

(5) "Under the influence of a controlled dangerous substance" means under the influence of a controlled dangerous substance, as that term is defined in § 279 of this article, if the person is not entitled to use the controlled dangerous substance under the laws of this State.

(b) Any person causing the death of another as the result of the person's negligent driving, operation, or control of a motor vehicle or vessel while intoxicated or intoxicated per se is guilty of a [misdemeanor] FELONY to be known as "homicide by motor vehicle or vessel while intoxicated", and the person so convicted shall be punished by imprisonment for not more than 5 years, or by fine of not more than \$5,000 or both fine and imprisonment.

(c) A person who causes the death of another as the result of the person's negligent driving, operation, or control of a motor vehicle or vessel while under the influence of alcohol is guilty of a [misdemeanor] FELONY to be known as "homicide by motor vehicle or vessel while under the influence", and on conviction shall be punished by imprisonment for not more than 3 years or a fine of not more than \$5,000 or both.

(d) (1) A person who causes the death of another as the result of the person's negligent driving, operation, or control of a motor vehicle or vessel while under the influence of drugs is guilty of a [misdemeanor] FELONY to be known as "homicide by motor vehicle or vessel while under the influence of drugs", and on conviction shall be punished by imprisonment for not more than 3 years or a fine of not more than \$5,000 or both.

(2) It is not a defense to any charge of violating this subsection that the person charged is or was entitled under the laws of this State to use the drug, combination of drugs, or combination of one or more drugs and alcohol, unless the person was unaware that the drug or combination would make the person incapable of safely driving, operating, or controlling a motor vehicle or vessel.

(e) A person who causes the death of another as the result of the person's negligent driving, operation, or control of a motor vehicle or vessel while under the influence of a controlled dangerous substance is guilty of a [misdemeanor] FELONY to be known as "homicide by motor vehicle or vessel while under the influence of a controlled dangerous substance", and on conviction shall be punished by imprisonment for not more than 3 years or a fine of not more than \$5,000 or both.

(f) (1) In any indictment, information, or other charging document under this section, it is not necessary to set forth the manner and means of death.

(2) It shall be sufficient to use a formula substantially to the following effect:

(i) "That A-B on the day of, nineteen hundred and at the County (City) aforesaid, unlawfully, while intoxicated did kill C-D, against the peace, government, and dignity of the State.";

(ii) "That A-B on the day of, nineteen hundred and at the County (City) aforesaid, unlawfully, while under the influence of alcohol, did kill C-D, against the peace, government, and dignity of the State.";