a little disingenuous. Readers may wonder, "How could my sweet, loving grandma ever be accused of driving under the influence?" Yet, DUIs happen more often than any of us suspect.



As we get older, it is common to be prescribed medications to deal with various ailments that come with our golden years. What many of our clients don't realize is that if any of these drugs affect their ability to operate a vehicle safely, the State of Arizona sees it as a DUI. DUIs are not only limited to alcohol impairment.

According to the Arizona Revised Statutes §28-1381(A)(1), "It is unlawful for a person to drive or be in actual physical control of a vehicle in this state while under the influence of any drug if the person is impaired to the slightest degree."

Makes sense in the abstract, right? But what if your grandma is having trouble sleeping, so her doctor appropriately writes her a prescription for Ambien (also known as zolpidem) to help her get some restful sleep? Even if grandma takes the medication pursuant to her prescription, she risks being charged with a DUI in Arizona – even the next day!

In 2013, the United States Food and Drug Administration issued a warning that stated, in part:

The U.S. Food and Drug Administration (FDA) is notifying the public of new information about zolpidem, a widely prescribed insomnia drug. FDA recommends that the bedtime dose be lowered because new data show that blood levels in some patients may be high enough the morning after use to impair activities that require alertness, including driving.

The FDA is also reminding the public that all drugs taken for insomnia can impair

LEGAL EASE

driving and activities that require alertness the morning after use. Drowsiness is already listed as a common side effect in the drug labels of all insomnia drugs, along with warnings that patients may still feel drowsy the day after taking these products. Patients who take insomnia drugs can experience impairment of mental alertness the morning after use, even if they feel fully awake.

The FDA urges health care professionals to caution all patients (men and women) who use these zolpidem products about the risks of next-morning impairment for activities that require complete mental alertness, including driving. For zolpidem products,

data show the risk for next-morning impairment is highest for patients taking the extended-release forms of these drugs (Ambien CR and generics). Women appear to be more susceptible to this risk because they eliminate zolpidem from their bodies more slowly than men.

It's important to note that not only does the Ambien seem to affect people longer

than intended, women are even more susceptible to the risk because their bodies don't appear to metabolize the drug as quickly as men's bodies.

While I recognize discussing medications over dinner is probably not high on anyone's list, we owe it to our families to at least be aware of the potential issues before they become real problems. Additionally, please remember that storing medication in any container – other than the prescription pill bottle that it came from the pharmacy in – can be charged as a crime in the State of Arizona.

— Jay S. Volquardsen is a shareholder at Gallagher & Kennedy. For more information about Mr. Volquardsen, please go to gknet.com.

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