

By its Judgement of 24 November 2022 No.51-II the Constitutional Court of the Russian Federation assessed constitutionality of a Note to Article 12.8 of the Code of Administrative Offences of the Russian Federation.

Note to the above Article of the CAO of the Russian Federation was the subject of consideration insofar as it served as basis to decide of the possibility of bringing to responsibility for administrative offenses provided by this Article and Article 12.27, part 3 of the CAO of the Russian Federation, in the case when the results of a medical examination for intoxication in the driver's body detected a substance included in medicines, not related to ethyl alcohol, narcotics and psychotropic substances, but which may impair his attention and reaction.

The challenged Note to Article 12.8 of the CAO of the Russian Federation was found to be inconsistent with the Constitution of the Russian Federation to the extent that it contains a gap that prevents bringing for administrative responsibility for driving a vehicle while intoxicated in this case, which when trying to fill it creates the risk of ambiguous interpretation and contradictory application of this Note in proceedings on cases of administrative offenses in the field of road traffic.

Until the necessary legislative changes are made, driving a vehicle by a person who has consumed medicines that do not contain ethyl alcohol, narcotic drugs and psychotropic substances cannot serve as a basis for bringing him to responsibility under Article 12.8 and Article 12.27, part 3 of the CAO.