

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 766

Short Title: DWI for Controlled Substances.

(Public)

Sponsors: Representative Jackson.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary I, if favorable, Transportation

April 13, 2017

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~~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~~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."



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

2 "**§ 20-138.2. Impaired driving in commercial vehicle.**

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

6 (1) While under the influence of an impairing ~~substance~~ substance.

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

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

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

16 b. Cocaine or its metabolites.

17 c. Phencyclidine or its metabolites.

18 d. Methamphetamine or its metabolites.

19 e. Ketamine or its metabolites.

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

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

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

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

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

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