

HOUSE BILL No. 1026

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-30-5; IC 16-18-2; IC 16-51; IC 35-46-9-6; IC 35-48-4; IC 35-52-16.

Synopsis: Medical marijuana. Permits the use of medical marijuana by persons with serious medical conditions as determined by their physician. Establishes a medical marijuana program to permit the cultivation, processing, testing, transportation, and dispensing of medical marijuana by holders of a valid permit. Requires the state department of health (state department) to implement and enforce the medical marijuana program. Requires that permit holders undertake steps to prevent diversion of medical marijuana to unauthorized persons. Requires that medical marijuana and medical marijuana products be properly labeled, placed in child resistant packaging, and tested by an independent testing laboratory before being made available for purchase. Prohibits packaging medical marijuana in a manner that is appealing to children. Authorizes research on medical marijuana in accordance with rules set forth by the state department. Prohibits discrimination against medical marijuana users. Prohibits harassment of medical marijuana users by law enforcement officers, and prohibits cooperation with federal law enforcement officials seeking to enforce federal laws that criminalize the use of marijuana authorized in Indiana. Makes conforming amendments.

Effective: July 1, 2021.

Lucas

January 4, 2021, read first time and referred to Committee on Public Health.



First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1026

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-30-5-1, AS AMENDED BY P.L.142-2020,
2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 1. (a) A person who operates a vehicle with an
4 alcohol concentration equivalent to at least eight-hundredths (0.08)
5 gram of alcohol but less than fifteen-hundredths (0.15) gram of alcohol
6 per:
7 (1) one hundred (100) milliliters of the person's blood; or
8 (2) two hundred ten (210) liters of the person's breath;
9 commits a Class C misdemeanor.
10 (b) A person who operates a vehicle with an alcohol concentration
11 equivalent to at least fifteen-hundredths (0.15) gram of alcohol per:
12 (1) one hundred (100) milliliters of the person's blood; or
13 (2) two hundred ten (210) liters of the person's breath;
14 commits a Class A misdemeanor.
15 (c) A person who operates a vehicle with:
16 (1) a controlled substance, **other than tetrahydrocannabinol**,
17 listed in schedule I or II of IC 35-48-2 ~~or its metabolite~~ in the



1 person's blood; or

2 **(2) ten (10) or more nanograms of tetrahydrocannabinol per**
 3 **milliliter of the person's whole blood;**

4 commits a Class C misdemeanor.

5 (d) It is a defense to subsection (c) that the:

6 **(1) accused person consumed the controlled substance in**
 7 **accordance with a valid prescription or order of a practitioner (as**
 8 **defined in IC 35-48-1) who acted in the course of the**
 9 **practitioner's professional practice; or**

10 **(2) controlled substance is marijuana, the accused person is a**
 11 **person authorized to use medical marijuana under IC 16-51,**
 12 **and the accused person used the medical marijuana in**
 13 **substantial compliance with the requirements of IC 16-51.**

14 SECTION 2. IC 9-30-5-4, AS AMENDED BY P.L.184-2019,
 15 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2021]: Sec. 4. (a) A person who causes serious bodily injury
 17 to another person when operating a vehicle:

18 (1) with an alcohol concentration equivalent to at least
 19 eight-hundredths (0.08) gram of alcohol per:

20 (A) one hundred (100) milliliters of the person's blood; or

21 (B) two hundred ten (210) liters of the person's breath;

22 (2) with:

23 **(A) a controlled substance, other than**
 24 **tetrahydrocannabinol, listed in schedule I or II of IC 35-48-2**
 25 **or its metabolite in the person's blood; or**

26 **(B) ten (10) or more nanograms of tetrahydrocannabinol**
 27 **per milliliter of the person's whole blood; or**

28 (3) while intoxicated;

29 commits a Level 5 felony. However, the offense is a Level 4 felony if
 30 the person has a previous conviction of operating while intoxicated
 31 within the five (5) years preceding the commission of the offense.

32 (b) A person who violates subsection (a) commits a separate offense
 33 for each person whose serious bodily injury is caused by the violation
 34 of subsection (a).

35 (c) It is a defense under subsection (a)(2) that the:

36 **(1) accused person consumed the controlled substance in**
 37 **accordance with a valid prescription or order of a practitioner (as**
 38 **defined in IC 35-48-1) who acted in the course of the**
 39 **practitioner's professional practice; or**

40 **(2) controlled substance is marijuana, the accused person is a**
 41 **person authorized to use medical marijuana under IC 16-51,**
 42 **and the accused person used the medical marijuana in**



1 **substantial compliance with the requirements of IC 16-51.**

2 SECTION 3. IC 9-30-5-5, AS AMENDED BY P.L.184-2019,
3 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2021]: Sec. 5. (a) A person who causes the death or
5 catastrophic injury of another person when operating a vehicle:

6 (1) with an alcohol concentration equivalent to at least
7 eight-hundredths (0.08) gram of alcohol per:

8 (A) one hundred (100) milliliters of the person's blood; or

9 (B) two hundred ten (210) liters of the person's breath;

10 (2) with a ~~controlled substance~~ **cocaine or a narcotic drug, pure**
11 **or adulterated**, listed in schedule I or II of IC 35-48-2 ~~or its~~
12 **metabolite** in the person's blood; or

13 (3) while intoxicated;

14 commits a Level 4 felony.

15 (b) A person who causes the death of a law enforcement animal (as
16 defined in IC 35-46-3-4.5) when operating a vehicle:

17 (1) with an alcohol concentration equivalent to at least
18 eight-hundredths (0.08) gram of alcohol per:

19 (A) one hundred (100) milliliters of the person's blood; or

20 (B) two hundred ten (210) liters of the person's breath; or

21 (2) with:

22 (A) a controlled substance, **other than**
23 **tetrahydrocannabinol**, listed in schedule I or II of IC 35-48-2
24 **or its metabolite** in the person's blood; **or**

25 (B) **ten (10) or more nanograms of tetrahydrocannabinol**
26 **per milliliter of the person's whole blood;**

27 commits a Level 6 felony.

28 (c) A person who commits an offense under subsection (a) or (b)
29 commits a separate offense for each person or law enforcement animal
30 whose death (or catastrophic injury, in the case of a person) is caused
31 by the violation of subsection (a) or (b).

32 (d) It is a defense under subsection (a) or (b) that the person accused
33 of causing the death or catastrophic injury of another person or the
34 death of a law enforcement animal when operating a vehicle with a
35 controlled substance listed in schedule I or II of IC 35-48-2 or its
36 metabolite in the person's blood consumed:

37 (1) the controlled substance in accordance with a valid
38 prescription or order of a practitioner (as defined in IC 35-48-1)
39 who acted in the course of the practitioner's professional practice;
40 **or**

41 (2) **marijuana, if the accused person is a person authorized to**
42 **use medical marijuana under IC 16-51, and the accused**



- 1 **person used the medical marijuana in substantial compliance**
 2 **with the requirements of IC 16-51.**
- 3 SECTION 4. IC 16-18-2-48.8 IS ADDED TO THE INDIANA
 4 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 5 [EFFECTIVE JULY 1, 2021]: **Sec. 48.8. "Caregiver", for purposes**
 6 **of IC 16-51, has the meaning set forth in IC 16-51-1-1.**
- 7 SECTION 5. IC 16-18-2-92.6, AS AMENDED BY P.L.101-2006,
 8 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2021]: Sec. 92.6. (a) "Department", for purposes of
 10 IC 16-31-8.5, has the meaning set forth in IC 16-31-8.5-1.
 11 (b) "Department", for purposes of IC 16-47-1, has the meaning set
 12 forth in IC 16-47-1-1.
 13 **(c) "Department", for purposes of IC 16-51, has the meaning set**
 14 **forth in IC 16-51-1-1.**
- 15 SECTION 6. IC 16-18-2-96.6 IS ADDED TO THE INDIANA
 16 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 17 [EFFECTIVE JULY 1, 2021]: **Sec. 96.6. "Dispensary", for purposes**
 18 **of IC 16-51, has the meaning set forth in IC 16-51-1-1.**
- 19 SECTION 7. IC 16-18-2-122.6 IS ADDED TO THE INDIANA
 20 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 21 [EFFECTIVE JULY 1, 2021]: **Sec. 122.6. "Family or household**
 22 **member", for purposes of IC 16-51, has the meaning set forth in**
 23 **IC 16-51-1-1.**
- 24 SECTION 8. IC 16-18-2-139.6 IS ADDED TO THE INDIANA
 25 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 26 [EFFECTIVE JULY 1, 2021]: **Sec. 139.6. "Form of medical**
 27 **marijuana", for purposes of IC 16-51, has the meaning set forth in**
 28 **IC 16-51-1-1.**
- 29 SECTION 9. IC 16-18-2-154.5 IS ADDED TO THE INDIANA
 30 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 31 [EFFECTIVE JULY 1, 2021]: **Sec. 154.5. "Grower", for purposes of**
 32 **IC 16-51, has the meaning set forth in IC 16-51-1-1.**
- 33 SECTION 10. IC 16-18-2-187.4 IS ADDED TO THE INDIANA
 34 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 35 [EFFECTIVE JULY 1, 2021]: **Sec. 187.4. "Identification card", for**
 36 **purposes of IC 16-51, has the meaning set forth in IC 16-51-1-1.**
- 37 SECTION 11. IC 16-18-2-190.8 IS ADDED TO THE INDIANA
 38 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
 39 [EFFECTIVE JULY 1, 2021]: **Sec. 190.8. "INSPECT", for purposes**
 40 **of IC 16-51, has the meaning set forth in IC 16-51-1-1.**
- 41 SECTION 12. IC 16-18-2-216.5 IS ADDED TO THE INDIANA
 42 CODE AS A **NEW SECTION TO READ AS FOLLOWS**



1 [EFFECTIVE JULY 1, 2021]: **Sec. 216.5. "Marijuana", for purposes**
 2 **of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

3 SECTION 13. IC 16-18-2-223.8 IS ADDED TO THE INDIANA
 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2021]: **Sec. 223.8. "Medical marijuana", for**
 6 **purposes of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

7 SECTION 14. IC 16-18-2-223.9 IS ADDED TO THE INDIANA
 8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2021]: **Sec. 223.9. "Medical marijuana**
 10 **organization", for purposes of IC 16-51, has the meaning set forth**
 11 **in IC 16-51-1-1.**

12 SECTION 15. IC 16-18-2-272, AS AMENDED BY P.L.153-2018,
 13 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2021]: Sec. 272. (a) "Patient", for purposes of IC 16-27-1, has
 15 the meaning set forth in IC 16-27-1-6.

16 (b) "Patient", for purposes of IC 16-28 and IC 16-29, means an
 17 individual who has been accepted and assured care by a health facility.

18 (c) "Patient", for purposes of IC 16-36-1.5, has the meaning set forth
 19 in IC 16-36-1.5-3.

20 (d) "Patient", for purposes of IC 16-39, means an individual who has
 21 received health care services from a provider for the examination,
 22 treatment, diagnosis, or prevention of a physical or mental condition.

23 **(e) "Patient", for purposes of IC 16-51, has the meaning set**
 24 **forth in IC 16-51-1-1.**

25 SECTION 16. IC 16-18-2-273.7 IS ADDED TO THE INDIANA
 26 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2021]: **Sec. 273.7. "Permit", for purposes of**
 28 **IC 16-51, has the meaning set forth in IC 16-51-1-1.**

29 SECTION 17. IC 16-18-2-293.7 IS ADDED TO THE INDIANA
 30 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2021]: **Sec. 293.7. "Processor", for purposes**
 32 **of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

33 SECTION 18. IC 16-18-2-328.7 IS ADDED TO THE INDIANA
 34 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2021]: **Sec. 328.7. "Serious medical**
 36 **condition", for purposes of IC 16-51, has the meaning set forth in**
 37 **IC 16-51-1-1.**

38 SECTION 19. IC 16-18-2-351.7 IS ADDED TO THE INDIANA
 39 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2021]: **Sec. 351.7. "Testing laboratory", for**
 41 **purposes of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

42 SECTION 20. IC 16-18-2-354.2 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2021]: **Sec. 354.2. "Transporter", for**
 3 **purposes of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

4 SECTION 21. IC 16-51 IS ADDED TO THE INDIANA CODE AS
 5 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 6 2021]:

7 **ARTICLE 51. MEDICAL MARIJUANA**

8 **Chapter 1. Definitions**

9 **Sec. 1. The following definitions apply throughout this article:**

10 (1) **"Caregiver"** means the individual designated by a patient
 11 under this article to obtain, possess, deliver, and assist in the
 12 administration of medical marijuana to the patient.

13 (2) **"Department"** means the state department of health.

14 (3) **"Dispensary"** means a person that holds a permit issued
 15 by the department to dispense medical marijuana.

16 (4) **"Family or household member"** means a person described
 17 in IC 35-31.5-2-128.

18 (5) **"Form of medical marijuana"** means the characteristics
 19 of the medical marijuana recommended for a particular
 20 patient, including the method of consumption, and any
 21 particular dosage, strain, variety, quantity, or percentage of
 22 medical marijuana or of a particular active ingredient.

23 (6) **"Grower"** means a person that holds a permit issued by
 24 the department to grow medical marijuana.

25 (7) **"Identification card"** means a document issued to a
 26 patient or caregiver by the department authorizing access to
 27 marijuana.

28 (8) **"INSPECT"** means the Indiana scheduled prescription
 29 electronic collection and tracking program established by
 30 IC 25-1-13-4.

31 (9) **"Marijuana"** has the meaning set forth in IC 35-48-1-19.

32 (10) **"Medical marijuana"** means marijuana for medical use.

33 (11) **"Medical marijuana organization"** means a dispensary,
 34 a grower, a processor, or a testing laboratory.

35 (12) **"Patient"** means an individual who:

36 (A) has a serious medical condition; and

37 (B) meets the requirements for certification under this
 38 article.

39 (13) **"Permit"** means an authorization issued by the
 40 department to a medical marijuana organization to conduct
 41 activities under this article.

42 (14) **"Processor"** means a person that holds a permit issued by



1 the department to process or convert plant material into a
2 marketable form.

3 (15) "Serious medical condition" means a medical condition
4 for which, in the professional opinion of a physician, the
5 benefits of treatment with medical marijuana are greater than
6 the risks of treatment with medical marijuana.

7 (16) "Testing laboratory" means a laboratory that analyzes
8 medical marijuana.

9 (17) "Transporter" means a person who transports medical
10 marijuana or paraphernalia. The term includes a person who
11 does not possess a permit or identification card.

12 **Chapter 2. Medical Marijuana Program**

13 **Sec. 1. (a) The medical marijuana program is established to**
14 **serve patients suffering from a serious medical condition.**

15 **(b) The department shall administer the program.**

16 **(c) The department has regulatory and enforcement authority**
17 **over the growing, processing, sale, dispensing, transporting, and**
18 **use of medical marijuana.**

19 **Sec. 2. The department shall do the following:**

20 **(1) Issue a permit to a qualifying medical marijuana**
21 **organization authorizing it to grow, process, dispense, or test**
22 **medical marijuana.**

23 **(2) Establish and maintain an electronic data base to store**
24 **and track information relating to the medical marijuana**
25 **program. The data base must:**

26 **(A) have the ability to authenticate in real time an**
27 **identification card presented to a dispensary;**

28 **(B) track in real time the amount of marijuana provided to**
29 **a patient or caregiver at a dispensary, and share this**
30 **information in real time with other dispensaries to prevent**
31 **diversion;**

32 **(C) store records relating to a physician's certification,**
33 **including, if applicable, the recommended form of**
34 **marijuana and any early expiration date recommended by**
35 **the physician; and**

36 **(D) track the cultivation, processing, transport, storage,**
37 **and dispensing of medical marijuana.**

38 **(3) Maintain within the department's data base an electronic**
39 **directory of patients and caregivers approved to use or assist**
40 **in the administration of medical marijuana.**

41 **(4) Develop enforcement procedures, including announced**
42 **and unannounced inspections of:**



- 1 (A) a dispensary;
 2 (B) a grower facility;
 3 (C) a processor facility; and
 4 (D) all records of a medical marijuana organization.
- 5 (5) Establish a program to authorize the use of medical
 6 marijuana for medical research purposes, and issue
 7 documents to permit a researcher to obtain medical
 8 marijuana for research purposes.
- 9 (6) Establish and maintain public outreach programs about
 10 the medical marijuana program, including:
 11 (A) a dedicated telephone number for patients, caregivers,
 12 and members of the public to obtain basic information
 13 about the dispensing of medical marijuana; and
 14 (B) a publicly accessible Internet web site with similar
 15 information.
- 16 (7) Collaborate as necessary with other state agencies, and
 17 contract with third parties as necessary to carry out the
 18 medical marijuana program.
- 19 (8) Develop record keeping requirements for all books,
 20 papers, any electronic data base or tracking system data, and
 21 other information of a medical marijuana organization.
 22 Information shall be retained for at least four (4) years unless
 23 otherwise provided by the department.
- 24 (9) Restrict the advertising and marketing of medical
 25 marijuana, which must be consistent with the federal
 26 regulations governing prescription drug advertising and
 27 marketing.
- 28 **Sec. 3. (a)** The department shall adopt rules under IC 4-22-2 to
 29 implement this article.
- 30 (b) The department may adopt emergency rules in the manner
 31 provided under IC 4-22-2-37.1 to implement this article.
 32 Emergency rules adopted under this subsection expire on the later
 33 of:
 34 (1) the date permanent rules are adopted to replace the
 35 emergency rules; or
 36 (2) July 1, 2022.
- 37 **Sec. 4. (a)** The department shall maintain a confidential list of
 38 patients and caregivers to whom it has issued identification cards.
 39 Except as provided in subsection (b), all information obtained by
 40 the department relating to patients, caregivers, and other
 41 applicants is confidential.
- 42 (b) The following records are public:



- 1 (1) An application for a permit submitted by a medical
- 2 marijuana organization.
- 3 (2) Information relating to penalties or other disciplinary
- 4 actions taken against a medical marijuana organization for
- 5 violation of this article.

6 **Chapter 3. Use of Medical Marijuana**

7 **Sec. 1. Notwithstanding any law to the contrary, the use,**
8 **possession, delivery, distribution, transport, cultivation, or**
9 **manufacture of:**

- 10 (1) medical marijuana; or
- 11 (2) paraphernalia used in connection with medical marijuana;
- 12 is lawful if the use or possession complies with this article.
- 13 However, this article does not authorize a person to operate a
- 14 motor vehicle, motorboat, or any other device or equipment while
- 15 under the influence of medical marijuana.

16 **Sec. 2. The use of medical marijuana is subject to the following:**

- 17 (1) Medical marijuana may be dispensed only to:
 - 18 (A) a patient who receives a certification from a physician
 - 19 and is in possession of a valid identification card issued by
 - 20 the department that authorizes dispensing marijuana to
 - 21 the patient;
 - 22 (B) a caregiver who possesses a valid identification card
 - 23 issued by the department; or
 - 24 (C) a research facility authorized by the department, under
 - 25 terms and conditions established by the department.
- 26 (2) If a physician has ordered that marijuana be dispensed in
- 27 a specific form, marijuana may be dispensed only in that
- 28 form.
- 29 (3) An individual may not act as a caregiver for more than ten
- 30 (10) patients.
- 31 (4) A patient may designate up to two (2) caregivers at any
- 32 one (1) time.
- 33 (5) Medical marijuana that has not been used by the patient
- 34 shall be kept in the original package in which it was
- 35 dispensed.
- 36 (6) A patient or caregiver shall possess an identification card
- 37 whenever the patient or caregiver is in possession of medical
- 38 marijuana.
- 39 (7) A product packaged by a medical marijuana organization
- 40 may be identified only by:
 - 41 (A) the name of the grower or processor;
 - 42 (B) the name of the dispensary;



1 (C) the form and species of medical marijuana;
 2 (D) the percentage of tetrahydrocannabinol and
 3 cannabinol contained in the product; and
 4 (E) any other labeling required by the department.
 5 Sec. 3. (a) Except as expressly otherwise provided in this article,
 6 the possession or use of medical marijuana is unlawful.
 7 (b) In addition to any other penalty provided by law, the
 8 unlawful possession or use of medical marijuana may be a crime
 9 under IC 35-48-4.
 10 Sec. 4. The following acts are unlawful:
 11 (1) To grow medical marijuana unless the person:
 12 (A) is a grower that has received a permit from the
 13 department;
 14 (B) is a patient with a valid identification card who is
 15 authorized to cultivate marijuana for personal use under
 16 this article; or
 17 (C) is a research facility authorized by the department.
 18 (2) To dispense medical marijuana unless the dispensary has
 19 received a permit from the department.
 20 Chapter 4. Physicians
 21 Sec. 1. (a) A physician who issues a patient certification under
 22 this article may not have an ownership interest in a medical
 23 marijuana organization.
 24 (b) A physician may issue a certification to a patient only if the
 25 physician:
 26 (1) establishes and intends to maintain a bona fide physician
 27 patient relationship with the patient for the provision of
 28 medical services that is established by an in person visit and
 29 for which there is an expectation that the physician will
 30 provide care to the patient on an ongoing basis; or
 31 (2) establishes coordination with the patient's existing
 32 primary physician for treatment of the patient's serious
 33 medical condition.
 34 (c) A physician who violates this section may be subject to
 35 professional discipline.
 36 Sec. 2. A physician may issue a certification to use medical
 37 marijuana to a patient if the following requirements are met:
 38 (1) The physician has determined that the patient has a
 39 serious medical condition and has included the condition in
 40 the patient's health care record.
 41 (2) The patient is under the physician's continuing care for the
 42 serious medical condition, except as provided in section



- 1 **1(b)(2) of this chapter.**
- 2 **(3) The physician has determined the patient is likely to**
- 3 **receive therapeutic or palliative benefit from the use of**
- 4 **medical marijuana.**
- 5 **Sec. 3. A physician issuing a certification under section 1(b)(2)**
- 6 **of this chapter may not issue a certification unless the physician**
- 7 **has contacted the patient's existing primary physician to discuss**
- 8 **the patient's serious medical condition and which form of medical**
- 9 **marijuana the patient is likely to benefit from.**
- 10 **Sec. 4. A certification must include the following information:**
- 11 **(1) The patient's name, date of birth, and address.**
- 12 **(2) The specific serious medical condition of the patient.**
- 13 **(3) A statement by the physician that the patient has a serious**
- 14 **medical condition and the patient is under continuing care for**
- 15 **the serious medical condition that is provided by:**
- 16 **(A) the physician; or**
- 17 **(B) the patient's primary physician (as described under**
- 18 **section 1(b)(2) of this chapter).**
- 19 **(4) The date of issuance.**
- 20 **(5) The name, address, telephone number, and signature of**
- 21 **the physician.**
- 22 **(6) Any requirement or limitation concerning the appropriate**
- 23 **form of medical marijuana, and any limitation on the**
- 24 **duration of use, if applicable.**
- 25 **Sec. 5. (a) A physician shall review INSPECT:**
- 26 **(1) to determine the controlled substance history of a patient,**
- 27 **before issuing a certification; and**
- 28 **(2) before recommending a change of amount or form of**
- 29 **medical marijuana.**
- 30 **(b) A physician may access INSPECT to do any of the following:**
- 31 **(1) To determine whether a patient is under treatment with a**
- 32 **controlled substance by another physician or other person.**
- 33 **(2) To allow the physician to review the patient's controlled**
- 34 **substance history as considered necessary by the physician.**
- 35 **(3) To provide to the patient, or caregiver on behalf of the**
- 36 **patient if authorized by the patient, a copy of the patient's**
- 37 **controlled substance history.**
- 38 **Sec. 6. A physician shall do the following:**
- 39 **(1) Provide the certification to the patient.**
- 40 **(2) Provide a copy of the certification to the department,**
- 41 **which shall place the information in the patient directory**
- 42 **within the department's electronic data base. The certification**



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

may be transmitted to the department electronically.

(3) File a copy of the certification in the patient's health care record.

Sec. 7. A physician may not issue a certification for the physician's own use or for the use of a family or household member of the physician.

Chapter 5. Certification Form

Sec. 1. The department shall develop a standard certification form, which it shall provide to a physician upon request. The form must be available electronically. The form must include a statement that a false statement made by a physician is punishable under the penalties of perjury.

Chapter 6. Patients

Sec. 1. The department shall issue an identification card to a patient who has a valid certification and who otherwise meets the requirements of this article.

Sec. 2. The department shall issue an identification card to a caregiver designated by the patient in accordance with this article.

Sec. 3. Except as provided in section 4 of this chapter, an identification card issued to a patient authorizes the patient to obtain and use medical marijuana as authorized by this article. Except as provided in section 4 of this chapter, an identification card issued to a caregiver authorizes the caregiver to obtain medical marijuana on behalf of the patient.

Sec. 4. (a) A patient holding a valid identification card may cultivate marijuana for the patient's own use if the patient complies with the following requirements:

- (1) The patient notifies the department on or before the date that the patient begins cultivation and informs the department of the number of plants the patient intends to cultivate and the location of cultivation.
- (2) The patient cultivates not more than six (6) plants.
- (3) Not more than three (3) of the plants may be mature at any one (1) time.
- (4) Marijuana from the plant is used only for the patient's personal use.
- (5) Not later than thirty (30) days before the expected date that the plants become mature, the patient notifies the department of the anticipated maturity date.

(b) If the mature plants of a patient cultivating marijuana for the patient's own use die, become damaged, or are otherwise unable to produce marijuana for medical use, the patient shall



1 notify the department, which shall reinstate the person's
 2 authorization to obtain marijuana from a dispensary not later than
 3 fifteen (15) days after receipt of the notice.

4 **Chapter 7. Identification Cards**

5 **Sec. 1. The department shall do the following:**

- 6 (1) Review an application for an identification card.
 7 (2) Review the certification submitted by the physician.
 8 (3) Issue identification cards to patients and caregivers.
 9 (4) Note in the electronic data base if a patient or caregiver
 10 identification card may not be used to obtain marijuana from
 11 a dispensary because the patient is cultivating the patient's
 12 own marijuana.

13 **Sec. 2. A patient or a caregiver may apply, in a form and**
 14 **manner prescribed by the department, for issuance or renewal of**
 15 **an identification card. A caregiver must submit a separate**
 16 **application for issuance or renewal. Each application must include:**

- 17 (1) the name, address, and date of birth of the patient;
 18 (2) the name, address, and date of birth of a caregiver, if
 19 applicable;
 20 (3) a copy of the certification issued by the physician;
 21 (4) the name, address, and telephone number of the physician;
 22 (5) the signature of the applicant and the date signed; and
 23 (6) any other information required by the department.

24 **Sec. 3. The fee to apply for or to renew an identification card is**
 25 **fifty dollars (\$50). The department may waive or reduce the fee if**
 26 **the applicant demonstrates financial hardship.**

27 **Sec. 4. The department shall make application and renewal**
 28 **forms available on the department's Internet web site.**

29 **Sec. 5. (a) The identification card of a patient or caregiver**
 30 **expires one (1) year after the date of issuance, unless a physician**
 31 **has specified that a patient should use medical marijuana for less**
 32 **than one (1) year.**

33 **(b) If a physician has specified that a patient's use of medical**
 34 **marijuana should be limited to certain forms of medical**
 35 **marijuana, the types of medical marijuana must be listed on the**
 36 **identification card.**

37 **Sec. 6. (a) The department shall issue separate identification**
 38 **cards for a patient and a caregiver as soon as reasonably**
 39 **practicable after receiving a properly completed application.**

40 **(b) If the department determines that an application is**
 41 **incomplete or factually inaccurate, the department shall promptly**
 42 **notify the applicant.**



1 (c) If a patient application designates an individual as a
 2 caregiver who is not authorized to be a caregiver, the department
 3 shall deny that portion of the application, but may approve the
 4 balance of the application.

5 Sec. 7. (a) A patient or caregiver who has been issued an
 6 identification card shall notify the department not later than ten
 7 (10) days after any change of name or address.

8 (b) A patient shall notify the department within ten (10) days if
 9 a physician has determined the patient no longer has the serious
 10 medical condition noted on the certification.

11 Sec. 8. (a) If the identification card of a patient or caregiver is
 12 lost, stolen, destroyed, or made illegible, the patient or caregiver
 13 shall apply to the department for a replacement card not later than
 14 ten (10) days after discovery of the loss or defacement. The
 15 application for a replacement card shall be on a form furnished by
 16 the department and accompanied by a twenty-five dollar (\$25) fee.
 17 The department may establish higher fees for issuance of second
 18 and subsequent replacement identification cards.

19 (b) The department may waive or reduce the fee in cases of
 20 demonstrated financial hardship.

21 (c) The department shall issue a replacement identification card
 22 as soon as practicable.

23 (d) A patient or caregiver may not obtain medical marijuana
 24 from a dispensary until the department issues the replacement
 25 card.

26 Sec. 9. The identification card must contain the following
 27 information:

28 (1) The name of the caregiver or the patient, as applicable.

29 The identification card must also state whether the individual
 30 is designated as a patient or as a caregiver.

31 (2) The date of issuance and expiration date.

32 (3) A unique identification number for the patient or
 33 caregiver, as applicable.

34 (4) A photograph of the individual to whom the identification
 35 card is issued.

36 (5) Any requirement or limitation set by the physician as to
 37 the form of medical marijuana.

38 (6) Any other requirements as determined by the department.
 39 However, the department may not require that an
 40 identification card disclose the patient's serious medical
 41 condition.

42 The department shall establish guidelines specifying an acceptable



1 photograph under subdivision (4) and shall provide a reasonable
2 accommodation for a patient who is confined to the patient's home
3 or is in inpatient care.

4 Sec. 10. The department shall monthly transmit fees received
5 under this chapter to the auditor of state for deposit in the state
6 general fund.

7 Chapter 8. Caregivers

8 Sec. 1. (a) A caregiver must be at least eighteen (18) years of
9 age.

10 (b) A caregiver may be less than twenty-one (21) years of age
11 only if the department determines that it is in the best interests of
12 the patient that a specific person less than twenty-one (21) years of
13 age serves as a caregiver.

14 Sec. 2. (a) A patient may terminate the person's designation as
15 caregiver at any time.

16 (b) The patient shall notify the department that the patient has
17 terminated the person's caregiver designation as soon as
18 reasonably practicable after the termination.

19 (c) Upon learning that a patient has terminated a person's
20 caregiver designation, the department shall cancel the caregiver's
21 identification card and notify the caregiver to return the physical
22 copy of the card.

23 Sec. 3. If a patient designates a caregiver, the caregiver may
24 submit an application for an identification card as a caregiver. The
25 caregiver application must include:

- 26 (1) the name, address, and date of birth of the caregiver;
- 27 (2) if the caregiver has an identification card for the caregiver
28 (as a patient) or another patient (as caregiver), the expiration
29 date of each identification card; and
- 30 (3) any other information required by the department.

31 The application must be signed and dated by the caregiver
32 applicant and verified under penalties of perjury.

33 Sec. 4. (a) Except as provided in subsection (c), before the
34 caregiver application is approved, the caregiver must authorize the
35 department to perform a national criminal history background
36 check of the caregiver.

37 (b) The caregiver is responsible for the fee for the national
38 criminal history background check.

39 (c) The department may conduct only one (1) national criminal
40 history background check of the caregiver per year.

41 Sec. 5. The caregiver shall pay an application fee of fifty dollars
42 (\$50). The department may waive or reduce the fee in cases of



1 demonstrated financial hardship.

2 Sec. 6. (a) After receiving the caregiver application, the fee, and
3 the results of the national criminal history background check, the
4 department shall:

- 5 (1) verify the information contained in the application; and
6 (2) review INSPECT with respect to the applicant.

7 (b) The department may deny a caregiver application if it finds
8 that the caregiver has:

- 9 (1) been convicted of a criminal offense within the previous
10 five (5) years relating to the sale or possession of a controlled
11 substance; or
12 (2) a history of drug abuse.

13 Sec. 7. The department shall monthly transmit fees received
14 under this chapter to the auditor of state for deposit in the state
15 general fund.

16 Chapter 9. Minor Patients

17 Sec. 1. If a patient is less than eighteen (18) years of age, the
18 following apply:

- 19 (1) The patient must have a caregiver.
20 (2) The caregiver must be:
21 (A) the patient's parent or legal guardian;
22 (B) an individual designated by a parent or legal guardian;
23 or
24 (C) an appropriate individual approved by the department
25 on a sufficient showing that no parent or legal guardian is
26 appropriate or available.

27 Chapter 10. Suspension

28 Sec. 1. If a patient or caregiver knowingly, intentionally, or
29 recklessly:

- 30 (1) violates any provision of this article; or
31 (2) transfers or sells medical marijuana to a person not
32 qualified as a patient under this article;

33 the department may suspend or revoke the patient's or caregiver's
34 identification card. The suspension or revocation is in addition to
35 any criminal or other penalty.

36 Chapter 11. General Prohibitions

37 Sec. 1. A person may not operate a motor vehicle, including a
38 motorboat, while under the influence of medical marijuana.

39 Sec. 2. A patient may not perform any employment duties in
40 exposed high places or in confined spaces while under the influence
41 of medical marijuana.

42 Sec. 3. A patient's employer may prohibit a patient from



1 performing any task while under the influence of medical
2 marijuana. The prohibition is not an adverse employment decision
3 or unlawful discrimination even if the prohibition results in
4 financial harm for the patient.

5 **Chapter 12. Medical Marijuana Organizations**

6 **Sec. 1. The following entities may receive a permit to operate as**
7 **a medical marijuana organization to grow, process, or dispense**
8 **medical marijuana:**

- 9 (1) A grower.
10 (2) A processor.
11 (3) A dispensary.

12 **Sec. 2. A medical marijuana organization may not receive a**
13 **permit if a person having an ownership interest in the medical**
14 **marijuana organization has a felony conviction that has not been**
15 **expunged.**

16 **Sec. 3. (a) The department shall develop an application for a:**

- 17 (1) grower permit allowing the grower to grow medical
18 marijuana;
19 (2) dispensary permit allowing a dispensary to dispense
20 medical marijuana;
21 (3) processor permit allowing a processor to process medical
22 marijuana; and
23 (4) testing laboratory permit allowing a testing laboratory to
24 test medical marijuana.

25 **(b) The following information must be included on the permit**
26 **application:**

- 27 (1) The name, address, telephone number, and other contact
28 information for every person having an ownership interest in
29 the medical marijuana organization.
30 (2) Information relating to a similar permit, license, or other
31 authorization granted in another jurisdiction, including any
32 suspensions, revocations, or discipline in that jurisdiction.
33 (3) A release authorizing the department to conduct a
34 background check of the persons having an ownership
35 interest in the medical marijuana organization.
36 (4) A statement as to whether the applicant intends to operate
37 as a grower, a processor, or a dispensary, and a concise
38 description of the business activities in which the medical
39 marijuana organization intends to engage.
40 (5) The address or other location where the medical
41 marijuana organization intends to operate.
42 (6) A statement that no person having an ownership interest



1 in the medical marijuana organization has a felony conviction
2 that has not been expunged.
3 (7) Any other information required by the department.
4 (c) A permit application described in this section shall be
5 verified and completed subject to the penalties of perjury.
6 (d) An applicant shall submit the appropriate application and
7 permit fees at the time the applicant submits the application.
8 **Chapter 13. Medical Marijuana Organization Permits**
9 **Sec. 1. The department shall grant a medical marijuana**
10 **organization permit if the department makes the following**
11 **findings:**
12 (1) The applicant will maintain effective control of medical
13 marijuana in the custody of the applicant.
14 (2) The applicant will comply with all state statutes, all rules
15 adopted by the department, and any ordinances adopted by a
16 unit.
17 (3) The applicant has the ability to properly carry out the
18 activity for which the permit is sought.
19 (4) The applicant has sufficient financial means to acquire all
20 property, equipment, and permits required to properly grow,
21 process, or dispense medical marijuana.
22 (5) The applicant is able to implement and maintain
23 appropriate security, tracking, record keeping, and
24 surveillance systems relating to the acquisition, possession,
25 growth, manufacture, sale, delivery, transportation,
26 distribution, or dispensing of medical marijuana.
27 (6) The applicant satisfies any other conditions required
28 under rules adopted by the department.
29 (7) Granting a permit to the applicant serves the public
30 interest.
31 **Sec. 2. If the department finds that information included in the**
32 **application is insufficient for the department to grant a permit to**
33 **the medical marijuana organization, the department may request**
34 **that the applicant submit additional documentation relating to one**
35 **(1) or more items listed in section 1 of this chapter.**
36 **Sec. 3. (a) Except as provided under subsection (b), a permit**
37 **granted under this chapter is nontransferable.**
38 **(b) A permit holder may transfer a permit to a person**
39 **authorized to hold a permit in accordance with rules adopted by**
40 **the department if:**
41 (1) the permit holder has held the permit for at least
42 twenty-four (24) months; or



1 (2) the transfer is necessary due to the death or disability of
2 the permit holder or a similar severe hardship. For purposes
3 of this subdivision, financial hardship is not a severe hardship.

4 **Sec. 4. A permit granted under this application is valid for one**
5 **(1) year after the date of issuance.**

6 **Sec. 5. (a) A permit may be renewed for one (1) or more**
7 **additional one (1) year periods.**

8 **(b) The department shall establish deadlines for filing a renewal**
9 **application that provide the department with sufficient time to**
10 **review the application without causing an interruption in the**
11 **medical marijuana organization's activities.**

12 **(c) The same standards that apply for granting an initial**
13 **application apply to an application for renewal. In determining**
14 **whether the renewal of a permit serves the public interest, the**
15 **department shall consider the manner in which the renewal**
16 **applicant has operated the medical marijuana organization and**
17 **complied with all relevant laws.**

18 **Sec. 6. A permit issued by the department to a medical**
19 **marijuana organization must include the following information:**

20 **(1) The name and address of the medical marijuana**
21 **organization.**

22 **(2) The type of permit.**

23 **(3) What activities are permitted under the permit.**

24 **(4) A description of the property and facilities authorized to**
25 **be used by the medical marijuana organization.**

26 **(5) Any other information required by the department.**

27 **Sec. 7. The department may suspend or revoke all or part of a**
28 **permit granted under this section if, following a hearing, the**
29 **department finds the following:**

30 **(1) That one (1) or more of the determinations made under**
31 **section 1 of this chapter are no longer valid.**

32 **(2) That the medical marijuana organization knowingly or**
33 **intentionally sold or distributed medical marijuana to a**
34 **person not qualified as a patient under this article.**

35 **(3) That the medical marijuana organization has failed to**
36 **maintain effective control against diversion of medical**
37 **marijuana.**

38 **(4) That the medical marijuana organization has violated a**
39 **provision of this article or a rule adopted by the department.**

40 **(5) That the medical marijuana organization has failed to**
41 **comply with another law regulating controlled substances.**

42 **Sec. 8. (a) An applicant for a medical marijuana organization**



1 permit has a continuing duty to notify the department of any
2 material change in facts or circumstances relating to the
3 applicant's application, including a change in ownership.

4 (b) An applicant's duty to notify the department begins on the
5 date the applicant submits the application and continues for as long
6 as the applicant holds a permit.

7 Sec. 9. The department may, upon request of a permit holder,
8 amend an existing permit to authorize a permit holder to:

9 (1) move the permit holder's operations from one (1) location
10 to another; or

11 (2) perform additional activities, or cease the performance of
12 certain activities now performed, at the permit holder's
13 facility;

14 if the department finds that the amendment is reasonable under
15 the circumstances.

16 Chapter 14. General Duties of a Permit Holder

17 Sec. 1. The holder of a medical marijuana organization permit
18 must do the following:

19 (1) Report the loss, theft, or unexplained disappearance of
20 medical marijuana to a law enforcement agency not later than
21 twenty-four (24) hours after the loss, theft, or disappearance
22 is discovered.

23 (2) Permit announced or unannounced inspections by the
24 department of all medical marijuana organization facilities
25 and records.

26 Chapter 15. Application and Permit Fees

27 Sec. 1. The following fees apply to a grower:

28 (1) A nonrefundable grower permit application fee of ten
29 thousand dollars (\$10,000).

30 (2) A refundable grower permit fee of fifty thousand dollars
31 (\$50,000).

32 (3) A refundable grower permit renewal fee of ten thousand
33 dollars (\$10,000).

34 (4) A nonrefundable permit amendment fee of two hundred
35 fifty dollars (\$250).

36 Sec. 2. The following fees apply to a processor:

37 (1) A nonrefundable processor permit application fee of ten
38 thousand dollars (\$10,000).

39 (2) A refundable processor permit fee of fifty thousand dollars
40 (\$50,000).

41 (3) A refundable processor permit renewal fee of ten thousand
42 dollars (\$10,000).



- 1 (4) A nonrefundable permit amendment fee of two hundred
- 2 fifty dollars (\$250).
- 3 **Sec. 3. The following fees apply to a dispensary:**
- 4 (1) A nonrefundable dispensary permit application fee of five
- 5 thousand dollars (\$5,000).
- 6 (2) A refundable dispensary permit fee of twenty thousand
- 7 dollars (\$20,000) for each dispensary location.
- 8 (3) A refundable dispensary permit renewal fee of five
- 9 thousand dollars (\$5,000) for each dispensary location.
- 10 (4) A nonrefundable permit amendment fee of two hundred
- 11 fifty dollars (\$250).
- 12 **Sec. 4. The following fees apply to a testing laboratory:**
- 13 (1) A nonrefundable testing laboratory permit application fee
- 14 of two thousand dollars (\$2,000).
- 15 (2) A refundable testing laboratory permit fee of ten thousand
- 16 dollars (\$10,000) for each testing laboratory location.
- 17 (3) A refundable testing laboratory permit renewal fee of two
- 18 thousand dollars (\$2,000) for each testing laboratory location.
- 19 (4) A nonrefundable permit amendment fee of two hundred
- 20 fifty dollars (\$250).
- 21 **Sec. 5. An applicant must submit the application fee and permit**
- 22 **fee at the time the applicant submits the application.**
- 23 **Sec. 6. (a) The department shall retain the application fee even**
- 24 **if the application is not approved.**
- 25 **(b) The department shall refund the permit fee and renewal fee**
- 26 **if the permit or renewal is not approved. However, the permit fee**
- 27 **and renewal fee are not refundable if the permit is initially granted**
- 28 **but later suspended or revoked.**
- 29 **(c) The department shall retain the permit amendment fee even**
- 30 **if the application for amendment is not approved.**
- 31 **Sec. 7. The department shall transfer all fees to the state auditor**
- 32 **for deposit in the state general fund.**
- 33 **Chapter 16. Tracking and Recordkeeping**
- 34 **Sec. 1. (a) A medical marijuana organization must implement an**
- 35 **electronic inventory tracking system, which must be directly**
- 36 **accessible to the department through an electronic data base that**
- 37 **is updated at least one (1) time each day.**
- 38 **(b) The electronic inventory tracking system must include the**
- 39 **following:**
- 40 (1) For a grower, a seed to sale tracking system that tracks the
- 41 medical marijuana from seed to plant until the medical
- 42 marijuana is sold or transferred to its final destination.



- 1 **(2) For a processor, a system that tracks medical marijuana**
 2 **from its purchase from a grower to its transfer to a**
 3 **dispensary, testing laboratory, or research facility as**
 4 **authorized by this article.**
- 5 **(3) For a dispensary, a system that tracks medical marijuana**
 6 **from its purchase from a grower or processor to its sale to a**
 7 **patient or caregiver or transfer to a testing laboratory,**
 8 **research facility, grower, or processor as authorized by this**
 9 **article.**
- 10 **(4) For a dispensary, a system to verify that an identification**
 11 **card presented by a patient or caregiver:**
- 12 **(A) is valid; and**
- 13 **(B) authorizes the patient or caregiver to receive**
 14 **marijuana from a dispensary.**
- 15 **(5) For a medical marijuana organization, a:**
- 16 **(A) daily log of each day's beginning inventory,**
 17 **acquisitions, amounts purchased and sold, disbursements,**
 18 **disposals, and ending inventory, including prices paid and**
 19 **amounts collected from patients and caregivers;**
- 20 **(B) system to recall defective medical marijuana; and**
- 21 **(C) system to track the waste resulting from the growth of**
 22 **medical marijuana, including the name and address of a**
 23 **disposal service.**
- 24 **Sec. 2. A medical marijuana organization must implement a**
 25 **plan for:**
- 26 **(1) security and surveillance; and**
- 27 **(2) record keeping and record retention.**
- 28 **Sec. 3. The department:**
- 29 **(1) shall require a medical marijuana organization to make an**
 30 **annual report to the department; and**
- 31 **(2) may require a medical marijuana organization to make a**
 32 **quarterly report to the department.**
- 33 **The department shall determine the form and contents of the**
 34 **report and may make all or part of the report available to the**
 35 **public.**
- 36 **Chapter 17. Grower Operations**
- 37 **Sec. 1. A person holding a grower permit may do all the**
 38 **following in accordance with rules adopted by the department:**
- 39 **(1) Obtain seed and plant material from another grower.**
- 40 **(2) Sell and transport seed and plant material to another**
 41 **grower or processor.**
- 42 **(3) Sell and transport medical marijuana to a processor,**



1 dispensary, testing laboratory, or research facility authorized
2 by the department.

3 **Sec. 2.** The department shall determine the manner in which
4 medical marijuana may be grown, harvested, and stored at the
5 cultivation or harvesting facility.

6 **Sec. 3.** The department shall determine the manner in which
7 transportation of medical marijuana shall be conducted between
8 or among growers, processors, testing laboratories, research
9 facilities, and dispensaries. Rules adopted by the department must
10 include the following:

11 (1) Requirements relating to shipping containers and
12 packaging.

13 (2) The manner in which trucks, vans, trailers, or other
14 carriers will be secured.

15 (3) Obtaining copies of driver's licenses and registrations and
16 other information related to security and tracking.

17 (4) The use of a GPS tracking system.

18 (5) Record keeping requirements for delivery and receipt of
19 medical marijuana products.

20 **Sec. 4.** A grower shall contract with an independent testing
21 laboratory to test the medical marijuana produced by the grower.
22 The department shall approve the testing laboratory and require
23 that the laboratory report testing results in the manner determined
24 by the department. If a grower learns that the grower's sample has
25 failed required testing, the grower must take steps to remediate the
26 harvest to allowable levels under IC 16-51-20-3, or immediately
27 dispose of the harvest.

28 **Chapter 18. Processor Operations**

29 **Sec. 1.** A person holding a processor permit may do all the
30 following in accordance with rules adopted by the department:

31 (1) Obtain plant material from a grower.

32 (2) Sell and transport processed medical marijuana to another
33 grower or processor.

34 (3) Sell and transport medical marijuana to a processor,
35 dispensary, testing laboratory, or research facility authorized
36 by the department.

37 **Sec. 2.** The department shall determine the manner in which
38 medical marijuana may be processed or stored at the processor
39 facility.

40 **Sec. 3.** The department shall determine the manner in which
41 transportation of medical marijuana shall be conducted between
42 or among medical marijuana organizations and research facilities.



- 1 **Rules adopted by the department must include the following:**
2 (1) Requirements relating to shipping containers and
3 packaging.
4 (2) The manner in which trucks, vans, trailers, or other
5 carriers will be secured.
6 (3) Obtaining copies of driver's licenses and registrations and
7 other information related to security and tracking.
8 (4) The use of a GPS tracking system.
9 (5) Record keeping requirements for delivery and receipt of
10 medical marijuana products.
- 11 **Sec. 4. A processor shall develop a plan to ensure that medical**
12 **marijuana products are properly labeled, are not packaged in a**
13 **manner that is appealing to children, and are placed in child**
14 **resistant packaging.**
- 15 **Sec. 5. A processor shall include on its labeling of medical**
16 **marijuana products the following:**
17 (1) The number of doses contained within the package, the
18 species, and the percentage of tetrahydrocannabinol and
19 cannabinol.
20 (2) A warning that the medical marijuana must be kept in the
21 original container in which it was dispensed.
22 (3) A warning that unauthorized use is unlawful and will
23 subject the person to criminal penalties.
24 (4) A list of ingredients.
25 (5) Any other information required by the department.
- 26 **Sec. 6. A processor shall contract with an independent testing**
27 **laboratory to test the medical marijuana product produced by the**
28 **processor. The testing laboratory must be approved by the**
29 **department, and the department shall require that the laboratory**
30 **report testing results in the manner determined by the department.**
31 **If a processor learns that a sample submitted by the processor has**
32 **failed required testing, the processor must take steps to remediate**
33 **the product to allowable levels under IC 16-51-20-3, or**
34 **immediately dispose of the batch.**
- 35 **Chapter 19. Dispensary Operations**
- 36 **Sec. 1. A dispensary holding a valid permit under this article**
37 **may dispense medical marijuana to a patient or caregiver upon**
38 **presentation of a valid identification card for that patient or**
39 **caregiver and electronic verification that the identification card is**
40 **valid and authorizes the patient or caregiver to receive medical**
41 **marijuana from a dispensary.**
- 42 **Sec. 2. The dispensary shall provide to the patient or caregiver**



1 a receipt including all of the following:

- 2 (1) The name and address of the dispensary.
 3 (2) The name and address of the patient and caregiver (if
 4 applicable).
 5 (3) The date the medical marijuana was dispensed.
 6 (4) Any requirement or limitation by the physician as to the
 7 form of medical marijuana for the patient.
 8 (5) The form and the quantity of medical marijuana
 9 dispensed.

10 Sec. 3. (a) For purposes of this section:

- 11 (1) eight (8) grams of concentrated marijuana; or
 12 (2) eighty (80) ten (10) milligram doses of
 13 tetrahydrocannabinol;

14 is equivalent to one (1) ounce of medical marijuana.

15 (b) A dispensary may not dispense:

- 16 (1) more than one (1) ounce of medical marijuana to a patient
 17 (or caregiver on behalf of a specific patient) per day;
 18 (2) a form of medical marijuana that the patient is not
 19 permitted to possess; or
 20 (3) medical marijuana to a patient who is cultivating mature
 21 marijuana plants for the patient's own use.

22 Sec. 4. The medical marijuana packaging must include the
 23 following information:

- 24 (1) The number of doses contained within the package, the
 25 species, and the percentage of tetrahydrocannabinol and
 26 cannabitol.
 27 (2) A warning that the medical marijuana must be kept in the
 28 original container in which it was dispensed.
 29 (3) A warning that unauthorized use is unlawful and will
 30 subject the person to criminal penalties.
 31 (4) Any other information required by the department.

32 Sec. 5. A dispensary:

- 33 (1) may dispense medical marijuana only in an indoor,
 34 enclosed, secure facility located in Indiana;
 35 (2) may sell medical devices and instruments that are needed
 36 to administer medical marijuana; and
 37 (3) may sell services approved by the department related to
 38 the use of medical marijuana.

39 Sec. 6. A dispensary shall post a copy of its permit in a location
 40 within its facility in a manner that is easily observable by the
 41 public.

42 Sec. 7. A dispensary shall establish a plan to:



1 (1) prevent diversion of medical marijuana and medical
2 marijuana products; and

3 (2) ensure a patient is not dispensed more than one (1) ounce
4 of medical marijuana per day.

5 **Chapter 20. Testing Laboratory Operations**

6 **Sec. 1. A testing laboratory may test medical marijuana from a**
7 **medical marijuana organization in accordance with rules adopted**
8 **by the department if:**

9 (1) it holds a valid permit issued under this article; or

10 (2) it is already accredited as a testing laboratory to
11 **International Organization for Standardization (ISO) 17025**
12 **by a third party accrediting body such as the American**
13 **Association for Laboratory Accreditation (A2LA) or Assured**
14 **Calibration and Laboratory Accreditation Select Services**
15 **(ACCLASS).**

16 **Sec. 2. A testing laboratory shall maintain policies and**
17 **procedures for the secure and proper analytical testing of medical**
18 **marijuana, which must include:**

19 (1) laboratory analysis techniques, including specific
20 instrumentation and protocols necessary to perform the tests
21 required by the department;

22 (2) the implementation of standards and methods for
23 conducting analysis of forms of medical marijuana in
24 accordance with the requirements of ISO/IEC 17025
25 "General Requirements for the Competence of Testing and
26 Calibration Laboratories"; and

27 (3) methods of testing to detect:

28 (A) potency levels of tetrahydrocannabinol and
29 cannabidiol;

30 (B) microbials;

31 (C) mycotoxins;

32 (D) pesticides;

33 (E) residual solvents; and

34 (F) any other matter as required by the department.

35 **Sec. 3. The department shall establish the allowable level of**
36 **microbials, mycotoxins, pesticides, residual solvents, and other**
37 **matter determined by the department. If a sample received from**
38 **a grower or processor exceeds allowable levels, the testing**
39 **laboratory must immediately notify the grower or processor from**
40 **whom they received the sample.**

41 **Sec. 4. A person holding an ownership interest in a dispensary,**
42 **grower, or processor permit may not have an ownership interest**



- 1 in a testing laboratory permit.
- 2 **Chapter 21. Transportation**
- 3 **Sec. 1. A transporter may transport medical marijuana or**
- 4 **paraphernalia from a:**
- 5 (1) grower or processor to a dispensary;
- 6 (2) grower or processor to a testing laboratory or research
- 7 facility authorized by the department;
- 8 (3) dispensary to a grower or processor;
- 9 (4) dispensary to a testing laboratory or research facility
- 10 authorized by the department;
- 11 (5) medical marijuana organization to another medical
- 12 marijuana organization; or
- 13 (6) medical marijuana organization to another person if
- 14 authorized to do so by the department;
- 15 if the transporter complies with this chapter.
- 16 **Sec. 2. A transporter under this chapter may not have a felony**
- 17 **conviction that has not been expunged.**
- 18 **Sec. 3. Medical marijuana or paraphernalia transported under**
- 19 **this chapter must be:**
- 20 (1) packed in a tamper resistant and tamper evident package;
- 21 (2) clearly marked as to quantity and contents; and
- 22 (3) securely stored in the vehicle used for transport.
- 23 **Sec. 4. The transporter shall proceed as directly and**
- 24 **expeditiously as practicable from the shipping location to the**
- 25 **receiving location.**
- 26 **Sec. 5. The person who ships the medical marijuana or**
- 27 **paraphernalia shall provide the transporter with a shipping**
- 28 **manifest clearly stating the:**
- 29 (1) exact quantity of medical marijuana or paraphernalia that
- 30 is being transported;
- 31 (2) address of the shipping location;
- 32 (3) address of the receiving location;
- 33 (4) identification of the person transporting the material; and
- 34 (5) time the person transporting the material left the shipping
- 35 location.
- 36 **Sec. 6. The transporter shall keep the shipping manifest in the**
- 37 **transporter's possession at all times.**
- 38 **Sec. 7. The department may adopt rules to regulate the**
- 39 **transport of medical marijuana or paraphernalia.**
- 40 **Chapter 22. Reports**
- 41 **Sec. 1. The department shall, not later than December 31 of**
- 42 **each year, submit a report concerning the medical marijuana**



1 program to the legislative council, the governor, and the chief
2 justice of the supreme court. The report to the legislative council
3 must be in an electronic format under IC 5-14-6.

4 **Chapter 23. Civil Penalties**

5 **Sec. 1.** The department may assess a penalty of not more than
6 ten thousand dollars (\$10,000) for each violation of this article or
7 a rule adopted under this article. In addition, the department may
8 impose an additional penalty of not more than one thousand
9 dollars (\$1,000) for each day of a continuing violation.

10 **Sec. 2. (a)** In determining the amount of a civil penalty imposed
11 under this chapter, the department shall consider the following:

- 12 (1) The seriousness of the violation.
13 (2) The potential harm resulting from the violation to
14 patients, caregivers, or the general public.
15 (3) The willfulness of the violation.
16 (4) Any previous violations.
17 (5) The economic benefit that accrued to the person who
18 committed the violation.

19 **(b)** If the department finds that the:

- 20 (1) violation did not threaten the safety or health of a patient,
21 caregiver, or the general public; and
22 (2) violator took immediate action to remedy the violation
23 upon learning of it;

24 the department may issue a written warning instead of assessing a
25 civil penalty.

26 **Sec. 3.** In addition to the civil penalty described in this chapter,
27 and any other penalty authorized by law, the department may
28 revoke or suspend a person's permit or identification card.

29 **Chapter 24. Research**

30 **Sec. 1. (a)** The department may provide assistance to
31 universities, research facilities, pharmaceutical companies, state
32 agencies, and similar entities that wish to conduct research
33 concerning medical marijuana.

34 **(b)** The department may conduct research concerning medical
35 marijuana.

36 **Sec. 2.** The department may authorize persons conducting
37 research on medical marijuana to obtain, possess, transport, and
38 use medical marijuana for research purposes, under terms and
39 conditions established by the department. The department shall
40 issue appropriate documentation to allow persons to obtain
41 marijuana for research purposes.

42 **Chapter 25. Discrimination Prohibited**



1 **Sec. 1. (a) It is unlawful discrimination for any person to:**

2 **(1) suspend;**

3 **(2) expel;**

4 **(3) refuse to employ;**

5 **(4) refuse to admit;**

6 **(5) refuse to grant or renew a license, permit, or certificate**
 7 **necessary to engage in any activity, occupation, or profession;**

8 **or**

9 **(6) otherwise discriminate against;**

10 **any person due to the person's lawful certification, use, possession,**
 11 **delivery, distribution, transport, cultivation, or manufacture of**
 12 **marijuana or paraphernalia as authorized by this article.**

13 **(b) A person who violates this section commits a Class C**
 14 **infraction. However, the offense is a Class B infraction if the**
 15 **person has a prior unrelated adjudication under this section.**

16 **(c) In addition to any other penalty prescribed by this section,**
 17 **a person who is the victim of unlawful discrimination may obtain**
 18 **injunctive relief.**

19 **Sec. 2. A person's lawful certification, use, possession, delivery,**
 20 **distribution, transport, cultivation, or manufacture of marijuana**
 21 **or paraphernalia under this article is not admissible as evidence in**
 22 **an action for negligent hiring, admission, or licensure against a**
 23 **person or entity hired, admitted, or licensed by the person or entity**
 24 **that lawfully used marijuana.**

25 **Sec. 3. A law enforcement officer who knowingly or**
 26 **intentionally performs a search or seizure of a patient or caregiver**
 27 **holding a valid identification card:**

28 **(1) more than two (2) times in any sixty (60) day period; and**

29 **(2) without:**

30 **(A) reasonable suspicion;**

31 **(B) probable cause; or**

32 **(C) a warrant;**

33 **commits harassment of a medical marijuana user, a Class A**
 34 **misdemeanor. However, the offense is a Level 6 felony if the person**
 35 **has a prior unrelated conviction under this section.**

36 **Sec. 4. (a) This section applies only to a law enforcement officer**
 37 **employed by the state, a political subdivision of the state, or a unit.**
 38 **This section does not apply to a federal law enforcement officer.**

39 **(b) A law enforcement officer or employee of the state, a**
 40 **political subdivision of the state, or of a unit may not aid or assist**
 41 **a federal law enforcement officer in the enforcement of a federal**
 42 **law:**



1 **(1) criminalizing; or**
 2 **(2) authorizing civil forfeiture with respect to;**
 3 **any activity permitted under this article.**

4 **(c) A person who knowingly or intentionally violates this section**
 5 **commits a Level 6 felony.**

6 SECTION 22. IC 35-46-9-6, AS AMENDED BY P.L.184-2019,
 7 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2021]: Sec. 6. (a) Except as provided in subsections (b) and
 9 (c), a person who operates a motorboat while:

10 (1) having an alcohol concentration equivalent (as defined in
 11 IC 9-13-2-2.4) to at least eight-hundredths (0.08) gram of alcohol
 12 per:

13 (A) one hundred (100) milliliters of the person's blood; or

14 (B) two hundred ten (210) liters of the person's breath;

15 (2) having:

16 (A) a controlled substance, **other than**
 17 **tetrahydrocannabinol**, listed in schedule I or II of IC 35-48-2
 18 **or its metabolite** in the person's **body; blood; or**

19 (B) **ten (10) or more nanograms of tetrahydrocannabinol**
 20 **per milliliter of the person's whole blood; or**

21 (3) intoxicated;

22 commits a Class C misdemeanor.

23 (b) The offense is a Level 6 felony if:

24 (1) the person has a previous conviction under:

25 (A) IC 14-1-5 (repealed);

26 (B) IC 14-15-8-8 (repealed); or

27 (C) this chapter; or

28 (2) the offense results in serious bodily injury to another person.

29 (c) The offense is a Level 5 felony if the offense results in the death
 30 or catastrophic injury of another person.

31 (d) It is a defense to a prosecution under subsection (a)(2) that:

32 **(1) the accused person consumed the controlled substance in**
 33 **accordance with a valid prescription or order of a practitioner (as**
 34 **defined in IC 35-48-1-24) who acted in the course of the**
 35 **practitioner's professional practice; or**

36 **(2) the controlled substance is marijuana, the accused person**
 37 **is a person authorized to use medical marijuana under**
 38 **IC 16-51, and the accused person used the medical marijuana**
 39 **in substantial compliance with the requirements of IC 16-51.**

40 SECTION 23. IC 35-48-4-8.3, AS AMENDED BY P.L.187-2015,
 41 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2021]: Sec. 8.3. (a) This section does not apply to:



1 (1) a rolling paper; or
 2 (2) a patient, caregiver, medical marijuana organization,
 3 research facility, or transporter described in IC 16-51 if the
 4 person is in substantial compliance with the requirements of
 5 IC 16-51.

6 (b) A person who knowingly or intentionally possesses an
 7 instrument, a device, or another object that the person intends to use
 8 for:

- 9 (1) introducing into the person's body a controlled substance;
 10 (2) testing the strength, effectiveness, or purity of a controlled
 11 substance; or
 12 (3) enhancing the effect of a controlled substance;

13 commits a Class C misdemeanor. However, the offense is a Class A
 14 misdemeanor if the person has a prior unrelated judgment or conviction
 15 under this section.

16 SECTION 24. IC 35-48-4-8.5, AS AMENDED BY P.L.153-2018,
 17 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2021]: Sec. 8.5. (a) A person who keeps for sale, offers for
 19 sale, delivers, or finances the delivery of a raw material, an instrument,
 20 a device, or other object that is intended to be or that is designed or
 21 marketed to be used primarily for:

- 22 (1) ingesting, inhaling, or otherwise introducing into the human
 23 body marijuana, hash oil, hashish, salvia, a synthetic drug, or a
 24 controlled substance;
 25 (2) testing the strength, effectiveness, or purity of marijuana, hash
 26 oil, hashish, salvia, a synthetic drug, or a controlled substance;
 27 (3) enhancing the effect of a controlled substance;
 28 (4) manufacturing, compounding, converting, producing,
 29 processing, or preparing marijuana, hash oil, hashish, salvia, a
 30 synthetic drug, or a controlled substance;
 31 (5) diluting or adulterating marijuana, hash oil, hashish, salvia, a
 32 synthetic drug, or a controlled substance by individuals; or
 33 (6) any purpose announced or described by the seller that is in
 34 violation of this chapter;

35 commits a Class A infraction for dealing in paraphernalia.

36 (b) A person who knowingly or intentionally violates subsection (a)
 37 commits a Class A misdemeanor. However, the offense is a Level 6
 38 felony if the person has a prior unrelated judgment or conviction under
 39 this section.

40 (c) This section does not apply to the following:

- 41 (1) Items marketed for use in the preparation, compounding,
 42 packaging, labeling, or other use of marijuana, hash oil, hashish,



1 salvia, a synthetic drug, or a controlled substance as an incident
2 to lawful research, teaching, or chemical analysis and not for sale.

3 (2) Items marketed for or historically and customarily used in
4 connection with the planting, propagating, cultivating, growing,
5 harvesting, manufacturing, compounding, converting, producing,
6 processing, preparing, testing, analyzing, packaging, repackaging,
7 storing, containing, concealing, injecting, ingesting, or inhaling
8 of tobacco or any other lawful substance.

9 (3) A qualified entity (as defined in IC 16-41-7.5-3) that provides
10 a syringe or needle as part of a program under IC 16-41-7.5.

11 (4) Any entity or person that provides funding to a qualified entity
12 (as defined in IC 16-41-7.5-3) to operate a program described in
13 IC 16-41-7.5.

14 **(5) A patient, caregiver, medical marijuana organization,**
15 **research facility, or transporter described in IC 16-51 if the**
16 **person is in substantial compliance with the requirements of**
17 **IC 16-51.**

18 SECTION 25. IC 35-48-4-10, AS AMENDED BY P.L.153-2018,
19 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2021]: Sec. 10. (a) A person who:

21 (1) knowingly or intentionally:

22 (A) manufactures;

23 (B) finances the manufacture of;

24 (C) delivers; or

25 (D) finances the delivery of;

26 marijuana, hash oil, hashish, or salvia, pure or adulterated; or

27 (2) possesses, with intent to:

28 (A) manufacture;

29 (B) finance the manufacture of;

30 (C) deliver; or

31 (D) finance the delivery of;

32 marijuana, hash oil, hashish, or salvia, pure or adulterated;

33 commits dealing in marijuana, hash oil, hashish, or salvia, a Class A
34 misdemeanor, except as provided in subsections (b) through (d).

35 (b) A person may be convicted of an offense under subsection (a)(2)
36 only if:

37 (1) there is evidence in addition to the weight of the drug that the
38 person intended to manufacture, finance the manufacture of,
39 deliver, or finance the delivery of the drug; or

40 (2) the amount of the drug involved is at least:

41 (A) ten (10) pounds, if the drug is marijuana; or

42 (B) three hundred (300) grams, if the drug is hash oil, hashish,



- 1 or salvia.
- 2 (c) The offense is a Level 6 felony if:
- 3 (1) the person has a prior conviction for a drug offense and the
- 4 amount of the drug involved is:
- 5 (A) less than thirty (30) grams of marijuana; or
- 6 (B) less than five (5) grams of hash oil, hashish, or salvia; or
- 7 (2) the amount of the drug involved is:
- 8 (A) at least thirty (30) grams but less than ten (10) pounds of
- 9 marijuana; or
- 10 (B) at least five (5) grams but less than three hundred (300)
- 11 grams of hash oil, hashish, or salvia.
- 12 (d) The offense is a Level 5 felony if:
- 13 (1) the person has a prior conviction for a drug dealing offense
- 14 and the amount of the drug involved is:
- 15 (A) at least thirty (30) grams but less than ten (10) pounds of
- 16 marijuana; or
- 17 (B) at least five (5) grams but less than three hundred (300)
- 18 grams of hash oil, hashish, or salvia;
- 19 (2) the:
- 20 (A) amount of the drug involved is:
- 21 (i) at least ten (10) pounds of marijuana; or
- 22 (ii) at least three hundred (300) grams of hash oil, hashish,
- 23 or salvia; or
- 24 (B) offense involved a sale to a minor; or
- 25 (3) the:
- 26 (A) person is a retailer;
- 27 (B) marijuana, hash oil, hashish, or salvia is packaged in a
- 28 manner that appears to be low THC hemp extract; and
- 29 (C) person knew or reasonably should have known that the
- 30 product was marijuana, hash oil, hashish, or salvia.
- 31 **(e) This section does not apply to a patient, caregiver, medical**
- 32 **marijuana organization, research facility, or transporter described**
- 33 **in IC 16-51 if the person is in substantial compliance with the**
- 34 **requirements of IC 16-51.**
- 35 SECTION 26. IC 35-48-4-11, AS AMENDED BY P.L.153-2018,
- 36 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 37 JULY 1, 2021]: Sec. 11. (a) A person who:
- 38 (1) knowingly or intentionally possesses (pure or adulterated)
- 39 marijuana, hash oil, hashish, or salvia;
- 40 (2) knowingly or intentionally grows or cultivates marijuana; or
- 41 (3) knowing that marijuana is growing on the person's premises,
- 42 fails to destroy the marijuana plants;



1 commits possession of marijuana, hash oil, hashish, or salvia, a Class
2 B misdemeanor, except as provided in subsections (b) through (c).

3 (b) The offense described in subsection (a) is a Class A
4 misdemeanor if:

5 (1) the person has a prior conviction for a drug offense; or

6 (2) the:

7 (A) marijuana, hash oil, hashish, or salvia is packaged in a
8 manner that appears to be low THC hemp extract; and

9 (B) person knew or reasonably should have known that the
10 product was marijuana, hash oil, hashish, or salvia.

11 (c) The offense described in subsection (a) is a Level 6 felony if:

12 (1) the person has a prior conviction for a drug offense; and

13 (2) the person possesses:

14 (A) at least thirty (30) grams of marijuana; or

15 (B) at least five (5) grams of hash oil, hashish, or salvia.

16 **(d) This section does not apply to a patient, caregiver, medical**
17 **marijuana organization, research facility, or transporter described**
18 **in IC 16-51 if the person is in substantial compliance with the**
19 **requirements of IC 16-51.**

20 SECTION 27. IC 35-52-16-94 IS ADDED TO THE INDIANA
21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2021]: **Sec. 94. IC 16-51-25-3 defines a crime**
23 **concerning medical marijuana.**

24 SECTION 28. IC 35-52-16-95 IS ADDED TO THE INDIANA
25 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2021]: **Sec. 95. IC 16-51-25-4 defines a crime**
27 **concerning medical marijuana.**

