



PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1028 be amended to read as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 9-30-5-1, AS AMENDED BY P.L.142-2020,
- 3 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2021]: Sec. 1. (a) A person who operates a vehicle with an
- 5 alcohol concentration equivalent to at least eight-hundredths (0.08)
- 6 gram of alcohol but less than fifteen-hundredths (0.15) gram of alcohol
- 7 per:
- 8 (1) one hundred (100) milliliters of the person's blood; or
- 9 (2) two hundred ten (210) liters of the person's breath;
- 10 commits a Class C misdemeanor.
- 11 (b) A person who operates a vehicle with an alcohol concentration
- 12 equivalent to at least fifteen-hundredths (0.15) gram of alcohol per:
- 13 (1) one hundred (100) milliliters of the person's blood; or
- 14 (2) two hundred ten (210) liters of the person's breath;
- 15 commits a Class A misdemeanor.
- 16 (c) A person who operates a vehicle with a controlled substance
- 17 listed in schedule I or II of IC 35-48-2 or its metabolite in the person's
- 18 blood commits a Class C misdemeanor.
- 19 (d) It is a defense to subsection (c) that:
- 20 (1) the accused person consumed the controlled substance in
- 21 accordance with a valid prescription or order of a practitioner (as

1 defined in IC 35-48-1) who acted in the course of the  
2 practitioner's professional practice; or

3 **(2) the:**

4 **(A) controlled substance is marijuana or a metabolite of**  
5 **marijuana;**

6 **(B) person was not intoxicated;**

7 **(C) person did not cause a traffic accident; and**

8 **(D) substance was identified by means of a chemical test**  
9 **taken pursuant to IC 9-30-7.**

(Reference is to HB 1028 as printed February 16, 2021.)

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Representative Lucas