

## RÉSUMÉ DIGEST

ACT 662 (HB 776)

2024 Regular Session

Bryant

Existing law provides for the offenses of vehicular homicide (R.S. 14:32.1), third degree feticide (R.S. 14:32.8), vehicular negligent injuring (R.S. 14:39.1), first degree vehicular negligent injuring (R.S. 14:39.2), and operating a vehicle while intoxicated (R.S. 14:98) and certain other offenses involving the operation of a vehicle or watercraft under the influence of drugs or alcohol.

New law amends certain provisions of existing law as follows:

- (1) Changes terminology of "under the influence" to "impaired".
- (2) Defines the term "drug" to mean any substance or combination of substances that, when taken into the human body, can impair the ability of the person to operate a vehicle safely.
- (3) Removes the element that the operator is under the influence of 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.
- (4) Removes an affirmative defense to any charge under existing law 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.
- (5) The operator is under the influence of one or more drugs which are not controlled dangerous substances and which are legally obtainable with or without a prescription and the influence is caused by the operator knowingly consuming 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.

Existing law (R.S. 14:98, 98.1, 98.2, 98.3, 98.4, 98.5, 98.6) provides for the offenses of operating a vehicle while intoxicated.

New law changes the terminology used in existing law from "under the influence" to "impaired".

Existing law (R.S. 14:98.7) provides for the unlawful refusal to submit to chemical tests during arrests for driving while intoxicated.

New law changes the terminology used in existing law from "under the influence" to "impaired".

Effective August 1, 2024.

(Amends R.S. 14:32.1(A)(1) and (3)-(5), 32.8(A)(2)(a) and (c)-(e), 39.1(A)(1) and (3), 39.2(A)(1) and (3), 98(A)(1)(intro. para.), (a), and (c) and (2), (C)(1)(e) and (3), (E), and (F)(1) and (2), 98.1(Section heading), 98.2(Section heading), 98.3(Section heading), 98.4(Section heading), 98.5(B)(4), 98.6(A), and 98.7(A), and R.S. 32:661(A)(1) and (2), 661.1(A), 661.2(A), 664(A), 666(A)(1)(a)(i) and (2)(c) and (B), 667.1(C)(2) and (3), 668(A)(1), 681(A)(intro. para.) and (B), (C), and (D); Adds R.S. 14:98(A)(3) and R.S. 32:661(E) and 681(H); Repeals R.S. 14:32.1(A)(6) and (7), 32.8(A)(2)(f) and (g), 39.1(A)(4) and (5), 39.2(A)(4) and (5), and 98(A)(1)(d) and (e))