

## AMENDMENTS TO SENATE BILL NO. 363

Sponsor: SENATOR BARTOLOTTA

Printer's No. 307

1 Amend Bill, page 1, lines 8 and 9, by striking out all of  
2 said lines and inserting

3 Section 1. Section 3802(d) of Title 75 of the Pennsylvania  
4 Consolidated Statutes is amended by adding paragraphs to read:

5 Amend Bill, page 1, lines 13 through 19; page 2, lines 1  
6 through 20; by striking out all of said lines on said pages and  
7 inserting

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

11 \* \* \*

12 (1.1) For the purposes of this subsection, if an  
13 individual is a medical marijuana patient in compliance with  
14 the provisions of the act of April 17, 2016 (P.L.84, No.16),  
15 known as the Medical Marijuana Act, proof of actual  
16 impairment shall be required if the individual is unable to  
17 safely drive, operate or be in actual physical control of a  
18 vehicle. Valid certification to use medical marijuana under  
19 the Medical Marijuana Act shall not, in and of itself, be  
20 sufficient evidence for a conviction under this section.

21 (1.2) (i) A medical marijuana patient convicted of  
22 operating a vehicle while impaired to a degree that the  
23 individual is unable to safely drive, operate or be in  
24 actual physical control of the vehicle shall be penalized  
25 under section 3804(c) (relating to penalties).

26 (ii) Possession of a medical marijuana patient  
27 identification card shall not, in and of itself, be  
28 sufficient to establish probable cause to charge the  
29 individual with a violation of this section.

30 (iii) Possession of a medical marijuana patient  
31 identification card shall not, in and of itself,  
32 establish reasonable grounds to request a chemical test  
33 under section 1547 (relating to chemical testing to  
34 determine amount of alcohol or controlled substance).

35 (iv) Nothing in this paragraph shall be construed to

1 supersede Federal regulation of the licensing and  
2 operation of commercial vehicles and school vehicles.