



State “Drugged Driving” Laws

Research current through February 25, 2016

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<u>State</u>	<u>Citation(s)</u>	<u>Includes “Per Se” Provision?</u>	<u>Standard(s)</u>	<u>Substance(s) to Which Standard(s) Apply</u>	<u>Affirmative Defenses Listed in Statute</u>
Alabama	Ala.Code § 32-5A-191	No	“[U]nder the influence ...to a degree which renders him or her incapable of safely driving”	(1) Controlled substance (2) “[A]ny substance which impairs the mental or physical faculties of such person”	None
Alaska	AS § 28.35.030	No	“[U]nder the influence”	“[I]nhalant, or any controlled substance, singly or in combination”	None
Arizona	A.R.S. § 28-1381	Yes, with respect to certain defined drugs.	Subsection (A)(1) - “under the influence ... if the person is impaired to the slightest degree” Subsection (A)(3) - “[w]hile there is any drug defined in § 13-3401 or its metabolite in the person’s body” ¹	Subsection (A)(1) - any drug Subsection (A)(3) - “any drug defined in § 13-3401 or its metabolite in the person’s body” §13-3401 contains definitions for drug offenses in the criminal code	Subsection (D) - (A)(3) does not apply to a person using a drug “as prescribed by a [licensed] medical practitioner.”

¹ The Supreme Court of Arizona has held that “the ‘metabolite’ reference in [A.R.S.] § 28–1381(A)(3) is limited to any of a proscribed substance’s metabolites that are capable of causing impairment. Accordingly, marijuana users violate § 28–1381(A)(1) if they drive while ‘impaired to the slightest degree,’ and, regardless of impairment, violate (A)(3) if they are discovered with any amount of THC or an impairing metabolite in their body. Drivers cannot be convicted of the (A)(3) offense based merely on the presence of a non-impairing metabolite that may reflect the prior usage of marijuana.” *State ex rel. Montgomery v. Harris*, 237 Ariz. 98, 346 P.3d 984 (2014).

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Arkansas	A.C.A. § 5-65-102 (definition) A.C.A. § 5-65-103 (offense)	No	A person “who is intoxicated” “Intoxicated” means “influenced or affected ... to such a degree that the driver’s reactions, motor skills, and judgment are substantially altered” and this the driver “constitutes a clear and substantial danger of physical injury or death to himself and other motorists or pedestrians.”	“[C]ontrolled substance, or an intoxicant” “Controlled substance” means “drug, substance, or immediate precursor in Schedules I through VI”	None. Statute expressly provides that fact that person is or has been entitled to use that drug or controlled substance under the laws of state does not constitute a defense.
California	Cal. Vehicle Code §§ 23152-53	Yes, with respect to persons addicted to any drug.	Subsection (c) – it is unlawful “for a person who is addicted to any drug to drive a vehicle” Subsection (e) - “under the influence”	Subsection (e) - any drug	Subsection (c) does not apply to a person participating in an approved “narcotic treatment program.”

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Colorado	C.R.S.A. § 42-4-1301	No	<p>Subsection (1)(a) – “under the influence”</p> <p>Means substance “affects the person to a degree that the person is substantially incapable, either mentally or physically, or both mentally and physically, to exercise clear judgment, sufficient physical control, or due care in the safe operation of a vehicle.”</p> <p>Subsection (1)(b) – “impaired”</p> <p>“Driving while ability impaired” means the substance “affects the person to the slightest degree so that the person is less able than the person ordinarily would have been, either mentally or physically, or both mentally and physically, to exercise clear judgment, sufficient physical control, or due care in the safe operation of a vehicle.”</p>	<p>“[O]ne or more drugs”</p> <p>“One or more drugs” means “any drug, as defined in section 27-80-203(13), C.R.S., any controlled substance, as defined in section 18-18-102(5), C.R.S., and any inhaled glue, aerosol, or other toxic vapor or vapors, as defined in section 18-18-412, C.R.S.”</p>	<p>None. The fact that person “is or has been entitled to use one or more drugs under the laws of this state, including, but not limited to, the medical use of marijuana pursuant to section 18-18-406.3, C.R.S., shall not constitute a defense.”</p>

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Colorado	C.R.S.A. § 42-4-1305.5 (Open marijuana container law)	Yes	<p>“[A] person in the passenger area of a motor vehicle may not knowingly:</p> <p>(I) Use or consume marijuana; or (II) Have in his or her possession an open marijuana container.”</p> <p>“Passenger area” means “the area designed to seat the driver and passengers, including seating behind the driver, while a motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in his or her seating position, including but not limited to the glove compartment.”</p>	Marijuana	<p>Does not apply to possession by:</p> <p>(1) by passengers behind front row in for-hire transportation vehicle</p> <p>(2) in living quarters of house coach or motor home</p> <p>(3) behind last upright seat in vehicle w/o trunk</p> <p>(4) in area not normally occupied by driver/passengers in vehicle w/o trunk</p>
Connecticut	C.G.S.A. § 14-227a	No	“[U]nder the influence”	Any drug	None

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Delaware	21 Del.C. § 4177	Yes, with respect to “illicit” or recreational drugs.	<p>Subsection (a)(2) – “while under the influence”</p> <p>“While under the influence” means that the person is “less able than the person would ordinarily have been, either mentally or physically, to exercise clear judgment, sufficient physical control, or due care in the driving of a vehicle.”</p> <p>Subsection (a)(6) – person’s blood contains “within 4 hours of driving, any amount of an illicit or recreational drug that is the result of the unlawful use or consumption of [that] drug prior to or during driving.””</p>	<p>Subsection (a)(2) – “any drug”</p> <p>Subsection (a)(6) – “an illicit or recreational drug”</p> <p>“Illicit or recreational drug” is (a) material “enumerated as a Schedule I controlled substance under § 4714 of Title 16”;</p> <p>(b) Cocaine;</p> <p>(c) Amphetamine;</p> <p>(d) Methamphetamine;</p> <p>(e) Phencyclidine;</p> <p>(f) a “designer drug” as defined in § 4701; or</p> <p>(g) any other substance that produces vapors used for intoxication.</p>	<p>Subsection (b)(3)(b) – Subsection (a)(6) does not apply where “person has used or consumed the drug or drugs detected according to the directions and terms of a lawfully obtained prescription for such drug or drugs.”</p>
District of Columbia	DC ST § 50-2206.11	No	“[W]hile the person is under the influence”	Any drug	None

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Florida	F.S.A. § 316.193	No	“[U]nder the influence ... when affected to the extent that the person’s normal faculties are impaired.”	“[A]ny chemical substance set forth in s. 877.111 [harmful chemical substances], or any substance controlled under chapter 893.”	None
Georgia	Ga. Code Ann. § 40-6-391	Yes, with respect to marijuana and controlled substances.	Subsections (a)(2) and (a)(3) - “Under the influence ...to the extent that it is less safe for the person to drive.” Subsection (a)(6) - “any amount of marijuana or a controlled substance ...present in the person’s blood or urine, or both, including the metabolites and derivatives of each.”	Subsection (a)(2) - any drug Subsection (a)(3) - “any glue, aerosol, or other toxic vapor” Subsection (a)(6) – “marijuana or a controlled substance, as defined in Code Section 16-13-21”	Subsection (b) - person “legally entitled to use a drug” is not in violation unless “such person is rendered incapable of driving safely as a result of using a drug other than alcohol which such person is legally entitled to use.”
Hawaii	HRS § 291E-1 (definition) HRS § 291E-61 (offense)	No	“While under the influence of any drug that impairs the person’s ability to operate the vehicle in a careful and prudent manner.”	Any drug “Drug” means “any controlled substance, as defined and enumerated in schedules I through IV of chapter 329, or its metabolites.”	None

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Idaho	I.C. § 18-8004	No	“[U]nder the influence.”	“[D]rugs or any other intoxicating substances”	None. Statute expressly provides that the fact a person is entitled to use a drug under state law is not a defense.
Illinois	625 ILCS 5/11-501	Yes, for cannabis, controlled substances or meth.	Subsections (a)(3) and (a)(4) – “under the influence ... to a degree that renders the person incapable of driving safely.” Subsection (a) (6) – “any amount” of certain substances in person’s blood, breath or urine.	Subsection (a)(3) – “any intoxicating compound or combination of intoxicating compounds.” Subsection (a)(4) – “any other drug or combination of drugs.” Subsection (a)(6) – “a drug, substance, or compound ... resulting from the unlawful use or consumption of cannabis ...a controlled substance ... an intoxicating compound ..., or methamphetamine.”	Subsection (a)(6) – the subsection does not apply to “the lawful consumption of cannabis by a qualifying patient licensed under the Compassionate Use of Medical Cannabis Pilot Program Act who is in possession of a valid registry card” ... unless that person is impaired by the use of cannabis.”
Indiana	IC 9-30-5-1 IC 9-30-5-2 IC 9-30-5-4 IC 9-30-5-5 (levels of offense)	Yes, for certain controlled substances.	IC 9-30-5-1 - operating a vehicle with “a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person’s body.” IC 9-30-5-2 – “while intoxicated.”	“[C]ontrolled substance listed in schedule I or II of IC 35-48-2 or its metabolite”	Consuming the substance “under a valid prescription or order of a practitioner ... who acted in the course of the practitioner’s professional practice.”

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Iowa	I.C.A. § 321J.1 (definition) I.C.A. § 321J.2 (offense)	Yes, for controlled substances.	Subsection (1)(a) – “under the influence.” Subsection (1)(c) – while “any amount of a controlled substance is present in the person, as measured in the person’s blood or urine.”	Subsection (1)(a) – “other drug.” Subsection (1)(c) – “controlled substance.” “Controlled substance” means “any drug, substance, or compound that is listed in section 124.204 or 124.206, or any metabolite or derivative of the drug, substance, or compound.”	Subsection (11) – the section does not apply: (a) “if the substance was prescribed for the person and was taken under the prescription and in accordance with the directions of a medical practitioner as defined in chapter 155A.” (b) if “the controlled substance present in the person’s blood or urine was prescribed or dispensed for the person and was taken in accordance with the directions of a practitioner and the labeling directions of the pharmacy.””

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Kansas	K.S.A. § 8-1567	No	“[U]nder the influence ...to a degree that renders the person incapable of safely driving a vehicle”	“[A]ny drug or combination of drugs” Term “drug” includes “toxic vapors as such term is defined in K.S.A. 21-5712, and amendments thereto.”	None. The fact that a person “is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.”
Kentucky	KRS § 189A.010	Yes, as to certain controlled substances (but not marijuana).	Subsection (1)(c) – “under the influence” Subsection (1)(d) – while “the presence of a controlled substance listed in subsection (12) of this section is detected in the blood, as measured by a scientifically reliable test, or tests, taken within two (2) hours of cessation of operation or physical control of a motor vehicle”	Subsection (1)(c) – any “substance or combination of substances which impairs one’s driving ability” Subsection (1)(d) – (a) Any Schedule I controlled substance except marijuana; (b) Alprazolam; (c) Amphetamine; (d) Buprenorphine; (e) Butalbital; (f) Carisoprodol; (g) Cocaine; (h) Diazepam; (i) Hydrocodone; (j) Meprobamate; (k) Methadone; (l) Methamphetamine; (m) Oxycodone; (n) Promethazine; (o) Propoxyphene; and (p) Zolpidem.	Subsection (4)(b) - a laboratory test for a controlled substance is “inadmissible as evidence in a prosecution under subsection (1)(d)” if the court finds that the person “consumed the substance under a valid prescription from a practitioner ... acting in the course of his or her professional practice.”

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Louisiana	LSA-R.S. § 14:98	No	“[U]nder the influence of”	<p>Subsection (1)(c) - “any controlled dangerous substance listed in Schedule I, II, III, IV, or V as set forth in R.S. 40:964.”</p> <p>Subsection (1)(d) – “a combination of alcohol and one or more drugs which are not controlled dangerous substances and which are legally obtainable with or without a prescription.”</p> <p>Subsection (1)(e) - “one or more drugs which are not controlled dangerous substances and which are legally obtainable with or without a prescription.”</p>	<p>Subsection (1)(d) - that “the label on the container of the prescription drug or the manufacturer’s package of the drug does not contain a warning against combining the medication with alcohol.”</p> <p>Subsection (1)(e) - that “operator did not knowingly consume quantities of the drug or drugs which substantially exceed the dosage prescribed by the physician or the dosage recommended by the manufacturer of the drug.”</p>

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Maine	29-A M.R.S.A. § 2401 (definitions) 29-A M.R.S.A. § 2411 (offense)	No	“[U]nder the influence of intoxicants.” Defined as “being under the influence of alcohol, a drug other than alcohol, a combination of drugs or a combination of alcohol and drugs.”	“Drugs” means “scheduled drugs as defined under Title 17-A, section 1101” and includes “any natural or artificial chemical substance that, when taken into the human body, can impair the ability of the person to safely operate a motor vehicle.”	None
Maryland	MD Code, Transportation, § 21-902	No	Subsection (c)(1) - “so far impaired ... that he cannot drive a vehicle safely.” Subsection (d)(1) – “impaired by any controlled dangerous substance ... if the person is not entitled to use the controlled dangerous substance under the laws of this State”	Subsection (c)(1) – any drug Subsection (d)(1) – “any controlled dangerous substance, as that term is defined in § 5-101 of the Criminal Law Article.”	Subsection (c)(1) – entitlement under the law to use a drug is not a defense “unless the person was unaware that the drug or combination would make the person incapable of safely driving a vehicle.” Subsection (d)(1) – entitled to use the substance under state law.

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Massachusetts	M.G.L.A. 90 § 24	No	“[U]nder the influence of”	“[M]arijuana, narcotic drugs, depressants or stimulant substances, all as defined in section one of chapter ninety-four C [Controlled Substances Act], or the vapors of glue.”	None
Michigan	M.C.L.A. 257.625 M.C.L.A. 333.7214 (schedule II controlled substances)	Yes, with respect to certain controlled substances (but not marijuana, in certain instances).	Subsection (1)(a) – “operating while intoxicated” which means “under the influence.” Subsection (3) – “person’s ability to operate the vehicle is visibly impaired.” Subsection (8) – “any amount” of certain controlled substances.	Subsection (1)(a) – “a controlled substance, or other intoxicating substance” Subsection (3) - “a controlled substance, or other intoxicating substance” Subsection (8) – “a controlled substance listed in schedule 1 under section 7212 of the public health code, 1978 PA 368, MCL 333.7212 ... or of a controlled substance described in section 7214(a)(iv) of the public health code, 1978 PA 368, MCL 333.7214.” Marijuana used “for the purpose of treating a debilitating medical condition” is a schedule II substance.	None

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Minnesota	M.S.A. § 169A.20	Yes, as to certain scheduled controlled substances (not including marijuana).	<p>Subsection (1)(2) – “under the influence.”</p> <p>Subsection (1)(3) – “knowingly under the influence of a hazardous substance that affects the nervous system, brain, or muscles of the person so as to substantially impair the person’s ability to drive or operate the motor vehicle.”</p> <p>Subsection (1)(7) – “the person’s body contains any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.</p>	<p>Subsection (1)(2) – controlled substance.</p> <p>Subsection (1)(3) – “a hazardous substance.”</p> <p>Subsection (1)(7) – “a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.”</p>	None
Mississippi	Miss. Code Ann. § 63-11-30	No	“[U]nder the influence”	<p>Subsection (1)(b) - “any other substance that has impaired the person’s ability to operate a motor vehicle”</p> <p>Subsection (1)(c) - “any drug or controlled substance, the possession of which is unlawful under the Mississippi Controlled Substances Law.</p>	None

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Missouri	V.A.M.S. § 577.001 (definition) V.A.M.S. § 577.010 (offense)	No	Operation of a motor vehicle “while in an intoxicated or drugged condition.” ² “Intoxicated condition” means “under the influence of alcohol, a controlled substance, or drug, or any combination thereof.”	“[A] controlled substance, or drug, or any combination thereof.”	None
Montana	MCA § 61-8-401	No	“[U]nder the influence” Defined to mean “that as a result of taking into the body alcohol, drugs, or any combination of alcohol and drugs, a person’s ability to safely operate a vehicle has been diminished.”	A “dangerous drug” or “any other drug.”	None. Statute expressly states that fact that person is or has been entitled to use that drug or controlled substance under the laws of this state does not constitute a defense.
Nebraska	Neb.Rev.St. § 60-6,196	No	“[U]nder the influence”	“[A]ny drug”	None

² Effective January 1, 2017, the language in V.A.M.S. § 577.001 changes to “intoxicated condition.”

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Nevada	N.R.S. 484C.110	Yes, with respect to certain listed substances (including marijuana).	<p>Subsection (2)(a) – “under the influence.”</p> <p>Subsection (2)(c) – ingests “to a degree which renders the person incapable of safely driving or exercising actual physical control of a vehicle.”</p> <p>Subsection (3) – “with [a specified] amount of a prohibited substance in his or her blood or urine.”</p>	<p>Subsection (2)(a) – controlled substance.</p> <p>Subsection (2)(c) – “any chemical, poison or organic solvent, or any compound or combination of any of these.”</p> <p>Subsection (3) – specified amounts (that vary for each substance) of amphetamine cocaine, cocaine metabolite, heroin, heroin metabolite, morphine, 6-monoacetyl morphine, lysergic acid diethylamide, marijuana, marijuana metabolite, methamphetamine, phencyclidine.</p>	None. Statute expressly states that fact that person is or has been entitled to use that drug or controlled substance under the laws of this state does not constitute a defense.
New Hampshire	N.H. Rev. Stat. § 265-A:2	No	“[U]nder the influence ...which impair[s] a person’s ability to drive.”	“[A]ny controlled drug, prescription drug, over-the-counter drug, or any other chemical substance, natural or synthetic.”	None

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New Jersey	N.J.S.A. §39:4-50	No	“[U]nder the influence”	“[N]arcotic, hallucinogenic or habit-producing drug.” Includes “an inhalant or other substance containing a chemical capable of releasing any toxic vapors or fumes for the purpose of inducing a condition of intoxication or any other substance containing one or more” of many listed chemical compounds.	None
New Mexico	N. M. S. A. 1978, § 66-8-102	No	“[U]nder the influence ... to a degree that renders the person incapable of safely driving a vehicle.”	“[A]ny drug”	None
New York	McKinney’s Vehicle and Traffic Law §114-a (definition) § 1192 (offense)	No	Subsection (3) – “No person shall operate a motor vehicle while in an intoxicated condition.” Subsection (4) – “No person shall operate a motor while the person’s ability to operate such a motor vehicle is impaired by the use of a drug as defined in this chapter.”	“Drug,” which includes “any substance listed in section thirty-three hundred six of the public health law.”	None

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North Carolina	N.C.G.S.A. § 20-138.1 N.C.G.S.A. § 20-138.3 (under age 21)	Yes, as to certain controlled substances (not including marijuana) and persons under age 21.	§138.1(a)(1) – “under the influence of an impairing substance.” §138.1(a)(3) – with “any amount of a Schedule I controlled substance ... or its metabolites in his blood or urine.” §138.3 – for persons under 21, driving while “remaining in his body any ...controlled substance previously consumed.”	§ 138.1(a)(1) – impairing substance. § 138.1(a)(3) – “Schedule I controlled substance, as listed in G.S. 90-89, or its metabolites.” § 138.3 – any controlled substance.	§ 138.1 - None. Statute provides that fact that a person “is or has been legally entitled to use alcohol or a drug is not a defense to a charge under this section.” § 138.3 – if driving with “a controlled substance in his body which was lawfully obtained and taken in therapeutically appropriate amounts.”
North Dakota	NDCC, 39-08-01	No	“[U]nder the influence ... to a degree which renders that person incapable of safely driving.”	“[A]ny drug or substance or combination of drugs or substances.”	Person’s legal entitlement to use alcohol or drugs does not provide a defense “unless a drug which predominately caused impairment was used only as directed or cautioned by a practitioner who legally prescribed or dispensed the drug to that person.”

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Ohio	R.C. § 4511.19	Yes, with respect to certain specified substances (including marijuana).	Subsection (A)(1)(a) – “under the influence.” Subsection (A)(1)(j) – above certain specified concentrations in a person’s blood, blood serum, plasma or urine.	Subsection (A)(1)(a) – “drug of abuse.” Subsection (A)(1)(j) – amphetamine, cocaine, cocaine metabolite, heroin, heroin metabolite, LSD, marihuana, marihuana metabolite, methamphetamine, phencyclidine, salvia divinorum.	Subsection (A)(1)(j) does not apply if both of the following apply: “(1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs. (2) The person injected, ingested, or inhaled the controlled substance in accordance with the health professional’s directions.”
Oklahoma	47 Okl.St. Ann. § 11-902	Yes, for Schedule I controlled substances (includes marijuana).	Subsection (A)(3) – “any amount ... in the person’s blood, saliva, urine or any other bodily fluid at the time of a test.” Subsection (A)(4) – “under the influence ... which may render such person incapable of safely driving or operating a motor vehicle.”	Subsection (A)(3) – “Schedule I chemical or controlled substance, as defined in Section 2-204 of Title 63 of the Oklahoma Statutes, or one of its metabolites or analogs.” Subsection (A)(4) – “any intoxicating substance other than alcohol.”	None. Statute expressly states that fact that person is or has been entitled to use “ a controlled dangerous substance or any other intoxicating substance” does not constitute a defense.

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Oregon	O.R.S. § 813.010 2015 Laws Chapter 1, § 73	Yes, to the extent that it is illegal to use marijuana while driving.	§ 813.010 – “[U]nder the influence.” § 73 - illegal for a person to use “any marijuana while driving a motor vehicle while upon a highway.”	A “controlled substance or an inhalant.”	None
Pennsylvania	75 Pa.C.S.A. § 3802	Yes, with respect to Schedule I, and certain Schedule II and III substances.	Subsection (d)(1) – “any amount” of certain substances. Subsection (d)(2) – “under the influence ... to a degree which impairs the individual’s ability to safely drive, operate or be in actual physical control of the movement of the vehicle.”	Subsection (d)(1) – “(i) Schedule I controlled substance, as defined in the ... The Controlled Substance, Drug, Device and Cosmetic Act; (ii) Schedule II or Schedule III controlled substance, as defined in The Controlled Substance, Drug, Device and Cosmetic Act, which has not been medically prescribed for the individual; or (iii) metabolite of a substance under subparagraph (i) or (ii).” Subsection (d)(2) - a drug or combination of drugs.	75 Pa.C.S.A. § 3810 – legal entitlement to use a controlled substance is not a defense. § 3802 (d)(1)(ii) - if the Schedule II or III controlled substance was medically prescribed for individual.

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Puerto Rico	9 L.P.R.A. § 5203	No	“[U]nder the influence of any narcotic drug, marihuana, stimulant or depressant substance, or of any chemical or controlled substance, to the degree whereby it makes said person unable to drive a vehicle safely.”	“[A]ny narcotic drug, marihuana, stimulant or depressant substance, or of any chemical or controlled substance.”	None. Statute expressly states that fact person is or has been entitled to use the substance does not constitute a defense.
Rhode Island	Gen.Laws 1956, § 31-27-2	Yes, for scheduled controlled substances.	Subsection (a) - “under the influence.” Subsection (b)(2) – “a blood presence of any scheduled controlled substance.”	Subsection (a) - “any intoxicating ... drugs, toluene, or any controlled substance.” Subsection (b)(2) – “any scheduled controlled substance as defined within chapter 28 of title 21.”	None. Statute provides that fact person is legally entitled to use alcohol or a drug does not constitute a defense.
South Carolina	Code 1976 § 56-5-2930	No	“[U]nder the influence ... which cause impairment to the extent that the person’s faculties to drive a motor vehicle are materially and appreciably impaired.”	“[A]ny other drug or a combination of other drugs or substances.”	None

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South Dakota	SDCL § 32-23-1 SDCL § 32-23-21 (persons under 21)	Yes, with respect to persons under 21.	Subsection (2) – “under the influence.” Subsection (3) – “under the influence ... to a degree which renders the person incapable of safely driving.” Subsection (5) – “under the influence.” § 32-23-21 – “after having consumed marijuana or any controlled drug or substance for as long as physical evidence of the consumption remains present in the person’s body.”	Subsection (2) – “marijuana, or any controlled drug or substance not obtained pursuant to a valid prescription.” Subsection (3) – “any controlled drug or substance obtained pursuant to a valid prescription.” Subsection (5) – “any substance ingested, inhaled, or otherwise taken into the body as prohibited by § 22-42-15 [ingesting substances other than alcohol for intoxication].” § 32-23-21 – “marijuana or any controlled drug or substance.”	None. § 32-23-6 provides that having been prescribed drug is not a defense.
Tennessee	T. C. A. § 55-10-401	No	“[U]nder the influence ...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.”	Any “intoxicant, marijuana, controlled substance, controlled substance analogue, drug, substance affecting the central nervous system or combination thereof.”	None

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Texas	V.T.C.A., Penal Code § 49.01 (definitions) V.T.C.A., Penal Code § 49.04 (offense)	No	“[I]ntoxicated” “Intoxicated” is defined as “not having the normal use of mental or physical faculties.”	“[A] controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body.”	None. §49.10 provides that “the fact that the defendant is or has been entitled to use the alcohol, controlled substance, drug, dangerous drug, or other substance is not a defense.”
Utah	U.C.A. 1953 § 41-6a-501 (definitions) U.C.A. 1953 § 41-6a-502 U.C.A. 1953 § 41-6a-517 (offenses)	Yes, as to controlled substances.	§ 41-6a-502 – under the influence . . . to a degree that renders the person incapable of safely operating a vehicle.” § 41-6a-517 – “any measurable controlled substance or metabolite of a controlled substance in the person’s body.”	§ 41-61-502 – “any drug.” “Drug” means: “(i) a controlled substance as defined in Section 58-37-2; (ii) a drug as defined in Section 58-17b-102; or (iii) any substance that, when knowingly, intentionally, or recklessly taken into the human body, can impair the ability of a person to safely operate a motor vehicle.”	As to § 41-6a-517, there is a defense if controlled substance was: “(a) involuntarily ingested by the accused; (b) prescribed by a practitioner for use by the accused; or (c) otherwise legally ingested.”

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Vermont	23 V.S.A. § 1200 (definition of drug) 23 V.S.A. § 1201 (offense)	No	“[U]nder the influence.” “Under the influence of a drug” is defined as “a person’s ability to operate a motor vehicle safely is diminished or impaired in the slightest degree.”	“Any other drug.” “Drug” means: “(A) a regulated drug as defined in 18 V.S.A. § 4201; or (B) any substance or combination of substances, other than alcohol, which affects the nervous system, brain, or muscles of a person so as to impair, noticeably and appreciably, a person’s ability to drive a vehicle safely.”	None. Statute provides that fact that person “is or has been entitled to use a drug under the laws of this state shall not constitute a defense against any charge of violating this section.”
Virginia	VA Code Ann. § 18.2-266	Yes, with respect to certain substances (does not include marijuana).	Subsection (iii) - “under the influence ...to a degree which impairs his ability to drive or operate any motor vehicle, engine or train safely.” Subsection (v) - blood concentrations of certain specified substances above certain amounts.	Subsection (iii) – “any narcotic drug or any other self-administered intoxicant or drug of whatsoever nature.” Subsection (v) - cocaine, methamphetamine, phencyclidine, methylenedioxymethamphetamine.	None

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Washington	<p>RCWA § 46.61.502 (driving under influence)</p> <p>RCWA § 46.61.503 (under age 21 and consuming alcohol or marijuana)</p> <p>RCWA §46.61.5249 (negligent driving – first degree)</p>	Yes, with respect to THC.	<p>Subsection (1)(b) – within two hours after driving a “THC concentration of 5.00 or higher” (level is 0.00 for persons under age 21, per § 46.61.503).</p> <p>Subsection (1)(c) – “under the influence.”</p> <p>Section § 46.61.5249 – driver operates a vehicle negligently and “exhibits the effects of having consumed ... marijuana or any drug or exhibits the effects of having inhaled or ingested any chemical, whether or not a legal substance, for its intoxicating or hallucinatory effects.”</p>	<p>Subsection (1)(b) – “THC.”</p> <p>Subsection (1)(c) – “marijuana, or any drug.”</p> <p>Section §46.61.5249 – “marijuana or any drug.”</p>	<p>§ 46.61.502(1)(b) and § 46.61.503 - if “the defendant consumed a sufficient quantity of marijuana after the time of driving and before the administration of an analysis of the person’s blood” to cause the positive test.</p> <p>Section § 46.61.5249 – “driver has a valid prescription for the drug consumed, and has been consuming it according to the prescription directions and warnings.”</p>
West Virginia	W. Va. Code, § 17C-5-2	Yes, with respect to a “habitual user.”	<p>Subsections (a)(1)(B) and (a)(1)(C) - “under the influence.”</p> <p>Subsection (g) - a “habitual user of narcotic drugs or amphetamine or any derivative thereof” may not drive a vehicle.</p>	“Any controlled substance” or “any other drug.”	None. Statute provides that fact person “is or has been legally entitled to use alcohol, a controlled substance or a drug does not constitute a defense.”

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Wisconsin	W.S.A § 340.01(50m) (definition) W.S.A. § 346.63 (offense)	Yes, with respect to restricted controlled substances (includes THC).	Subsection (a) - “[u]nder the influence of ... a controlled substance ... to a degree which renders him or her incapable of safely driving.” Subsection (am) – “[t]he person has a detectable amount of a restricted controlled substance in his or her blood.”	“Restricted controlled substance” means: “(a) A controlled substance included in schedule I under ch. 961 other than a tetrahydrocannabinol. (b) A controlled substance analog, as defined in s. 961.01(4m), of a controlled substance described in par. (a). (c) Cocaine or any of its metabolites. (d) Methamphetamine. (e) Delta-9-tetrahydrocannabinol.	Subsection (am) - if driver can prove they have a “valid prescription” for methamphetamine or one of its metabolic precursors, gamma-hydroxybutyric acid, or delta-9-tetrahydrocannabinol.

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Wyoming	W.S.1977 § 31-5-233	No	“[T]o a degree which renders him incapable of safely driving” is “under the influence.”	A “controlled substance.” Defined as: “(A) Any drug or substance defined by W.S. 35-7-1002(a)(iv); (B) Any glue, aerosol or other toxic vapor which when intentionally inhaled or sniffed results in impairment of an individual’s ability to drive safely; (C) Any drug or psychoactive substance, or any combination of these substances, capable of impairing a person’s physical or mental faculties.”	None. Statute provides that fact that person “is or has been entitled to use the controlled substance under the laws of this state shall not constitute a defense against any charge.”