

## AMENDMENTS TO SENATE BILL NO. 167

Sponsor: SENATOR LANGERHOLC

Printer's No. 151

1 Amend Bill, page 1, lines 2 and 3, by striking out "in  
2 commercial drivers, further providing for definitions; and,"

3 Amend Bill, page 1, lines 9 through 19; page 2, lines 1  
4 through 12; by striking out all of said lines on said pages and  
5 inserting

6 Section 1. Section 3802 of Title 75 of the Pennsylvania  
7 Consolidated Statutes is amended by adding subsections to read:

8 Amend Bill, page 2, lines 16 through 29, by striking out all  
9 of said lines and inserting

10 (d.1) Proof of actual impairment.--For the purposes of  
11 subsection (d), if an individual is a medical marijuana patient  
12 in compliance with the provisions of the act of April 17, 2016  
13 (P.L. 84, No. 16), known as the Medical Marijuana Act, proof of  
14 actual impairment shall be required if the individual is unable  
15 to safely drive, operate or be in actual physical control of a  
16 vehicle. Valid certification to use medical marijuana under the  
17 Medical Marijuana Act shall not, in and of itself, be sufficient  
18 evidence for a conviction under this section.

19 (d.2) Medical marijuana.--The following shall apply:

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

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

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

1           (4) Nothing in this section shall be construed to  
2           supersede Federal regulation of the licensing and operation  
3           of commercial vehicles and school vehicles.

4           Amend Bill, page 3, line 1, by striking out "3" and inserting

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6           Amend Bill, page 3, line 8, by striking out "4" and inserting

7           3