

## Are medical marijuana users risking a DUI?

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Illinois has given 3,300 people licenses to use medical marijuana, but it hasn't set a threshold at which it considers them safe to drive.

That means it is up to a police officer to decide if someone with a medical marijuana license seems impaired and should be charged with driving under the influence, says Pete Baroni, a professor of law at [Loyola University of Chicago](http://www.loyola.edu) and former DuPage County prosecutor.

Medical marijuana users would commonly have signs of the drug in their blood or urine, since it can show up for weeks after use.



Baroni, who worked on Illinois' medical marijuana legislation, says setting a benchmark amount to be allowed in a person's system while driving is complicated, especially because the National Highway Traffic Safety Administration won't weigh in on the issue because marijuana consumption is still illegal under federal law.

Some lawmakers, including Democratic state Sen. Michael Noland of Elgin, have pushed without success to establish legal limits of marijuana for driving.

### Fairness issue

It's a different story for those without medical marijuana licenses. The smallest trace of marijuana is grounds for a DUI charge, even if a driver doesn't seem impaired.

Some legal experts question whether the double standard violates equal protection clauses of the Illinois and U.S. constitutions.