



January 31, 2020

SENATE BILL No. 236

DIGEST OF SB 236 (Updated January 28, 2020 2:48 pm - DI 106)

Citations Affected: IC 9-30.

Synopsis: THC. Establishes a defense to operating with a controlled substance in the person's body if the substance is THC and the sample was taken under certain circumstances.

Effective: July 1, 2020.

Young M

January 9, 2020, read first time and referred to Committee on Corrections and Criminal Law.
January 30, 2020, amended, reported favorably — Do Pass.

SB 236—LS 6970/DI 106



January 31, 2020

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

SENATE BILL No. 236

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.63-2018,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2020]: 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 body 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 THC; and**
- 8 (B) **sample was taken as the result of a request made under**
- 9 **IC 9-30-7.**



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 236, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 1 through 9.

Page 2, line 7, delete "with:" and insert "with".

Page 2, line 8, delete "(1)".

Page 2, line 8, delete "IC 35-48-2," and insert "IC 35-48-2".

Page 2, delete line 9.

Page 2, line 10, delete "hash oil, or hashish,".

Page 2, line 10, delete "body; or" and insert "body".

Page 2, delete lines 11 through 13.

Page 2, run in lines 7 through 14.

Page 2, line 15, delete "that" and insert "that:

(1)".

Page 2, line 18, delete "practice." and insert "practice; or

(2) the:

(A) controlled substance is THC; and

(B) sample was taken as the result of a request made under IC 9-30-7."

Page 2, delete lines 19 through 42.

Delete pages 3 through 6.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 236 as introduced.)

YOUNG M, Chairperson

Committee Vote: Yeas 5, Nays 2.

