

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H.B. 766
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40427-SA-6 (01/23)

Short Title: DWI for Controlled Substances.

(Public)

Sponsors: Representative Jackson.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND DRIVING WHILE IMPAIRED AND DRIVING WHILE IMPAIRED
3 IN A COMMERCIAL VEHICLE TO INCLUDE SPECIFIED AMOUNTS OF CERTAIN
4 CONTROLLED SUBSTANCES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 20-138.1(a) reads as rewritten:

7 "§ 20-138.1. Impaired driving.

8 (a) Offense. – A person commits the offense of impaired driving if ~~he~~the person drives
9 any vehicle upon any highway, any street, or any public vehicular area within this ~~State~~State
10 under any of the following circumstances:

11 (1) While under the influence of an impairing ~~substance; or~~substance.

12 (2) After having consumed sufficient alcohol that ~~he~~the person has, at any
13 relevant time after the driving, an alcohol concentration of 0.08 or more. The
14 results of a chemical analysis shall be deemed sufficient evidence to prove a
15 person's alcohol ~~concentration; or~~concentration.

16 (3) With any amount of a ~~Schedule I controlled substance, as listed in G.S.~~
17 ~~90-89, or its metabolites in his blood or urine.~~any of the following controlled
18 substances in the person's blood or urine:

19 a. A Schedule I controlled substance, as listed in G.S. 90-89, or its
20 metabolites.

21 b. Cocaine or its metabolites.

22 c. Phencyclidine or its metabolites.

23 d. Methamphetamine or its metabolites.

24 e. Ketamine or its metabolites.

25 (4) With a concentration of delta-9-tetrahydrocannabinol or
26 delta-9-tetrahydrocannabinol metabolite in the person's blood or urine that
27 reaches one of the following levels:

28 a. A concentration of at least 10 nanograms of
29 delta-9-tetrahydrocannabinol in the person's urine.

30 b. A concentration of at least 2 nanograms of
31 delta-9-tetrahydrocannabinol in the person's blood.

32 c. A concentration of at least 15 nanograms of
33 delta-9-tetrahydrocannabinol metabolite in the person's urine.

34 d. A concentration of at least 5 nanograms of
35 delta-9-tetrahydrocannabinol metabolite in the person's blood."

36 SECTION 2. G.S. 20-138.2(a) reads as rewritten:



* D R H 4 0 4 2 7 - S A - 6 *

1 "§ 20-138.2. Impaired driving in commercial vehicle.

2 (a) Offense. – A person commits the offense of impaired driving in a commercial motor
3 vehicle if ~~he~~ the person drives a commercial motor vehicle upon any highway, any street, or
4 any public vehicular area within ~~the State~~ this State under any of the following circumstances:

5 (1) While under the influence of an impairing ~~substance~~; or substance.

6 (2) After having consumed sufficient alcohol that ~~he~~ the person has, at any
7 relevant time after the driving, an alcohol concentration of 0.04 or more. The
8 results of a chemical analysis shall be deemed sufficient evidence to prove a
9 person's alcohol ~~concentration~~; or concentration.

10 (3) With any amount of a ~~Schedule I controlled substance, as listed in G.S.~~
11 ~~90-89, or its metabolites in his blood or urine.~~ any of the following controlled
12 substances in the person's blood or urine:

13 a. A Schedule I controlled substance, as listed in G.S. 90-89, or its
14 metabolites.

15 b. Cocaine or its metabolites.

16 c. Phencyclidine or its metabolites.

17 d. Methamphetamine or its metabolites.

18 e. Ketamine or its metabolites.

19 (4) With a concentration of delta-9-tetrahydrocannabinol or
20 delta-9-tetrahydrocannabinol metabolite in the person's blood or urine that
21 reaches one of the following levels:

22 a. A concentration of at least 10 nanograms of
23 delta-9-tetrahydrocannabinol in the person's urine.

24 b. A concentration of at least 2 nanograms of
25 delta-9-tetrahydrocannabinol in the person's blood.

26 c. A concentration of at least 15 nanograms of
27 delta-9-tetrahydrocannabinol metabolite in the person's urine.

28 d. A concentration of at least 5 nanograms of
29 delta-9-tetrahydrocannabinol metabolite in the person's blood."

30 **SECTION 3.** This act becomes effective December 1, 2017, and applies to
31 offenses committed on or after that date.