

# HOUSE BILL No. 1036

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-7-3; IC 9-30; IC 11-12-3.7-3; IC 15-16-7-8; IC 16-31-3; IC 16-42; IC 20-28-5-8; IC 22-15-5-16; IC 24-4-21-1; IC 25-1-1.1; IC 33-37; IC 34-24-1-1; IC 34-28-5-5; IC 35-31.5-2; IC 35-45; IC 35-46-9-6; IC 35-48; IC 35-50.

**Synopsis:** Cannabis. Decriminalizes the possession of: (1) 30 grams or less of cannabis; or (2) five grams or less of hash oil or hashish; by making the violation a Class D infraction. Provides that a person who knowingly or intentionally possesses an instrument, a device, or another object that the person intends to use for introducing cannabis into the person's body, commits a Class D infraction. Establishes a per se intoxication level of 10 nanograms of THC per milliliter of whole blood for purposes of operating while intoxicated laws, and requires that the analysis of controlled substances in a person's blood measure only the controlled substance and not the metabolites of the controlled substance. Repeals the term "marijuana" and replaces with the term "cannabis". Makes conforming changes.

**Effective:** Upon passage; April 1, 2020.

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January 7, 2020, read first time and referred to Committee on Courts and Criminal Code.

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Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

## HOUSE BILL No. 1036

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 6-7-3-0.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
3 APRIL 1, 2020]: **Sec. 0.5. As used in this chapter, "cannabis" has**  
4 **the meaning set forth in IC 35-48-1-19.**

5 SECTION 2. IC 6-7-3-4.1 IS REPEALED [EFFECTIVE APRIL 1,  
6 2020]. ~~Sec. 4.1. As used in this chapter, "marijuana" has the meaning~~  
7 ~~set forth in IC 35-48-1-19.~~

8 SECTION 3. IC 6-7-3-6 IS AMENDED TO READ AS FOLLOWS  
9 [EFFECTIVE APRIL 1, 2020]: Sec. 6. (a) The amount of the controlled  
10 substance excise tax is determined by:

- 11 (1) the weight of the controlled substance; or  
12 (2) the pill, capsule, hit, rock, or dosage when a controlled  
13 substance is delivered, possessed, or manufactured in that form.

14 (b) The amount of controlled substance excise tax is as follows:

- 15 (1) On each gram of a schedule I, II, or III controlled substance,  
16 except ~~marijuana~~, **cannabis**, forty dollars (\$40) for each gram and  
17 a proportionate amount for each fraction of a gram.



(2) On each gram of ~~marijuana~~, **cannabis**, three dollars and fifty cents (\$3.50) for each gram and a proportionate amount for each fraction of a gram.

(3) On each pill, capsule, hit, rock, or dosage of a schedule I, II, or III controlled substance, forty dollars (\$40).

(4) On each gram of a schedule IV controlled substance, twenty dollars (\$20) for each gram and a proportionate amount for each fraction of a gram.

(5) On each pill, capsule, hit, rock, or dosage of a schedule IV controlled substance, twenty dollars (\$20).

(6) On each gram of a schedule V controlled substance, ten dollars (\$10) for each gram and a proportionate amount for each fraction of a gram.

(7) On each pill, capsule, hit, rock, or dosage of a schedule V controlled substance, ten dollars (\$10).

(c) A gram of a controlled substance is measured by the weight of the substance in possession whether pure, impure, or diluted. A quantity of a controlled substance is diluted if the substance consists of a detectable quantity of pure controlled substance and any excipient, fillers, or waste.

SECTION 4. IC 9-30-5-1, AS AMENDED BY P.L.63-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 1. (a) A person who operates a vehicle with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol but less than fifteen-hundredths (0.15) gram of alcohol per:

- (1) one hundred (100) milliliters of the person's blood; or
- (2) two hundred ten (210) liters of the person's breath;

commits a Class C misdemeanor.

(b) A person who operates a vehicle with an alcohol concentration equivalent to at least fifteen-hundredths (0.15) gram of alcohol per:

- (1) one hundred (100) milliliters of the person's blood; or
- (2) two hundred ten (210) liters of the person's breath;

commits a Class A misdemeanor.

(c) A person who operates a vehicle with:

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

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

commits a Class C misdemeanor.

(d) It is a defense to subsection (c) that the accused person



consumed the controlled substance in accordance with a valid prescription or order of a practitioner (as defined in IC 35-48-1) who acted in the course of the practitioner's professional practice.

SECTION 5. IC 9-30-5-4, AS AMENDED BY P.L.184-2019, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 4. (a) A person who causes serious bodily injury to another person when operating a vehicle:

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

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

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

(2) with:

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

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

(3) while intoxicated;

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

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

(c) It is a defense under subsection (a)(2) that the accused person consumed the controlled substance in accordance with a valid prescription or order of a practitioner (as defined in IC 35-48-1) who acted in the course of the practitioner's professional practice.

SECTION 6. IC 9-30-5-5, AS AMENDED BY P.L.184-2019, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 5. (a) A person who causes the death or catastrophic injury of another person when operating a vehicle:

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

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

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

(2) with:

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

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



(3) while intoxicated;  
commits a Level 4 felony.

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

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

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

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

(2) with:

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

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

commits a Level 6 felony.

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

(d) It is a defense under subsection (a) or (b) that the person accused of causing the death or catastrophic injury of another person or the death of a law enforcement animal when operating a vehicle with a controlled substance listed in schedule I or II of IC 35-48-2 ~~or its metabolite~~ in the person's blood consumed the controlled substance in accordance with a valid prescription or order of a practitioner (as defined in IC 35-48-1) who acted in the course of the practitioner's professional practice.

SECTION 7. IC 9-30-15.5-1, AS AMENDED BY P.L.198-2016, SECTION 606, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 1. As used in this chapter, "vehicular substance offense" means any misdemeanor or felony in which operation of a vehicle while intoxicated, operation of a vehicle in excess of the statutory limit for alcohol, or operation of a vehicle with a controlled substance or **(before April 1, 2020)** its metabolite in the person's body, is a material element. The term includes an offense under IC 9-30-5, IC 9-24-6-15 (before its repeal), IC 9-24-6.1-7, and IC 9-11-2 (before its repeal).

SECTION 8. IC 11-12-3.7-3, AS AMENDED BY P.L.182-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 3. As used in this chapter, "drug dealing offense" means one (1) or more of the following offenses:

(1) Dealing in cocaine or a narcotic drug (IC 35-48-4-1), unless



the person received only minimal consideration as a result of the drug transaction.

(2) Dealing in methamphetamine (IC 35-48-4-1.1), unless the person received only minimal consideration as a result of the drug transaction.

(3) Dealing in a schedule I, II, III, IV, or V controlled substance (IC 35-48-4-2 through IC 35-48-4-4), unless the person received only minimal consideration as a result of the drug transaction.

(4) Dealing in:

(A) marijuana (**before April 1, 2020**);

(B) **cannabis (after March 31, 2020); or**

(C) hash oil, hashish, salvia, or a synthetic cannabinoid (IC 35-48-4-10);

unless the person received only minimal consideration as a result of the drug transaction.

SECTION 9. IC 15-16-7-8, AS ADDED BY P.L.2-2008, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 8. In addition to the weed control board's powers and duties under section 7 of this chapter, the weed control board may establish a ~~marijuana~~ **cannabis** eradication program to eliminate and destroy wild ~~marijuana~~ **cannabis** plants within the county. The program is funded by amounts appropriated by the county:

(1) under IC 33-37-8; and

(2) from the county general fund.

SECTION 10. IC 16-31-3-14, AS AMENDED BY P.L.80-2019, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 14. (a) A person holding a certificate or license issued under this article must comply with the applicable standards and rules established under this article. A certificate holder or license holder is subject to disciplinary sanctions under subsection (b) if the department of homeland security determines that the certificate holder or license holder:

(1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a certificate or license, including cheating on a certification or licensure examination;

(2) engaged in fraud or material deception in the course of professional services or activities;

(3) advertised services or goods in a false or misleading manner;

(4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses required under this article or rules adopted under this article;



(5) is convicted of a crime, if the act that resulted in the conviction has a direct bearing on determining if the certificate holder or license holder should be entrusted to provide emergency medical services;

(6) is convicted of violating IC 9-19-14.5;

(7) fails to comply and maintain compliance with or violates any applicable provision, standard, or other requirement of this article or rules adopted under this article;

(8) continues to practice if the certificate holder or license holder becomes unfit to practice due to:

(A) professional incompetence that includes the undertaking of professional activities that the certificate holder or license holder is not qualified by training or experience to undertake;

(B) failure to keep abreast of current professional theory or practice;

(C) physical or mental disability; or

(D) addiction to, abuse of, or dependency on alcohol or other drugs that endanger the public by impairing the certificate holder's or license holder's ability to practice safely;

(9) engages in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(10) allows the certificate holder's or license holder's name or a certificate or license issued under this article to be used in connection with a person who renders services beyond the scope of that person's training, experience, or competence;

(11) is subjected to disciplinary action in another state or jurisdiction on grounds similar to those contained in this chapter. For purposes of this subdivision, a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction;

(12) assists another person in committing an act that would constitute a ground for disciplinary sanction under this chapter;

or

(13) allows a certificate or license issued by the commission to be:

(A) used by another person; or

(B) displayed to the public when the certificate or license is expired, inactive, invalid, revoked, or suspended.

(b) The department of homeland security may issue an order under IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if the department of homeland security determines that a certificate holder or license holder is subject to disciplinary sanctions under



subsection (a):

(1) Revocation of a certificate holder's certificate or license holder's license for a period not to exceed seven (7) years.

(2) Suspension of a certificate holder's certificate or license holder's license for a period not to exceed seven (7) years.

(3) Censure of a certificate holder or license holder.

(4) Issuance of a letter of reprimand.

(5) Assessment of a civil penalty against the certificate holder or license holder in accordance with the following:

(A) The civil penalty may not exceed five hundred dollars (\$500) per day per violation.

(B) If the certificate holder or license holder fails to pay the civil penalty within the time specified by the department of homeland security, the department of homeland security may suspend the certificate holder's certificate or license holder's license without additional proceedings.

(6) Placement of a certificate holder or license holder on probation status and requirement of the certificate holder or license holder to:

(A) report regularly to the department of homeland security upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the department of homeland security;

(C) continue or renew professional education approved by the department of homeland security until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department of homeland security considers appropriate to the public interest or to the rehabilitation or treatment of the certificate holder or license holder.

The department of homeland security may withdraw or modify this probation if the department of homeland security finds after a hearing that the deficiency that required disciplinary action is remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a certificate holder or license holder has engaged in or knowingly cooperated in fraud or material deception to obtain a certificate or license, including cheating on the certification or licensure examination, the department of homeland security may rescind the certificate or license if it has been granted, void the





1 examination or other fraudulent or deceptive material, and prohibit the  
 2 applicant from reapplying for the certificate or license for a length of  
 3 time established by the department of homeland security.

4 (d) The department of homeland security may deny certification or  
 5 licensure to an applicant who would be subject to disciplinary sanctions  
 6 under subsection (b) if that person were a certificate holder or license  
 7 holder, has had disciplinary action taken against the applicant or the  
 8 applicant's certificate or license to practice in another state or  
 9 jurisdiction, or has practiced without a certificate or license in violation  
 10 of the law. A certified copy of the record of disciplinary action is  
 11 conclusive evidence of the other jurisdiction's disciplinary action.

12 (e) The department of homeland security may order a certificate  
 13 holder or license holder to submit to a reasonable physical or mental  
 14 examination if the certificate holder's or license holder's physical or  
 15 mental capacity to practice safely and competently is at issue in a  
 16 disciplinary proceeding. Failure to comply with a department of  
 17 homeland security order to submit to a physical or mental examination  
 18 makes a certificate holder or license holder liable to temporary  
 19 suspension under subsection (i).

20 (f) Except as provided under subsection (a), subsection (g), and  
 21 section 14.5 of this chapter, a certificate or license may not be denied,  
 22 revoked, or suspended because the applicant, certificate holder, or  
 23 license holder has been convicted of an offense. The acts from which  
 24 the applicant's, certificate holder's, or license holder's conviction  
 25 resulted may be considered as to whether the applicant or certificate  
 26 holder or license holder should be entrusted to serve the public in a  
 27 specific capacity.

28 (g) The department of homeland security may deny, suspend, or  
 29 revoke a certificate or license issued under this article if the individual  
 30 who holds or is applying for the certificate or license is convicted of  
 31 any of the following:

- 32 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- 33 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 34 (3) Possession of a controlled substance under IC 35-48-4-7(a).
- 35 (4) Fraudulently obtaining a controlled substance under  
 36 IC 35-48-4-7(c).
- 37 (5) Manufacture of paraphernalia as a Class D felony (for a crime  
 38 committed before July 1, 2014) or Level 6 felony (for a crime  
 39 committed after June 30, 2014) under IC 35-48-4-8.1(b).
- 40 (6) Dealing in paraphernalia as a Class D felony (for a crime  
 41 committed before July 1, 2014) or Level 6 felony (for a crime  
 42 committed after June 30, 2014) under IC 35-48-4-8.5(b).



(7) Possession of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.3(b) (before its amendment on July 1, 2015).

(8) Possession of:

(A) marijuana **(before April 1, 2020);**

**(B) cannabis (after March 31, 2020); or**

(C) hash oil, hashish, or salvia;

as a Class D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-11.

(9) A felony offense under IC 35-48-4 involving:

(A) possession of a synthetic drug (as defined in IC 35-31.5-2-321);

(B) possession of a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:

(i) Class D felony (for a crime committed before July 1, 2014); or

(ii) Level 6 felony (for a crime committed after June 30, 2014);

under IC 35-48-4-11.5 (before its repeal on July 1, 2019); or

(C) possession of a controlled substance analog (as defined in IC 35-48-1-9.3).

(10) Maintaining a common nuisance under IC 35-48-4-13 (repealed) or IC 35-45-1-5, if the common nuisance involves a controlled substance.

(11) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

(12) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.

(13) Attempt under IC 35-41-5-1 to commit an offense listed in this section.

(14) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.

(h) A decision of the department of homeland security under subsections (b) through (g) may be appealed to the commission under IC 4-21.5-3-7.

(i) The department of homeland security may temporarily suspend a certificate holder's certificate or license holder's license under IC 4-21.5-4 before a final adjudication or during the appeals process if



1 the department of homeland security finds that a certificate holder or  
 2 license holder would represent a clear and immediate danger to the  
 3 public's health, safety, or property if the certificate holder or license  
 4 holder were allowed to continue to practice.

5 (j) On receipt of a complaint or information alleging that a person  
 6 certified or licensed under this chapter or IC 16-31-3.5 has engaged in  
 7 or is engaging in a practice that is subject to disciplinary sanctions  
 8 under this chapter, the department of homeland security must initiate  
 9 an investigation against the person.

10 (k) The department of homeland security shall conduct a factfinding  
 11 investigation as the department of homeland security considers proper  
 12 in relation to the complaint.

13 (l) The department of homeland security may reinstate a certificate  
 14 or license that has been suspended under this section if the department  
 15 of homeland security is satisfied that the applicant is able to practice  
 16 with reasonable skill, competency, and safety to the public. As a  
 17 condition of reinstatement, the department of homeland security may  
 18 impose disciplinary or corrective measures authorized under this  
 19 chapter.

20 (m) The department of homeland security may not reinstate a  
 21 certificate or license that has been revoked under this chapter.

22 (n) The department of homeland security must be consistent in the  
 23 application of sanctions authorized in this chapter. Significant  
 24 departures from prior decisions involving similar conduct must be  
 25 explained in the department of homeland security's findings or orders.

26 (o) A certificate holder may not surrender the certificate holder's  
 27 certificate, and a license holder may not surrender the license holder's  
 28 license, without the written approval of the department of homeland  
 29 security, and the department of homeland security may impose any  
 30 conditions appropriate to the surrender or reinstatement of a  
 31 surrendered certificate or license.

32 (p) For purposes of this section, "certificate holder" means a person  
 33 who holds:

- 34 (1) an unlimited certificate;
- 35 (2) a limited or probationary certificate; or
- 36 (3) an inactive certificate.

37 (q) For purposes of this section, "license holder" means a person  
 38 who holds:

- 39 (1) an unlimited license;
- 40 (2) a limited or probationary license; or
- 41 (3) an inactive license.

42 SECTION 11. IC 16-31-3-14.5, AS AMENDED BY P.L.80-2019,



SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 14.5. The department of homeland security may issue an order under IC 4-21.5-3-6 to deny an applicant's request for certification or licensure or permanently revoke a certificate or license under procedures provided by section 14 of this chapter if the individual who holds the certificate or license issued under this title is convicted of any of the following:

- (1) Dealing in a controlled substance resulting in death under IC 35-42-1-1.5.
- (2) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.
- (3) Dealing in methamphetamine under IC 35-48-4-1.1.
- (4) Manufacturing methamphetamine under IC 35-48-4-1.2.
- (5) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
- (6) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
- (7) Dealing in a schedule V controlled substance under IC 35-48-4-4.
- (8) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5 (repealed).
- (9) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.
- (10) Dealing in a counterfeit substance under IC 35-48-4-5.
- (11) Dealing in:
  - (A) marijuana (**before April 1, 2020**);
  - (B) cannabis (**after March 31, 2020**); or
  - (C) hash oil, hashish, or salvia;
 as a felony under IC 35-48-4-10.
- (12) An offense under IC 35-48-4 involving the manufacture or sale of a synthetic drug (as defined in IC 35-31.5-2-321), a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled substance analog (as defined in IC 35-48-1-9.3), or a substance represented to be a controlled substance (as described in IC 35-48-4-4.6).
- (13) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.
- (14) Attempt under IC 35-41-5-1 to commit an offense listed in



1 this section.

2 (15) A crime of violence (as defined in IC 35-50-1-2(a)).

3 (16) An offense in any other jurisdiction in which the elements of  
4 the offense for which the conviction was entered are substantially  
5 similar to the elements of an offense described under this section.

6 SECTION 12. IC 16-42-3-4 IS AMENDED TO READ AS  
7 FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 4. A drug or device is  
8 considered to be misbranded under any of the following conditions:

9 (1) If the labeling of the drug or device is false or misleading in  
10 any way.

11 (2) If the drug or device is in package form unless the drug or  
12 device bears a label containing:

13 (A) the name and place of business of the manufacturer,  
14 packer, or distributor; and

15 (B) an accurate statement of the quantity of the contents in  
16 terms of weight, measure, or numerical count.

17 However, under clause (B) reasonable variations shall be  
18 permitted and exemptions as to small packages shall be  
19 established by rules adopted by the state department.

20 (3) If any word, statement, or other information required to appear  
21 on the label or labeling, under this chapter or a rule adopted under  
22 IC 16-42-1-2 is not prominently placed on the drug or device with  
23 conspicuousness (as compared with other words, statements,  
24 designs, or devices in the labeling) and in such terms that make  
25 the label likely to be read and understood by the ordinary  
26 individual under customary conditions of purchase and use.

27 (4) If the drug or device:

28 (A) is for use by humans; and

29 (B) contains any quantity of the narcotic or hypnotic substance  
30 alpha-eucaine, barbituric acid, beta-eucaine, bromal, cannabis,  
31 carbromal, chloral, coca, cocaine, codeine, heroin, ~~marijuana~~,  
32 morphine, opium, paraldehyde, peyote, methamphetamine, or  
33 sulphonmethane, or any chemical derivative of such substance,  
34 which derivative after investigation has been found to be and  
35 is designated as habit forming, by rules adopted by the state  
36 department under IC 16-42-1 through IC 16-42-4 or by  
37 regulations issued under 21 U.S.C. 352(d);

38 unless the label on the drug or device bears the name and quantity  
39 or proportion of that substance or derivative and the statement  
40 "Warning – May Be Habit Forming".

41 (5) If a drug, unless the following conditions are met:

42 (A) The label on the drug bears, to the exclusion of any other



nonproprietary name except the applicable systematic chemical name or the chemical formula, the following:

(i) The established name of the drug, if any.

(ii) If the drug is fabricated from at least two (2) ingredients, the established name and quantity of each active ingredient, including the kind and quantity or proportion of any alcohol and, whether active or not, the established name and quantity or proportion of any bromides, ether, chloroform, acetanilid, acetphenetidin, amidopyrine, antipyrine, atropine, hyoscine, hyoscyamine, arsenic, digitalis, digitalis glucosides, mercury, ouabain, strophanthin, strychnine, thyroid, or any derivative or preparation of those substances contained in the drug. However, the requirement for stating the quantity of the active ingredients, other than the quantity of those specifically named in this subdivision, applies only to prescription drugs.

(B) If a prescription drug, the established name of the drug or ingredient on the label (and on any labeling on which a name for the drug or ingredient is used) is printed prominently and in type at least half as large as that used for any proprietary name or designation for the drug or ingredient.

However, to the extent that compliance with the requirements of clause (A)(ii) or clause (B) is impracticable, exemptions shall be allowed under rules adopted by the state department or by regulations promulgated under the Federal Act.

(6) Unless the drug's or device's labeling bears:

(A) adequate directions for use; and

(B) adequate warnings against use in those pathological conditions or by children where the drug's or device's use may be dangerous to health or against unsafe dosage or methods or duration of administration or application in the manner and form that is necessary for the protection of users.

However, if any requirement of clause (A) as applied to any drug or device is not necessary for the protection of the public health, the state department shall adopt rules exempting the drug or device from that requirement.

(7) If a drug purports to be a drug the name of which is recognized in an official compendium, unless the drug is packaged and labeled as prescribed in the compendium. However, the method of packing may be modified with the consent of the state department in accordance with regulations promulgated by the federal security administrator under the Federal Act.



1 Whenever a drug is recognized in both the United States  
 2 Pharmacopoeia and the Homeopathic Pharmacopoeia of the  
 3 United States, the drug is subject to the requirements of the  
 4 United States Pharmacopoeia with respect to packaging and  
 5 labeling unless the drug is labeled and offered for sale as a  
 6 homeopathic drug. In that case the drug is subject to the  
 7 Homeopathic Pharmacopoeia of the United States and not to the  
 8 United States Pharmacopoeia.

9 (8) If a drug or device has been found by the federal security  
 10 administrator or the state department to be a drug liable to  
 11 deterioration, unless the drug or device is packaged in a form and  
 12 manner and the drug's or device's label bears a statement of such  
 13 precautions as the federal security administrator or the state  
 14 department requires by rule or regulation as necessary for the  
 15 protection of the public health. A rule or regulation may not be  
 16 established for any drug recognized in an official compendium  
 17 until the federal security administrator or the state department  
 18 informs the appropriate body charged with the revision of the  
 19 compendium of the need for the packaging or labeling  
 20 requirements and that body fails within a reasonable time to  
 21 prescribe requirements.

22 (9) If a drug's container is made, formed, or filled as to be  
 23 misleading.

24 (10) If a drug is an imitation of another drug.

25 (11) If a drug is offered for sale under the name of another drug.

26 (12) If a drug is or purports to be or is represented to be a drug  
 27 composed wholly or partly of insulin, unless:

28 (A) the drug is from a batch with respect to which a certificate  
 29 or release has been issued under Section 506 of the Federal  
 30 Act; and

31 (B) the certificate or release is in effect with respect to the  
 32 drug.

33 (13) If a drug is or purports to be or is represented to be a drug  
 34 composed wholly or partly of any kind of penicillin, streptomycin,  
 35 chlortetracycline, chloramphenicol, bacitracin, or any other  
 36 antibiotic drug, or any derivative of those drugs, unless:

37 (A) the drug is from a batch with respect to which a certificate  
 38 or release has been issued under Section 507 of the Federal  
 39 Act; and

40 (B) the certificate or release is in effect with respect to that  
 41 drug.

42 However, this subdivision does not apply to any drug or class of



drugs exempted by regulations promulgated under Section 507(c) or 507(d) of the Federal Act.

(14) If a drug or device is dangerous to health when used in the dosage, or with the frequency or duration prescribed, recommended, or suggested in the labeling of the drug or device.

(15) Under the conditions described in section 6 of this chapter.

SECTION 13. IC 16-42-3-6, AS AMENDED BY P.L.204-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 6. (a) This section applies to a drug intended for use by humans that:

(1) is a habit forming drug to which section 4(4) of this chapter applies;

(2) because of:

(A) the drug's toxicity or other potential for harmful effect;

(B) the method of the drug's use; or

(C) the collateral measures necessary to the drug's use;

is not safe for use except under the supervision of a practitioner licensed by law to administer the drug; or

(3) is limited by an approved application under Section 505 of the Federal Act or section 7 or 8 of this chapter to use under the professional supervision of a practitioner licensed by law to administer the drug.

(b) A drug described in subsection (a) may be dispensed only:

(1) upon a written or an electronically transmitted prescription of a practitioner licensed by law to administer the drug;

(2) upon an oral prescription of the practitioner that is reduced promptly to writing and filed by the pharmacist or pharmacist intern (as defined in IC 25-26-13-2); or

(3) by refilling a prescription if the refilling is authorized by the prescriber either in the original prescription, by an electronically transmitted order that is recorded in an electronic format, or by oral order that is reduced promptly to writing or is entered into an electronic format and filed by the pharmacist or pharmacist intern (as defined in IC 25-26-13-2).

(c) If a prescription for a drug described in subsection (a) does not indicate how many times the prescription may be refilled, if any, the prescription may not be refilled unless the pharmacist is subsequently authorized to do so by the practitioner.

(d) The act of dispensing a drug contrary to subsection (a), (b), or (c) is considered to be an act that results in a drug being misbranded while held for sale.

(e) A drug dispensed by filling or refilling a prescription of a





practitioner licensed by law to administer the drug is exempt from the requirements of section 4(2), 4(3), 4(4), 4(5), 4(6), 4(7), 4(8), and 4(9) of this chapter if the drug bears a label containing the following:

- (1) The name and address of the dispenser.
- (2) The serial number and date of the prescription or of the prescription's filling.
- (3) The name of the drug's prescriber and, if stated in the prescription, the name of the patient.
- (4) The directions for use and cautionary statements, if any, contained in the prescription.

This exemption does not apply to any drugs dispensed in the course of the conduct of a business of dispensing drugs pursuant to diagnosis by mail or to a drug dispensed in violation of subsection (a), (b), (c), or (d).

(f) The state department may adopt rules to remove drugs subject to section 4(4) of this chapter, section 7 of this chapter, or section 8 of this chapter from the requirements of subsections (a) through (d) when the requirements are not necessary for the protection of public health. Drugs removed from the prescription requirements of the Federal Act by regulations issued under the Federal Act may also, by rules adopted by the state department, be removed from the requirement of subsections (a) through (d).

(g) A drug that is subject to subsections (a) through (d) is considered to be misbranded if at any time before dispensing the drug's label fails to bear the statement "Caution: Federal Law Prohibits Dispensing Without Prescription" or "Caution: State Law Prohibits Dispensing Without Prescription". A drug to which subsections (a) through (d) do not apply is considered to be misbranded if, at any time before dispensing, the drug's label bears the caution statement described in this subsection.

(h) This section does not relieve a person from a requirement prescribed by or under authority of law with respect to drugs included within the classifications of narcotic drugs or ~~marijuana~~ **cannabis** as defined in the applicable federal and state laws relating to narcotic drugs and ~~marijuana~~ **cannabis**.

(i) A drug may be dispensed under subsection (b) upon an electronically transmitted prescription only to the extent permitted by federal law.

SECTION 14. IC 16-42-27-2, AS AMENDED BY P.L.80-2019, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 2. (a) A prescriber may, directly or by standing order, prescribe or dispense an overdose intervention drug without



1 examining the individual to whom it may be administered if all of the  
 2 following conditions are met:

3 (1) The overdose intervention drug is dispensed or prescribed to:

4 (A) a person at risk of experiencing an opioid-related  
 5 overdose; or

6 (B) a family member, a friend, or any other individual or entity  
 7 in a position to assist an individual who, there is reason to  
 8 believe, is at risk of experiencing an opioid-related overdose.

9 (2) The prescriber instructs the individual receiving the overdose  
 10 intervention drug or prescription to summon emergency services  
 11 either immediately before or immediately after administering the  
 12 overdose intervention drug to an individual experiencing an  
 13 opioid-related overdose.

14 (3) The prescriber provides education and training on drug  
 15 overdose response and treatment, including the administration of  
 16 an overdose intervention drug.

17 (4) The prescriber provides drug addiction treatment information  
 18 and referrals to drug treatment programs, including programs in  
 19 the local area and programs that offer medication assisted  
 20 treatment that includes a federal Food and Drug Administration  
 21 approved long acting, nonaddictive medication for the treatment  
 22 of opioid or alcohol dependence.

23 (b) A prescriber may provide a prescription of an overdose  
 24 intervention drug to an individual as a part of the individual's addiction  
 25 treatment plan.

26 (c) An individual described in subsection (a)(1) may administer an  
 27 overdose intervention drug to an individual who is suffering from an  
 28 overdose.

29 (d) An individual described in subsection (a)(1) may not be  
 30 considered to be practicing medicine without a license in violation of  
 31 IC 25-22.5-8-2, if the individual, acting in good faith, does the  
 32 following:

33 (1) Obtains the overdose intervention drug from a prescriber or  
 34 entity acting under a standing order issued by a prescriber.

35 (2) Administers the overdose intervention drug to an individual  
 36 who is experiencing an apparent opioid-related overdose.

37 (3) Attempts to summon emergency services either immediately  
 38 before or immediately after administering the overdose  
 39 intervention drug.

40 (e) An entity acting under a standing order issued by a prescriber  
 41 must do the following:

42 (1) Annually register with either the:



- 1 (A) state department; or
- 2 (B) local health department in the county where services will
- 3 be provided by the entity;
- 4 in a manner prescribed by the state department.
- 5 (2) Provide education and training on drug overdose response and
- 6 treatment, including the administration of an overdose
- 7 intervention drug.
- 8 (3) Provide drug addiction treatment information and referrals to
- 9 drug treatment programs, including programs in the local area and
- 10 programs that offer medication assisted treatment that includes a
- 11 federal Food and Drug Administration approved long acting,
- 12 nonaddictive medication for the treatment of opioid or alcohol
- 13 dependence.
- 14 (4) Submit an annual report to the state department containing:
- 15 (A) the number of sales of the overdose intervention drug
- 16 dispensed;
- 17 (B) the dates of sale of the overdose intervention drug
- 18 dispensed; and
- 19 (C) any additional information requested by the state
- 20 department.
- 21 (f) The state department shall ensure that a statewide standing order
- 22 for the dispensing of an overdose intervention drug in Indiana is issued
- 23 under this section. The state health commissioner or a designated
- 24 public health authority who is a licensed prescriber may, as part of the
- 25 individual's official capacity, issue a statewide standing order that may
- 26 be used for the dispensing of an overdose intervention drug under this
- 27 section. The immunity provided in IC 34-13-3-3 applies to an
- 28 individual described in this subsection.
- 29 (g) A law enforcement officer may not take an individual into
- 30 custody based solely on the commission of an offense described in
- 31 subsection (h), if the law enforcement officer, after making a
- 32 reasonable determination and considering the facts and surrounding
- 33 circumstances, reasonably believes that the individual:
- 34 (1) obtained the overdose intervention drug as described in
- 35 subsection (a)(1);
- 36 (2) complied with the provisions in subsection (d);
- 37 (3) administered an overdose intervention drug to an individual
- 38 who appeared to be experiencing an opioid-related overdose;
- 39 (4) provided:
- 40 (A) the individual's full name; and
- 41 (B) any other relevant information requested by the law
- 42 enforcement officer;



(5) remained at the scene with the individual who reasonably appeared to be in need of medical assistance until emergency medical assistance arrived;

(6) cooperated with emergency medical assistance personnel and law enforcement officers at the scene; and

(7) came into contact with law enforcement because the individual requested emergency medical assistance for another individual who appeared to be experiencing an opioid-related overdose.

(h) An individual who meets the criteria in subsection (g) is immune from criminal prosecution for the following:

(1) IC 35-48-4-6 (possession of cocaine).

(2) IC 35-48-4-6.1 (possession of methamphetamine).

(3) IC 35-48-4-7 (possession of a controlled substance).

(4) IC 35-48-4-8.3 (possession of paraphernalia).

(5) IC 35-48-4-11 (possession of marijuana **(before April 1, 2020) or cannabis (after March 31, 2020))**.

(6) An offense under IC 35-48-4 involving possession of a synthetic drug (as defined in IC 35-31.5-2-321), possession of a controlled substance analog (as defined in IC 35-48-1-9.3), or possession of a substance represented to be a controlled substance (as described in IC 35-48-4-4.6).

SECTION 15. IC 20-28-5-8, AS AMENDED BY P.L.80-2019, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 8. (a) This section applies when a prosecuting attorney knows that a licensed employee of a public school or a nonpublic school has been convicted of an offense listed in subsection (c). The prosecuting attorney shall immediately give written notice of the conviction to the following:

(1) The state superintendent.

(2) Except as provided in subdivision (3), the superintendent of the school corporation that employs the licensed employee or the equivalent authority if a nonpublic school employs the licensed employee.

(3) The presiding officer of the governing body of the school corporation that employs the licensed employee, if the convicted licensed employee is the superintendent of the school corporation.

(b) The superintendent of a school corporation, presiding officer of the governing body, or equivalent authority for a nonpublic school shall immediately notify the state superintendent when the individual knows that a current or former licensed employee of the public school or nonpublic school has been convicted of an offense listed in subsection



(c), or when the governing body or equivalent authority for a nonpublic school takes any final action in relation to an employee who engaged in any offense listed in subsection (c).

(c) Except as provided in section 8.5 of this chapter, the department shall permanently revoke the license of a person who is known by the department to have been convicted of any of the following felonies:

- (1) Kidnapping (IC 35-42-3-2).
- (2) Criminal confinement (IC 35-42-3-3).
- (3) Rape (IC 35-42-4-1).
- (4) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- (5) Child molesting (IC 35-42-4-3).
- (6) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
- (7) Vicarious sexual gratification (IC 35-42-4-5).
- (8) Child solicitation (IC 35-42-4-6).
- (9) Child seduction (IC 35-42-4-7).
- (10) Sexual misconduct with a minor (IC 35-42-4-9).
- (11) Incest (IC 35-46-1-3).
- (12) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
- (13) Dealing in methamphetamine (IC 35-48-4-1.1).
- (14) Manufacturing methamphetamine (IC 35-48-4-1.2).
- (15) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
- (16) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- (17) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- (18) Dealing in a counterfeit substance (IC 35-48-4-5).
- (19) Dealing in:
  - (A) marijuana (**before April 1, 2020**);
  - (B) cannabis (**after March 31, 2020**); or
  - (C) hash oil, hashish, or salvia;
 as a felony (IC 35-48-4-10).
- (20) An offense under IC 35-48-4 involving the manufacture or sale of a synthetic drug (as defined in IC 35-31.5-2-321), a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled substance analog (as defined in IC 35-48-1-9.3), or a substance represented to be a controlled substance (as described in IC 35-48-4-4.6).
- (21) Possession of child pornography (IC 35-42-4-4(d) or IC 35-42-4-4(e)).



- 1 (22) Homicide (IC 35-42-1).
- 2 (23) Voluntary manslaughter (IC 35-42-1-3).
- 3 (24) Reckless homicide (IC 35-42-1-5).
- 4 (25) Battery as any of the following:
- 5 (A) A Class A felony (for a crime committed before July 1,
- 6 2014) or a Level 2 felony (for a crime committed after June
- 7 30, 2014).
- 8 (B) A Class B felony (for a crime committed before July 1,
- 9 2014) or a Level 3 felony (for a crime committed after June
- 10 30, 2014).
- 11 (C) A Class C felony (for a crime committed before July 1,
- 12 2014) or a Level 5 felony (for a crime committed after June
- 13 30, 2014).
- 14 (26) Aggravated battery (IC 35-42-2-1.5).
- 15 (27) Robbery (IC 35-42-5-1).
- 16 (28) Carjacking (IC 35-42-5-2) (before its repeal).
- 17 (29) Arson as a Class A felony or Class B felony (for a crime
- 18 committed before July 1, 2014) or as a Level 2, Level 3, or Level
- 19 4 felony (for a crime committed after June 30, 2014)
- 20 (IC 35-43-1-1(a)).
- 21 (30) Burglary as a Class A felony or Class B felony (for a crime
- 22 committed before July 1, 2014) or as a Level 1, Level 2, Level 3,
- 23 or Level 4 felony (for a crime committed after June 30, 2014)
- 24 (IC 35-43-2-1).
- 25 (31) Human trafficking (IC 35-42-3.5).
- 26 (32) Dealing in a controlled substance resulting in death
- 27 (IC 35-42-1-1.5).
- 28 (33) Attempt under IC 35-41-5-1 to commit an offense listed in
- 29 this subsection.
- 30 (34) Conspiracy under IC 35-41-5-2 to commit an offense listed
- 31 in this subsection.
- 32 (d) The department shall permanently revoke the license of a person
- 33 who is known by the department to have been convicted of a federal
- 34 offense or an offense in another state that is comparable to a felony
- 35 listed in subsection (c).
- 36 (e) A license may be suspended by the state superintendent as
- 37 specified in IC 20-28-7.5.
- 38 (f) The department shall develop a data base of information on
- 39 school corporation employees who have been reported to the
- 40 department under this section.
- 41 (g) Upon receipt of information from the office of judicial
- 42 administration in accordance with IC 33-24-6-3 concerning persons



convicted of an offense listed in subsection (c), the department shall:

- (1) cross check the information received from the office of judicial administration with information concerning licensed teachers (as defined in IC 20-18-2-22(b)) maintained by the department; and
- (2) if a licensed teacher (as defined in IC 20-18-2-22(b)) has been convicted of an offense described in subsection (c), revoke the licensed teacher's license.

SECTION 16. IC 22-15-5-16, AS AMENDED BY P.L.80-2019, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 16. (a) A practitioner shall comply with the standards established under this licensing program. A practitioner is subject to the exercise of the disciplinary sanctions under subsection (b) if the department finds that a practitioner has:

- (1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;
- (2) engaged in fraud or material deception in the course of professional services or activities;
- (3) advertised services or goods in a false or misleading manner;
- (4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses provided under this chapter;
- (5) been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently;
- (6) knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;
- (7) continued to practice although the practitioner has become unfit to practice due to:
  - (A) professional incompetence;
  - (B) failure to keep abreast of current professional theory or practice;
  - (C) physical or mental disability; or
  - (D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;
- (8) engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;
- (9) allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or



business's training, experience, or competence;

(10) had disciplinary action taken against the practitioner or the practitioner's license to practice in another state or jurisdiction on grounds similar to those under this chapter;

(11) assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or

(12) allowed a license issued by the department to be:

(A) used by another person; or

(B) displayed to the public when the license has expired, is inactive, is invalid, or has been revoked or suspended.

For purposes of subdivision (10), a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction.

(b) The department may impose one (1) or more of the following sanctions if the department finds that a practitioner is subject to disciplinary sanctions under subsection (a):

(1) Permanent revocation of a practitioner's license.

(2) Suspension of a practitioner's license.

(3) Censure of a practitioner.

(4) Issuance of a letter of reprimand.

(5) Assessment of a civil penalty against the practitioner in accordance with the following:

(A) The civil penalty may not be more than one thousand dollars (\$1,000) for each violation listed in subsection (a), except for a finding of incompetency due to a physical or mental disability.

(B) When imposing a civil penalty, the department shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the department, the department may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.

(6) Placement of a practitioner on probation status and requirement of the practitioner to:

(A) report regularly to the department upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the department;

(C) continue or renew professional education approved by the department until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or





(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

The department may withdraw or modify this probation if the department finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the department may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the department.

(d) The department may deny licensure to an applicant who has had disciplinary action taken against the applicant or the applicant's license to practice in another state or jurisdiction or who has practiced without a license in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The department may order a practitioner to submit to a reasonable physical or mental examination if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a department order to submit to a physical or mental examination makes a practitioner liable to temporary suspension under subsection (j).

(f) Except as provided under subsection (g) or (h), a license may not be denied, revoked, or suspended because the applicant or holder has been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be entrusted to serve the public in a specific capacity.

(g) The department may deny, suspend, or revoke a license issued under this chapter if the individual who holds the license is convicted of any of the following:

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b) (for a crime committed before July 1, 2014) or IC 35-48-4-7(c) (for a crime committed after June 30, 2014).



(5) Manufacture of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.1(b).

(6) Dealing in paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.5(b).

(7) Possession of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.3(b) (before its amendment on July 1, 2015).

(8) Possession of:

(A) marijuana (**before April 1, 2020**);

(B) cannabis (**after March 31, 2020**); or

(C) hash oil, hashish, or salvia;

as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-11.

(9) A felony offense under IC 35-48-4 involving possession of a synthetic drug (as defined in IC 35-31.5-2-321), possession of a controlled substance analog (as defined in IC 35-48-1-9.3), or possession of a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:

(A) Class D felony for a crime committed before July 1, 2014;  
or

(B) Level 6 felony for a crime committed after June 30, 2014; under IC 35-48-4-11.5 (before its repeal on July 1, 2019).

(10) Maintaining a common nuisance under IC 35-48-4-13 (repealed) or IC 35-45-1-5, if the common nuisance involves a controlled substance.

(11) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

(12) Conspiracy under IC 35-41-5-2 to commit an offense listed in this subsection.

(13) Attempt under IC 35-41-5-1 to commit an offense listed in this subsection.

(14) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this subsection.

(h) The department shall deny, revoke, or suspend a license issued under this chapter if the individual who holds the license is convicted of any of the following:

(1) Dealing in a controlled substance resulting in death under



- 1 IC 35-42-1-1.5.
- 2 (2) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.
- 3 (3) Dealing in methamphetamine under IC 35-48-4-1.1.
- 4 (4) Manufacturing methamphetamine under IC 35-48-4-1.2.
- 5 (5) Dealing in a schedule I, II, or III controlled substance under
- 6 IC 35-48-4-2.
- 7 (6) Dealing in a schedule IV controlled substance under
- 8 IC 35-48-4-3.
- 9 (7) Dealing in a schedule V controlled substance under
- 10 IC 35-48-4-4.
- 11 (8) Dealing in a substance represented to be a controlled
- 12 substance under IC 35-48-4-4.5 (repealed).
- 13 (9) Knowingly or intentionally manufacturing, advertising,
- 14 distributing, or possessing with intent to manufacture, advertise,
- 15 or distribute a substance represented to be a controlled substance
- 16 under IC 35-48-4-4.6.
- 17 (10) Dealing in a counterfeit substance under IC 35-48-4-5.
- 18 (11) Dealing in:
- 19 (A) marijuana (**before April 1, 2020**);
- 20 (B) cannabis (**after March 31, 2020**); or
- 21 (C) hash oil, hashish, or salvia;
- 22 as a felony under IC 35-48-4-10.
- 23 (12) An offense under IC 35-48-4 involving the manufacture or
- 24 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
- 25 synthetic drug lookalike substance (as defined in
- 26 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
- 27 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
- 28 substance analog (as defined in IC 35-48-1-9.3), or a substance
- 29 represented to be a controlled substance (as described in
- 30 IC 35-48-4-4.6).
- 31 (13) Conspiracy under IC 35-41-5-2 to commit an offense listed
- 32 in this subsection.
- 33 (14) Attempt under IC 35-41-5-1 to commit an offense listed in
- 34 this subsection.
- 35 (15) An offense in any other jurisdiction in which the elements of
- 36 the offense for which the conviction was entered are substantially
- 37 similar to the elements of an offense described in this subsection.
- 38 (16) A violation of any federal or state drug law or rule related to
- 39 wholesale legend drug distributors licensed under IC 25-26-14.
- 40 (i) A decision of the department under subsections (b) through (h)
- 41 may be appealed to the commission under IC 4-21.5-3-7.
- 42 (j) The department may temporarily suspend a practitioner's license



1 under IC 4-21.5-4 before a final adjudication or during the appeals  
 2 process if the department finds that a practitioner represents a clear and  
 3 immediate danger to the public's health, safety, or property if the  
 4 practitioner is allowed to continue to practice.

5 (k) On receipt of a complaint or an information alleging that a  
 6 person licensed under this chapter has engaged in or is engaging in a  
 7 practice that jeopardizes the public health, safety, or welfare, the  
 8 department shall initiate an investigation against the person.

9 (l) Any complaint filed with the office of the attorney general  
 10 alleging a violation of this licensing program shall be referred to the  
 11 department for summary review and for its general information and any  
 12 authorized action at the time of the filing.

13 (m) The department shall conduct a fact finding investigation as the  
 14 department considers proper in relation to the complaint.

15 (n) The department may reinstate a license that has been suspended  
 16 under this section if, after a hearing, the department is satisfied that the  
 17 applicant is able to practice with reasonable skill, safety, and  
 18 competency to the public. As a condition of reinstatement, the  
 19 department may impose disciplinary or corrective measures authorized  
 20 under this chapter.

21 (o) The department may not reinstate a license that has been  
 22 revoked under this chapter. An individual whose license has been  
 23 revoked under this chapter may not apply for a new license until seven  
 24 (7) years after the date of revocation.

25 (p) The department shall seek to achieve consistency in the  
 26 application of sanctions authorized in this chapter. Significant  
 27 departures from prior decisions involving similar conduct must be  
 28 explained in the department's findings or orders.

29 (q) A practitioner may petition the department to accept the  
 30 surrender of the practitioner's license instead of having a hearing before  
 31 the commission. The practitioner may not surrender the practitioner's  
 32 license without the written approval of the department, and the  
 33 department may impose any conditions appropriate to the surrender or  
 34 reinstatement of a surrendered license.

35 (r) A practitioner who has been subjected to disciplinary sanctions  
 36 may be required by the commission to pay the costs of the proceeding.  
 37 The practitioner's ability to pay shall be considered when costs are  
 38 assessed. If the practitioner fails to pay the costs, a suspension may not  
 39 be imposed solely upon the practitioner's inability to pay the amount  
 40 assessed. The costs are limited to costs for the following:

41 (1) Court reporters.

42 (2) Transcripts.



- (3) Certification of documents.
- (4) Photo duplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.

SECTION 17. IC 24-4-21-1, AS AMENDED BY P.L.190-2019, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 1. The following definitions apply throughout this chapter:

- (1) "Certificate of analysis" means a certificate from an independent testing laboratory describing the results of the laboratory's testing of a sample.
- (2) "Independent testing laboratory" means a laboratory:
  - (A) with respect to which no person having a direct or indirect interest in the laboratory also has a direct or indirect interest in a facility that:
    - (i) processes, distributes, or sells low THC hemp extract, or a substantially similar substance in another jurisdiction;
    - (ii) cultivates, processes, distributes, dispenses, or sells ~~marijuana~~; **cannabis**; or
    - (iii) cultivates, processes, or distributes hemp; and
  - (B) that is accredited as a testing laboratory to International Organization for Standardization (ISO) 17025 by a third party accrediting body such as the American Association for Laboratory Accreditation (A2LA) or Assured Calibration and Laboratory Accreditation Select Services (ACLASS).
- (3) "Low THC hemp extract" has the meaning set forth in IC 35-48-1-17.5.

SECTION 18. IC 25-1-1.1-2, AS AMENDED BY P.L.80-2019, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 2. Notwithstanding IC 25-1-7, a board, a commission, or a committee may suspend, deny, or revoke a license or certificate issued under this title by the board, the commission, or the committee without an investigation by the office of the attorney general if the individual who holds the license or certificate is convicted of any of the following and the board, commission, or committee determines, after the individual has appeared in person, that the offense affects the individual's ability to perform the duties of the profession:

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.



- 1 (3) Possession of a controlled substance under IC 35-48-4-7(a).
- 2 (4) Fraudulently obtaining a controlled substance under
- 3 IC 35-48-4-7(c).
- 4 (5) Manufacture of paraphernalia as a Class D felony (for a crime
- 5 committed before July 1, 2014) or a Level 6 felony (for a crime
- 6 committed after June 30, 2014) under IC 35-48-4-8.1(b).
- 7 (6) Dealing in paraphernalia as a Class D felony (for a crime
- 8 committed before July 1, 2014) or a Level 6 felony (for a crime
- 9 committed after June 30, 2014) under IC 35-48-4-8.5(b).
- 10 (7) Possession of paraphernalia as a Class D felony (for a crime
- 11 committed before July 1, 2014) or a Level 6 felony (for a crime
- 12 committed after June 30, 2014) under IC 35-48-4-8.3(b) (before
- 13 its amendment on July 1, 2015).
- 14 (8) Possession of:
- 15 (A) marijuana (**before April 1, 2020**);
- 16 (B) cannabis (**after March 31, 2020**); or
- 17 (C) hash oil, hashish, or salvia;
- 18 as a Class D felony (for a crime committed before July 1, 2014)
- 19 or a Level 6 felony (for a crime committed after June 30, 2014)
- 20 under IC 35-48-4-11.
- 21 (9) A felony offense under IC 35-48-4 involving possession of a
- 22 synthetic drug (as defined in IC 35-31.5-2-321), possession of a
- 23 controlled substance analog (as defined in IC 35-48-1-9.3), or
- 24 possession of a synthetic drug lookalike substance (as defined in
- 25 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:
- 26 (A) Class D felony for a crime committed before July 1, 2014;
- 27 or
- 28 (B) Level 6 felony for a crime committed after June 30, 2014;
- 29 under IC 35-48-4-11.5 (before its repeal on July 1, 2019).
- 30 (10) Maintaining a common nuisance under IC 35-48-4-13
- 31 (repealed) or IC 35-45-1-5, if the common nuisance involves a
- 32 controlled substance.
- 33 (11) An offense relating to registration, labeling, and prescription
- 34 forms under IC 35-48-4-14.
- 35 (12) Conspiracy under IC 35-41-5-2 to commit an offense listed
- 36 in this section.
- 37 (13) Attempt under IC 35-41-5-1 to commit an offense listed in
- 38 this section.
- 39 (14) A sex crime under IC 35-42-4.
- 40 (15) A felony that reflects adversely on the individual's fitness to
- 41 hold a professional license.
- 42 (16) An offense in any other jurisdiction in which the elements of



the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.

SECTION 19. IC 25-1-1.1-3, AS AMENDED BY P.L.80-2019, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 3. A board, a commission, or a committee shall revoke or suspend a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

(1) Dealing in a controlled substance resulting in death under IC 35-42-1-1.5.

(2) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.

(3) Dealing in methamphetamine under IC 35-48-4-1.1.

(4) Manufacturing methamphetamine under IC 35-48-4-1.2.

(5) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.

(6) Dealing in a schedule IV controlled substance under IC 35-48-4-3.

(7) Dealing in a schedule V controlled substance under IC 35-48-4-4.

(8) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5 (before its repeal on July 1, 2019).

(9) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

(10) Dealing in a counterfeit substance under IC 35-48-4-5.

(11) Dealing in:

(A) marijuana (before April 1, 2020);

(B) cannabis (after March 31, 2020); or

(C) hash oil, hashish, or salvia;

as a felony under IC 35-48-4-10.

(12) An offense under IC 35-48-4 involving the manufacture or sale of a synthetic drug (as defined in IC 35-31.5-2-321), a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled substance analog (as defined in IC 35-48-1-9.3), or a substance represented to be a controlled substance (as described in IC 35-48-4-4.6).

(13) Conspiracy under IC 35-41-5-2 to commit an offense listed



in this section.

(14) Attempt under IC 35-41-5-1 to commit an offense listed in this section.

(15) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.

(16) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

SECTION 20. IC 33-37-4-1, AS AMENDED BY P.L.24-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 1. (a) For each action that results in a felony conviction under IC 35-50-2 or a misdemeanor conviction under IC 35-50-3, the clerk shall collect from the defendant a criminal costs fee of one hundred twenty dollars (\$120).

(b) In addition to the criminal costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).

(2) A ~~marijuana~~ **cannabis** eradication program fee (IC 33-37-5-7).

(3) An alcohol and drug services program fee (IC 33-37-5-8(b)).

(4) A law enforcement continuing education program fee (IC 33-37-5-8(c)).

(5) A drug abuse, prosecution, interdiction, and correction fee (IC 33-37-5-9).

(6) An alcohol and drug countermeasures fee (IC 33-37-5-10).

(7) A child abuse prevention fee (IC 33-37-5-12).

(8) A domestic violence prevention and treatment fee (IC 33-37-5-13).

(9) A highway worksite zone fee (IC 33-37-5-14).

(10) A deferred prosecution fee (IC 33-37-5-17).

(11) A document storage fee (IC 33-37-5-20).

(12) An automated record keeping fee (IC 33-37-5-21).

(13) A late payment fee (IC 33-37-5-22).

(14) A sexual assault victims assistance fee (IC 33-37-5-23).

(15) A public defense administration fee (IC 33-37-5-21.2).

(16) A judicial insurance adjustment fee (IC 33-37-5-25).

(17) A judicial salaries fee (IC 33-37-5-26).

(18) A court administration fee (IC 33-37-5-27).

(19) A DNA sample processing fee (IC 33-37-5-26.2).

(c) Instead of the criminal costs fee prescribed by this section,





except for the automated record keeping fee (IC 33-37-5-21), the clerk shall collect a pretrial diversion program fee if an agreement between the prosecuting attorney and the accused person entered into under IC 33-39-1-8 requires payment of those fees by the accused person.

The pretrial diversion program fee is:

- (1) an initial user's fee of fifty dollars (\$50) for a misdemeanor offense;
- (2) an initial user's fee of seventy-five dollars (\$75) for a felony offense;
- (3) a monthly user's fee of twenty dollars (\$20) for each month that the person remains in the pretrial diversion program; and
- (4) any additional program fee or cost that is:
  - (A) reasonably related to the person's rehabilitation; and
  - (B) approved by the court.

A monthly user fee may not be collected beyond the maximum length of the possible sentence.

(d) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, not later than thirty (30) days after the fees are collected:

- (1) The pretrial diversion fee.
- (2) The ~~marijuana~~ **cannabis** eradication program fee.
- (3) The alcohol and drug services program fee.
- (4) The law enforcement continuing education program fee.

The auditor or fiscal officer shall deposit fees transferred under this subsection in the appropriate user fee fund established under IC 33-37-8.

(e) Unless otherwise directed by a court, if a clerk collects only part of a criminal costs fee from a defendant under this section, the clerk shall distribute the partial payment of the criminal costs fee as follows:

- (1) The clerk shall apply the partial payment to general court costs.
- (2) If there is money remaining after the partial payment is applied to general court costs under subdivision (1), the clerk shall distribute the remainder of the partial payment for deposit in the appropriate county user fee fund.
- (3) If there is money remaining after distribution under subdivision (2), the clerk shall distribute the remainder of the partial payment for deposit in the state user fee fund.
- (4) If there is money remaining after distribution under subdivision (3), the clerk shall distribute the remainder of the partial payment to any other applicable user fee fund.
- (5) If there is money remaining after distribution under



subdivision (4), the clerk shall apply the remainder of the partial payment to any outstanding fines owed by the defendant.

SECTION 21. IC 33-37-4-3, AS AMENDED BY P.L.85-2017, SECTION 110, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 3. (a) The clerk shall collect a juvenile costs fee of one hundred twenty dollars (\$120) for each action filed under any of the following:

- (1) IC 31-34 (children in need of services).
- (2) IC 31-37 (delinquent children).
- (3) IC 31-14 (paternity).

(b) In addition to the juvenile costs fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) A ~~marijuana~~ **cannabis** eradication program fee (IC 33-37-5-7).
- (3) An alcohol and drug services program fee (IC 33-37-5-8(b)).
- (4) A law enforcement continuing education program fee (IC 33-37-5-8(c)).
- (5) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- (6) A document storage fee (IC 33-37-5-20).
- (7) An automated record keeping fee (IC 33-37-5-21).
- (8) A late payment fee (IC 33-37-5-22).
- (9) A public defense administration fee (IC 33-37-5-21.2).
- (10) A judicial insurance adjustment fee (IC 33-37-5-25).
- (11) A judicial salaries fee (IC 33-37-5-26).
- (12) A court administration fee (IC 33-37-5-27).
- (13) A DNA sample processing fee (IC 33-37-5-26.2).

(c) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees not later than thirty (30) days after they are collected:

- (1) The ~~marijuana~~ **cannabis** eradication program fee (IC 33-37-5-7).
- (2) The alcohol and drug services program fee (IC 33-37-5-8(b)).
- (3) The law enforcement continuing education program fee (IC 33-37-5-8(c)).

The auditor or fiscal officer shall deposit the fees in the appropriate user fee fund established under IC 33-37-8.

SECTION 22. IC 33-37-5-7, AS AMENDED BY P.L.2-2008, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 7. (a) This section applies to criminal actions.



(b) The clerk shall collect the ~~marijuana~~ **cannabis** eradication program fee set by the court under IC 15-16-7-8, if:

(1) a weed control board has been established in the county under IC 15-16-7-3; and

(2) the person has been convicted of an offense under IC 35-48-4 in a case prosecuted in that county.

(c) The court may set a fee under this section of not more than three hundred dollars (\$300).

SECTION 23. IC 33-37-8-5, AS AMENDED BY P.L.187-2011, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 5. (a) A county user fee fund is established in each county to finance various program services. The county fund is administered by the county auditor.

(b) The county fund consists of the following fees collected by a clerk under this article and by the probation department for the juvenile court under IC 31-37-9-9:

(1) The pretrial diversion program fee.

(2) The informal adjustment program fee.

(3) The ~~marijuana~~ **cannabis** eradication program fee.

(4) The alcohol and drug services program fee.

(5) The law enforcement continuing education program fee.

(6) The deferral program fee.

(7) The jury fee.

(8) The problem solving court fee.

(c) All of the jury fee and two dollars (\$2) of a deferral program fee collected under IC 33-37-4-2(e) shall be deposited by the county auditor in the jury pay fund established under IC 33-37-11.

SECTION 24. IC 34-24-1-1, AS AMENDED BY P.L.211-2019, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 1. (a) The following may be seized:

(1) All vehicles (as defined by IC 35-31.5-2-346), if they are used or are intended for use by the person or persons in possession of them to transport or in any manner to facilitate the transportation of the following:

(A) A controlled substance for the purpose of committing, attempting to commit, or conspiring to commit any of the following:

(i) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

(ii) Dealing in methamphetamine (IC 35-48-4-1.1).

(iii) Manufacturing methamphetamine (IC 35-48-4-1.2).

(iv) Dealing in a schedule I, II, or III controlled substance



- 1 (IC 35-48-4-2).
- 2 (v) Dealing in a schedule IV controlled substance
- 3 (IC 35-48-4-3).
- 4 (vi) Dealing in a schedule V controlled substance
- 5 (IC 35-48-4-4).
- 6 (vii) Dealing in a counterfeit substance (IC 35-48-4-5).
- 7 (viii) Possession of cocaine or a narcotic drug
- 8 (IC 35-48-4-6).
- 9 (ix) Possession of methamphetamine (IC 35-48-4-6.1).
- 10 (x) Dealing in paraphernalia (IC 35-48-4-8.5).
- 11 (xi) Dealing in marijuana **(before April 1, 2020), cannabis**
- 12 **(after March 31, 2020)**, hash oil, hashish, or salvia
- 13 (IC 35-48-4-10).
- 14 (xii) An offense under IC 35-48-4 involving a synthetic drug
- 15 (as defined in IC 35-31.5-2-321), a synthetic drug lookalike
- 16 substance (as defined in IC 35-31.5-2-321.5 (before its
- 17 repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its
- 18 repeal on July 1, 2019), a controlled substance analog (as
- 19 defined in IC 35-48-1-9.3), or a substance represented to be
- 20 a controlled substance (as described in IC 35-48-4-4.6).
- 21 (B) Any stolen (IC 35-43-4-2) or converted property
- 22 (IC 35-43-4-3) if the retail or repurchase value of that property
- 23 is one hundred dollars (\$100) or more.
- 24 (C) Any hazardous waste in violation of IC 13-30-10-1.5.
- 25 (D) A bomb (as defined in IC 35-31.5-2-31) or weapon of
- 26 mass destruction (as defined in IC 35-31.5-2-354) used to
- 27 commit, used in an attempt to commit, or used in a conspiracy
- 28 to commit a felony terrorist offense (as defined in
- 29 IC 35-50-2-18) or an offense under IC 35-47 as part of or in
- 30 furtherance of an act of terrorism (as defined by
- 31 IC 35-31.5-2-329).
- 32 (2) All money, negotiable instruments, securities, weapons,
- 33 communications devices, or any property used to commit, used in
- 34 an attempt to commit, or used in a conspiracy to commit a felony
- 35 terrorist offense (as defined in IC 35-50-2-18) or an offense under
- 36 IC 35-47 as part of or in furtherance of an act of terrorism or
- 37 commonly used as consideration for a violation of IC 35-48-4
- 38 (other than items subject to forfeiture under IC 16-42-20-5 or
- 39 IC 16-6-8.5-5.1, before its repeal):
- 40 (A) furnished or intended to be furnished by any person in
- 41 exchange for an act that is in violation of a criminal statute;
- 42 (B) used to facilitate any violation of a criminal statute; or



- 1 (C) traceable as proceeds of the violation of a criminal statute.
- 2 (3) Any portion of real or personal property purchased with
- 3 money that is traceable as a proceed of a violation of a criminal
- 4 statute.
- 5 (4) A vehicle that is used by a person to:
- 6 (A) commit, attempt to commit, or conspire to commit;
- 7 (B) facilitate the commission of; or
- 8 (C) escape from the commission of;
- 9 murder (IC 35-42-1-1), dealing in a controlled substance resulting
- 10 in death (IC 35-42-1-1.5), kidnapping (IC 35-42-3-2), criminal
- 11 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting
- 12 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense
- 13 under IC 35-47 as part of or in furtherance of an act of terrorism.
- 14 (5) Real property owned by a person who uses it to commit any of
- 15 the following as a Level 1, Level 2, Level 3, Level 4, or Level 5
- 16 felony:
- 17 (A) Dealing in or manufacturing cocaine or a narcotic drug
- 18 (IC 35-48-4-1).
- 19 (B) Dealing in methamphetamine (IC 35-48-4-1.1).
- 20 (C) Manufacturing methamphetamine (IC 35-48-4-1.2).
- 21 (D) Dealing in a schedule I, II, or III controlled substance
- 22 (IC 35-48-4-2).
- 23 (E) Dealing in a schedule IV controlled substance
- 24 (IC 35-48-4-3).
- 25 (F) Dealing in marijuana (**before April 1, 2020**), **cannabis**
- 26 (**after March 31, 2020**), hash oil, hashish, or salvia
- 27 (IC 35-48-4-10).
- 28 (G) Dealing in a synthetic drug (as defined in
- 29 IC 35-31.5-2-321) or synthetic drug lookalike substance (as
- 30 defined in IC 35-31.5-2-321.5 (before its repeal on July 1,
- 31 2019)) under IC 35-48-4-10.5 (before its repeal on July 1,
- 32 2019).
- 33 (H) Dealing in a controlled substance resulting in death
- 34 (IC 35-42-1-1.5).
- 35 (6) Equipment and recordings used by a person to commit fraud
- 36 under IC 35-43-5-4(10).
- 37 (7) Recordings sold, rented, transported, or possessed by a person
- 38 in violation of IC 24-4-10.
- 39 (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as
- 40 defined by IC 35-45-6-1) that is the object of a corrupt business
- 41 influence violation (IC 35-45-6-2).
- 42 (9) Unlawful telecommunications devices (as defined in



IC 35-45-13-6) and plans, instructions, or publications used to commit an offense under IC 35-45-13.

(10) Any equipment, including computer equipment and cellular telephones, used for or intended for use in preparing, photographing, recording, videotaping, digitizing, printing, copying, or disseminating matter in violation of IC 35-42-4.

(11) Destructive devices used, possessed, transported, or sold in violation of IC 35-47.5.

(12) Tobacco products that are sold in violation of IC 24-3-5, tobacco products that a person attempts to sell in violation of IC 24-3-5, and other personal property owned and used by a person to facilitate a violation of IC 24-3-5.

(13) Property used by a person to commit counterfeiting or forgery in violation of IC 35-43-5-2.

(14) After December 31, 2005, if a person is convicted of an offense specified in IC 25-26-14-26(b) or IC 35-43-10, the following real or personal property:

(A) Property used or intended to be used to commit, facilitate, or promote the commission of the offense.

(B) Property constituting, derived from, or traceable to the gross proceeds that the person obtained directly or indirectly as a result of the offense.

(15) Except as provided in subsection (e), a vehicle used by a person who operates the vehicle:

(A) while intoxicated, in violation of IC 9-30-5-1 through IC 9-30-5-5, if in the previous five (5) years the person has two

(2) or more prior unrelated convictions:

(i) for operating a motor vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or

(ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction; or

(B) on a highway while the person's driving privileges are suspended in violation of IC 9-24-19-2 through IC 9-24-19-3, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:

(i) for operating a vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or

(ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction.

If a court orders the seizure of a vehicle under this subdivision, the court shall transmit an order to the bureau of motor vehicles recommending that the bureau not permit a vehicle to be



1 registered in the name of the person whose vehicle was seized  
 2 until the person possesses a current driving license (as defined in  
 3 IC 9-13-2-41).

4 (16) The following real or personal property:

5 (A) Property used or intended to be used to commit, facilitate,  
 6 or promote the commission of an offense specified in  
 7 IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or  
 8 IC 30-2-13-38(f).

9 (B) Property constituting, derived from, or traceable to the  
 10 gross proceeds that a person obtains directly or indirectly as a  
 11 result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b),  
 12 IC 30-2-10-9(b), or IC 30-2-13-38(f).

13 (17) An automated sales suppression device (as defined in  
 14 IC 35-43-5-4.6(a)(1) or phantom-ware (as defined in  
 15 IC 35-43-5-4.6(a)(3)).

16 (18) Real or personal property, including a vehicle, that is used by  
 17 a person to:

18 (A) commit, attempt to commit, or conspire to commit;

19 (B) facilitate the commission of; or

20 (C) escape from the commission of;

21 a violation of IC 35-42-3.5-1 through IC 35-42-3.5-1.4 (human  
 22 trafficking) or IC 35-45-4-4 (promoting prostitution).

23 (b) A vehicle used by any person as a common or contract carrier in  
 24 the transaction of business as a common or contract carrier is not  
 25 subject to seizure under this section, unless it can be proven by a  
 26 preponderance of the evidence that the owner of the vehicle knowingly  
 27 permitted the vehicle to be used to engage in conduct that subjects it to  
 28 seizure under subsection (a).

29 (c) Equipment under subsection (a)(10) may not be seized unless it  
 30 can be proven by a preponderance of the evidence that the owner of the  
 31 equipment knowingly permitted the equipment to be used to engage in  
 32 conduct that subjects it to seizure under subsection (a)(10).

33 (d) Money, negotiable instruments, securities, weapons,  
 34 communications devices, or any property commonly used as  
 35 consideration for a violation of IC 35-48-4 found near or on a person  
 36 who is committing, attempting to commit, or conspiring to commit any  
 37 of the following offenses shall be admitted into evidence in an action  
 38 under this chapter as prima facie evidence that the money, negotiable  
 39 instrument, security, or other thing of value is property that has been  
 40 used or was to have been used to facilitate the violation of a criminal  
 41 statute or is the proceeds of the violation of a criminal statute:

42 (1) IC 35-42-1-1.5 (dealing in a controlled substance resulting in



death).

(2) IC 35-48-4-1 (dealing in or manufacturing cocaine or a narcotic drug).

(3) IC 35-48-4-1.1 (dealing in methamphetamine).

(4) IC 35-48-4-1.2 (manufacturing methamphetamine).

(5) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled substance).

(6) IC 35-48-4-3 (dealing in a schedule IV controlled substance).

(7) IC 35-48-4-4 (dealing in a schedule V controlled substance) as a Level 4 felony.

(8) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a Level 3, Level 4, or Level 5 felony.

(9) IC 35-48-4-6.1 (possession of methamphetamine) as a Level 3, Level 4, or Level 5 felony.

(10) IC 35-48-4-10 (dealing in marijuana **(before April 1, 2020), cannabis (after March 31, 2020)**, hash oil, hashish, or salvia) as a Level 5 felony.

(11) IC 35-48-4-10.5 (before its repeal on July 1, 2019) (dealing in a synthetic drug or synthetic drug lookalike substance) as a Level 5 felony or Level 6 felony (or as a Class C felony or Class D felony under IC 35-48-4-10 before its amendment in 2013).

(e) A vehicle operated by a person who is not:

(1) an owner of the vehicle; or

(2) the spouse of the person who owns the vehicle;

is not subject to seizure under subsection (a)(15) unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a)(15).

SECTION 25. IC 34-28-5-5, AS AMENDED BY P.L.146-2016, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 5. (a) A defendant against whom a judgment is entered is liable for costs. Costs are part of the judgment and may not be suspended except under IC 9-30-3-12. Whenever a judgment is entered against a person for the commission of two (2) or more civil violations (infractions or ordinance violations), the court may waive the person's liability for costs for all but one (1) of the violations. This subsection does not apply to judgments entered for violations constituting:

(1) Class D infractions; or

(2) Class C infractions for unlawfully parking in a space reserved for a person with a physical disability under IC 5-16-9-5 or IC 5-16-9-8.





(b) If a judgment is entered:

(1) for a violation constituting:

(A) a Class D infraction; or

(B) a Class C infraction for unlawfully parking in a space reserved for a person with a physical disability under IC 5-16-9-5 or IC 5-16-9-8; or

(2) in favor of the defendant in any case;

the defendant is not liable for costs.

(c) Except for costs, and except as provided in subsections (e), ~~and~~ (f), ~~and~~ (g) and IC 9-21-5-11(e), the funds collected as judgments for violations of statutes defining infractions shall be deposited in the state general fund.

(d) A judgment may be entered against a defendant under this section or section 4 of this chapter upon a finding by the court that the defendant:

(1) violated:

(A) a statute defining an infraction; or

(B) an ordinance; or

(2) consents to entry of judgment for the plaintiff upon a pleading of nolo contendere for a moving traffic violation.

(e) The funds collected for an infraction judgment described in section 4(h) of this chapter shall be transferred to a dedicated county fund. The money in the dedicated county fund does not revert to the county general fund or state general fund and may be used, after appropriation by the county fiscal body, only for the following purposes:

(1) To pay compensation of commissioners appointed under IC 33-33-49.

(2) To pay costs of the county's guardian ad litem program.

(f) The funds collected for an infraction judgment described in section 4(i) of this chapter shall be transferred to a dedicated toll revenue fund created as part of a project under IC 8-15.5-1-2(b)(4). The money in the fund does not revert to the county general fund or state general fund and may be used only to pay the cost of operating, maintaining, and repairing the tolling system for a project under IC 8-15.5-1-2(b)(4), including major repairs, replacements, and improvements.

**(g) The funds collected for an infraction judgment imposed for a violation of IC 35-48-4-11.3 shall be transferred as follows:**

**(1) Ten dollars (\$10) shall be transferred to the auditor of state for deposit in the state user fee fund established by IC 33-37-9-2.**



1           **(2) Ten dollars (\$10) shall be transferred to the county auditor**  
 2           **for deposit in the county general fund.**

3           **(3) Any amount remaining after transfer of the funds**  
 4           **described in subdivisions (1) and (2) shall be transferred to**  
 5           **the auditor of state for deposit in the state general fund.**

6           SECTION 26. IC 35-31.5-2-33.2 IS ADDED TO THE INDIANA  
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 8 [EFFECTIVE APRIL 1, 2020]: **Sec. 33.2. "Cannabis", for the**  
 9 **purposes of IC 35-48, has the meaning set forth in IC 35-48-1-19.**

10          SECTION 27. IC 35-31.5-2-195 IS REPEALED [EFFECTIVE  
 11 APRIL 1, 2020]. ~~Sec. 195. "Marijuana", for purposes of IC 35-48, has~~  
 12 ~~the meaning set forth in IC 35-48-1-19.~~

13          SECTION 28. IC 35-45-1-5, AS AMENDED BY P.L.144-2018,  
 14 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 15 APRIL 1, 2020]: Sec. 5. (a) As used in this section, "common  
 16 nuisance" means a building, structure, vehicle, or other place that is  
 17 used for (1) or more of the following purposes:

18           (1) To buy an alcoholic beverage in violation of IC 7.1-5-10-5.

19           (2) To unlawfully use, keep, or sell a legend drug.

20           (3) To unlawfully:

21               (A) use;

22               (B) manufacture;

23               (C) keep;

24               (D) offer for sale;

25               (E) sell;

26               (F) deliver; or

27               (G) finance the delivery of;

28           a controlled substance or an item of drug paraphernalia (as  
 29           described in IC 35-48-4-8.5).

30           (4) To provide a location for a person to pay, offer to pay, or agree  
 31           to pay money or other property to another person for a human  
 32           trafficking victim or an act performed by a human trafficking  
 33           victim.

34           (5) To provide a location for a person to commit a violation of  
 35           IC 35-42-3.5-1 through IC 35-42-3.5-1.4 (human trafficking).

36           (b) A person who knowingly or intentionally visits a common  
 37           nuisance described in subsections (a)(1) through (a)(4) commits  
 38           visiting a common nuisance. The offense is a:

39           (1) Class B misdemeanor if the common nuisance is used for the  
 40           unlawful:

41               (A) sale of an alcoholic beverage as set forth in subsection

42               (a)(1);



- 1 (B) use, keeping, or sale of a legend drug as set forth in  
 2 subsection (a)(2); or  
 3 (C) use, manufacture, keeping, offer for sale, sale, delivery, or  
 4 financing the delivery of a controlled substance or item of drug  
 5 paraphernalia (as described in IC 35-48-4-8.5), as set forth in  
 6 subsection (a)(3);  
 7 (2) Class A misdemeanor if:  
 8 (A) the common nuisance is used as a location for a person to  
 9 pay, offer to pay, or agree to pay for a human trafficking victim  
 10 or an act performed by a human trafficking victim as set forth  
 11 in subsection (a)(4); or  
 12 (B) the person knowingly, intentionally, or recklessly takes a  
 13 person less than eighteen (18) years of age or an endangered  
 14 adult (as defined in IC 12-10-3-2) into a common nuisance  
 15 used to unlawfully:  
 16 (i) use;  
 17 (ii) manufacture;  
 18 (iii) keep;  
 19 (iv) offer for sale;  
 20 (v) sell;  
 21 (vi) deliver; or  
 22 (vii) finance the delivery of;  
 23 a controlled substance or an item of drug paraphernalia, as set  
 24 forth in subsection (a)(3); and  
 25 (3) Level 6 felony if the person:  
 26 (A) knowingly, intentionally, or recklessly takes a person less  
 27 than eighteen (18) years of age or an endangered adult (as  
 28 defined in IC 12-10-3-2) into a common nuisance used to  
 29 unlawfully:  
 30 (i) use;  
 31 (ii) manufacture;  
 32 (iii) keep;  
 33 (iv) offer for sale;  
 34 (v) sell;  
 35 (vi) deliver; or  
 36 (vii) finance the delivery of;  
 37 a controlled substance or an item of drug paraphernalia, as set  
 38 forth in subsection (a)(3); and  
 39 (B) has a prior unrelated conviction for a violation of this  
 40 section involving a controlled substance or drug paraphernalia.  
 41 (c) A person who knowingly or intentionally maintains a common  
 42 nuisance commits maintaining a common nuisance, a Level 6 felony.



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

(1) the offense involves only the unlawful use or keeping of:

(A) less than:

(i) thirty (30) grams of ~~marijuana~~; **cannabis**; or

(ii) five (5) grams of hash oil, hashish, or salvia; or

(B) an item of drug paraphernalia (as described in IC 35-48-4-8.5) that is designed for use with, or intended to be used for, ~~marijuana~~; **cannabis**, hash oil, hashish, or salvia; and

(2) the person does not have a prior unrelated conviction for a violation of subsection (c).

SECTION 29. IC 35-45-6-1, AS AMENDED BY P.L.80-2019, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The definitions in this section apply throughout this chapter.

(b) "Documentary material" means any document, drawing, photograph, recording, or other tangible item containing compiled data from which information can be either obtained or translated into a usable form.

(c) "Enterprise" means:

(1) a sole proprietorship, corporation, limited liability company, partnership, business trust, or governmental entity; or

(2) a union, an association, or a group, whether a legal entity or merely associated in fact.

(d) "Pattern of racketeering activity" means engaging in at least two (2) incidents of racketeering activity that have the same or similar intent, result, accomplice, victim, or method of commission, or that are otherwise interrelated by distinguishing characteristics that are not isolated incidents. However, the incidents are a pattern of racketeering activity only if at least one (1) of the incidents occurred after August 31, 1980, and if the last of the incidents occurred within five (5) years after a prior incident of racketeering activity.

(e) "Racketeering activity" means to commit, to attempt to commit, to conspire to commit a violation of, or aiding and abetting in a violation of any of the following:

(1) A provision of IC 23-19, or of a rule or order issued under IC 23-19.

(2) A violation of IC 35-45-9.

(3) A violation of IC 35-47.

(4) A violation of IC 35-49-3.

(5) Murder (IC 35-42-1-1).

(6) Battery as a Class C felony before July 1, 2014, or a Level 5 felony after June 30, 2014 (IC 35-42-2-1).



- 1 (7) Kidnapping (IC 35-42-3-2).
- 2 (8) Human and sexual trafficking crimes (IC 35-42-3.5).
- 3 (9) Child exploitation (IC 35-42-4-4).
- 4 (10) Robbery (IC 35-42-5-1).
- 5 (11) Carjacking (IC 35-42-5-2) (before its repeal).
- 6 (12) Arson (IC 35-43-1-1).
- 7 (13) Burglary (IC 35-43-2-1).
- 8 (14) Theft (IC 35-43-4-2).
- 9 (15) Receiving stolen property (IC 35-43-4-2) (before its
- 10 amendment on July 1, 2018).
- 11 (16) Forgery (IC 35-43-5-2).
- 12 (17) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10)).
- 13 (18) Bribery (IC 35-44.1-1-2).
- 14 (19) Official misconduct (IC 35-44.1-1-1).
- 15 (20) Conflict of interest (IC 35-44.1-1-4).
- 16 (21) Perjury (IC 35-44.1-2-1).
- 17 (22) Obstruction of justice (IC 35-44.1-2-2).
- 18 (23) Intimidation (IC 35-45-2-1).
- 19 (24) Promoting prostitution (IC 35-45-4-4).
- 20 (25) Professional gambling (IC 35-45-5-3).
- 21 (26) Maintaining a professional gambling site
- 22 (IC 35-45-5-3.5(b)).
- 23 (27) Promoting professional gambling (IC 35-45-5-4).
- 24 (28) Dealing in or manufacturing cocaine or a narcotic drug
- 25 (IC 35-48-4-1).
- 26 (29) Dealing in methamphetamine (IC 35-48-4-1.1).
- 27 (30) Manufacturing methamphetamine (IC 35-48-4-1.2).
- 28 (31) Dealing in a schedule I, II, or III controlled substance
- 29 (IC 35-48-4-2).
- 30 (32) Dealing in a schedule IV controlled substance
- 31 (IC 35-48-4-3).
- 32 (33) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- 33 (34) Dealing in marijuana (**before April 1, 2020**), **cannabis**
- 34 (**after March 31, 2020**), hash oil, hashish, or salvia
- 35 (IC 35-48-4-10).
- 36 (35) Money laundering (IC 35-45-15-5).
- 37 (36) A violation of IC 35-47.5-5.
- 38 (37) A violation of any of the following:
- 39 (A) IC 23-14-48-9.
- 40 (B) IC 30-2-9-7(b).
- 41 (C) IC 30-2-10-9(b).
- 42 (D) IC 30-2-13-38(f).



(38) Practice of law by a person who is not an attorney (IC 33-43-2-1).

(39) An offense listed in IC 35-48-4 involving the manufacture or sale of a synthetic drug (as defined in IC 35-31.5-2-321), a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled substance analog (as defined in IC 35-48-1-9.3), or a substance represented to be a controlled substance (as described in IC 35-48-4-4.6).

(40) Dealing in a controlled substance resulting in death (IC 35-42-1-1.5).

SECTION 30. IC 35-46-9-6, AS AMENDED BY P.L.184-2019, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 6. (a) Except as provided in subsections (b) and (c), a person who operates a motorboat while:

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

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

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

(2) having:

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

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

(3) intoxicated;

commits a Class C misdemeanor.

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

(1) the person has a previous conviction under:

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

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

(C) this chapter; or

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

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

(d) It is a defense to a prosecution under subsection (a)(2) that the accused person consumed the controlled substance in accordance with a valid prescription or order of a practitioner (as defined in IC 35-48-1-24) who acted in the course of the practitioner's professional practice.



SECTION 31. IC 35-48-1-0.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: **Sec. 0.2. A reference to marijuana in a statute, rule, or other document related to marijuana is considered a reference to cannabis. The change in the reference does not change the crime itself.**

SECTION 32. IC 35-48-1-16.5, AS AMENDED BY P.L.182-2019, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 16.5. "Enhancing circumstance" means one (1) or more of the following:

- (1) The person has a prior conviction, in any jurisdiction, for dealing in a controlled substance that is not marijuana **(before April 1, 2020), cannabis (after March 31, 2020)**, hashish, hash oil, or salvia divinorum, including an attempt or conspiracy to commit the offense.
- (2) The person committed the offense while in possession of a firearm.
- (3) The person committed the offense:
  - (A) on a school bus; or
  - (B) in, on, or within five hundred (500) feet of:
    - (i) school property while a person under eighteen (18) years of age was reasonably expected to be present; or
    - (ii) a public park while a person under eighteen (18) years of age was reasonably expected to be present.
- (4) The person delivered or financed the delivery of the drug to a person under eighteen (18) years of age at least three (3) years junior to the person.
- (5) The person manufactured or financed the manufacture of the drug.
- (6) The person committed the offense in the physical presence of a child less than eighteen (18) years of age, knowing that the child was present and might be able to see or hear the offense.
- (7) The person committed the offense on the property of a:
  - (A) penal facility; or
  - (B) juvenile facility (as defined in IC 35-44.1-3-5).
- (8) The person knowingly committed the offense in, on, or within one hundred (100) feet of a facility. For purposes of this subdivision, "facility" means a place that is:
  - (A) created and funded under IC 12-23-14 or IC 33-23-16;
  - (B) certified under IC 12-23-1-6; or
  - (C) used for the purpose of conducting a recovery or support group meeting;



and at which a drug abuser (as defined in IC 12-7-2-73) may be provided with treatment, care, or rehabilitation.

SECTION 33. IC 35-48-1-18, AS AMENDED BY P.L.158-2013, SECTION 620, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 18. "Manufacture" means the following:

(1) For offenses not involving ~~marijuana~~, **cannabis**, hashish, or hash oil:

(A) the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. It does not include the preparation, compounding, packaging, or labeling of a controlled substance:

(i) by a practitioner as an incident to administering or dispensing of a controlled substance in the course of a professional practice; or

(ii) by a practitioner, or by the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale; or

(B) the organizing or supervising of an activity described in clause (A).

(2) For offenses involving ~~marijuana~~, **cannabis**, hashish, or hash oil:

(A) the preparation, compounding, conversion, or processing of ~~marijuana~~, **cannabis**, hashish, or hash oil, either directly or indirectly by extraction from substances of natural origin, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the ~~marijuana~~, **cannabis**, hashish, or hash oil, or labeling or relabeling of its container. It does not include planting, growing, cultivating, or harvesting a plant, or the preparation, compounding, packaging, or labeling of ~~marijuana~~, **cannabis**, hashish, or hash oil:

(i) by a practitioner as an incident to lawfully administering or dispensing of ~~marijuana~~, **cannabis**, hashish, or hash oil in the course of a professional practice; or





(ii) by a practitioner, or by the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale; or

(B) the organizing or supervising of an activity described in clause (A).

SECTION 34. IC 35-48-1-19, AS AMENDED BY P.L.190-2019, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 19. (a) ~~"Marijuana"~~ **"Cannabis"** means any part of the plant genus Cannabis whether growing or not; the seeds thereof; the resin extracted from any part of the plant, including hashish and hash oil; any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin.

(b) The term does not include:

- (1) the mature stalks of the plant;
- (2) fiber produced from the stalks;
- (3) oil or cake made from the seeds of the plant;
- (4) any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom);
- (5) the sterilized seed of the plant which is incapable of germination;
- (6) hemp (as defined by IC 15-15-13-6);
- (7) low THC hemp extract; or
- (8) smokable hemp.

SECTION 35. IC 35-48-2-4, AS AMENDED BY P.L.119-2019, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 4. (a) The controlled substances listed in this section are included in schedule I.

(b) Opiates. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted by rule of the board or unless listed in another schedule, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

4-fluoroisobutyl fentanyl  
 Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide) (9815)  
 Acetyl fentanyl (Other names include:  
 N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)  
 Acetylmethadol (9601)  
 Acrylfentanyl. Other name: N-(1-phenethylpiperidin-4-yl)-  
 N-phenylacrylamide



1	Allylprodine (9602)
2	Alpha-methylthiofentanyl (N-[1-methyl-2-(2-
3	thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide) (9832)
4	Alphacetylmethadol (9603)
5	Alphameprodine (9604)
6	Alphamethadol (9605)
7	Alphamethylfentanyl (9814)
8	Benzethidine (9606)
9	Beta-hydroxy-3-methylfentanyl (9831). Other name:
10	N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl
11	]-N-phenylpropanamide
12	Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-
13	phenethyl)-4-piperidinyl]-N-phenylpropanamide) (9830)
14	Betacetylmethadol (9607)
15	Betameprodine (9608)
16	Betamethadol (9609)
17	Betaprodine (9611)
18	Clonitazene (9612)
19	Cyclopentyl fentanyl. Other name:
20	N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide
21	Dextromoramide (9613)
22	Diampromide (9615)
23	Diethylthiambutene (9616)
24	Difenoxin (9168)
25	Dimenoxadol (9617)
26	Dimepheptanol (9618)
27	Dimethylthiambutene (9619)
28	Dioxaphetyl butyrate (9621)
29	Dipipanone (9622)
30	Ethylmethylthiambutene (9623)
31	Etonitazene (9624)
32	Etoxidine (9625)
33	Fentanyl related substances.
34	Furanyl fentanyl.
35	Furethidine (9626)
36	Hydroxypethidine (9627)
37	Isobutyryl fentanyl. Other name:
38	N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide
39	Ketobemidone (9628)
40	Levomoramide (9629)
41	Levophenacymorphan (9631)
42	Methoxyacetyl fentanyl. Other name:



1 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide  
 2 3-Methylfentanyl [N-[3-methyl-1-(2-phenylethyl)-4-  
 3 piperidyl]-N-phenyl-propanimide](9813)  
 4 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-  
 5 piperidinyl]-N-phenylpropanamide) (9833)  
 6 MPPP (1-methyl-4-phenyl-4-propionoxypiperidine) (9961)  
 7 Morpheridine (9632)  
 8 N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl),  
 9 including any isomers, salts, or salts of isomers (9818)  
 10 N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl] 25 piperidin-4-yl]-  
 11 N-phenylpropionamide, also known as N-[1-[2-hydroxy-2-  
 12 (2-thienyl)ethyl] -4- piperidinyl]- N-phenylpropanamide,  
 13 (beta-hydroxythiofentanyl)  
 14 N-(4-chlorophenyl)- N-(1-phenethylpiperidin-4-yl) isobutyramide  
 15 (para-chloroisobutyryl fentanyl)  
 16 N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)  
 17 acetamide (ocfentanil)  
 18 N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4 -yl) butyramide  
 19 (para-fluorobutyryl fentanyl)  
 20 N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide, also known  
 21 as N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide, (butyryl  
 22 fentanyl)  
 23 N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide (valeryl  
 24 fentanyl)  
 25 N-(4-methoxyphenyl)-N-(1-phenethylpiperidin -4-yl) butyramide  
 26 (para-methoxybutyryl fentanyl)  
 27 N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide  
 28 (thenylfentanyl), including any isomers, salts, or salts of isomers  
 29 (9834)  
 30 N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide (isobutyryl  
 31 fentanyl)  
 32 N-(1-phenethylpiperidin-4-yl)- Nphenylcyclopentanecarboxamide  
 33 (cyclopentyl fentanyl)  
 34 Noracymethadol (9633)  
 35 Norlevorphanol (9634)  
 36 Normethadone (9635)  
 37 Norpipanone (9636)  
 38 O c f e n t a n i l . O t h e r n a m e :  
 39 N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)  
 40 acetamide  
 41 Ortho-fluorofentanyl or 2-fluorofentanyl. Other name:  
 42 N-(2-fluorophenyl)-N-



- 1 (1-phenethylpiperidin-4-yl)propionamide
- 2 Para-chloroisobutyryl fentanyl. Other name:
- 3 N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide
- 4 Para-fluorobutyryl fentanyl. Other name:
- 5 N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide
- 6 Para-fluorofentanyl (N-(4-fluorophenyl)-N-
- 7 [1-(2-phenethyl)-4-piperidiny] propanamide (9812)
- 8 Para-methoxybutyryl fentanyl. Other name:
- 9 N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide
- 10 Phenadoxone (9637)
- 11 Phenampromide (9638)
- 12 Phenomorphan (9647)
- 13 Phenoperidine (9641)
- 14 PEPAP [1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine] (9663)
- 15 Piritramide (9642)
- 16 Proheptazine (9643)
- 17 Properidine (9644)
- 18 Propiram (9649)
- 19 Racemoramide (9645)
- 20 Tetrahydrofuranyl fentanyl. Other name:
- 21 N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carb
- 22 oxamide
- 23 Thiofentanyl (N-phenyl-N-[ 1-(2-thienyl)ethyl-4-
- 24 piperidiny]-propanamide) (9835)
- 25 Tilidine (9750)
- 26 Trimeperidine (9646)
- 27 U47700 (3,4-dichloro- N- [2-dimethylamino)cyclohexyl]-
- 28 N-methyl- benzamide)
- 29 Valeryl fentanyl. Other name:
- 30 N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide
- 31 (c) Opium derivatives. Any of the following opium derivatives, their
- 32 salts, isomers, and salts of isomers, unless specifically excepted by rule
- 33 of the board or unless listed in another schedule, whenever the
- 34 existence of these salts, isomers, and salts of isomers is possible within
- 35 the specific chemical designation:
- 36 Acetorphine (9319)
- 37 Acetyldihydrocodeine (9051)
- 38 Benzylmorphine (9052)
- 39 Codeine methylbromide (9070)
- 40 Codeine-N-Oxide (9053)
- 41 Cyprenorphine (9054)
- 42 Desomorphine (9055)



- 1 Dihydromorphine (9145)
- 2 Drotebanol (9335)
- 3 Etorphine (except hydrochloride salt) (9056)
- 4 Heroin (9200)
- 5 Hydromorphenol (9301)
- 6 Methylodesorphine (9302)
- 7 Methyldihydromorphine (9304)
- 8 Morphine methylbromide (9305)
- 9 Morphine methylsulfonate (9306)
- 10 Morphine-N-Oxide (9307)
- 11 Myrophine (9308)
- 12 Nicocodeine (9309)
- 13 Nicomorphine (9312)
- 14 Normorphine (9313)
- 15 Pholcodine (9314)
- 16 Thebacon (9315)
- 17 (d) Hallucinogenic substances. Unless specifically excepted or
- 18 unless listed in another schedule, any material, compound, mixture, or
- 19 preparation which contains any quantity of the following
- 20 hallucinogenic, psychedelic, or psychogenic substances, their salts,
- 21 isomers, and salts of isomers whenever the existence of these salts,
- 22 isomers, and salts of isomers is possible within the specific chemical
- 23 designation (for purposes of this subsection only, the term "isomer"
- 24 includes the optical, position, and geometric isomers):
- 25 (1) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (7473). Other name:
- 26 TCPy.
- 27 (2) 4-Bromo-2, 5-Dimethoxyamphetamine (7391). Some trade or
- 28 other names: 4-Bromo-2, 5-Dimethoxy-a-methylphenethylamine;
- 29 4-Bromo-2, 5-DMA.
- 30 (3) 4-Bromo-2, 5-dimethoxyphenethylamine (7392). Some trade
- 31 or other names:
- 32 2-[4-bromo-2, 5-dimethoxyphenyl]-1-aminoethane;
- 33 alpha-desmethyl DOB; 2C-B, Nexus.
- 34 (4) 2, 5-Dimethoxy-4-ethylamphet-amine (7399). Other name:
- 35 DOET.
- 36 (5) 2, 5-Dimethoxy-4-(n)-propylthiophenethylamine (7348).
- 37 Other name: 2C-T-7.
- 38 (6) 2, 5-Dimethoxyamphetamine (7396). Some trade or other
- 39 names: 2, 5-Dimethoxy-a-methylphenethylamine; 2, 5-DMA.
- 40 (7) 4-Methoxyamphetamine (7411). Some trade or other names:
- 41 4-Methoxy-a-methylphenethylamine; Paramethoxyamphetamine;
- 42 PMA.



- 1 (8) 5-Methoxy-3, 4-methylenedioxy amphetamine (7401). Other  
2 Name: MMDA.
- 3 (9) 5-Methoxy-N, N-diisopropyltryptamine, including any  
4 isomers, salts, or salts of isomers (7439). Other name:  
5 5-MeO-DIPT.
- 6 (10) 4-methyl-2, 5-dimethoxyamphetamine (7395). Some trade  
7 and other names: 4-methyl-2,  
8 5-dimethoxy-a-methylphenethylamine; DOM; and STP.
- 9 (11) 3, 4-methylenedioxy amphetamine (7400). Other name:  
10 MDA.
- 11 (12) 3,4-methylenedioxy-N-ethylamphetamine (7404). Other  
12 names: N-ethyl-alpha-methyl-3,4(methylenedioxy)  
13 phenethylamine; N-ethyl MDA; MDE; and MDEA.
- 14 (13) 3, 4-methylenedioxymethamphetamine (MDMA) (7405).
- 15 (14) 3, 4, 5-trimethoxy amphetamine (7390). Other name: TMA.
- 16 (15) Alpha-ethyltryptamine (7249). Some trade and other names:  
17 Etryptamine; Monase; [alpha]-ethyl-1H-indole-3-ethanamine;  
18 3-(2-aminobutyl) indole; [alpha]-ET; and AET.
- 19 (16) Alpha-methyltryptamine (7432). Other name: AMT.
- 20 (17) Bufotenine (7433). Some trade and other names:  
21 3-(B-Dimethylaminoethyl)-5-hydroxyindole;  
22 3-(2-dimethylaminonethyl)-5-indolol; N, N-dimethylserotonin;  
23 5-hydroxy-N, N-dimethyltryptamine; mappine.
- 24 (18) Diethyltryptamine (7434). Some trade or other names: N,  
25 N-Diethyltryptamine; DET.
- 26 (19) Dimethyltryptamine (7435). Some trade or other names:  
27 DMT.
- 28 (20) Ibogaine (7260). Some trade and other names: 7-Ethyl-6, 6b,  
29 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-pyrido  
30 (1', 2': 1, 2, azepino 4, 5-b) indole; tabernanthe iboga.
- 31 (21) Lysergic acid diethylamide (7315). Other name: LSD.
- 32 (22) ~~Marijuana~~ **Cannabis** (7360).
- 33 (23) Mescaline (7381).
- 34 (24) Paraheyl (7374). Some trade or other names:  
35 3-Hexyl-1-hydroxy-7, 8, 9, 10-Tetrahydro-6, 6,  
36 9-trimethyl-6H-dibenzo (b,d) pyran; Snyhexyl.
- 37 (25) Peyote (7415), including:  
38 (A) all parts of the plant that are classified botanically as  
39 lophophora williamsii lemaire, whether growing or not;  
40 (B) the seeds thereof;  
41 (C) any extract from any part of the plant; and  
42 (D) every compound, manufacture, salt, derivative, mixture, or



- 1 preparation of the plant, its seeds, or extracts.
- 2 (26) N-ethyl-3-piperidyl benzilate (7482). Other name: DMZ.
- 3 (27) N-hydroxy-3,4-methylenedioxyamphetamine (7402). Other
- 4 names: N-hydroxy-alpha-methyl-3,4
- 5 (methylenedioxy)phenethylamine; and N-hydroxy MDA.
- 6 (28) N-methyl-3-piperidyl benzilate (7484). Other name: LBJ.
- 7 (29) Psilocybin (7437).
- 8 (30) Psilocyn (7438).
- 9 (31) Tetrahydrocannabinols (7370), including synthetic
- 10 equivalents of the substances contained in the plant, or in the
- 11 resinous extractives of Cannabis, sp. and synthetic substances,
- 12 derivatives, and their isomers with similar chemical structure and
- 13 pharmacological activity such as:
- 14 (A)  $\pi^1$  cis or trans tetrahydrocannabinol, and their optical
- 15 isomers;
- 16 (B)  $\pi^6$  cis or trans tetrahydrocannabinol, and their optical
- 17 isomers; and
- 18 (C)  $\pi^3_4$  cis or trans tetrahydrocannabinol, and their optical
- 19 isomers.
- 20 Since nomenclature of these substances is not internationally
- 21 standardized, compounds of these structures, regardless of
- 22 numerical designation of atomic positions are covered. Other
- 23 name: THC.
- 24 (32) Ethylamine analog of phencyclidine (7455). Some trade or
- 25 other names: N-Ethyl-1-phenylcyclohexylamine;
- 26 (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl)
- 27 ethylamine; cyclohexamine; PCE.
- 28 (33) Pyrrolidine analog of phencyclidine (7458). Some trade or
- 29 other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCP<sub>y</sub>; PHP.
- 30 (34) Thiophene analog of phencyclidine (7470). Some trade or
- 31 other names: 1-(1-(2-thienyl) cyclohexyl) piperidine; 2-Thienyl
- 32 Analog of Phencyclidine; TPCP.
- 33 (35) Salvia divinorum or salvinorin A, including:
- 34 (A) all parts of the plant that are classified botanically as salvia
- 35 divinorum, whether growing or not;
- 36 (B) the seeds of the plant;
- 37 (C) any extract from any part of the plant; and
- 38 (D) every compound, manufacture, salt, derivative, mixture, or
- 39 preparation of the plant, its seeds, or extracts.
- 40 (36) 5-Methoxy-N,N-Dimethyltryptamine. Some trade or other
- 41 names: 5-methoxy-3-[2- (dimethylamino)ethyl]indole;
- 42 5-MeO-DMT.



- 1 (37) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).
- 2 (38) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).
- 3 (39) 2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine (2C-C).
- 4 (40) 2-(4-Iodo-2,5-dimethoxyphenyl) ethanamine (2C-I).
- 5 (41) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl] ethanamine (2C-T-2).
- 6 (42) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl] ethanamine
- 7 (2C-T-4).
- 8 (43) 2-(2,5-Dimethoxyphenyl) ethanamine (2C-H).
- 9 (44) 2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine (2C-N).
- 10 (45) 2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine (2C-P).
- 11 (46) Deschloroketamine (2-Phenyl-2-
- 12 (methylamino)cyclohexanone).
- 13 (47) 4-Hydroxy-MET (4-Hydroxy-N-methyl-N-
- 14 ethyltryptamine).
- 15 (48) N-methyltryptamine (1H-Indole-3-ethanamine, N-methyl-).
- 16 (e) Depressants. Unless specifically excepted in a rule adopted by
- 17 the board or unless listed in another schedule, any material, compound,
- 18 mixture, or preparation which contains any quantity of the following
- 19 substances having a depressant effect on the central nervous system,
- 20 including its salts, isomers, and salts of isomers whenever the existence
- 21 of such salts, isomers, and salts of isomers is possible within the
- 22 specific chemical designation:
- 23 Etizolam (4-(2- chlorophenyl)-2- ethyl-9- methyl- 6H-
- 24 thieno[3,2-f] [1,2,4] triazolo[4,3-a] [1,4]diazepine) (other names
- 25 include: Etilaam, Etizest, Depas, Etizola, Sedekopan, and
- 26 Pasaden)
- 27 Flubromazolam (8-bromo-6-(2-fluorophenyl)-1-methyl-
- 28 4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine)
- 29 Gamma-hydroxybutyric acid (other names include GHB;
- 30 gamma-hydroxybutyrate; 4-hydroxybutanoic acid; sodium
- 31 oxybate; sodium oxybutyrate) (2010)
- 32 Mecloqualone (2572)
- 33 Methaqualone (2565)
- 34 (f) Stimulants. Unless specifically excepted or unless listed in
- 35 another schedule, any material, compound, mixture, or preparation that
- 36 contains any quantity of the following substances having a stimulant
- 37 effect on the central nervous system, including its salts, isomers, and
- 38 salts of isomers:
- 39 ([+/-]) cis-4-methylaminorex (([+/-])cis-4,5-
- 40 dihydro-4-methyl-5-phenyl-2-oxazolamine) (1590)
- 41 Aminorex (1585). Other names: aminoxaphen;
- 42 2-amino-5-phenyl-2-oxazoline; or





1 4,5-dihydro-5-phenyl-2-oxazolamine.

2 Cathinone (1235). Some trade or other names:  
3 2-amino-1-phenyl-1-propanone; alpha-aminopropiophenone;  
4 2-aminopropiophenone; and norephedrone.

5 Fenethylamine (1503).

6 N-Benzylpiperazine (7493). Other names: BZP; and  
7 1-benzylpiperazine.

8 N-ethylamphetamine (1475).

9 Methcathinone (1237). Some other trade names:  
10 2-Methylamino-1-Phenylpropan-1-one; Ephedrone;  
11 Monomethylpropion; UR 1431.

12 N, N-dimethylamphetamine (1480). Other names: N,  
13 N-alpha-trimethyl-benzeneethanamine; and N,  
14 N-alpha-trimethylphenethylamine.

15 (g) Synthetic drugs as defined in IC 35-31.5-2-321.

16 SECTION 36. IC 35-48-4-2, AS AMENDED BY P.L.80-2019,  
17 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 APRIL 1, 2020]: Sec. 2. (a) A person who:

19 (1) knowingly or intentionally:

20 (A) manufactures;

21 (B) finances the manufacture of;

22 (C) delivers; or

23 (D) finances the delivery of;

24 a controlled substance or controlled substance analog, pure or  
25 adulterated, classified in schedule I, II, or III, except ~~marijuana~~;  
26 **cannabis**, hash oil, hashish, or salvia; 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 a controlled substance or controlled substance analog, pure or  
33 adulterated, classified in schedule I, II, or III, except ~~marijuana~~;  
34 **cannabis**, hash oil, hashish, or salvia;

35 commits dealing in a schedule I, II, or III controlled substance, a Level  
36 6 felony, except as provided in subsections (b) through (f).

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

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

42 (2) the amount of the drug involved is at least twenty-eight (28)



- 1 grams.
- 2 (c) The offense is a Level 5 felony if:
- 3 (1) the amount of the drug involved is at least one (1) gram but
- 4 less than five (5) grams; or
- 5 (2) the amount of the drug involved is less than one (1) gram and
- 6 an enhancing circumstance applies.
- 7 (d) The offense is a Level 4 felony if:
- 8 (1) the amount of the drug involved is at least five (5) grams but
- 9 less than ten (10) grams; or
- 10 (2) the amount of the drug involved is at least one (1) gram but
- 11 less than five (5) grams and an enhancing circumstance applies.
- 12 (e) The offense is a Level 3 felony if:
- 13 (1) the amount of the drug involved is at least ten (10) grams but
- 14 less than twenty-eight (28) grams; or
- 15 (2) the amount of the drug involved is at least five (5) grams but
- 16 less than ten (10) grams and an enhancing circumstance applies.
- 17 (f) The offense is a Level 2 felony if:
- 18 (1) the amount of the drug involved is at least twenty-eight (28)
- 19 grams; or
- 20 (2) the amount of the drug involved is at least ten (10) grams but
- 21 less than twenty-eight (28) grams and an enhancing circumstance
- 22 applies.
- 23 SECTION 37. IC 35-48-4-7, AS AMENDED BY P.L.80-2019,
- 24 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 25 APRIL 1, 2020]: Sec. 7. (a) A person who, without a valid prescription
- 26 or order of a practitioner acting in the course of the practitioner's
- 27 professional practice, knowingly or intentionally possesses a:
- 28 (1) controlled substance (pure or adulterated); or
- 29 (2) controlled substance analog (pure or adulterated);
- 30 classified in schedule I, II, III, or IV, except ~~marijuana~~, **cannabis**,
- 31 hashish, or salvia, commits possession of a controlled substance, a
- 32 Class A misdemeanor, except as provided in subsection (b).
- 33 (b) The offense is a Level 6 felony if the person commits the offense
- 34 and an enhancing circumstance applies.
- 35 (c) A person who, without a valid prescription or order of a
- 36 practitioner acting in the course of the practitioner's professional
- 37 practice, knowingly or intentionally obtains:
- 38 (1) more than four (4) ounces of schedule V controlled substances
- 39 containing codeine in any given forty-eight (48) hour period
- 40 unless pursuant to a prescription;
- 41 (2) a schedule V controlled substance pursuant to written or
- 42 verbal misrepresentation; or



(3) possession of a schedule V controlled substance other than by means of a prescription or by means of signing an exempt narcotic register maintained by a pharmacy licensed by the Indiana state board of pharmacy;  
commits a Class A misdemeanor.

SECTION 38. IC 35-48-4-8.3, AS AMENDED BY P.L.187-2015, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 8.3. (a) This section does not apply to a rolling paper.

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

- (1) introducing into the person's body a controlled substance, **unless the substance is cannabis;**
- (2) testing the strength, effectiveness, or purity of a controlled substance; or
- (3) enhancing the effect of a controlled substance;

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

**(c) A person who knowingly or intentionally possesses an instrument, a device, or another object that the person intends to use for introducing cannabis into the person's body commits a Class D infraction.**

SECTION 39. IC 35-48-4-8.5, AS AMENDED BY P.L.153-2018, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 8.5. (a) A person who keeps for sale, offers for sale, delivers, or finances the delivery of a raw material, an instrument, a device, or other object that is intended to be or that is designed or marketed to be used primarily for:

- (1) ingesting, inhaling, or otherwise introducing into the human body ~~marijuana~~, **cannabis**, hash oil, hashish, salvia, a synthetic drug, or a controlled substance;
- (2) testing the strength, effectiveness, or purity of ~~marijuana~~, **cannabis**, hash oil, hashish, salvia, a synthetic drug, or a controlled substance;
- (3) enhancing the effect of a controlled substance;
- (4) manufacturing, compounding, converting, producing, processing, or preparing ~~marijuana~~, **cannabis**, hash oil, hashish, salvia, a synthetic drug, or a controlled substance;
- (5) diluting or adulterating ~~marijuana~~, **cannabis**, hash oil, hashish, salvia, a synthetic drug, or a controlled substance by



1 individuals; or  
 2 (6) any purpose announced or described by the seller that is in  
 3 violation of this chapter;  
 4 commits a Class A infraction for dealing in paraphernalia.

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

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

10 (1) Items marketed for use in the preparation, compounding,  
 11 packaging, labeling, or other use of ~~marijuana~~, **cannabis**, hash oil,  
 12 hashish, salvia, a synthetic drug, or a controlled substance as an  
 13 incident to lawful research, teaching, or chemical analysis and not  
 14 for sale.

15 (2) Items marketed for or historically and customarily used in  
 16 connection with the planting, propagating, cultivating, growing,  
 17 harvesting, manufacturing, compounding, converting, producing,  
 18 processing, preparing, testing, analyzing, packaging, repackaging,  
 19 storing, containing, concealing, injecting, ingesting, or inhaling  
 20 of tobacco or any other lawful substance.

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

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

26 SECTION 40. IC 35-48-4-10, AS AMENDED BY P.L.153-2018,  
 27 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 APRIL 1, 2020]: Sec. 10. (a) A person who:

29 (1) knowingly or intentionally:

30 (A) manufactures;

31 (B) finances the manufacture of;

32 (C) delivers; or

33 (D) finances the delivery of;

34 ~~marijuana~~, **cannabis**, hash oil, hashish, or salvia, pure or  
 35 adulterated; or

36 (2) possesses, with intent to:

37 (A) manufacture;

38 (B) finance the manufacture of;

39 (C) deliver; or

40 (D) finance the delivery of;

41 ~~marijuana~~, **cannabis**, hash oil, hashish, or salvia, pure or  
 42 adulterated;



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

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

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

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

(A) ten (10) pounds, if the drug is ~~marijuana~~, **cannabis**; or

(B) three hundred (300) grams, if the drug is hash oil, hashish,  
or salvia.

(c) The offense is a Level 6 felony if:

(1) the person has a prior conviction for a drug offense and the  
amount of the drug involved is:

(A) less than thirty (30) grams of ~~marijuana~~, **cannabis**; or

(B) less than five (5) grams of hash oil, hashish, or salvia; or

(2) the amount of the drug involved is:

(A) at least thirty (30) grams but less than ten (10) pounds of  
~~marijuana~~, **cannabis**; or

(B) at least five (5) grams but less than three hundred (300)  
grams of hash oil, hashish, or salvia.

(d) The offense is a Level 5 felony if:

(1) the person has a prior conviction for a drug dealing offense  
and the amount of the drug involved is:

(A) at least thirty (30) grams but less than ten (10) pounds of  
~~marijuana~~, **cannabis**; or

(B) at least five (5) grams but less than three hundred (300)  
grams of hash oil, hashish, or salvia;

(2) the:

(A) amount of the drug involved is:

(i) at least ten (10) pounds of ~~marijuana~~, **cannabis**; or

(ii) at least three hundred (300) grams of hash oil, hashish,  
or salvia; or

(B) offense involved a sale to a minor; or

(3) the:

(A) person is a retailer;

(B) ~~marijuana~~, **cannabis**, hash oil, hashish, or salvia is  
packaged in a manner that appears to be low THC hemp  
extract; and

(C) person knew or reasonably should have known that the  
product was ~~marijuana~~, **cannabis**, hash oil, hashish, or salvia.



SECTION 41. IC 35-48-4-11, AS AMENDED BY P.L.153-2018, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 11. (a) A person who:

(1) knowingly or intentionally possesses (pure or adulterated):

(A) **more than thirty (30) grams of ~~marijuana~~, cannabis;**

(B) **more than five (5) grams of** hash oil;

(C) **more than five (5) grams of** hashish; or

(D) salvia;

(2) knowingly or intentionally grows or cultivates ~~marijuana~~; **cannabis**; or

(3) knowing that ~~marijuana~~ **cannabis** is growing on the person's premises, fails to destroy the ~~marijuana~~ **cannabis** plants; commits possession of ~~marijuana~~, **cannabis**, hash oil, hashish, or salvia, a Class B misdemeanor, except as provided in subsections (b) through (c).

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

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

(2) the:

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

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

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

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

(2) the person possesses:

(A) at least ~~thirty (30)~~ **sixty (60)** grams of ~~marijuana~~; **cannabis**; or

(B) at least ~~five (5)~~ **ten (10)** grams of hash oil, hashish; or

(C) **at least five (5) grams of** salvia.

SECTION 42. IC 35-48-4-11.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: **Sec. 11.3. (a) A person who knowingly or intentionally possesses cannabis, hash oil, or hashish commits a Class D infraction.**

**(b) A person may not be charged with a violation of this section and an offense under section 11 of this chapter for the same act.**

SECTION 43. IC 35-48-4-12, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 12. If a person who has no prior conviction of an



offense under this article or under a law of another jurisdiction relating to controlled substances pleads guilty to possession of ~~marijuana, cannabis~~, hashish, ~~or~~ salvia, ~~or smokable hemp or a synthetic drug or a synthetic drug lookalike substance~~ as a misdemeanor, the court, without entering a judgment of conviction and with the consent of the person, may defer further proceedings and place the person in the custody of the court under conditions determined by the court. Upon violation of a condition of the custody, the court may enter a judgment of conviction. However, if the person fulfills the conditions of the custody, the court shall dismiss the charges against the person. There may be only one (1) dismissal under this section with respect to a person.

SECTION 44. IC 35-50-2-2.2, AS AMENDED BY P.L.252-2017, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 2.2. (a) Except as provided in subsection (b), (c), (d), or (e), the court may suspend any part of a sentence for a felony.

(b) Except as provided in subsection (d), if a person is convicted of a Level 2 felony or a Level 3 felony, except a Level 2 felony or a Level 3 felony concerning a controlled substance under IC 35-48-4, and has any prior unrelated felony conviction, the court may suspend only that part of a sentence that is in excess of the minimum sentence for the:

- (1) Level 2 felony; or
- (2) Level 3 felony.

(c) If:

- (1) a person has a prior unrelated felony conviction in any jurisdiction for dealing in a controlled substance that is not marijuana (**before April 1, 2020**), cannabis (**after March 31, 2020**), hashish, hash oil, salvia divinorum, or a synthetic drug, including an attempt or conspiracy to commit the offense; and
- (2) the person is convicted of a Level 2 felony under IC 35-48-4-1.1 or IC 35-48-4-1.2;

the court may suspend only that part of a sentence that is in excess of the minimum sentence for the Level 2 felony.

(d) If a person:

- (1) is convicted of dealing in heroin as a Level 2 or Level 3 felony under IC 35-48-4-1 or IC 35-48-4-2; and
- (2) has a prior unrelated felony conviction;

the court may suspend only that part of a sentence that is in excess of the minimum sentence for the Level 2 or Level 3 felony.

(e) The court may suspend only that part of a sentence for murder or a Level 1 felony conviction that is in excess of the minimum sentence for murder or the Level 1 felony conviction.



SECTION 45. IC 35-50-5-3, AS AMENDED BY P.L.111-2018, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2020]: Sec. 3. (a) Except as provided in subsection (i), (j), (l), or (m), in addition to any sentence imposed under this article for a felony or misdemeanor, the court may, as a condition of probation or without placing the person on probation, order the person to make restitution to the victim of the crime, the victim's estate, or the family of a victim who is deceased. The court shall base its restitution order upon a consideration of:

- (1) property damages of the victim incurred as a result of the crime, based on the actual cost of repair (or replacement if repair is inappropriate);
- (2) medical and hospital costs incurred by the victim (before the date of sentencing) as a result of the crime;
- (3) the cost of medical laboratory tests to determine if the crime has caused the victim to contract a disease or other medical condition;
- (4) earnings lost by the victim (before the date of sentencing) as a result of the crime including earnings lost while the victim was hospitalized or participating in the investigation or trial of the crime; and
- (5) funeral, burial, or cremation costs incurred by the family or estate of a homicide victim as a result of the crime.

(b) A restitution order under subsection (a), (i), (j), (l), or (m) is a judgment lien that:

- (1) attaches to the property of the person subject to the order;
- (2) may be perfected;
- (3) may be enforced to satisfy any payment that is delinquent under the restitution order by the person in whose favor the order is issued or the person's assignee; and
- (4) expires;

in the same manner as a judgment lien created in a civil proceeding.

(c) When a restitution order is issued under subsection (a), the issuing court may order the person to pay the restitution, or part of the restitution, directly to:

- (1) the victim services division of the Indiana criminal justice institute in an amount not exceeding:
  - (A) the amount of the award, if any, paid to the victim under IC 5-2-6.1; and
  - (B) the cost of the reimbursements, if any, for emergency services provided to the victim under IC 16-10-1.5 (before its repeal) or IC 16-21-8; or





(2) a probation department that shall forward restitution or part of restitution to:

- (A) a victim of a crime;
- (B) a victim's estate; or
- (C) the family of a victim who is deceased.

The victim services division of the Indiana criminal justice institute shall deposit the restitution it receives under this subsection in the violent crime victims compensation fund established by IC 5-2-6.1-40.

(d) When a restitution order is issued under subsection (a), (i), (j), (l), or (m), the issuing court shall send a certified copy of the order to the clerk of the circuit court in the county where the felony or misdemeanor charge was filed. The restitution order must include the following information:

- (1) The name and address of the person that is to receive the restitution.
- (2) The amount of restitution the person is to receive.

Upon receiving the order, the clerk shall enter and index the order in the circuit court judgment docket in the manner prescribed by IC 33-32-3-2. The clerk shall also notify the department of insurance of an order of restitution under subsection (i).

(e) An order of restitution under subsection (a), (i), (j), (l), or (m) does not bar a civil action for:

- (1) damages that the court did not require the person to pay to the victim under the restitution order but arise from an injury or property damage that is the basis of restitution ordered by the court; and
- (2) other damages suffered by the victim.

(f) Regardless of whether restitution is required under subsection (a) as a condition of probation or other sentence, the restitution order is not discharged by the completion of any probationary period or other sentence imposed for a felony or misdemeanor.

(g) A restitution order under subsection (a), (i), (j), (l), or (m) is not discharged by the liquidation of a person's estate by a receiver under IC 32-30-5 (or IC 34-48-1, IC 34-48-4, IC 34-48-5, IC 34-48-6, IC 34-1-12, or IC 34-2-7 before their repeal).

(h) The attorney general may pursue restitution ordered by the court under subsections (a) and (c) on behalf of the victim services division of the Indiana criminal justice institute established under IC 5-2-6-8.

(i) The court may order the person convicted of an offense under IC 35-43-9 to make restitution to the victim of the crime. The court shall base its restitution order upon a consideration of the amount of money that the convicted person converted, misappropriated, or



received, or for which the convicted person conspired. The restitution order issued for a violation of IC 35-43-9 must comply with subsections (b), (d), (e), and (g), and is not discharged by the completion of any probationary period or other sentence imposed for a violation of IC 35-43-9.

(j) The court may order the person convicted of an offense under IC 35-43-5-3.5 to make restitution to the victim of the crime, the victim's estate, or the family of a victim who is deceased. The court shall base its restitution order upon a consideration of the amount of fraud or harm caused by the convicted person and any reasonable expenses (including lost wages) incurred by the victim in correcting the victim's credit report and addressing any other issues caused by the commission of the offense under IC 35-43-5-3.5. If, after a person is sentenced for an offense under IC 35-43-5-3.5, a victim, a victim's estate, or the family of a victim discovers or incurs additional expenses that result from the convicted person's commission of the offense under IC 35-43-5-3.5, the court may issue one (1) or more restitution orders to require the convicted person to make restitution, even if the court issued a restitution order at the time of sentencing. For purposes of entering a restitution order after sentencing, a court has continuing jurisdiction over a person convicted of an offense under IC 35-43-5-3.5 for five (5) years after the date of sentencing. Each restitution order issued for a violation of IC 35-43-5-3.5 must comply with subsections (b), (d), (e), and (g), and is not discharged by the completion of any probationary period or other sentence imposed for an offense under IC 35-43-5-3.5.

(k) The court shall order a person convicted of an offense under IC 35-42-3.5 to make restitution to the victim of the crime in an amount equal to the greater of the following:

(1) The gross income or value to the person of the victim's labor or services.

(2) The value of the victim's labor as guaranteed under the minimum wage and overtime provisions of:

(A) the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-209); or

(B) IC 22-2-2 (Minimum Wage);

whichever is greater.

(l) The court shall order a person who:

(1) is convicted of dealing in methamphetamine under IC 35-48-4-1.1 or manufacturing methamphetamine under IC 35-48-4-1.2; and

(2) manufactured the methamphetamine on property owned by



1 another person, without the consent of the property owner;  
2 to pay liquidated damages to the property owner in the amount of ten  
3 thousand dollars (\$10,000) or to pay actual damages to the property  
4 owner, including lost rent and the costs of decontamination by a  
5 qualified inspector certified under IC 16-19-3.1.

6 (m) The court shall order a person who:

7 (1) is convicted of dealing in marijuana **(before April 1, 2020) or**  
8 **dealing in cannabis (after March 31, 2020)** under  
9 IC 35-48-4-10(a)(1)(A); and

10 (2) manufactured the marijuana **(before April 1, 2020) or**  
11 **cannabis (after March 31, 2020)** on property owned by another  
12 person, without the consent of the property owner;  
13 to pay liquidated damages to the property owner in the amount of two  
14 thousand dollars (\$2,000).

15 SECTION 46. **An emergency is declared for this act.**

