

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 983 Session of 2023

INTRODUCED BY RABB, KAUFER, KRAJEWSKI, MADDEN, MALAGARI, ROZZI, STEELE, SANCHEZ, KHAN, CEPEDA-FREYTIZ, GILLEN AND OTTEN, MAY 18, 2023

AS REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF REPRESENTATIVES, AS AMENDED, DECEMBER 11, 2023

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in commercial drivers, further providing for <--
3 definitions; and, in driving after imbibing alcohol or
4 utilizing drugs, further providing for DEFINITIONS, FOR <--
5 driving under influence of alcohol or controlled substance
6 and for authorized use not a defense.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. The definition of "controlled substance" in <--
10 section 1603 of Title 75 of the Pennsylvania Consolidated
11 Statutes is amended to read:

12 § 1603. Definitions.

13 The following words and phrases when used in this chapter
14 shall have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 * * *

17 "Controlled substance." Any substance so defined or
18 classified, except marijuana used lawfully in accordance with
19 the act of April 17, 2016 (P.L.84, No.16), known as the Medical

1 ~~Marijuana Act, under:~~

2 ~~(1) The act of April 14, 1972 (P.L.233, No.64), known as~~
3 ~~The Controlled Substance, Drug, Device and Cosmetic Act.~~

4 ~~(2) Section 102(6) of the Controlled Substance Act~~
5 ~~(Public Law 91-513, 21 U.S.C. § 802(6)).~~

6 ~~(3) Schedules I through V of 21 CFR Part 1308.~~

7 ~~(4) Any revisions to paragraphs (2) or (3) which are~~
8 ~~published by the Department of Transportation as notices in~~
9 ~~the Pennsylvania Bulletin.~~

10 * * *

11 ~~Section 2. Sections 3802(d)(1) and 3810 of Title 75 are~~
12 ~~amended to read:~~

13 SECTION 1. SECTION 3801 OF TITLE 75 OF THE PENNSYLVANIA <--
14 CONSOLIDATED STATUTES IS AMENDED BY ADDING A DEFINITION TO READ:
15 § 3801. DEFINITIONS.

16 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
17 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
18 CONTEXT CLEARLY INDICATES OTHERWISE:

19 * * *

20 "MEDICAL MARIJUANA." MARIJUANA USED LAWFULLY IN ACCORDANCE
21 WITH THE ACT OF APRIL 17, 2016 (P.L.84, NO.16), KNOWN AS THE
22 MEDICAL MARIJUANA ACT.

23 * * *

24 SECTION 2. SECTION 3802(D)(1) OF TITLE 75 IS AMENDED AND THE
25 SUBSECTION IS AMENDED BY ADDING A PARAGRAPH TO READ:

26 § 3802. Driving under influence of alcohol or controlled
27 substance.

28 * * *

29 (d) Controlled substances.--An individual may not drive,
30 operate or be in actual physical control of the movement of a

1 vehicle under any of the following circumstances:

2 (1) There is in the individual's blood [any] AN amount <--
3 of [a] ANY OF THE FOLLOWING: <--

4 (i) a A Schedule I controlled substance, as defined <--
5 in the act of April 14, 1972 (P.L.233, No.64), known as
6 The Controlled Substance, Drug, Device and Cosmetic Act, <--
7 except marijuana used lawfully in accordance with the act
8 of April 17, 2016 (P.L.84, No.16), known as the Medical
9 Marijuana Act[;]. EXCEPT FOR AN INDIVIDUAL HOLDING A <--
10 COMMERCIAL DRIVER'S LICENSE, THIS SUBPARAGRAPH SHALL NOT
11 APPLY TO MEDICAL MARIJUANA.

12 (ii) a A Schedule II or Schedule III controlled <--
13 substance, as defined in The Controlled Substance, Drug,
14 Device and Cosmetic Act, which has not been medically
15 prescribed for the individual[; or]. <--

16 (iii) [metabolite] METABOLITE of a substance under <--
17 subparagraph (i) or (ii).

18 * * *

19 (5) THE INDIVIDUAL IS UNDER THE INFLUENCE OF MEDICAL <--
20 MARIJUANA OR THE COMBINED INFLUENCE OF MEDICAL MARIJUANA AND
21 ALCOHOL, A DRUG, A COMBINATION OF DRUGS OR COMBINATION OF
22 DRUGS AND ALCOHOL, WHICH IMPAIRS THE INDIVIDUAL'S ABILITY TO
23 SAFELY DRIVE, OPERATE OR BE IN ACTUAL PHYSICAL CONTROL OF THE
24 MOVEMENT OF THE VEHICLE.

25 * * *

26 SECTION 3. SECTION 3810 OF TITLE 75 IS AMENDED TO READ:

27 § 3810. Authorized use not a defense.

28 The fact that a person charged with violating this chapter is
29 or has been legally entitled to use alcohol [or], controlled
30 substances or marijuana in compliance with the act of April 17, <--

1 ~~2016 (P.L.84, No.16), known as the Medical Marijuana Act, OR~~ <--
2 MEDICAL MARIJUANA is not a defense to a charge of violating this
3 chapter.
4 Section 3 4. This act shall take effect in 60 days. <--