

House Bill 1587

By: Representatives Boggs of the 145<sup>th</sup> and Keen of the 146<sup>th</sup>

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

