



March 18, 2021

**ENGROSSED
SENATE BILL No. 201**

DIGEST OF SB 201 (Updated March 17, 2021 12:24 pm - DI 133)

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.

Young M, Bohacek, Tallian

(HOUSE SPONSORS — YOUNG J, LUCAS, LEDBETTER)

January 5, 2021, read first time and referred to Committee on Corrections and Criminal Law.

February 18, 2021, reported favorably — Do Pass.

February 22, 2021, read second time, ordered engrossed. Engrossed.

February 23, 2021, read third time, passed. Yeas 29, nays 20.

HOUSE ACTION

March 4, 2021, read first time and referred to Committee on Courts and Criminal Code.

March 18, 2021, reported — Do Pass.

ES 201—LS 7053/DI 143



March 18, 2021

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.

ENGROSSED SENATE BILL No. 201

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

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.

ES 201—LS 7053/DI 143



- 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

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 201, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 201 as introduced.)

YOUNG M, Chairperson

Committee Vote: Yeas 4, Nays 3

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 201, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 201 as printed February 19, 2021.)

MCNAMARA

Committee Vote: Yeas 11, Nays 0

