

Can You Get Arrested For DWI: Driving While Caffeinated?



By Ana-Marija Dolaskie — December 29, 2016



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It's surprising, but true — a California man [has been arrested](#) ^[1] for driving under the influence... of caffeine! This unfortunate individual found himself in the midst of a short, but nasty battle with the state. According to California law, a drug is "any substance that isn't alcohol that might impair, to an appreciable degree a driver's capability behind the wheel." The sheriff's department argues that the man had been driving erratically, but toxicology results did not show illegal drugs in his system — only, you guessed it, caffeine.

Prosecuting attorneys dropped the charges after, we can only assume, they could not find sufficient evidence that caffeine impaired this man's ability to operate a motor vehicle.

Nonetheless, here's what we know about caffeine:

Given that millions of Americans consume, on average, a little over three cups of java per day, it's highly likely that we're all, at some point, driving under the influence of caffeine. Coffee has had its [ups and downs](#) ^[2] in the public eye, especially when it comes to its touted benefits, like helping to boost alertness and productivity. But can caffeine really impair one's ability to drive responsibly? Not exactly, at least not the way alcohol or illegal substances can. As a regular liquid cup of coffee, there is no scientific evidence to show that caffeine can actually impair a person's ability to get behind the wheel. Caffeine in other forms, and doses however, could be a different story.

[According to Dr. Josh Bloom](#) ^[3], there is no question that caffeine is a drug, albeit one that does (and should) get a free pass. We're not talking about heroin here. Yet, the definition [from the FDA](#) ^[4] makes this clear: "... intended for use in the diagnosis, cure, mitigation, *treatment*, or prevention of disease" and "articles (other than food) intended to affect the structure or *any function of the body*

of man or other animals." Caffeine would "qualify" as a drug because it keeps you awake; it affects body function.

While it is reasonable to consider caffeine as something that just happens to be in coffee, it is added intentionally (in this case it *really* is a drug) to energy drinks and pills that you can easily buy at your nearest drugstore. And most recently, the [FDA has cracked down](#) [5] on the sale of pure, powdered caffeine. The issue? Pure caffeine makes it possible for people to consume a potentially lethal dose. To put this into perspective, one tablespoon (8 grams) —the approximate lethal dose— of powdered caffeine is the amount found in 84 cups of coffee, or 40 [NoDoz](#) [6] pills. Not one person in his or her right mind would willingly consume 84 cups of coffee, but they might, if it comes in a tablespoon of powder that's easily purchased on the internet for less than \$20.

Given that its chemical structure certainly looks like a drug to any chemist you ask, including our Dr. Josh Bloom, who will tell you that it is almost identical in structure (**1**) to theophylline, and old asthma drug that is rarely used. Why? Because people who take theophylline need to get their blood tested periodically because the therapeutic dose is close to a toxic dose, which makes it a potentially dangerous drug.

Even though caffeine and theophylline are almost identical in structure, they are less so pharmacologically. Theophylline is more toxic. Both break down to another chemical called theobromine. You may not have heard of it, but you've certainly consumed it, since it is one of the many chemicals in chocolate.

What's next? DUH?

Driving under the influence of Hershey's.

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Links

[1] [https://www.yahoo.com/news/man-california-fighting-caffeine- dui-192312988.html](https://www.yahoo.com/news/man-california-fighting-caffeine- DUI-192312988.html)

[2] <http://acsh.org/news/2016/01/28/the-ups-and-downs-of-coffee>

[3] <http://acsh.org/news/2014/12/17/fda-warns-dangers-powdered-caffeine>

[4] <http://acsh.org/news/2015/09/02/fdas-welcome-action-caffeine-is-a-drug>

[5] <http://www.nytimes.com/topic/organization/food-and-drug-administration?inline=nyt-org>

[6] <https://www.drugs.com/cdi/nodoz.html>