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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 63 Session of  
2025

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INTRODUCED BY BARTOLOTTA, STREET, TARTAGLIONE, FONTANA, KEARNEY,  
SCHWANK, LAUGHLIN AND KANE, JANUARY 22, 2025

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REFERRED TO TRANSPORTATION, JANUARY 22, 2025

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AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, in driving after imbibing alcohol or utilizing  
3 drugs, further providing for definitions, for driving under  
4 influence of alcohol or controlled substance and for  
5 authorized use not a defense.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Section 3801 of Title 75 of the Pennsylvania  
9 Consolidated Statutes is amended by adding a definition to read:

10 § 3801. Definitions.

11 The following words and phrases when used in this chapter  
12 shall have the meanings given to them in this section unless the  
13 context clearly indicates otherwise:

14 \* \* \*

15 "Medical marijuana." Marijuana used lawfully in accordance  
16 with the act of April 17, 2016 (P.L.84, No.16), known as the  
17 Medical Marijuana Act.

18 \* \* \*

19 Section 2. Sections 3802(d)(1) and (2) and 3810 of Title 75

1 are amended to read:

2 § 3802. Driving under influence of alcohol or controlled  
3 substance.

4 \* \* \*

5 (d) Controlled substances.--An individual may not drive,  
6 operate or be in actual physical control of the movement of a  
7 vehicle under any of the following circumstances:

8 (1) There is in the individual's blood any amount of a:

9 (i) Schedule I controlled substance, as defined in  
10 the act of April 14, 1972 (P.L.233, No.64), known as The  
11 Controlled Substance, Drug, Device and Cosmetic Act.  
12 Except for an individual holding a commercial driver's  
13 license as defined in section 1603 (relating to  
14 definitions), this subparagraph shall not apply to  
15 medical marijuana;

16 (ii) Schedule II or Schedule III controlled  
17 substance, as defined in The Controlled Substance, Drug,  
18 Device and Cosmetic Act, which has not been medically  
19 prescribed for the individual; or

20 (iii) metabolite of a substance under subparagraph  
21 (i) or (ii).

22 (2) The individual is under the influence of a drug,  
23 including medical marijuana, or combination of drugs which  
24 includes medical marijuana to a degree which impairs the  
25 individual's ability to safely drive, operate or be in actual  
26 physical control of the movement of the vehicle. The  
27 following apply:

28 (i) Possession of a medical marijuana patient  
29 identification card shall not, in and of itself,  
30 establish reasonable grounds to request a chemical test

1 under section 1547 (relating to chemical testing to  
2 determine amount of alcohol or controlled substance).

3 (ii) Possession of a medical marijuana patient  
4 identification card shall not, in and of itself, be  
5 sufficient to establish probable cause to charge the  
6 individual with a violation of this section.

7 \* \* \*

8 § 3810. Authorized use not a defense.

9 The fact that a person charged with violating this chapter is  
10 or has been legally entitled to use alcohol [or], controlled  
11 substances or medical marijuana is not a defense to a charge of  
12 violating this chapter.

13 Section 3. This act shall take effect in 60 days.