



April 5, 2024

**SUMMARY OF BILL AS AMENDED (017972):** Establishes that evidence that a person was suspected to be impaired secondary to the sedative or otherwise intoxicating effects of a controlled substance and was administered an opioid antagonist within 24 hours prior to the time of an alleged Driving Under the Influence (DUI) offense, creates a presumption that the defendant's ability to drive was sufficiently impaired by the controlled substance that caused the opioid-related overdose. Authorizes a first responder who administers an opioid antagonist to an individual experiencing an opioid-related overdose to provide information on the risks associated with driving for a 24-hour period following administration, in an effort to ensure that the individual is informed of the potential dangers and legal responsibilities.

**FISCAL IMPACT OF BILL AS AMENDED:**

**NOT SIGNIFICANT**

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 55-10-401(1), it is unlawful for any person to drive or to be in physical control of any automobile or other motor driven vehicle on any of the public roads and highways of the state, or on any streets or alleys, or while on the premises of any shopping center, trailer park, or apartment house complex, or any other premises that is generally frequented by the public at large, while under the influence of any intoxicant, marijuana, controlled substance, controlled substance analogue, drug, substance affecting the central nervous system, or combination thereof that impairs the driver's ability to safely operate a motor vehicle by depriving the driver of the clearness of mind and control of oneself that the driver would otherwise possess.
- The proposed legislation creates a presumption that a defendant's ability to drive was sufficiently impaired by the controlled substance that caused the opioid-related overdose if there is evidence that the person was suspected to be impaired secondary to the sedative or otherwise intoxicating effects of a controlled substance and was administered an opioid antagonist within 24 hours prior to the time of an alleged DUI offense.
- Pursuant to Tenn. Code Ann. § 55-10-402(a)(1)-(3) is a Class A misdemeanor and requires a minimum sentence as follows:
  - First conviction: 48 consecutive hours; or 7 consecutive days if the person has a blood alcohol concentration (BAC) of 0.20 percent or more;

- Second conviction: 45 consecutive days; or 17 days, with completion of a clinical substance abuse assessment; and
- Third conviction: 120 consecutive days, or 65 days with completion of a clinical substance abuse assessment.
- Pursuant to Tenn. Code Ann. § 55-10-402(a)(4)-(6), a fourth conviction for DUI is sentenced as a Class E felony offense, with a minimum 150 days incarcerated; a fifth conviction for DUI is sentenced as a Class D felony offense, with a minimum 150 days incarcerated; and a sixth or subsequent conviction for DUI is sentenced as a Class C felony offense, with a minimum 150 days incarcerated.
- There will not be a sufficient change in the number of prosecutions for state or local government to experience any significant change in revenue or expenditures.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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