

House Bill 286

By: Representatives Day of the 163<sup>rd</sup>, Horne of the 71<sup>st</sup>, and Neal of the 1<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 40-6-391, relating to driving under the influence of alcohol, drugs,  
2 or other intoxicating substances, or while having a specified blood alcohol concentration or  
3 any amount of marijuana or a controlled substance present in the person's blood or urine, so  
4 as to delete provisions distinguishing between persons legally entitled to use marijuana and  
5 other drugs and persons not legally entitled to use marijuana and other drugs; to delete a  
6 provision providing a person legally entitled to use a drug other than alcohol is not in  
7 violation unless such person is rendered incapable of driving safely; to provide for related  
8 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Code Section 40-6-391, relating to driving under the influence of alcohol, drugs, or other  
12 intoxicating substances, or while having a specified blood alcohol concentration or any  
13 amount of marijuana or a controlled substance present in the person's blood or urine, is  
14 amended by striking subsections (a) and (b) and inserting in lieu thereof the following:

15 "(a) A person shall not drive or be in actual physical control of any moving vehicle while:  
16 (1) Under the influence of alcohol to the extent that it is less safe for the person to drive;  
17 (2) Under the influence of any drug to the extent that it is less safe for the person to  
18 drive;  
19 (3) Under the intentional influence of any glue, aerosol, or other toxic vapor to the extent  
20 that it is less safe for the person to drive;  
21 (4) Under the combined influence of any two or more of the substances specified in  
22 paragraphs (1) through (3) of this subsection to the extent that it is less safe for the person  
23 to drive;  
24 (5) The person's alcohol concentration is 0.08 grams or more at any time within three  
25 hours after such driving or being in actual physical control from alcohol consumed before  
26 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.