

HOUSE BILL No. 1039

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-5-41.1; IC 6-2.5-5-58; IC 6-7; IC 7.1-8; IC 7.1-9; IC 9-30; IC 35-31.5-2-186.4; IC 35-38-9-1.5; IC 35-46-9-6; IC 35-48-4.

Synopsis: Medical and adult use cannabis. After marijuana is removed as a federal schedule I controlled substance, permits the use of cannabis by: (1) a person at least 21 years of age; and (2) a person with a serious medical condition as determined by the person's physician. Establishes the adult use cannabis excise tax, and requires a retailer to transfer the tax to the department of state revenue for deposit in the state general fund. Exempts veterans from payment of the sales tax on medical or adult use cannabis. Establishes a cannabis program to permit the cultivation, processing, testing, transportation, and sale of cannabis by holders of a valid permit. Establishes the Indiana cannabis commission (ICC) as a state agency to oversee, implement, and enforce the program, and establishes the ICC advisory committee to review the effectiveness of the program. Requires that permit holders take steps to prevent diversion of cannabis to unauthorized persons. Requires that cannabis and cannabis products be properly labeled, placed in child resistant packaging, and tested by an independent testing laboratory before being made available for purchase. Prohibits packaging cannabis in a manner that is appealing to children. Authorizes research on cannabis in accordance with rules set forth by the ICC. Establishes a procedure for the expungement of a cannabis related conviction if the act constituting the conviction becomes legal. Makes conforming amendments.

Effective: July 1, 2023.

Teshka, Bartels, Miller D, Moed

January 9, 2023, read first time and referred to Committee on Public Health.



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1039

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 2-5-41.1 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2023]:
4 **Chapter 41.1. ICC Advisory Committee**
5 **Sec. 1. The following definitions apply throughout this chapter:**
6 (1) "Advisory committee" means the ICC advisory committee
7 established by section 2 of this chapter.
8 (2) "ICC" means the Indiana cannabis commission
9 established by IC 7.1-9-2-1.
10 **Sec. 2. The ICC advisory committee is established.**
11 **Sec. 3. (a) The advisory committee consists of the following four**
12 **(4) voting members and eight (8) nonvoting members:**
13 (1) One (1) legislative member appointed by the speaker.
14 (2) One (1) legislative member appointed by the minority
15 leader of the house of representatives.
16 (3) One (1) legislative member appointed by the president pro
17 tempore.



- 1 **(4) One (1) legislative member appointed by the minority**
 2 **leader of the senate.**
- 3 **(5) One (1) representative of law enforcement, appointed as a**
 4 **nonvoting member by the speaker.**
- 5 **(6) One (1) individual having experience in the treatment of**
 6 **medical conditions by means of cannabis as a patient,**
 7 **physician, or caregiver, appointed as a nonvoting member by**
 8 **the president pro tempore.**
- 9 **(7) The commissioner of the department of state revenue or**
 10 **the commissioner's designee, who serves as a nonvoting**
 11 **member.**
- 12 **(8) The director of the department of agriculture or the**
 13 **director's designee, who serves as a nonvoting member.**
- 14 **(9) The state health commissioner or the commissioner's**
 15 **designee, who serves as a nonvoting member.**
- 16 **(10) A representative of an Indiana based cannabis trade**
 17 **organization, appointed by the speaker as a nonvoting**
 18 **member.**
- 19 **(11) A representative of an experienced manufacturer of low**
 20 **THC hemp extract, appointed by the president pro tempore**
 21 **as a nonvoting member.**
- 22 **(12) An experienced hemp grower, appointed by the state seed**
 23 **commissioner as a nonvoting member.**
- 24 **(b) The chairperson of the legislative council shall annually**
 25 **select one (1) of the voting members to serve as chairperson.**
- 26 **Sec. 4. (a) A legislative member of the advisory committee may**
 27 **be removed at any time by the appointing authority who appointed**
 28 **the legislative member.**
- 29 **(b) If a vacancy exists on the advisory committee, the appointing**
 30 **authority who appointed the former member whose position has**
 31 **become vacant shall appoint an individual to fill the vacancy.**
- 32 **Sec. 5. Each member of the advisory committee is entitled to**
 33 **receive the same per diem, mileage, and travel allowances paid to**
 34 **individuals who serve as legislative and lay members, respectively,**
 35 **of interim study committees established by the legislative council.**
- 36 **Sec. 6. The affirmative votes of a majority of the voting**
 37 **members appointed to the advisory committee are required for the**
 38 **advisory committee to take action on any measure, including final**
 39 **reports.**
- 40 **Sec. 7. The advisory committee shall do the following, as**
 41 **applicable:**
- 42 **(1) Review rules adopted by the ICC.**



- 1 **(2) Review legislative proposals suggested by the ICC.**
- 2 **(3) Evaluate the cannabis research and development program**
- 3 **under IC 7.1-9-5.**
- 4 **(4) Evaluate the operation of the medical and adult use**
- 5 **cannabis programs.**
- 6 **(5) Before the legalization date (as defined in**
- 7 **IC 35-31.5-2-186.4), meet, adopt rules, consider testimony,**
- 8 **make recommendations, and take any other action to prepare**
- 9 **for and in anticipation of the legalization of medical and adult**
- 10 **use cannabis.**
- 11 **(6) Consider any other matter that has bearing on the**
- 12 **operation of the medical and adult use cannabis programs.**

13 SECTION 2. IC 6-2.5-5-58 IS ADDED TO THE INDIANA CODE
 14 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 15 1, 2023]: **Sec. 58. Transactions involving medical cannabis (as**
 16 **defined in IC 7.1-8-1-1) and adult use cannabis (as defined in**
 17 **IC 7.1-8-1-1) are exempt from the state gross retail tax if the**
 18 **person acquiring the cannabis is a veteran (as defined in**
 19 **IC 23-14-54.5-5).**

20 SECTION 3. IC 6-7-3-0.5 IS ADDED TO THE INDIANA CODE
 21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 22 1, 2023]: **Sec. 0.5. This chapter does not apply after the legalization**
 23 **date (as defined in IC 35-31.5-2-186.4).**

24 SECTION 4. IC 6-7-5 IS ADDED TO THE INDIANA CODE AS
 25 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
 26 1, 2023]:

27 **Chapter 5. Adult Use Cannabis Excise Tax**

28 **Sec. 0.5. This chapter applies after the legalization date (as**
 29 **defined in IC 35-31.5-2-186.4).**

30 **Sec. 1. The following definitions apply throughout this chapter:**

- 31 **(1) "Adult use cannabis" has the meaning set forth in**
- 32 **IC 7.1-8-1-1.**
- 33 **(2) "Department" means the department of state revenue.**
- 34 **(3) "Medical cannabis" has the meaning set forth in**
- 35 **IC 7.1-8-1-1.**
- 36 **(4) "Qualified retailer" has the meaning set forth in**
- 37 **IC 7.1-8-1-1.**

38 **Sec. 2. The adult use cannabis excise tax is imposed on adult use**
 39 **cannabis sold in Indiana. The adult use cannabis excise tax is not**
 40 **imposed on medical cannabis.**

41 **Sec. 3. The adult use cannabis excise tax is:**

- 42 **(1) one percent (1%) of the gross retail income received by the**



1 qualified retailer for the purchase of adult use cannabis,
 2 during the first state fiscal year in which the sale of cannabis
 3 becomes legal under IC 7.1-8;

4 (2) two percent (2%) of the gross retail income received by the
 5 qualified retailer for the purchase of adult use cannabis,
 6 during the second state fiscal year in which the sale of
 7 cannabis becomes legal under IC 7.1-8; and

8 (3) three percent (3%) of the gross retail income received by
 9 the qualified retailer for the purchase of adult use cannabis,
 10 during and after the third state fiscal year in which the sale of
 11 cannabis becomes legal under IC 7.1-8.

12 **Sec. 4. A qualified retailer shall collect the adult use cannabis**
 13 **excise tax at the time the adult use cannabis is dispensed.**

14 **Sec. 5. Before the fifteenth day of each month, each qualified**
 15 **retailer liable for the tax imposed by this chapter shall:**

16 (1) file a return with the department that includes all
 17 information required by the department, including the:

18 (A) name of the qualified retailer;

19 (B) address of the qualified retailer;

20 (C) invoice date;

21 (D) invoice number; and

22 (E) gross retail income received from the sale of adult use
 23 cannabis dispensed during the preceding month; and

24 (2) pay the tax for which it is liable under this chapter for the
 25 preceding month, minus the amount specified in section 6 of
 26 this chapter.

27 **All returns required to be filed and taxes required to be paid under**
 28 **this chapter must be made in an electronic format prescribed by**
 29 **the department.**

30 **Sec. 6. A qualified retailer that files a complete return and pays**
 31 **the tax due within the time specified in section 5 of this chapter is**
 32 **entitled to deduct and retain from the tax a collection allowance of**
 33 **seven-thousandths (0.007) of the amount due. If a qualified retailer**
 34 **files an incomplete report, the department may reduce the**
 35 **collection allowance by an amount that does not exceed the lesser**
 36 **of:**

37 (1) ten percent (10%) of the collection allowance; or

38 (2) fifty dollars (\$50).

39 **Sec. 7. The department shall deposit the taxes collected under**
 40 **this chapter in the state general fund.**

41 SECTION 5. IC 7.1-8 IS ADDED TO THE INDIANA CODE AS A
 42 NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,



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ARTICLE 8. CANNABIS

Chapter 0.5. Application

Sec. 1. This article applies on July 1 following the date that the United States removes marijuana as a schedule I controlled substance.

Chapter 1. Definitions

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

- (1) "Adult cannabis user" means a person at least twenty-one (21) years of age who has not been issued a patient or caregiver identification card, unless the patient or caregiver identification card has expired.**
- (2) "Adult use cannabis" means cannabis for use by a person at least twenty-one (21) years of age.**
- (3) "Cannabis" means any part of the plant genus Cannabis.**
- (4) "Cannabis organization" means a qualified retailer, a grower, a processor, or a testing laboratory.**
- (5) "Caregiver" means the individual designated by a patient under this article to obtain, possess, deliver, and assist in the administration of cannabis to the patient.**
- (6) "Certification" means the certification issued to a patient by a physician under this article.**
- (7) "Family or household member" means a person described in IC 35-31.5-2-128.**
- (8) "Form of cannabis" means the characteristics of the cannabis recommended for a particular patient, including the method of consumption, and any particular dosage, strain, variety, quantity, or percentage of cannabis or of a particular active ingredient.**
- (9) "Grower" means a person that holds a permit issued by the ICC to grow cannabis.**
- (10) "ICC" means the Indiana cannabis commission established by IC 7.1-9-2-1.**
- (11) "ICC committee" means the ICC commissioners described in IC 7.1-9-2.**
- (12) "INSPECT" means the Indiana scheduled prescription electronic collection and tracking program established by IC 25-1-13-4.**
- (13) "Medical cannabis" means cannabis for medical use.**
- (14) "Patient" means an individual who:**
 - (A) has a serious medical condition; and**
 - (B) meets the requirements for certification for the use of**



- 1 cannabis under this article.
- 2 **(15) "Patient or caregiver identification card" means a**
- 3 **document issued to a patient or caregiver by the ICC**
- 4 **authorizing access to cannabis.**
- 5 **(16) "Permit" means an authorization issued by the ICC to a**
- 6 **cannabis organization to conduct activities under this article.**
- 7 **(17) "Processor" means a person that holds a permit issued by**
- 8 **the ICC to process or convert cannabis into a marketable**
- 9 **form.**
- 10 **(18) "Qualified retailer" means a person that holds a permit**
- 11 **issued by the ICC to sell cannabis.**
- 12 **(19) "Serious medical condition" means a medical condition**
- 13 **for which, in the professional opinion of a physician, the**
- 14 **benefits of treatment with cannabis are greater than the risks**
- 15 **of treatment with cannabis.**
- 16 **(20) "Testing laboratory" means a laboratory that analyzes**
- 17 **cannabis.**
- 18 **(21) "Transporter" means a person who transports cannabis**
- 19 **or paraphernalia. The term includes a person who does not**
- 20 **possess a permit or patient or caregiver identification card.**
- 21 **Chapter 2. Cannabis Program**
- 22 **Sec. 1. (a) The cannabis program is established to serve:**
- 23 **(1) patients suffering from a serious medical condition; and**
- 24 **(2) adult cannabis users.**
- 25 **(b) The ICC shall administer the program.**
- 26 **(c) The ICC has regulatory, enforcement, and exporting**
- 27 **authority over the growing, processing, sale, transporting, and use**
- 28 **of medical and adult use cannabis. The ICC shall contract with the**
- 29 **state chemist for the testing and growing of medical and adult use**
- 30 **cannabis.**
- 31 **Sec. 2. The ICC shall do the following:**
- 32 **(1) Issue a permit to a qualifying cannabis organization**
- 33 **authorizing it to grow, process, sell, or test cannabis.**
- 34 **(2) Establish and maintain an electronic data base to store**
- 35 **and track information relating to the cannabis program. The**
- 36 **data base must:**
- 37 **(A) have the ability to authenticate in real time a patient or**
- 38 **caregiver identification card presented to a qualified**
- 39 **retailer;**
- 40 **(B) track in real time the amount of cannabis provided to:**
- 41 **(i) a patient or caregiver; or**
- 42 **(ii) an adult cannabis user;**



- 1 at a qualified retailer, share this information in real time
2 with other qualified retailers to prevent diversion, and
3 issue a "stop sale" warning if a purchaser will exceed the
4 allowable amount of cannabis that the purchaser may
5 possess;
6 (C) store records relating to a certification, including, if
7 applicable, the recommended form of cannabis and any
8 early expiration date recommended by the physician; and
9 (D) track the cultivation, processing, transport, storage,
10 and sale of cannabis.
- 11 (3) Maintain within the ICC's data base an electronic
12 directory of patients and caregivers approved to use or assist
13 in the administration of medical cannabis.
- 14 (4) Develop enforcement procedures, including announced
15 and unannounced inspections of:
- 16 (A) a qualified retailer;
17 (B) a grower facility;
18 (C) a processor facility; and
19 (D) all records of a cannabis organization.
- 20 (5) Establish a program to authorize the use of cannabis for
21 research purposes, and issue documents to permit a
22 researcher to obtain cannabis for research purposes.
- 23 (6) Establish and maintain public outreach programs about
24 the cannabis program, including:
- 25 (A) a dedicated telephone number for adult cannabis users,
26 patients, caregivers, and members of the public to obtain
27 basic information about the sale of medical and adult use
28 cannabis; and
29 (B) a publicly accessible website containing information
30 similar to that described in clause (A).
- 31 (7) Collaborate as necessary with other state agencies, and
32 contract with third parties as necessary to carry out the
33 cannabis program, including public education campaigns
34 regarding the dangers of impaired driving and inappropriate
35 consumption by youth.
- 36 (8) Develop record keeping requirements for all books and
37 papers, any electronic data base or tracking system data, and
38 other information of a cannabis organization. Information
39 shall be retained for at least four (4) years unless otherwise
40 provided by the ICC.
- 41 (9) Restrict the advertising and marketing of cannabis, which
42 must be consistent with the federal regulations governing



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prescription drug advertising and marketing.

Sec. 3. (a) The ICC shall adopt rules under IC 4-22-2 to implement this article.

(b) The ICC may adopt emergency rules in the manner provided under IC 4-22-2-37.1 to implement this article. Emergency rules adopted under this subsection expire on the later of:

- (1)** the date permanent rules are adopted to replace the emergency rules; or
- (2)** July 1, 2024.

Sec. 4. (a) The ICC shall maintain a confidential list of patients and caregivers to whom it has issued patient or caregiver identification cards. Except as provided in subsection (b), all information obtained by the ICC relating to patients, caregivers, and other applicants is confidential.

(b) The following records are public:

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

Chapter 3. Use of Cannabis

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

- (1)** cannabis; or
- (2)** paraphernalia used in connection with cannabis;

is lawful if the use or possession complies with this article. However, this article does not authorize a person to operate a motor vehicle, a motorboat, or any other device or equipment while under the influence of cannabis.

Sec. 2. The use of medical cannabis is subject to the following:

- (1)** Cannabis may be sold only to:
 - (A)** a patient who receives a certification from a physician and is in possession of a valid patient or caregiver identification card issued by the ICC that authorizes sale of cannabis to the patient;
 - (B)** a caregiver who possesses a valid patient or caregiver identification card issued by the ICC; or
 - (C)** a research facility authorized by the ICC, under terms and conditions established by the ICC.
- (2)** If a physician has ordered that cannabis be sold in a specific form, cannabis may be sold only in that form.



- 1 **(3) An individual may not act as a caregiver for more than ten**
 2 **(10) patients.**
 3 **(4) A patient may designate up to two (2) caregivers at any**
 4 **one (1) time.**
 5 **(5) Cannabis that has not been used by the patient shall be**
 6 **kept in the original package in which it was sold.**
 7 **(6) A patient or caregiver shall possess a patient or caregiver**
 8 **identification card whenever the patient or caregiver is in**
 9 **possession of cannabis.**
 10 **Sec. 3. The use of adult use cannabis is subject to the following:**
 11 **(1) Adult use cannabis may be sold only to an adult cannabis**
 12 **user.**
 13 **(2) In any thirty (30) day period, an adult cannabis user may**
 14 **possess not more than one (1) ounce of cannabis.**
 15 **(3) If cannabis is transported in a motor vehicle, it must be**
 16 **kept in a secured and sealed container.**
 17 **(4) An adult cannabis user may not cultivate cannabis.**
 18 **(5) To purchase adult use cannabis, the purchaser must**
 19 **present a valid, government issued photo identification card**
 20 **displaying the person's date of birth.**
 21 **Sec. 4. A product packaged by a cannabis organization may be**
 22 **identified only by:**
 23 **(1) the name of the grower or processor;**
 24 **(2) the name of the qualified retailer;**
 25 **(3) the form and species of cannabis;**
 26 **(4) the percentage of tetrahydrocannabinol and cannabitol**
 27 **contained in the product;**
 28 **(5) the harvest or manufacture date, as applicable; and**
 29 **(6) any other labeling required by the ICC.**
 30 **Sec. 5. (a) Except as expressly otherwise provided in this article,**
 31 **the possession or use of cannabis is unlawful.**
 32 **(b) In addition to any other penalty provided by law, the**
 33 **unlawful possession or use of cannabis may be a crime under**
 34 **IC 35-48-4.**
 35 **Sec. 6. The following acts are unlawful:**
 36 **(1) To grow cannabis unless the person:**
 37 **(A) is a grower that has received a permit from the ICC;**
 38 **(B) is a patient with a valid patient or caregiver**
 39 **identification card who is authorized to cultivate cannabis**
 40 **for personal use under this article; or**
 41 **(C) is a research facility authorized by the ICC.**
 42 **(2) To sell cannabis unless the qualified retailer has received**



1 a permit from the ICC.

2 **Chapter 4. Physicians**

3 **Sec. 1. (a) A physician who issues a certification to a patient**
 4 **under this article may not have an ownership interest in a cannabis**
 5 **organization.**

6 **(b) A physician may issue a certification to a patient only if the**
 7 **physician:**

8 **(1) establishes and intends to maintain a bona fide**
 9 **physician-patient relationship with the patient for the**
 10 **provision of medical services that is established by an**
 11 **in-person visit and for which there is an expectation that the**
 12 **physician will provide care to the patient on an ongoing basis;**
 13 **or**

14 **(2) establishes coordination with the patient's existing**
 15 **primary physician for treatment of the patient's serious**
 16 **medical condition.**

17 **(c) A physician who violates this section may be subject to**
 18 **professional discipline.**

19 **Sec. 2. A physician may issue a certification to use cannabis to**
 20 **a patient if the following requirements are met:**

21 **(1) The physician has determined that the patient has a**
 22 **serious medical condition and has included the serious**
 23 **medical condition in the patient's health care record.**

24 **(2) The patient is under the physician's continuing care for the**
 25 **serious medical condition, except as provided in section**
 26 **1(b)(2) of this chapter.**

27 **(3) The physician has determined the patient is likely to**
 28 **receive therapeutic or palliative benefit from the use of**
 29 **cannabis.**

30 **Sec. 3. A physician issuing a certification under section 1(b)(2)**
 31 **of this chapter may not issue a certification unless the physician**
 32 **has contacted the patient's existing primary physician to discuss**
 33 **the patient's serious medical condition and which form of cannabis**
 34 **the patient is likely to benefit from.**

35 **Sec. 4. A certification must include the following information:**

36 **(1) The patient's name, date of birth, and address.**

37 **(2) The specific serious medical condition of the patient.**

38 **(3) A statement by the physician that the patient has a serious**
 39 **medical condition and the patient is under continuing care for**
 40 **the serious medical condition that is provided by:**

41 **(A) the physician; or**

42 **(B) the patient's existing primary physician (as described**



1 under section 1(b)(2) of this chapter).
2 (4) The date of issuance.
3 (5) The name, address, telephone number, and signature of
4 the physician.
5 (6) Any requirement or limitation concerning the appropriate
6 form of cannabis, the maximum quantity of cannabis that the
7 patient may use, and any limitation on the duration of use, if
8 applicable.
9 **Sec. 5. A physician shall do the following:**
10 (1) Provide the certification to the patient.
11 (2) Provide a copy of the certification to the ICC, which shall
12 place the information in the patient directory within the ICC's
13 electronic data base. The certification may be transmitted to
14 the ICC electronically.
15 (3) File a copy of the certification in the patient's health care
16 record.
17 **Sec. 6. A physician may not issue a certification for the**
18 **physician's own use or for the use of a family or household member**
19 **of the physician.**
20 **Chapter 5. Certification Form**
21 **Sec. 1. The ICC shall develop a standard certification form,**
22 **which the ICC shall provide to a physician upon request. The form**
23 **must be available electronically. The form must include a**
24 **statement that a false statement made by a physician is punishable**
25 **under the penalties of perjury.**
26 **Chapter 6. Patients**
27 **Sec. 1. The ICC shall issue a patient or caregiver identification**
28 **card to a patient who has a valid certification and who otherwise**
29 **meets the requirements of this article.**
30 **Sec. 2. The ICC shall issue a patient or caregiver identification**
31 **card to a caregiver designated by the patient in accordance with**
32 **this article.**
33 **Sec. 3. Except as provided in section 4 of this chapter, a patient**
34 **or caregiver identification card issued to a patient authorizes the**
35 **patient to obtain and use cannabis as authorized by this article.**
36 **Except as provided in section 4 of this chapter, a patient or**
37 **caregiver identification card issued to a caregiver authorizes the**
38 **caregiver to obtain cannabis on behalf of the patient.**
39 **Sec. 4. (a) A patient holding a valid patient or caregiver**
40 **identification card may cultivate cannabis for the patient's own use**
41 **if the patient complies with the following requirements:**
42 (1) The patient notifies the ICC on or before the date that the



1 patient begins cultivation and informs the ICC of the number
2 of plants the patient intends to cultivate and the location of
3 cultivation.

4 (2) The patient cultivates not more than six (6) plants.

5 (3) Not more than three (3) of the plants may be mature at
6 any one (1) time.

7 (4) Cannabis from the plant is used only for the patient's
8 personal use.

9 (5) Not later than thirty (30) days before the expected date
10 that the plants become mature, the patient notifies the ICC of
11 the anticipated maturity date.

12 (b) If the mature plants of a patient cultivating cannabis for the
13 patient's own use die, become damaged, or are otherwise unable to
14 produce cannabis for medical use, the patient shall notify the ICC,
15 which shall reinstate the person's authorization to obtain cannabis
16 from a qualified retailer not later than fifteen (15) days after
17 receipt of the notice.

18 Chapter 7. Patient or Caregiver Identification Cards

19 Sec. 1. The ICC shall do the following:

20 (1) Review applications for patient or caregiver identification
21 cards.

22 (2) Review certifications submitted by physicians.

23 (3) Issue patient or caregiver identification cards to patients
24 and caregivers.

25 (4) Note in the electronic data base if a patient or caregiver
26 identification card may not be used to obtain cannabis from
27 a qualified retailer because the patient is cultivating the
28 patient's own cannabis.

29 Sec. 2. A patient or caregiver may apply, in a form and manner
30 prescribed by the ICC, for issuance or renewal of a patient or
31 caregiver identification card. A caregiver must submit a separate
32 application for issuance or renewal. Each application must include:

33 (1) the name, address, and date of birth of the patient;

34 (2) the name, address, and date of birth of a caregiver, if
35 applicable;

36 (3) a copy of the certification issued by the physician;

37 (4) the name, address, and telephone number of the physician;

38 (5) the signature of the applicant and the date signed; and

39 (6) any other information required by the ICC.

40 Sec. 3. The fee to apply for or to renew a patient or caregiver
41 identification card is fifty dollars (\$50). The ICC may waive or
42 reduce the fee if the applicant demonstrates financial hardship.



1 **Sec. 4.** The ICC shall make application and renewal forms
2 available on the ICC's website.

3 **Sec. 5. (a)** The patient or caregiver identification card of a
4 patient or caregiver expires one (1) year after the date of issuance,
5 unless a physician has specified that a patient should use cannabis
6 for less than one (1) year.

7 **(b)** If a physician has specified that a patient's use of cannabis
8 should be limited to certain forms of cannabis, the types of
9 cannabis must be listed on the patient or caregiver identification
10 card.

11 **Sec. 6. (a)** The ICC shall issue separate patient or caregiver
12 identification cards for a patient and a caregiver as soon as
13 reasonably practicable after receiving a properly completed
14 application.

15 **(b)** If the ICC determines that an application is incomplete or
16 factually inaccurate, the ICC shall promptly notify the applicant.

17 **(c)** If a patient application designates an individual as a
18 caregiver who is not authorized to be a caregiver, the ICC shall
19 deny that portion of the application, but may approve the balance
20 of the application.

21 **Sec. 7. (a)** A patient or caregiver who has been issued a patient
22 or caregiver identification card shall notify the ICC not later than
23 ten (10) days after any change of name or address.

24 **(b)** A patient shall notify the ICC within ten (10) days if a
25 physician has determined the patient no longer has the serious
26 medical condition noted on the certification.

27 **Sec. 8. (a)** If the patient or caregiver identification card of a
28 patient or caregiver is lost, stolen, destroyed, or made illegible, the
29 patient or caregiver shall apply to the ICC for a replacement card
30 not later than ten (10) days after discovery of the loss or
31 defacement. The application for a replacement card shall be on a
32 form furnished by the ICC and accompanied by a twenty-five
33 dollar (\$25) fee. The ICC may establish higher fees for issuance of
34 second and subsequent replacement patient or caregiver
35 identification cards.

36 **(b)** The ICC may waive or reduce the fee in cases of
37 demonstrated financial hardship.

38 **(c)** The ICC shall issue a replacement patient or caregiver
39 identification card as soon as practicable.

40 **(d)** A patient or caregiver may not obtain cannabis from a
41 qualified retailer until the ICC issues the replacement card.

42 **Sec. 9.** The patient or caregiver identification card must contain



1 the following information:

2 (1) The name of the patient or caregiver, as applicable. The
3 patient or caregiver identification card must also state
4 whether the individual is designated as a patient or as a
5 caregiver.

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

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

9 (4) A photograph of the individual to whom the patient or
10 caregiver identification card is issued.

11 (5) Any requirement or limitation set by the physician as to
12 the form of cannabis.

13 (6) Any other requirements as determined by the ICC.
14 However, the ICC may not require that a patient or caregiver
15 identification card disclose the patient's serious medical
16 condition.

17 The ICC shall establish guidelines specifying an acceptable
18 photograph under subdivision (4) and shall provide a reasonable
19 accommodation for a patient who is confined to the patient's home
20 or is in inpatient care.

21 Sec. 10. The ICC shall monthly transmit fees received under this
22 chapter to the auditor of state for deposit in the state general fund.

23 Chapter 8. Caregivers

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

26 (b) A caregiver may be less than twenty-one (21) years of age
27 only if the ICC determines that it is in the best interests of the
28 patient that a specific person less than twenty-one (21) years of age
29 serves as a caregiver.

30 Sec. 2. (a) A patient may terminate a person's designation as
31 caregiver at any time.

32 (b) The patient shall notify the ICC that the patient has
33 terminated the person's caregiver designation as soon as
34 reasonably practicable after the termination.

35 (c) Upon learning that a patient has terminated a person's
36 caregiver designation, the ICC shall cancel the caregiver's patient
37 or caregiver identification card and notify the caregiver to return
38 the physical copy of the card.

39 Sec. 3. If a patient designates a caregiver, the caregiver may
40 submit an application for a patient or caregiver identification card
41 as a caregiver. The caregiver application must include:

42 (1) the name, address, and date of birth of the caregiver;



1 (2) if the caregiver has a patient or caregiver identification
2 card for the caregiver (as a patient) or another patient (as a
3 caregiver), the expiration date of each patient or caregiver
4 identification card; and

5 (3) any other information required by the ICC.
6 The application must be signed and dated by the caregiver
7 applicant and verified under penalties of perjury.

8 Sec. 4. (a) Except as provided in subsection (c), before the
9 caregiver application is approved, the caregiver must authorize the
10 ICC to perform a national criminal history background check of
11 the caregiver.

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

14 (c) The ICC may conduct only one (1) national criminal history
15 background check of the caregiver per year.

16 Sec. 5. The caregiver shall pay an application fee of fifty dollars
17 (\$50). The ICC may waive or reduce the fee in cases of
18 demonstrated financial hardship.

19 Sec. 6. After receiving the caregiver application, the fee, and the
20 results of the national criminal history background check, the ICC
21 shall:

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

24 Sec. 7. The ICC shall monthly transmit fees received under this
25 chapter to the auditor of state for deposit in the state general fund.

26 Chapter 9. Minor Patients

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

- 29 (1) The patient must have a caregiver.
- 30 (2) The caregiver must be:
 - 31 (A) the patient's parent or legal guardian;
 - 32 (B) an individual designated by a parent or legal guardian;
 - 33 or
 - 34 (C) an appropriate individual approved by the ICC on a
35 sufficient showing that no parent or legal guardian is
36 appropriate or available.

37 Chapter 10. Suspension

38 Sec. 1. If a patient or caregiver knowingly, intentionally, or
39 recklessly:

- 40 (1) violates any provision of this article; or
- 41 (2) transfers or sells cannabis to a person not qualified as a
42 patient under this article;



1 the ICC may suspend or revoke the patient's or caregiver's patient
 2 or caregiver identification card. The suspension or revocation is in
 3 addition to any criminal or other penalty.

4 **Chapter 11. General Prohibitions**

5 **Sec. 1. A person may not operate a motor vehicle, including a**
 6 **motorboat, while under the influence of cannabis.**

7 **Sec. 2. A person may not perform any employment duties in**
 8 **exposed high places or in confined spaces while under the influence**
 9 **of cannabis.**

10 **Sec. 3. A person's employer may prohibit an employee from**
 11 **performing any task while under the influence of cannabis. The**
 12 **prohibition is not an adverse employment decision or unlawful**
 13 **discrimination even if the prohibition results in financial harm for**
 14 **the employee.**

15 **Chapter 12. Cannabis Organizations**

16 **Sec. 1. The following entities may receive a permit to operate as**
 17 **a cannabis organization to grow, process, or sell cannabis:**

- 18 (1) A grower.
- 19 (2) A processor.
- 20 (3) A qualified retailer.

21 **Sec. 2. (a) The ICC shall develop an application for a:**

- 22 (1) grower permit allowing the grower to grow cannabis;
- 23 (2) qualified retailer permit allowing a qualified retailer to sell
- 24 cannabis;
- 25 (3) processor permit allowing a processor to process cannabis;
- 26 and
- 27 (4) testing laboratory permit allowing a testing laboratory to
- 28 test cannabis.

29 **(b) The following information must be included on the permit**
 30 **application:**

- 31 (1) The name, address, telephone number, and other contact
- 32 information for every person having an ownership interest in
- 33 the cannabis organization.
- 34 (2) Information relating to a similar permit, license, or other
- 35 authorization granted in another jurisdiction, including any
- 36 suspensions, revocations, or discipline in that jurisdiction.
- 37 (3) A release authorizing the ICC to conduct a background
- 38 check of the persons having an ownership interest in the
- 39 cannabis organization.
- 40 (4) A statement as to whether the applicant intends to operate
- 41 as a grower, a processor, or a qualified retailer, and a concise
- 42 description of the business activities in which the cannabis



1 organization intends to engage.

2 (5) The address or other location where the cannabis
3 organization intends to operate.

4 (6) A statement that no person having an ownership interest
5 in the cannabis organization has a felony conviction related to
6 the production, possession, or sale of marijuana that has not
7 been expunged and that was entered within the three (3) years
8 prior to submission of the permit application.

9 (7) Any other information required by the ICC.

10 (c) A permit application described in this section shall be
11 verified and completed subject to the penalties of perjury.

12 (d) An applicant shall submit the appropriate application and
13 permit fees at the time the applicant submits the application.

14 **Chapter 13. Cannabis Organization Permits**

15 **Sec. 1. Subject to the limits and conditions described in section**
16 **10 of this chapter, the ICC may grant a cannabis organization**
17 **permit if the ICC makes the following findings:**

18 (1) The applicant will maintain effective control of cannabis
19 in the custody of the applicant.

20 (2) The applicant will comply with all state statutes, all rules
21 adopted by the ICC, and any ordinances adopted by a
22 governmental unit.

23 (3) The applicant has the ability to properly carry out the
24 activity for which the permit is sought.

25 (4) The applicant has sufficient financial means to acquire all
26 property, equipment, and permits required to properly grow,
27 process, or sell cannabis.

28 (5) The applicant is able to implement and maintain
29 appropriate security, tracking, record keeping, and
30 surveillance systems relating to the acquisition, possession,
31 growth, manufacture, delivery, transportation, distribution,
32 or sale of cannabis.

33 (6) The applicant satisfies any other conditions required
34 under rules adopted by the ICC.

35 (7) Granting a permit to the applicant serves the public
36 interest.

37 **Sec. 2. If the ICC finds that information included in the**
38 **application is insufficient for the ICC to grant a permit to the**
39 **cannabis organization, the ICC may request that the applicant**
40 **submit additional documentation relating to one (1) or more items**
41 **listed in section 1 of this chapter.**

42 **Sec. 3. (a) Except as provided under subsection (b), a permit**



1 granted under this chapter is nontransferable.

2 (b) A permit holder may transfer a permit to a person
3 authorized to hold a permit in accordance with rules adopted by
4 the ICC if:

5 (1) the permit holder has held the permit for at least
6 twenty-four (24) months; or

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

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

12 Sec. 5. (a) A permit may be renewed for one (1) or more
13 additional one (1) year periods.

14 (b) The ICC shall establish deadlines for filing a renewal
15 application that provide the ICC with sufficient time to review the
16 application without causing an interruption in the cannabis
17 organization's activities.

18 (c) The same standards that apply for granting an initial
19 application apply to an application for renewal. In determining
20 whether the renewal of a permit serves the public interest, the ICC
21 shall consider the manner in which the renewal applicant has
22 operated the cannabis organization and complied with all relevant
23 laws.

24 Sec. 6. A permit issued by the ICC to a cannabis organization
25 must include the following information:

26 (1) The name and address of the cannabis organization.

27 (2) The type of permit.

28 (3) The activities that are permitted under the permit.

29 (4) A description of the property and facilities authorized to
30 be used by the cannabis organization.

31 (5) Any other information required by the ICC.

32 Sec. 7. The ICC may suspend or revoke all or part of a permit
33 granted under this chapter if, following a hearing, the ICC finds
34 any of the following:

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

37 (2) That the cannabis organization knowingly or intentionally
38 sold or distributed cannabis to a person not permitted to
39 receive cannabis under this article.

40 (3) That the cannabis organization has failed to maintain
41 effective control against diversion of cannabis.

42 (4) That the cannabis organization has violated a provision of



1 this article or a rule adopted by the ICC.

2 (5) That the cannabis organization has failed to comply with
3 another law regulating controlled substances.

4 Sec. 8. (a) An applicant for a cannabis organization permit has
5 a continuing duty to notify the ICC of any material change in facts
6 or circumstances relating to the applicant's application, including
7 a change in ownership.

8 (b) An applicant's duty to notify the ICC begins on the date the
9 applicant submits the application and continues for as long as the
10 applicant holds a permit.

11 Sec. 9. The ICC may, upon request of a permit holder, amend an
12 existing permit to authorize a permit holder to:

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

15 (2) perform additional activities, or cease the performance of
16 certain activities now performed, at the permit holder's
17 facility;

18 if the ICC finds that the amendment is reasonable under the
19 circumstances.

20 Sec. 10. (a) The ICC shall initially issue:

21 (1) ten (10) processor permits; and

22 (2) one hundred (100) grower permits.

23 (b) The ICC shall ensure that, to the extent practicable:

24 (1) at least one (1) processor permit is issued for a facility
25 located in each geographical region described in
26 IC 10-11-2-5(d);

27 (2) at least three (3) grower permits are issued for cultivation
28 in each geographical region described in IC 10-11-2-5(d); and

29 (3) the persons receiving a permit reflect the diversity and
30 makeup of Indiana.

31 (c) The ICC may issue additional licenses in order to meet the
32 demand for cannabis in Indiana and to ensure a competitive
33 market. The ICC shall annually complete a market analysis to
34 determine whether additional licenses are needed to continue the
35 capture of market share from illicit sources. The ICC shall hold
36 public hearings as part of the market analysis to hear from
37 consumers, market stakeholders, and potential new applicants.

38 Chapter 14. General Duties of a Permit Holder

39 Sec. 1. The holder of a cannabis organization permit must do the
40 following:

41 (1) Report the loss, theft, or unexplained disappearance of
42 cannabis to a law enforcement agency not later than



- 1 **twenty-four (24) hours after the loss, theft, or disappearance**
- 2 **is discovered.**
- 3 **(2) Permit announced or unannounced inspections by the ICC**
- 4 **of all cannabis organization facilities and records.**
- 5 **Chapter 15. Application and Permit Fees**
- 6 **Sec. 1. The following fees apply to a grower:**
- 7 **(1) A nonrefundable grower permit application fee of five**
- 8 **hundred dollars (\$500).**
- 9 **(2) A refundable grower permit fee of two thousand five**
- 10 **hundred dollars (\$2,500).**
- 11 **(3) A refundable grower permit renewal fee of one thousand**
- 12 **dollars (\$1,000).**
- 13 **(4) A nonrefundable permit amendment fee of two hundred**
- 14 **fifty dollars (\$250).**
- 15 **Sec. 2. The following fees apply to a processor:**
- 16 **(1) A nonrefundable processor permit application fee of two**
- 17 **thousand five hundred dollars (\$2,500).**
- 18 **(2) A refundable processor permit fee of ten thousand dollars**
- 19 **(\$10,000).**
- 20 **(3) A refundable processor permit renewal fee of five**
- 21 **thousand dollars (\$5,000).**
- 22 **(4) A nonrefundable permit amendment fee of two hundred**
- 23 **fifty dollars (\$250).**
- 24 **Sec. 3. The following fees apply to a qualified retailer:**
- 25 **(1) A nonrefundable qualified retailer permit application fee**
- 26 **of two hundred dollars (\$200).**
- 27 **(2) A refundable qualified retailer permit fee of one thousand**
- 28 **dollars (\$1,000) for each qualified retailer location.**
- 29 **(3) A refundable qualified retailer permit renewal fee of seven**
- 30 **hundred fifty dollars (\$750) for each qualified retailer**
- 31 **location.**
- 32 **(4) A nonrefundable permit amendment fee of two hundred**
- 33 **fifty dollars (\$250).**
- 34 **Sec. 4. The following fees apply to a testing laboratory:**
- 35 **(1) A nonrefundable testing laboratory permit application fee**
- 36 **of one thousand dollars (\$1,000).**
- 37 **(2) A refundable testing laboratory permit fee of two**
- 38 **thousand five hundred dollars (\$2,500) for each testing**
- 39 **laboratory location.**
- 40 **(3) A refundable testing laboratory permit renewal fee of two**
- 41 **thousand dollars (\$2,000) for each testing laboratory location.**
- 42 **(4) A nonrefundable permit amendment fee of two hundred**



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fifty dollars (\$250).

Sec. 5. An applicant must submit the application fee and permit fee at the time the applicant submits the application.

Sec. 6. (a) The ICC shall retain the application fee even if the application is not approved.

(b) The ICC shall refund the permit fee and renewal fee if the permit or renewal is not approved. However, the permit fee and renewal fee are not refundable if the permit is initially granted but later suspended or revoked.

(c) The ICC shall retain the amendment fee even if the application for amendment is not approved.

Sec. 7. The ICC shall transfer all fees to the auditor of state for deposit in the state general fund.

Chapter 16. Tracking and Record Keeping

Sec. 1. (a) A cannabis organization must implement an electronic inventory tracking system, which must be directly accessible to the ICC through an electronic data base that is updated at least one (1) time each day.

(b) The electronic inventory tracking system must include the following:

- (1) For a grower, a seed to sale tracking system that tracks the cannabis from seed to plant until the cannabis is sold or transferred to its final destination.**
- (2) For a processor, a system that tracks cannabis from its purchase from a grower to its transfer to a qualified retailer, testing laboratory, or research facility as authorized by this article.**
- (3) For a qualified retailer, a system that tracks cannabis from its purchase from a grower or processor to its sale to an adult cannabis user, patient, or caregiver, or its transfer to a testing laboratory, research facility, grower, or processor as authorized by this article.**
- (4) For a qualified retailer, a system to verify that a patient or caregiver identification card presented by a patient or caregiver purchasing cannabis:**
 - (A) is valid; and**
 - (B) authorizes the patient or caregiver to receive cannabis from a qualified retailer.**
- (5) For a qualified retailer, a system to record and transmit the identification of an adult cannabis user and the quantity and type of cannabis purchased to ensure that the adult cannabis user complies with possession limits.**



1 **(6) For a cannabis organization, a:**

2 **(A) daily log of each day's beginning inventory,**
 3 **acquisitions, amounts purchased and sold, disbursements,**
 4 **disposals, and ending inventory, including prices paid and**
 5 **amounts collected from adult cannabis users, patients, and**
 6 **caregivers;**

7 **(B) system to recall defective cannabis; and**

8 **(C) system to track the waste resulting from the growth of**
 9 **cannabis, including the name and address of a disposal**
 10 **service.**

11 **Sec. 2. A cannabis organization must implement a plan for:**

12 **(1) security and surveillance; and**

13 **(2) record keeping and record retention.**

14 **Sec. 3. The ICC:**

15 **(1) shall require a cannabis organization to make an annual**
 16 **report to the ICC; and**

17 **(2) may require a cannabis organization to make a quarterly**
 18 **report to the ICC.**

19 **The ICC shall determine the form and contents of the report and**
 20 **may make all or part of the report available to the public.**

21 **Chapter 17. Grower Operations**

22 **Sec. 1. A person holding a grower permit may do all the**
 23 **following in accordance with rules adopted by the ICC:**

24 **(1) Obtain seed and plant material from another grower.**

25 **(2) Sell and transport seed and plant material to another**
 26 **grower or processor.**

27 **(3) Sell and transport cannabis to a processor, qualified**
 28 **retailer, testing laboratory, or research facility authorized by**
 29 **the ICC.**

30 **The ICC may authorize a person holding a grower permit to sell**
 31 **and transport seed, plant material, and cannabis to a grower,**
 32 **processor, qualified retailer, testing laboratory, or research facility**
 33 **in another state.**

34 **Sec. 2. The ICC shall determine the manner in which cannabis**
 35 **may be grown, harvested, and stored at the cultivation or**
 36 **harvesting facility.**

37 **Sec. 3. The ICC shall determine the manner in which**
 38 **transportation of cannabis shall be conducted between or among**
 39 **growers, processors, qualified retailers, testing laboratories, or**
 40 **research facilities. Rules adopted by the ICC must include the**
 41 **following:**

42 **(1) Requirements relating to shipping containers and**



1 packaging.

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

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

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

7 (5) Record keeping requirements for delivery and receipt of
8 cannabis products.

9 **Sec. 4.** A grower shall contract with an independent testing
10 laboratory to test the cannabis produced by the grower. The ICC
11 shall approve the testing laboratory and require that the testing
12 laboratory report testing results in the manner determined by the
13 ICC. If a grower learns that the grower's sample has failed
14 required testing, the grower must take steps to remediate the
15 harvest to allowable levels under IC 7.1-8-20-3, or immediately
16 dispose of the harvest.

17 **Chapter 18. Processor Operations**

18 **Sec. 1.** A person holding a processor permit may do all the
19 following in accordance with rules adopted by the ICC:

20 (1) Obtain cannabis from a grower.

21 (2) Sell and transport processed cannabis to another grower
22 or processor.

23 (3) Sell and transport cannabis to a processor, qualified
24 retailer, testing laboratory, or research facility authorized by
25 the ICC.

26 The ICC shall authorize a person holding a processor permit to sell
27 and transport processed cannabis to a grower, processor, qualified
28 retailer, testing laboratory, or research facility in another state if
29 the person meets the requirements established by the ICC.

30 **Sec. 2.** The ICC shall determine the manner in which cannabis
31 may be processed or stored at the processor facility.

32 **Sec. 3.** The ICC shall determine the manner in which
33 transportation of cannabis shall be conducted between or among
34 cannabis organizations and research facilities. Rules adopted by
35 the ICC must include the following:

36 (1) Requirements relating to shipping containers and
37 packaging.

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

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

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



- 1 (5) Record keeping requirements for delivery and receipt of
2 cannabis products.
- 3 Sec. 4. A processor shall develop a plan to ensure that cannabis
4 products are properly labeled, are not packaged in a manner that
5 is appealing to children, and are placed in child resistant
6 packaging.
- 7 Sec. 5. A processor shall include on its labeling of cannabis
8 products the following:
- 9 (1) The number of doses contained within the package, the
10 species, and the percentage of tetrahydrocannabinol and
11 cannabinol.
- 12 (2) A warning that the cannabis must be kept in the original
13 container in which it was sold.
- 14 (3) A warning that unauthorized use is unlawful and will
15 subject the person to criminal penalties.
- 16 (4) A list of ingredients.
- 17 (5) The manufacture or harvest date.
- 18 (6) Any other information required by the ICC.
- 19 Sec. 6. A processor shall contract with an independent testing
20 laboratory to test the cannabis product produced by the processor.
21 The testing laboratory must be approved by the ICC, and the ICC
22 shall require that the testing laboratory report testing results in the
23 manner determined by the ICC. If a processor learns that a sample
24 submitted by the processor has failed required testing, the
25 processor must take steps to remediate the product to allowable
26 levels under IC 7.1-8-20-3, or immediately dispose of the batch.
- 27 Chapter 19. Qualified Retailer Operations
- 28 Sec. 1. (a) A qualified retailer holding a valid permit under this
29 article may sell cannabis to a patient or caregiver upon
30 presentation of a valid patient or caregiver identification card for
31 that patient or caregiver and electronic verification that the patient
32 or caregiver identification card is valid and authorizes the patient
33 or caregiver to receive cannabis from a qualified retailer.
- 34 (b) A qualified retailer holding a valid permit under this article
35 may sell cannabis to an adult cannabis user upon presentation of
36 a valid government issued photo identification card containing the
37 person's date of birth, and electronic verification that:
- 38 (1) the sale will not permit the adult cannabis user to exceed
39 the limit described in section 3 of this chapter; and
- 40 (2) that the adult cannabis user does not possess a valid,
41 unexpired certification.
- 42 Sec. 2. The qualified retailer shall provide to the purchaser a



1 receipt including all of the following:

- 2 (1) The name and address of the qualified retailer.
 3 (2) The name and address of the purchaser.
 4 (3) The date the cannabis was sold.
 5 (4) For medical cannabis, any requirement or limitation by
 6 the physician as to the form of cannabis for the patient.
 7 (5) The form and the quantity of cannabis sold.

8 **Sec. 3. A qualified retailer may not sell to a patient (or caregiver**
 9 **on behalf of a specific patient):**

- 10 (1) in any thirty (30) day period:
 11 (A) more cannabis than the maximum amount authorized
 12 by the certification; or
 13 (B) ten (10) ounces of cannabis;
 14 whichever is less;
 15 (2) subject to subdivision (1), more than two and one-half (2.5)
 16 ounces of cannabis per day, of which not more than fifteen
 17 (15) grams may be cannabis concentrate;
 18 (3) a form of cannabis that is not authorized on the
 19 certification; or
 20 (4) cannabis, if the patient is cultivating mature cannabis
 21 plants for the patient's own use.

22 **Sec. 4. The cannabis packaging must include the following**
 23 **information:**

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

32 **Sec. 5. A qualified retailer:**

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

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

42 **Sec. 7. A qualified retailer shall establish a plan to:**



- 1 (1) prevent diversion of cannabis and cannabis products; and
 2 (2) ensure a patient is not sold more cannabis than is
 3 permitted under this article.

4 **Chapter 20. Testing Laboratory Operations**

5 **Sec. 1. A testing laboratory may test cannabis from a cannabis
 6 organization in accordance with rules adopted by the ICC if:**

- 7 (1) it holds a valid permit issued under this article; or
 8 (2) it is already accredited as a testing laboratory to
 9 International Organization for Standardization (ISO) 17025
 10 by a third party accrediting body such as the American
 11 Association for Laboratory Accreditation (A2LA) or Assured
 12 Calibration and Laboratory Accreditation Select Services
 13 (ACLASS).

14 **Sec. 2. A testing laboratory shall maintain policies and
 15 procedures for the secure and proper analytical testing of
 16 cannabis, which must include:**

- 17 (1) laboratory analysis techniques, including specific
 18 instrumentation and protocols necessary to perform the tests
 19 required by the ICC;
 20 (2) the implementation of standards and methods for
 21 conducting analysis of forms of cannabis in accordance with
 22 the requirements of ISO/IEC 17025 "General Requirements
 23 for the Competence of Testing and Calibration
 24 Laboratories"; and
 25 (3) methods of testing to detect:
 26 (A) potency levels of tetrahydrocannabinol and
 27 cannabinol;
 28 (B) microbials;
 29 (C) mycotoxins;
 30 (D) pesticides;
 31 (E) residual solvents; and
 32 (F) any other matter as required by the ICC.

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

39 **Sec. 4. A person holding an ownership interest in a qualified
 40 retailer, grower, or processor permit may not have an ownership
 41 interest in a testing laboratory permit.**

42 **Chapter 21. Transportation**



1 **Sec. 1. A transporter may transport cannabis or paraphernalia**
 2 **from a:**

- 3 (1) grower or processor to a qualified retailer;
 4 (2) grower or processor to a testing laboratory or research
 5 facility authorized by the ICC;
 6 (3) qualified retailer to a grower or processor;
 7 (4) qualified retailer to a testing laboratory or research
 8 facility authorized by the ICC;
 9 (5) cannabis organization to another cannabis organization;
 10 or
 11 (6) cannabis organization to another person if authorized to
 12 do so by the ICC;

13 **if the transporter complies with this chapter.**

14 **Sec. 2. No employee of a transporter under this chapter who is**
 15 **directly involved in the transport of cannabis or paraphernalia**
 16 **may have a felony conviction related to the production, possession,**
 17 **or sale of marijuana that was entered within the previous three (3)**
 18 **years and that has not been expunged.**

19 **Sec. 3. Cannabis or paraphernalia transported under this**
 20 **chapter must be:**

- 21 (1) packed in a tamper resistant and tamper evident package;
 22 (2) clearly marked as to quantity and contents; and
 23 (3) securely stored in the vehicle used for transport.

24 **Sec. 4. The transporter shall proceed as directly and**
 25 **expeditiously as practicable from the shipping location to the**
 26 **receiving location.**

27 **Sec. 5. The person who ships the cannabis or paraphernalia**
 28 **shall provide the transporter with a shipping manifest clearly**
 29 **stating the:**

- 30 (1) exact quantity of cannabis or paraphernalia that is being
 31 transported;
 32 (2) address of the shipping location;
 33 (3) address of the receiving location;
 34 (4) identification of the person transporting the material; and
 35 (5) time the person transporting the material left the shipping
 36 location.

37 **Sec. 6. The transporter shall keep the shipping manifest in the**
 38 **transporter's possession at all times.**

39 **Sec. 7. The ICC may adopt rules to regulate the transport of**
 40 **cannabis or paraphernalia. The ICC may authorize a transporter**
 41 **to transport cannabis or paraphernalia out of state.**

42 **Chapter 22. Reports**



1 **Sec. 1. The ICC shall, not later than December 31 of each year,**
 2 **submit a report concerning the cannabis program to the legislative**
 3 **council, the governor, and the chief justice of the supreme court.**
 4 **The report to the legislative council must be in an electronic format**
 5 **under IC 5-14-6.**

6 **Chapter 23. Civil Penalties**

7 **Sec. 1. The ICC may assess a penalty of not more than twenty**
 8 **thousand dollars (\$20,000) for each violation of this article or a**
 9 **rule adopted under this article. In addition, the ICC may impose**
 10 **an additional penalty of not more than two thousand five hundred**
 11 **dollars (\$2,500) for each day of a continuing violation.**

12 **Sec. 2. (a) In determining the amount of a civil penalty imposed**
 13 **under this chapter, the ICC shall consider the following:**

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

21 **(b) If the ICC finds that the:**

- 22 (1) **violation did not threaten the safety or health of an adult**
 23 **cannabis user, a patient, a caregiver, or the general public;**
 24 **and**
 25 (2) **violation took immediate action to remedy the violation**
 26 **upon learning of it;**

27 **the ICC may issue a written warning instead of assessing a civil**
 28 **penalty.**

29 **Sec. 3. In addition to the civil penalty described in this chapter**
 30 **and any other penalty authorized by law, the ICC may revoke or**
 31 **suspend a person's permit or patient or caregiver identification**
 32 **card.**

33 **Chapter 24. Research**

34 **Sec. 1. (a) The ICC may provide assistance to universities,**
 35 **research facilities, pharmaceutical companies, state agencies, and**
 36 **similar entities that wish to conduct research concerning cannabis.**

37 **(b) The ICC may conduct research concerning cannabis.**

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



1 **Chapter 25. Employment**

2 **Sec. 1. The following definitions apply throughout this chapter:**

3 (1) "On call" means that an employee is scheduled with at
4 least twenty-four (24) hours notice by the employee's
5 employer to be on standby or otherwise responsible for
6 performing tasks related to the employee's employment either
7 at the employer's premises or other previously designated
8 location by the employer's employer or supervisor to perform
9 a work related task.

10 (2) "Workplace" means the employer's premises, including
11 any building, real property, and parking area under the
12 control of the employer or area used by an employee while in
13 performance of the employee's job duties, and vehicles,
14 whether leased, rented, or owned. The term includes another
15 location as defined by the employer's written employment
16 policy, to the extent that the policy is generally consistent with
17 this subdivision.

18 **Sec. 2. This article does not:**

19 (1) prohibit an employer from adopting reasonable zero
20 tolerance or drug free workplace policies, or employment
21 policies concerning drug testing, smoking, consumption,
22 storage, or use of cannabis in the workplace or while on call
23 provided that the policy is applied in a nondiscriminatory
24 manner;

25 (2) require an employer to permit an employee to be under
26 the influence of or use cannabis in the employer's workplace
27 or while performing the employee's job duties or while on
28 call; or

29 (3) limit or prevent an employer from disciplining an
30 employee or terminating employment of an employee for
31 violating an employer's employment policies or workplace
32 drug policy.

33 **Sec. 3. For purposes of section 2 of this chapter, an employer**
34 **may consider an employee to be impaired or under the influence of**
35 **cannabis if the employer has a good faith belief that an employee**
36 **manifests specific, articulable symptoms while working that**
37 **decrease or lessen the employee's performance of the duties or**
38 **tasks of the employee's job position, including symptoms of the**
39 **employee's speech, physical dexterity, agility, coordination,**
40 **demeanor, irrational or unusual behavior, or negligence or**
41 **carelessness in operating equipment or machinery; disregard for**
42 **the safety of the employee or others, or involvement in any accident**



1 that results in serious damage to equipment or property;
 2 disruption of a production or manufacturing process; or
 3 carelessness that results in any injury to the employee or others. If
 4 an employer elects to discipline an employee on the basis that the
 5 employee is under the influence of or impaired by cannabis, the
 6 employer must afford the employee a reasonable opportunity to
 7 contest the basis of the determination.

8 **Sec. 4. This article does not create or imply a cause of action for**
 9 **any person against an employer for:**

10 (1) actions, including subjecting an employee or applicant to
 11 reasonable drug and alcohol testing under the employer's
 12 workplace drug policy, including an employee's refusal to be
 13 tested or to cooperate in testing procedures or disciplining or
 14 termination of employment, based on the employer's good
 15 faith belief that an employee used or possessed cannabis in the
 16 employer's workplace or while performing the employee's job
 17 duties or while on call in violation of the employer's
 18 employment policies;

19 (2) actions, including discipline or termination of employment,
 20 based on the employer's good faith belief that an employee
 21 was impaired as a result of the use of cannabis, or under the
 22 influence of cannabis, while at the employer's workplace or
 23 while performing the employee's job duties or while on call in
 24 violation of the employer's workplace drug policy; or

25 (3) injury, loss, or liability to a third party if the employer
 26 neither knew nor had reason to know that the employee was
 27 impaired.

28 **Sec. 5. This article does not enhance or diminish protections**
 29 **afforded by any other law.**

30 **Sec. 6. This article does not interfere with any federal, state, or**
 31 **local restrictions on employment including the United States**
 32 **Department of Transportation regulation 49 CFR 40.151(e) or**
 33 **impact an employer's ability to comply with federal or state law or**
 34 **cause it to lose a federal or state contract or funding.**

35 SECTION 6. IC 7.1-9 IS ADDED TO THE INDIANA CODE AS A
 36 NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 37 2023]:

38 **ARTICLE 9. INDIANA CANNABIS COMMISSION**

39 **Chapter 1. Definitions**

40 **Sec. 1. The definitions in IC 7.1-8-1-1 apply throughout this**
 41 **article.**

42 **Chapter 2. General Provisions**



1 **Sec. 1. The Indiana cannabis commission (ICC) is established as**
 2 **an agency of the state for purposes of administering the cannabis**
 3 **program.**

4 **Sec. 2. (a) The ICC consists of:**

5 **(1) the ICC committee;**

6 **(2) the executive director; and**

7 **(3) other employees necessary to carry out the duties of the**
 8 **ICC.**

9 **(b) The ICC committee consists of three (3) commissioners, who**
 10 **shall direct and oversee the operation of the ICC.**

11 **Sec. 3. (a) ICC commissioners shall be appointed by the**
 12 **governor.**

13 **(b) A commissioner is eligible for reappointment.**

14 **(c) Not more than two (2) commissioners may belong to the**
 15 **same political party.**

16 **(d) A commissioner shall be appointed to a four (4) year term.**

17 **(e) A commissioner serves the commissioner's term at the**
 18 **pleasure of the governor.**

19 **Sec. 4. To be eligible for appointment as a commissioner, an**
 20 **individual must have the following qualifications:**

21 **(1) The individual may not be employed by the state in any**
 22 **other capacity.**

23 **(2) The individual must have good moral character.**

24 **(3) The individual must have been a resident of Indiana for at**
 25 **least ten (10) years immediately preceding the appointment.**

26 **Sec. 5. The governor shall appoint one (1) commissioner to serve**
 27 **as chairperson of the ICC committee and one (1) commissioner to**
 28 **serve as vice chairperson. The vice chairperson shall act as the**
 29 **chairperson if the chairperson is unable to attend a meeting of the**
 30 **ICC committee.**

31 **Sec. 6. A commissioner appointed to fill a vacancy in the**
 32 **membership of the ICC committee shall serve only for the**
 33 **unexpired part of the original, vacated term. In all other respects,**
 34 **an appointment to fill a vacancy shall be made in the same manner**
 35 **that an original appointment is made.**

36 **Sec. 7. As compensation for services, each commissioner is**
 37 **entitled to the minimum salary per diem provided by**
 38 **IC 4-10-11-2.1(b). A commissioner is also entitled to**
 39 **reimbursement for traveling expenses as provided under**
 40 **IC 4-13-1-4 and other expenses actually incurred in connection**
 41 **with the commissioner's duties as provided in the state policies and**
 42 **procedures established by the department of administration and**



1 approved by the budget agency.

2 **Sec. 8. Each commissioner shall execute:**

3 (1) a surety bond in the amount of ten thousand dollars
4 (\$10,000), with surety approved by the governor; and

5 (2) an oath of office.

6 The surety bond and the oath of office shall be filed in the office of
7 the secretary of state.

8 **Sec. 9. The required surety bond executed and filed on behalf of**
9 **a commissioner shall be made payable to the state of Indiana and**
10 **conditioned upon the faithful discharge of the commissioner's**
11 **duties.**

12 **Sec. 10. The ICC committee shall hold meetings at the call of the**
13 **chairperson. The ICC committee may establish rules governing**
14 **meetings.**

15 **Sec. 11. (a) Two (2) ICC commissioners constitute a quorum for**
16 **the transaction of business.**

17 (b) Each commissioner has one (1) vote.

18 (c) Action of the ICC committee may be taken only upon the
19 affirmative votes of at least two (2) commissioners.

20 **Sec. 12. An ICC commissioner may not solicit or accept a**
21 **political contribution from a qualified patient, a qualified primary**
22 **caregiver, or any individual or entity that has a permit or has**
23 **applied for a permit issued by the ICC. However, the right of a**
24 **commissioner to vote as the commissioner chooses and to express**
25 **the commissioner's opinions on political subjects and candidates**
26 **may not be impaired.**

27 **Chapter 3. Employees and Administration**

28 **Sec. 1. (a) The ICC committee shall appoint an executive**
29 **director to assist the ICC in the efficient administration of its**
30 **powers and duties.**

31 (b) The ICC committee shall fix the salary of the executive
32 director, subject to the approval of the budget agency.

33 **Sec. 2. The ICC has the power to employ all necessary**
34 **employees, determine their duties, and, subject to the approval of**
35 **the ICC committee and the budget agency, fix their salaries.**

36 **Chapter 4. Powers and Duties**

37 **Sec. 1. The chairperson is the presiding officer at the meetings**
38 **of the ICC committee. The chairperson, together with the executive**
39 **director, shall prepare, certify, and authenticate all proceedings,**
40 **minutes, records, rules, and regulations of the ICC committee. The**
41 **chairperson shall also perform all other duties as imposed on the**
42 **chairperson by this title.**



1 **Sec. 2. The ICC has the power to organize its work, to enforce**
 2 **and administer this article and IC 7.1-8, and to enforce and**
 3 **administer the rules adopted by the ICC.**

4 **Sec. 3. The ICC shall adopt rules under IC 4-22-2 to prescribe**
 5 **the forms for all applications, documents, permits, cannabis patient**
 6 **or caregiver identification cards, and licenses used in the**
 7 **administration of this article and IC 7.1-8.**

8 **Sec. 4. The ICC has the following powers:**

- 9 **(1) To hold hearings before the ICC or its representative.**
 10 **(2) To take testimony and receive evidence.**
 11 **(3) To conduct inquiries with or without a hearing.**
 12 **(4) To receive reports of investigators or other governmental**
 13 **officers and employees.**
 14 **(5) To administer oaths.**
 15 **(6) To subpoena witnesses and to compel them to appear and**
 16 **testify.**
 17 **(7) To certify copies of records of the ICC or any other**
 18 **document or record on file with the ICC.**
 19 **(8) To fix the form, mode, manner, time, and number of times**
 20 **for the posting or publication of any required notices if not**
 21 **otherwise provided.**
 22 **(9) Before the legalization date (as defined in**
 23 **IC 35-31.5-2-186.4), meet, adopt rules, consider testimony,**
 24 **make recommendations, and take any other action to prepare**
 25 **for the legalization of medical and adult use cannabis.**
 26 **(10) To adopt rules under IC 4-22-2 to carry out this article**
 27 **and IC 7.1-8.**

28 **Sec. 5. (a) The ICC has the following duties:**

- 29 **(1) To establish the cannabis program described in IC 7.1-8**
 30 **and to adopt all necessary rules to implement the program.**
 31 **(2) To implement protocols for the application and issuance**
 32 **of a cannabis patient or caregiver identification card,**
 33 **including protocols to:**
 34 **(A) prevent fraud;**
 35 **(B) ensure the accuracy of information contained in the**
 36 **application; and**
 37 **(C) protect the privacy of an applicant.**
 38 **(3) To advise the general assembly concerning the**
 39 **establishment of a program for the:**
 40 **(A) manufacture;**
 41 **(B) cultivation;**
 42 **(C) advertising;**



- 1 (D) transportation; and
- 2 (E) sale;
- 3 of cannabis.
- 4 (4) To encourage research concerning cannabis.
- 5 (b) Before the legalization date (as defined in
- 6 IC 35-31.5-2-186.4), the ICC may perform any of the duties
- 7 described subsection (a) to prepare for and in anticipation of the
- 8 legalization of medical and adult use cannabis.

9 **Chapter 5. Research and Development**

10 **Sec. 1. To permit and encourage research concerning cannabis:**

- 11 (1) an accredited institution of higher education with a
- 12 physical presence in Indiana; and
- 13 (2) a pharmaceutical or agricultural business having a
- 14 research facility in Indiana;
- 15 may apply to the ICC for a license to conduct research concerning
- 16 cannabis.

17 **Sec. 2. An application under this chapter must include the**

18 **following:**

- 19 (1) The nature of the research project.
- 20 (2) The names of the individuals who will conduct the
- 21 research project.
- 22 (3) The approximate quantity of cannabis that will be used in
- 23 the research project.
- 24 (4) The security protocol to be implemented to ensure that
- 25 cannabis is not diverted for uses other than the research
- 26 project.
- 27 (5) Any other information required by the ICC.

28 **Sec. 3. Upon receipt of a completed application, the ICC may**

29 **issue a research license to the accredited institution of higher**

30 **education or pharmaceutical or agricultural business. The research**

31 **license must specifically list the names of each individual**

32 **participating in the research project who will have custody or**

33 **control of cannabis for research purposes and the approximate**

34 **quantity of the cannabis that will be used in the research project.**

35 **Sec. 4. The ICC may charge a reasonable fee for issuance of a**

36 **research license.**

37 SECTION 7. IC 9-30-5-1, AS AMENDED BY P.L.49-2021,

38 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

39 JULY 1, 2023]: Sec. 1. (a) A person who operates a vehicle with an

40 alcohol concentration equivalent to at least eight-hundredths (0.08)

41 gram of alcohol but less than fifteen-hundredths (0.15) gram of alcohol

42 per:



- 1 (1) one hundred (100) milliliters of the person's blood; or
 2 (2) two hundred ten (210) liters of the person's breath;
 3 commits a Class C misdemeanor.
- 4 (b) A person who operates a vehicle with an alcohol concentration
 5 equivalent to at least fifteen-hundredths (0.15) gram of alcohol per:
 6 (1) one hundred (100) milliliters of the person's blood; or
 7 (2) two hundred ten (210) liters of the person's breath;
 8 commits a Class A misdemeanor.
- 9 (c) A person who operates a vehicle with a controlled substance
 10 listed in schedule I or II of IC 35-48-2 or its metabolite, **after the**
 11 **legalization date (as defined in IC 35-31.5-2-186.4) not including**
 12 **THC**, in the person's blood commits a Class C misdemeanor.
- 13 (d) It is a defense to subsection (c) that:
 14 (1) the accused person consumed the controlled substance in
 15 accordance with a valid prescription or order of a practitioner (as
 16 defined in IC 35-48-1) who acted in the course of the
 17 practitioner's professional practice; or
 18 (2) the:
 19 (A) controlled substance is marijuana or a metabolite of
 20 marijuana;
 21 (B) person was not intoxicated;
 22 (C) person did not cause a traffic accident; and
 23 (D) substance was identified by means of a chemical test taken
 24 pursuant to IC 9-30-7.
- 25 (e) **This subsection applies after the legalization date (as defined**
 26 **in IC 35-31.5-2-186.4). A person who:**
 27 **(1) operates a vehicle with at least five (5) nanograms per**
 28 **milliliter of THC in the person's whole blood; and**
 29 **(2) is impaired;**
 30 **commits a Class C misdemeanor.**
- 31 SECTION 8. IC 9-30-5-4, AS AMENDED BY P.L.184-2019,
 32 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2023]: Sec. 4. (a) A person who causes serious bodily injury
 34 to another person when operating a vehicle:
 35 (1) with an alcohol concentration equivalent to at least
 36 eight-hundredths (0.08) gram of alcohol per:
 37 (A) one hundred (100) milliliters of the person's blood; or
 38 (B) two hundred ten (210) liters of the person's breath;
 39 (2) with a controlled substance listed in schedule I or II of
 40 IC 35-48-2 or its metabolite, **after the legalization date (as**
 41 **defined in IC 35-31.5-2-186.4) not including THC**, in the
 42 person's blood;



1 **(3) after the legalization date (as defined in**
 2 **IC 35-31.5-2-186.4), with at least five (5) nanograms per**
 3 **milliliter of THC in the person's whole blood; or**

4 ~~(4)~~ **(4) while intoxicated;**

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

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

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

15 SECTION 9. IC 9-30-5-5, AS AMENDED BY P.L.184-2019,
 16 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2023]: Sec. 5. (a) A person who causes the death or
 18 catastrophic injury of another person when operating a vehicle:

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

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

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

23 (2) with a controlled substance listed in schedule I or II of
 24 IC 35-48-2 or its metabolite, **after the legalization date (as**
 25 **defined in IC 35-31.5-2-186.4) not including THC**, in the
 26 person's blood;

27 **(3) after the legalization date (as defined in**
 28 **IC 35-31.5-2-186.4), with at least five (5) nanograms per**
 29 **milliliter of THC in the person's whole blood; or**

30 ~~(4)~~ **(4) while intoxicated;**

31 commits a Level 4 felony.

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

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

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

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

38 (2) with a controlled substance listed in schedule I or II of
 39 IC 35-48-2 or its metabolite, **after the legalization date (as**
 40 **defined in IC 35-31.5-2-186.4) not including THC**, in the
 41 person's blood; or

42 **(3) after the legalization date (as defined in**



1 **IC 35-31.5-2-186.4), with at least five (5) nanograms per**
 2 **milliliter of THC in the person's whole blood;**
 3 commits a Level 6 felony.

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

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

16 SECTION 10. IC 9-30-6-6, AS AMENDED BY P.L.174-2021,
 17 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2023]: Sec. 6. (a) A physician, a person trained in retrieving
 19 contraband or obtaining bodily substance samples and acting under the
 20 direction of or under a protocol prepared by a physician, or a licensed
 21 health care professional acting within the professional's scope of
 22 practice and under the direction of or under a protocol prepared by a
 23 physician, who:

- 24 (1) obtains a blood, urine, or other bodily substance sample from
 25 a person, regardless of whether the sample is taken for diagnostic
 26 purposes or at the request of a law enforcement officer under this
 27 section;
 28 (2) performs a chemical test on blood, urine, or other bodily
 29 substance obtained from a person; or
 30 (3) searches for or retrieves contraband from the body cavity of an
 31 individual;

32 shall deliver the sample or contraband or disclose the results of the test
 33 to a law enforcement officer who requests the sample, contraband, or
 34 results as a part of a criminal investigation. Samples, contraband, and
 35 test results shall be provided to a law enforcement officer even if the
 36 person has not consented to or otherwise authorized their release.

37 (b) A physician, a licensed health care professional, a hospital, or an
 38 agent of a physician or hospital is not civilly or criminally liable for any
 39 of the following:

- 40 (1) Disclosing test results in accordance with this section.
 41 (2) Delivering contraband, or a blood, urine, or other bodily
 42 substance sample in accordance with this section.



- 1 (3) Searching for or retrieving contraband or obtaining a blood,
 2 urine, or other bodily substance sample in accordance with this
 3 section.
- 4 (4) Disclosing to the prosecuting attorney or the deputy
 5 prosecuting attorney for use at or testifying at the criminal trial of
 6 the person as to facts observed or opinions formed.
- 7 (5) Failing to treat a person from whom contraband is retrieved or
 8 a blood, urine, or other bodily substance sample is obtained at the
 9 request of a law enforcement officer if the person declines
 10 treatment.
- 11 (6) Injury to a person arising from the performance of duties in
 12 good faith under this section. However, immunity does not apply
 13 if the physician, licensed health care professional, hospital, or
 14 agent of a physician or hospital acts with gross negligence or
 15 willful or wanton misconduct.
- 16 (c) For the purposes of a criminal proceeding:
- 17 (1) the privileges arising from a patient-physician relationship do
 18 not apply to the contraband, samples, test results, or testimony
 19 described in this section; and
- 20 (2) contraband, samples, test results, and testimony may be
 21 admitted in a proceeding in accordance with the applicable rules
 22 of evidence.
- 23 (d) The exceptions to the patient-physician relationship specified in
 24 subsection (c) do not affect those relationships in a proceeding that is
 25 not a criminal proceeding.
- 26 (e) The contraband, test results, and samples obtained by a law
 27 enforcement officer under subsection (a) may be disclosed only to a
 28 prosecuting attorney or a deputy prosecuting attorney for use as
 29 evidence in a criminal proceeding.
- 30 (f) This section does not require a physician or a person under the
 31 direction of a physician to perform a chemical test or to retrieve
 32 contraband.
- 33 (g) If the person:
- 34 (1) from whom the contraband is to be retrieved or the bodily
 35 substance sample is to be obtained under this section does not
 36 consent; and
- 37 (2) resists the retrieval of the contraband or the taking of a
 38 sample;
- 39 the law enforcement officer may use reasonable force to assist an
 40 individual, who must be authorized under this section to retrieve
 41 contraband or obtain a sample, in the retrieval of the contraband or the
 42 taking of the sample.



1 (h) The person authorized under this section to retrieve contraband
 2 or obtain a bodily substance sample shall take the sample or retrieve
 3 the contraband in a medically accepted manner.

4 (i) This subsection does not apply to contraband retrieved or a
 5 bodily substance sample taken at a licensed hospital (as defined in
 6 IC 16-18-2-179(a) and IC 16-18-2-179(b)). A law enforcement officer
 7 may transport the person to a place where the contraband may be
 8 retrieved or the sample may be obtained by any of the following
 9 persons who are trained in retrieving contraband or obtaining bodily
 10 substance samples and who have been engaged to retrieve contraband
 11 or obtain samples under this section:

12 (1) A physician holding an unlimited license to practice medicine
 13 or osteopathy.

14 (2) A registered nurse.

15 (3) A licensed practical nurse.

16 (4) An advanced emergency medical technician (as defined in
 17 IC 16-18-2-6.5).

18 (5) A paramedic (as defined in IC 16-18-2-266).

19 (6) Except as provided in subsections (j) through (k), any other
 20 person qualified through training, experience, or education to
 21 retrieve contraband or obtain a bodily substance sample.

22 (j) A law enforcement officer may not retrieve contraband or obtain
 23 a bodily substance sample under this section if the contraband is to be
 24 retrieved or the sample is to be obtained from another law enforcement
 25 officer as a result of the other law enforcement officer's involvement in
 26 an accident or alleged crime.

27 (k) A law enforcement officer who is otherwise qualified to obtain
 28 a bodily substance sample under this section may obtain a bodily
 29 substance sample from a person involved in an accident or alleged
 30 crime who is not a law enforcement officer only if:

31 (1) the officer obtained a bodily substance sample from a
 32 individual as part of the officer's official duties as a law
 33 enforcement officer; and

34 (2) the:

35 (A) person consents to the officer obtaining a bodily substance
 36 sample; or

37 (B) obtaining of the bodily substance sample is authorized by
 38 a search warrant.

39 (l) A physician or a person trained in obtaining bodily samples who
 40 is acting under the direction of or under a protocol prepared by a
 41 physician shall obtain a blood sample if the following conditions are
 42 satisfied:



1 (1) A law enforcement officer requests that the sample be
2 obtained.

3 (2) The law enforcement officer has certified in writing the
4 following:

5 (A) That the officer has probable cause to believe the person
6 from whom the sample is to be obtained has violated
7 IC 9-30-5-4, IC 9-30-5-5, ~~IC 35-46-9-6(b)(2)~~,
8 **IC 35-46-9-6(c)(2)**, or ~~IC 35-46-9-6(e)~~. **IC 35-46-9-6(d)**.

9 (B) That the offense resulting in a criminal investigation
10 described in subsection (a) occurred not more than three (3)
11 hours before the time the sample is requested.

12 (C) That exigent circumstances exist that create pressing
13 health, safety, or law enforcement needs that would take
14 priority over a warrant application.

15 (3) Not more than the use of reasonable force is necessary to
16 obtain the sample.

17 SECTION 11. IC 35-31.5-2-186.4 IS ADDED TO THE INDIANA
18 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
19 **[EFFECTIVE JULY 1, 2023]: Sec. 186.4. "Legalization date" means**
20 **July 1 following the date that the United States removes marijuana**
21 **as a schedule I controlled substance.**

22 SECTION 12. IC 35-38-9-1.5 IS ADDED TO THE INDIANA
23 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
24 **[EFFECTIVE JULY 1, 2023]: Sec. 1.5. (a) This section applies only**
25 **to a person convicted of one (1) or more of the following offenses**
26 **if the act constituting the offense is now permitted under**
27 **IC 7.1-8-3:**

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

29 (2) **IC 35-48-4-8.5 (dealing in paraphernalia).**

30 (3) **IC 35-48-4-10 (dealing in marijuana).**

31 (4) **IC 35-48-4-11 (possession of marijuana).**

32 (b) **At any time after the legalization date, a person to whom this**
33 **section applies may petition a court to expunge all conviction**
34 **records, including records contained in:**

35 (1) **a court's files;**

36 (2) **the files of the department of correction;**

37 (3) **the files of the bureau of motor vehicles; and**

38 (4) **the files of any other person who provided treatment or**
39 **services to the petitioning person under a court order;**

40 **that relate to the person's conviction, including records of a**
41 **collateral action.**

42 (c) **A petition for expungement of records must be verified and**



1 filed in a circuit or superior court in the county of conviction. The
 2 petition must set forth:

- 3 (1) the date of the conviction;
 4 (2) the county of conviction;
 5 (3) the court that entered the conviction;
 6 (4) any other known identifying information, such as:
 7 (A) the name of the arresting officer;
 8 (B) the case number or court cause number;
 9 (C) any aliases or other names used by the petitioner;
 10 (D) the petitioner's driver's license number; and
 11 (E) a list of each criminal charge and its disposition, if
 12 applicable;
 13 (5) the date of the petitioner's birth; and
 14 (6) the petitioner's Social Security number.

15 A person who files a petition under this section is not required to
 16 pay a filing fee.

17 (d) The court shall serve a copy of the petition on the
 18 prosecuting attorney.

19 (e) Upon receipt of a petition for expungement, the court:

- 20 (1) may summarily deny the petition if the petition does not
 21 meet the requirements of this section, or if the statements
 22 contained in the petition indicate that the petitioner is not
 23 entitled to relief; and
 24 (2) shall grant the petition unless the conditions described in
 25 subsection (a) have not been met.

26 (f) Whenever the petition of a person under this section is
 27 granted:

- 28 (1) no information concerning the conviction (including
 29 information from a collateral action that identifies the
 30 petitioner) may be placed or retained in any state central
 31 repository for criminal history information or in any other
 32 alphabetically arranged criminal history information system
 33 maintained by a local, regional, or statewide law enforcement
 34 agency;
 35 (2) the clerk of the supreme court shall seal or redact any
 36 records in the clerk's possession that relate to the vacated
 37 conviction;
 38 (3) the records of:
 39 (A) the sentencing court;
 40 (B) a court that conducted a collateral action;
 41 (C) a court of appeals; and
 42 (D) the supreme court;



1 concerning the person shall be redacted or permanently
2 sealed; and

3 (4) with respect to the records of a person who is named as an
4 appellant or an appellee in an opinion or memorandum
5 decision by the supreme court or the court of appeals, or who
6 is identified in a collateral action, the court shall:

7 (A) redact the opinion or memorandum decision as it
8 appears on the computer gateway administered by the
9 office of technology so that it does not include the
10 petitioner's name (in the same manner that opinions
11 involving juveniles are redacted); and

12 (B) provide a redacted copy of the opinion to any publisher
13 or organization to whom the opinion or memorandum
14 decision is provided after the date of the order of
15 expungement.

16 The supreme court and the court of appeals are not required to
17 redact, destroy, or otherwise dispose of any existing copy of an
18 opinion or memorandum decision that includes the petitioner's
19 name.

20 (g) If the court issues an order granting a petition for
21 expungement under this section, the order must include the
22 information described in subsection (f).

23 (h) If a person whose records are expunged brings an action that
24 might be defended with the contents of the expunged records, the
25 defendant is presumed to have a complete defense to the action. In
26 order for the plaintiff to recover, the plaintiff must show that the
27 contents of the expunged records would not exonerate the
28 defendant. The plaintiff may be required to state under oath
29 whether the plaintiff had records in the criminal or juvenile justice
30 system and whether those records were expunged. If the plaintiff
31 denies the existence of the records, the defendant may prove their
32 existence in any manner compatible with the law of evidence.

33 SECTION 13. IC 35-46-9-6, AS AMENDED BY P.L.184-2019,
34 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2023]: Sec. 6. (a) Except as provided in subsections ~~(b)~~ and
36 (c) and (d), a person who operates a motorboat while:

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

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

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

42 (2) having a controlled substance listed in schedule I or II of



1 IC 35-48-2 or its metabolite, **after the legalization date not**
 2 **including THC**, in the person's body; or

3 (3) intoxicated;

4 commits a Class C misdemeanor.

5 **(b) This subsection applies after the legalization date. A person**
 6 **who:**

7 **(1) operates a vehicle with at least five (5) nanograms per**
 8 **milliliter of THC in the person's whole blood; and**

9 **(2) is impaired;**

10 **commits a Class C misdemeanor.**

11 ~~(b)~~ **(c)** The offense **under subsection (a) or (b)** is a Level 6 felony
 12 if:

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

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

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

16 (C) this chapter; or

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

18 ~~(c)~~ **(d)** The offense **under subsection (a) or (b)** is a Level 5 felony
 19 if the offense results in the death or catastrophic injury of another
 20 person.

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

26 SECTION 14. IC 35-48-4-8.3, AS AMENDED BY P.L.187-2015,
 27 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2023]: Sec. 8.3. (a) This section does not apply to:

29 **(1) a rolling paper; or**

30 **(2) after the legalization date, a person, including an adult**
 31 **cannabis user, patient, caregiver, cannabis organization,**
 32 **research facility, or transporter described in IC 7.1-8, if the**
 33 **person is in substantial compliance with the requirements of**
 34 **IC 7.1-8.**

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

38 (1) introducing into the person's body a controlled substance;

39 (2) testing the strength, effectiveness, or purity of a controlled
 40 substance; or

41 (3) enhancing the effect of a controlled substance;

42 commits a Class C misdemeanor. However, the offense is a Class A



1 misdemeanor if the person has a prior unrelated judgment or conviction
2 under this section.

3 SECTION 15. IC 35-48-4-8.5, AS AMENDED BY P.L.153-2018,
4 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2023]: Sec. 8.5. (a) A person who keeps for sale, offers for
6 sale, delivers, or finances the delivery of a raw material, an instrument,
7 a device, or other object that is intended to be or that is designed or
8 marketed to be used primarily for:

9 (1) ingesting, inhaling, or otherwise introducing into the human
10 body marijuana, hash oil, hashish, salvia, a synthetic drug, or a
11 controlled substance;

12 (2) testing the strength, effectiveness, or purity of marijuana, hash
13 oil, hashish, salvia, a synthetic drug, or a controlled substance;

14 (3) enhancing the effect of a controlled substance;

15 (4) manufacturing, compounding, converting, producing,
16 processing, or preparing marijuana, hash oil, hashish, salvia, a
17 synthetic drug, or a controlled substance;

18 (5) diluting or adulterating marijuana, hash oil, hashish, salvia, a
19 synthetic drug, or a controlled substance by individuals; or

20 (6) any purpose announced or described by the seller that is in
21 violation of this chapter;

22 commits a Class A infraction for dealing in paraphernalia.

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

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

28 (1) Items marketed for use in the preparation, compounding,
29 packaging, labeling, or other use of marijuana, hash oil, hashish,
30 salvia, a synthetic drug, or a controlled substance as an incident
31 to lawful research, teaching, or chemical analysis and not for sale.

32 (2) Items marketed for or historically and customarily used in
33 connection with the planting, propagating, cultivating, growing,
34 harvesting, manufacturing, compounding, converting, producing,
35 processing, preparing, testing, analyzing, packaging, repackaging,
36 storing, containing, concealing, injecting, ingesting, or inhaling
37 of tobacco or any other lawful substance.

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

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



1 **(5) After the legalization date, a person, including an adult**
 2 **cannabis user, patient, caregiver, cannabis organization,**
 3 **research facility, or transporter described in IC 7.1-8, if the**
 4 **person is in substantial compliance with the requirements of**
 5 **IC 7.1-8.**

6 SECTION 16. IC 35-48-4-10, AS AMENDED BY P.L.153-2018,
 7 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2023]: Sec. 10. (a) A person who:

9 (1) knowingly or intentionally:

10 (A) manufactures;

11 (B) finances the manufacture of;

12 (C) delivers; or

13 (D) finances the delivery of;

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

15 (2) possesses, with intent to:

16 (A) manufacture;

17 (B) finance the manufacture of;

18 (C) deliver; or

19 (D) finance the delivery of;

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

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

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

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

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

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

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

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

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

35 (A) less than thirty (30) grams of marijuana; or

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

37 (2) the amount of the drug involved is:

38 (A) at least thirty (30) grams but less than ten (10) pounds of
 39 marijuana; or

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

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



- 1 (1) the person has a prior conviction for a drug dealing offense
 2 and the amount of the drug involved is:
 3 (A) at least thirty (30) grams but less than ten (10) pounds of
 4 marijuana; or
 5 (B) at least five (5) grams but less than three hundred (300)
 6 grams of hash oil, hashish, or salvia;
 7 (2) the:
 8 (A) amount of the drug involved is:
 9 (i) at least ten (10) pounds of marijuana; or
 10 (ii) at least three hundred (300) grams of hash oil, hashish,
 11 or salvia; or
 12 (B) offense involved a sale to a minor; or
 13 (3) the:
 14 (A) person is a retailer;
 15 (B) marijuana, hash oil, hashish, or salvia is packaged in a
 16 manner that appears to be low THC hemp extract; and
 17 (C) person knew or reasonably should have known that the
 18 product was marijuana, hash oil, hashish, or salvia.
 19 **(e) After the legalization date, this section does not apply to a**
 20 **person, including an adult cannabis user, patient, caregiver,**
 21 **cannabis organization, research facility, or transporter described**
 22 **in IC 7.1-8, if the person is in substantial compliance with the**
 23 **requirements of IC 7.1-8.**
 24 SECTION 17. IC 35-48-4-11, AS AMENDED BY P.L.153-2018,
 25 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2023]: Sec. 11. (a) A person who:
 27 (1) knowingly or intentionally possesses (pure or adulterated)
 28 marijuana, hash oil, hashish, or salvia;
 29 (2) knowingly or intentionally grows or cultivates marijuana; or
 30 (3) knowing that marijuana is growing on the person's premises,
 31 fails to destroy the marijuana plants;
 32 commits possession of marijuana, hash oil, hashish, or salvia, a Class
 33 B misdemeanor, except as provided in subsections (b) through (c).
 34 (b) The offense described in subsection (a) is a Class A
 35 misdemeanor if:
 36 (1) the person has a prior conviction for a drug offense; or
 37 (2) the:
 38 (A) marijuana, hash oil, hashish, or salvia is packaged in a
 39 manner that appears to be low THC hemp extract; and
 40 (B) person knew or reasonably should have known that the
 41 product was marijuana, hash oil, hashish, or salvia.
 42 (c) The offense described in subsection (a) is a Level 6 felony if:



- 1 (1) the person has a prior conviction for a drug offense; and
- 2 (2) the person possesses:
 - 3 (A) at least thirty (30) grams of marijuana; or
 - 4 (B) at least five (5) grams of hash oil, hashish, or salvia.
- 5 **(d) After the legalization date, this section does not apply to a**
- 6 **person, including an adult cannabis user, patient, caregiver,**
- 7 **cannabis organization, research facility, or transporter described**
- 8 **in IC 7.1-8, if the person is in substantial compliance with the**
- 9 **requirements of IC 7.1-8.**

