

# HOUSE BILL No. 1098

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 34-30-2-151.9; IC 35-48-4-18.

**Synopsis:** Cannabidiol treatment for epilepsy. Provides that a person who possesses or uses cannabidiol oil for the treatment of intractable epilepsy is not subject to criminal penalties for the possession or use of the cannabidiol oil if certain conditions are met. Provides civil, criminal, and administrative immunity for a physician who recommends, possesses, dispenses, or administers cannabidiol oil in the treatment of intractable epilepsy.

**Effective:** July 1, 2016.

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January 19, 2016, read first time and referred to Committee on Courts and Criminal Code.

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Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

# HOUSE BILL No. 1098

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 34-30-2-151.9 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2016]: **Sec. 151.9. IC 35-48-4-18 (Concerning**  
4 **the recommendation, possession, administration, and dispensing of**  
5 **cannabidiol oil in the treatment of intractable epilepsy).**

6 SECTION 2. IC 35-48-4-18 IS ADDED TO THE INDIANA CODE  
7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
8 1, 2016]: **Sec. 18. (a) As used in this section, "cannabidiol oil"**  
9 **means an extract from a hemp plant in an oral suspension or oil**  
10 **that:**

- 11 (1) **is composed of not more than three-tenths percent (0.3%)**
- 12 **total tetrahydrocannabinol (THC) by weight;**
- 13 (2) **is composed of at least fifteen (15) times more cannabidiol**
- 14 **than total tetrahydrocannabinol (THC) by weight; and**
- 15 (3) **contains no other controlled substance.**

16 (b) **Notwithstanding any other law, an individual who possesses**  
17 **or uses cannabidiol oil is not subject to the penalties for the**



1 possession or use of the cannabidiol oil if the following conditions  
2 are met:

3 (1) The individual has intractable epilepsy.

4 (2) The individual uses the cannabidiol oil only to treat  
5 intractable epilepsy.

6 (3) The individual has a written recommendation for the use  
7 of cannabidiol oil from a physician who is licensed to practice  
8 medicine or osteopathic medicine in Indiana or by the board  
9 or licensing agency of another state.

10 (c) Notwithstanding any other law, an individual who possesses  
11 and administers cannabidiol oil is not subject to the penalties for  
12 the possession or the administering of the cannabidiol oil if the  
13 following conditions are met:

14 (1) The individual is the parent, legal guardian, health care  
15 representative, or custodian of an individual who has  
16 intractable epilepsy.

17 (2) The individual possesses and administers the cannabidiol  
18 oil only to treat the individual with intractable epilepsy.

19 (3) The individual with intractable epilepsy has a written  
20 recommendation for the use of cannabidiol oil from a  
21 physician who is licensed to practice medicine or osteopathic  
22 medicine in Indiana or by the board or licensing agency of  
23 another state.

24 (d) A physician who:

25 (1) issues a written recommendation for an individual under  
26 subsection (b);

27 (2) possesses or dispenses cannabidiol oil for an individual  
28 under subsection (b) or (c); or

29 (3) administers cannabidiol oil to an individual under  
30 subsection (c);

31 is immune from civil, criminal, and administrative liability for the  
32 recommendation, possession, administration, or dispensing of  
33 cannabidiol oil in the treatment of a patient with intractable  
34 epilepsy.

