

House Bill 1587

By: Representatives Boggs of the 145th and Keen of the 146th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 40-6-391 of the Official Code of Georgia Annotated, relating to
2 driving under the influence of alcohol, drugs, or other intoxicating substances, so as to
3 prohibit the operation of a motor vehicle by any person while under the influence of
4 marijuana; to provide that the legal entitlement to use a drug shall not constitute a defense
5 to the charge of operating a motor vehicle while under the influence of such drug; to provide
6 for related matters; to provide an effective date; to repeal conflicting laws; and for other
7 purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Code Section 40-6-391 of the Official Code of Georgia Annotated, relating to driving under
11 the influence of alcohol, drugs, or other intoxicating substances, is amended by striking
12 subsections (a) and (b) and inserting in lieu thereof new subsections (a) and (b) to read as
13 follows:

14 "(a) A person shall not drive or be in actual physical control of any moving vehicle while:
15 (1) Under the influence of alcohol to the extent that it is less safe for the person to drive;
16 (2) Under the influence of any drug to the extent that it is less safe for the person to
17 drive;
18 (3) Under the intentional influence of any glue, aerosol, or other toxic vapor to the extent
19 that it is less safe for the person to drive;
20 (4) Under the combined influence of any two or more of the substances specified in
21 paragraphs (1) through (3) of this subsection to the extent that it is less safe for the person
22 to drive;
23 (5) The person's alcohol concentration is 0.08 grams or more at any time within three
24 hours after such driving or being in actual physical control from alcohol consumed before
25 such driving or being in actual physical control ended; or

1 (6) ~~Subject to the provisions of subsection (b) of this Code section, there~~ There is any
2 amount of marijuana or a controlled substance, as defined in Code Section 16-13-21,
3 present in the person's blood or urine, or both, including the metabolites and derivatives
4 of each or both without regard to whether or not any alcohol is present in the person's
5 breath or blood.

6 (b) The fact that any person charged with violating this Code section is or has been legally
7 entitled to use a drug shall not constitute a defense against any charge of violating this
8 Code section; ~~provided, however, that such person shall not be in violation of this Code~~
9 ~~section unless such person is rendered incapable of driving safely as a result of using a drug~~
10 ~~other than alcohol which such person is legally entitled to use."~~

11 **SECTION 2.**

12 This Act shall become effective upon its approval by the Governor or upon its becoming law
13 without such approval.

14 **SECTION 3.**

15 All laws and parts of laws in conflict with this Act are repealed.