

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 driving under
5 influence of alcohol or controlled substance and for
6 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. Section 3802(d)(1) of Title 75 is amended and (d)
12 is amended by adding a paragraph to read:

13 § 3802. Driving under influence of alcohol or controlled
14 substance.

15 * * *

16 (d) Controlled substances.--An individual may not drive,
17 operate or be in actual physical control of the movement of a
18 vehicle under any of the following circumstances:

19 (1) There is in the individual's blood any amount of
20 [a]:

21 (i) a Schedule I controlled substance, as defined in
22 the act of April 14, 1972 (P.L.233, No.64), known as The
23 Controlled Substance, Drug, Device and Cosmetic Act,
24 except marijuana used lawfully in accordance with the act
25 of April 17, 2016 (P.L.84, No.16), known as the Medical
26 Marijuana Act;

27 (ii) a Schedule II or Schedule III controlled
28 substance, as defined in The Controlled Substance, Drug,
29 Device and Cosmetic Act, which has not been medically
30 prescribed for the individual; or

1 (iii) metabolite of a substance under subparagraph
2 (i) or (ii).

3 * * *

4 (5) If the individual is a medical marijuana patient in
5 compliance with the provisions of the Medical Marijuana Act,
6 proof of actual impairment shall be required.

7 Section 3. Section 3810 of Title 75 is amended to read:

8 § 3810. Authorized use not a defense.

9 The fact that a person charged with violating this chapter is
10 or has been legally entitled to use alcohol [or], controlled
11 substances or marijuana in compliance with the act of April 17,
12 2016 (P.L.84, No.16), known as the Medical Marijuana Act, is not
13 a defense to a charge of violating this chapter.

14 Section 4. This act shall take effect in 60 days.