



Reprinted
February 19, 2021

HOUSE BILL No. 1028

DIGEST OF HB 1028 (Updated February 18, 2021 3:47 pm - DI 131)

Citations Affected: IC 9-30.

Synopsis: Operating while intoxicated. Provides a defense to prosecution for a person who operates a vehicle with marijuana or its metabolite in the person's blood under certain conditions.

Effective: July 1, 2021.

Lucas, Bartels, Campbell

January 4, 2021, read first time and referred to Committee on Courts and Criminal Code.
February 16, 2021, amended, reported — Do Pass.
February 18, 2021, read second time, amended, ordered engrossed.

HB 1028—LS 6215/DI 131



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First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1028

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-30-5-1, AS AMENDED BY P.L.142-2020,
2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 1. (a) A person who operates a vehicle with an
4 alcohol concentration equivalent to at least eight-hundredths (0.08)
5 gram of alcohol but less than fifteen-hundredths (0.15) gram of alcohol
6 per:
7 (1) one hundred (100) milliliters of the person's blood; or
8 (2) two hundred ten (210) liters of the person's breath;
9 commits a Class C misdemeanor.
10 (b) A person who operates a vehicle with an alcohol concentration
11 equivalent to at least fifteen-hundredths (0.15) gram of alcohol per:
12 (1) one hundred (100) milliliters of the person's blood; or
13 (2) two hundred ten (210) liters of the person's breath;
14 commits a Class A misdemeanor.
15 (c) A person who operates a vehicle with a controlled substance
16 listed in schedule I or II of IC 35-48-2 or its metabolite in the person's
17 blood commits a Class C misdemeanor.

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- 1 (d) It is a defense to subsection (c) that:
- 2 (1) the accused person consumed the controlled substance in
- 3 accordance with a valid prescription or order of a practitioner (as
- 4 defined in IC 35-48-1) who acted in the course of the
- 5 practitioner's professional practice; **or**
- 6 (2) **the:**
- 7 (A) **controlled substance is marijuana or a metabolite of**
- 8 **marijuana;**
- 9 (B) **person was not intoxicated;**
- 10 (C) **person did not cause a traffic accident; and**
- 11 (D) **substance was identified by means of a chemical test**
- 12 **taken pursuant to IC 9-30-7.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1028, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 2, delete "ten (10)" and insert "**five (5)**".
 Page 2, line 21, delete "ten (10)" and insert "**five (5)**".
 Page 3, line 4, delete "ten (10)" and insert "**five (5)**".
 Page 3, line 18, delete "ten (10)" and insert "**five (5)**".
 Delete page 4.
 Page 5, delete lines 1 through 19.
 Page 5, line 33, delete "ten (10)" and insert "**five (5)**".
 Page 6, delete lines 8 through 42.
 Page 7, delete lines 1 through 18.
 Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1028 as introduced.)

MCNAMARA

Committee Vote: yeas 9, nays 2.

 HOUSE MOTION

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

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

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

LUCAS

