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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 167 Session of  
2021

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INTRODUCED BY BARTOLOTTA, KEARNEY, STREET, STEFANO, CAPPELLETTI,  
BLAKE, SCHWANK, TARTAGLIONE, REGAN AND COSTA,  
FEBRUARY 5, 2021

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REFERRED TO TRANSPORTATION, FEBRUARY 5, 2021

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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)(i) of Title 75 is amended and  
12 (d) 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 a:

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

26 \* \* \*

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

30 \* \* \*

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

2 § 3810. Authorized use not a defense.

3 The fact that a person charged with violating this chapter is  
4 or has been legally entitled to use alcohol [or], controlled  
5 substances or marijuana in compliance with the act of April 17,  
6 2016 (P.L.84, No.16), known as the Medical Marijuana Act, is not  
7 a defense to a charge of violating this chapter.

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