
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 363 Session of
2023

INTRODUCED BY BARTOLOTTA, LAUGHLIN, STEFANO, COSTA, SCHWANK,
DILLON, KANE, REGAN, STREET, TARTAGLIONE AND MUTH,
FEBRUARY 21, 2023

REFERRED TO TRANSPORTATION, FEBRUARY 21, 2023

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, in driving after imbibing alcohol or utilizing
3 drugs, further providing for driving under influence of
4 alcohol or controlled substance and for authorized use not a
5 defense.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

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

10 § 3802. Driving under influence of alcohol or controlled
11 substance.

12 * * *

13 (d.1) Proof of actual impairment.--For the purposes of
14 subsection (d), if an individual is a medical marijuana patient
15 in compliance with the provisions of the act of April 17, 2016
16 (P.L.84, No.16), known as the Medical Marijuana Act, proof of
17 actual impairment shall be required if the individual is unable
18 to safely drive, operate or be in actual physical control of a
19 vehicle. Valid certification to use medical marijuana under the

1 Medical Marijuana Act shall not, in and of itself, be sufficient
2 evidence for a conviction under this section.

3 (d.2) Medical marijuana.--

4 (1) A medical marijuana patient convicted of operating a
5 vehicle while impaired to a degree that the individual is
6 unable to safely drive, operate or be in actual physical
7 control of the vehicle shall be penalized under section
8 3804(c) (relating to penalties).

9 (2) Possession of a medical marijuana patient
10 identification card shall not, in and of itself, be
11 sufficient to establish probable cause to charge the
12 individual with a violation of this section.

13 (3) Possession of a medical marijuana patient
14 identification card shall not, in and of itself, establish
15 reasonable grounds to request a chemical test under section
16 1547 (relating to chemical testing to determine amount of
17 alcohol or controlled substance).

18 (4) Nothing in this section shall be construed to
19 supersede Federal regulation of the licensing and operation
20 of commercial vehicles and school vehicles.

21 * * *

22 Section 2. Section 3810 of Title 75 is amended to read:

23 § 3810. Authorized use not a defense.

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

29 Section 3. This act shall take effect in 60 days.