Provisions on driving under the influence of alcohol and driving under the influence of drugs are found in the Road Traffic Offences Act (1951:649) and apply to drivers of motor vehicles. The provisions mean that it is illegal to drive a car with a blood or breath alcohol level above a certain threshold, or with drugs in the blood. Police officers can use measures such as breath alcohol tests and eye examinations to prevent and uncover offenders driving under the influence of alcohol or drugs. To further increase road safety and use the authorities’ resources more effectively to combat driving under the influence, officers of Swedish Customs and the Swedish Coast Guard have also had powers to intervene against these driving offences since 1 July 2008.

Driving under the influence of alcohol

It is not permitted for an individual to drive a car or other motor vehicle if they have drunk enough alcohol to have an alcohol level during or after the journey of at least 20mg per 100ml of blood or 0.1mg per litre of exhaled breath. Anyone found to have done so will be prosecuted for driving under the influence of alcohol. This rule is based on the fact that it is not generally safe to drive with that level of alcohol in the body.

An individual whose blood or breath alcohol levels are below this threshold but who is nonetheless under the influence of alcohol to the extent that they cannot drive their vehicle safely will also be prosecuted for driving under the influence of alcohol. The same applies if an individual’s alcohol level cannot be measured for any reason.

Zero tolerance for drugs

Zero tolerance is applied to drugs and driving. It is illegal to drive a car or other motor vehicle with drugs in the blood. This is because drugs generally produce effects that are not compatible with driving a car. This kind of offence is known as driving under the influence of drugs.

Other substances that may jeopardise road safety

In the case of other substances that are not classified as narcotics, an individual who is affected by a substance to the extent that they cannot drive their vehicle safely will be prosecuted for driving under the influence. These include, for example, various anaesthetics, painkillers, anti-epileptic drugs, various psychopharmaceutical drugs, anti-allergy drugs and drugs for breathing difficulties and certain cough medications.

Exception from the zero tolerance for drugs

An exception from the zero tolerance for drugs is made for individuals who are using drugs in accordance with a prescription from a doctor or other person authorised to write prescriptions. The reason for this exception is that many people who use medications containing narcotic substances in accordance with a prescription do so in such low doses that they are not affected in such a way as to present a risk to road safety. This exception covers prescriptions for medications containing narcotic-classified substances in a specific stated dose. It does not, therefore, cover individuals who have obtained medications illegally or who exceed the stated dose.

For drivers covered by this exception, the same rules apply as for substances other than narcotics, i.e. an individual who is affected to the extent that they cannot drive their vehicle safely is committing the offence of driving under the influence.

When doctors prescribe substances that can jeopardise road safety, they must follow rules with regard to making sure they inform the patient of how the medication can affect ability to react and drive a vehicle. Pharmacy staff are also obliged to provide certain information to patients when issuing the medication.
Penalties

The penalty for driving under the influence of alcohol or drugs is a fine or imprisonment for a maximum of six months. For a gross offence, the penalty is imprisonment for up to two years. When assessing whether an offence is gross, particular account should be taken of whether the driver had an alcohol level of at least 100mg per 100ml of blood or 0.5mg per litre of exhaled breath, whether the driver was otherwise heavily under the influence of alcohol or other substances or whether the handling of the vehicle presented a clear danger to road safety.

Possibilities for police intervention against driving under the influence

A police officer may stop a vehicle if there is reason to believe that a person travelling in the vehicle has committed an offence or if there is a need to regulate traffic or carry out checks on drivers.

Checks of driver sobriety are an important part of efforts to combat driving under the influence of alcohol and drugs. Checks work as a deterrent. They also help uncover offences, thereby interrupting them and enabling them to be prosecuted.

Breath alcohol tests

A police officer may take a breath alcohol test from an individual whom there is reasonable cause to suspect of driving under the influence of alcohol if the test might be important in the investigation of the offence. This is known as an evidentiary test, as it can be used as evidence of the level of alcohol in exhaled breath.

A breath alcohol test can be taken from drivers even if there is no suspicion that they have committed an offence. This kind of routine test is known as a screening test. Screening tests may only be taken using instruments that can be used directly and only show if the breath alcohol concentration exceeds a certain level. If this is the case, an evidentiary test can be taken.

Eye examinations

A police officer may carry out an eye examination on a driver suspected of driving under the influence of drugs. This means that the police do not have the right to carry out eye examinations routinely, without prior suspicion.

Only the eyes and their functions may be examined. A police officer may use a pupillometer, which is used to measure the size of the pupils, and a pen or some other similar object to check for possible twitches in the eye. The police officer may also use a small light source, which can give an indication of the pupils’ sensitivity to light.

Blood tests

Blood tests may be taken from an individual whom there is reasonable cause to suspect of committing an offence for which imprisonment is included in the scale of penalties, e.g. driving under the influence. Blood tests may also be taken from drivers who refuse to cooperate with breath alcohol tests (screening tests) or eye examinations. Since 1 July 2008, blood tests may also be taken from drivers who have been involved in a road traffic accident and cannot undergo a screening test or eye examination because of the accident.

Temporary confiscation

For the purposes of preventing driving under the influence, a police officer may temporarily confiscate keys, other items required to drive or the vehicle itself.

Powers of officers of Swedish Customs and the Swedish Coast Guard

Since 1 July 2008, officers of Swedish Customs and the Swedish Coast Guard have had the same powers as police officers to stop vehicles and take breath alcohol tests (both routine screening tests and evidentiary tests), carry out eye examinations and confiscate keys etc. The new rules offer an opportunity to extend checks to ports and border areas, for example, and mean that the authorities’ resources are used more effectively to combat driving under the influence.