

AMENDMENTS TO SENATE BILL NO. 773

Sponsor: REPRESENTATIVE CARROLL

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1 Amend Bill, page 1, line 15, by inserting after "REVOKED;"
2 in commercial drivers, further providing for definitions;

3 Amend Bill, page 1, line 16, by inserting after "FOR" where
4 it occurs the first time

5 driving under influence of alcohol or controlled substance and
6 for

7 Amend Bill, page 1, line 18, by inserting after "DISPOSITION"
8 , for authorized use not a defense

9 Amend Bill, page 11, by inserting between lines 16 and 17

10 Section 2.1. The definition of "controlled substance" in
11 section 1603 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
20 Marijuana Act, under:

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

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

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

26 (4) Any revisions to paragraphs (2) or (3) which are
27 published by the Department of Transportation as notices in
28 the Pennsylvania Bulletin.

29 * * *

30 Amend Bill, page 11, line 17, by striking out "SECTION" where
31 it occurs the second time and inserting

32 Sections 3802(d) and

1 Amend Bill, page 11, by inserting between lines 18 and 19

2 § 3802. Driving under influence of alcohol or controlled
3 substance.

4 * * *

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

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

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

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

20 (iii) metabolite of a substance under subparagraph
21 (i) or (ii).

22 * * *

23 Amend Bill, page 15, by inserting after line 30

24 Section 7.1. Section 3810 of Title of Title 75 is amended to
25 read:

26 § 3810. Authorized use not a defense.

27 The fact that a person charged with violating this chapter is
28 or has been legally entitled to use alcohol [or], controlled
29 substances or marijuana in compliance with the act of April 17,
30 2016 (P.L.84, No.16), known as the Medical Marijuana Act, is not
31 a defense to a charge of violating this chapter.