

**No. 169. An act relating to operating a motor vehicle under the influence of alcohol or drugs.**

(H.501)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 23 V.S.A. § 1201 is amended to read:

§ 1201. OPERATING VEHICLE UNDER THE INFLUENCE OF

INTOXICATING LIQUOR OR OTHER SUBSTANCE; CRIMINAL

REFUSAL; ENHANCED PENALTY FOR BAC OF 0.16 OR MORE

(a) A person shall not operate, attempt to operate, or be in actual physical control of any vehicle on a highway:

(1) when the person's alcohol concentration is 0.08 or more, or 0.02 or more if the person is operating a school bus as defined in subdivision 4(34) of this title; or

(2) when the person is under the influence of intoxicating liquor; or

(3) when the person is under the influence of any other drug or under the combined influence of alcohol and any other drug ~~to a degree which renders the person incapable of driving safely~~; or

(4) when the person's alcohol concentration is 0.04 or more if the person is operating a commercial motor vehicle as defined in subdivision 4103(4) of this title.

\* \* \*

(h) As used in subdivision (a)(3) of this section, "under the influence of a drug" means that a person's ability to operate a motor vehicle safely is diminished or impaired in the slightest degree. This subsection shall not be

construed to affect the meaning of the term “under the influence of intoxicating liquor.”

Sec. 2. DEPARTMENT OF PUBLIC SAFETY REPORTS; DRUG  
RECOGNITION EXPERTS

On or before November 1, 2015, the Department of Public Safety shall report to the Senate and House Committees on Judiciary on the use of drug recognition experts in cases involving operating a motor vehicle while under the influence of drugs. The report shall include the following:

(1) the number of motor vehicle stops made by law enforcement in Vermont during the period of July 1, 2014 to June 30, 2015 and accidents that occurred during that period in which the operator of the vehicle was suspected of driving under the influence of drugs;

(2) the number of times an operator of a motor vehicle involved in an accident or stopped by a law enforcement officer during the period of July 1, 2014 to June 30, 2015 was examined by a drug recognition expert and the number of times, after examination by the drug recognition expert, that the operator was:

(A) charged with operating a motor vehicle under the influence of drugs;

(B) not charged with operating a motor vehicle under the influence of drugs; and

(C) convicted of operating a motor vehicle under the influence of drugs.

Sec. 3. NALTREXONE INJECTIONS; DEPARTMENT OF HEALTH  
STUDY

The Department of Health shall evaluate the feasibility, effectiveness, risks, and benefits of using an injectable form of the opioid antagonist naltrexone in the treatment of opioid addiction in Vermont, either instead of or in addition to the use of methadone and buprenorphine. On or before January 15, 2015, the Department shall report its findings and recommendations regarding the use of injectable naltrexone in Vermont's substance abuse treatment programs to the House Committees on Human Services and on Judiciary and the Senate Committees on Health and Welfare and on Judiciary.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

Date Governor signed bill: June 3, 2014