

Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1120

AN ACT to amend the Indiana Code concerning health.

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

SECTION 1. IC 5-2-6-19, AS AMENDED BY P.L.180-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 19. (a) **As used in this section, "controlled substance" has the meaning set forth in IC 35-48-1-9.**

(a) (b) As used in this section, "department" refers to the state police department.

(b) (c) As used in this section, "property" ~~refers to a~~ **means a dwelling (as defined in IC 13-11-2-61.3. structure or part of a structure that is used as a home, residence, or sleeping unit.**

(c) (d) Subject to specific appropriation by the general assembly, the department shall establish, maintain, and operate a web site containing a list of properties that have been used ~~as the site of a methamphetamine laboratory.~~ **in the illegal manufacture of a controlled substance.** The list of properties shall be based on information received from a law enforcement agency under IC 5-2-15-3.

(d) (e) Subject to specific appropriation by the general assembly, and in accordance with subsection (g); (h), the department shall publish the list of properties that have been used ~~as the site of a methamphetamine laboratory~~ **in the illegal manufacture of a controlled substance** on a web site maintained by the department. If ~~methamphetamine~~ **a controlled substance** is manufactured in an

HEA 1120 — Concur



apartment that is a unit of a multi-unit apartment complex, the department shall publish only the address, including the apartment number, of the particular apartment in which the ~~methamphetamine~~ **controlled substance** was manufactured. The department shall design the web site to enable a user to easily determine whether a particular property has been used as the site of a ~~methamphetamine laboratory~~. **the illegal manufacture of a controlled substance.**

~~(e)~~ **(f)** The department shall remove a listed property from the web site not later than ninety (90) days after the property has been certified as decontaminated by ~~an a~~ **qualified** inspector ~~approved certified~~ under ~~IC 13-14-1-15~~. **IC 16-19-3.1-1.**

~~(f)~~ **(g)** If property has been certified as decontaminated by ~~an a~~ **qualified** inspector ~~approved certified~~ under ~~IC 13-14-1-15~~ **IC 16-19-3.1-1** before it is placed on the list required under subsection ~~(e)~~; **(d)**, the department may not place the property on the list.

~~(g)~~ **(h)** The department may not list a property that has been ~~used as~~ the site of a ~~methamphetamine laboratory~~ **the illegal manufacture of a controlled substance** on the web site until one hundred eighty (180) days after the date on which the department receives information from a law enforcement agency that the property has been the site of a ~~methamphetamine laboratory~~. **the illegal manufacture of a controlled substance.**

SECTION 2. IC 5-2-15-2 IS REPEALED [EFFECTIVE JULY 1, 2018]. Sec. 2: As used in this chapter, "methamphetamine laboratory" means a location or facility that:

- (1) is being used;
- (2) was intended to be used; or
- (3) has been used;

to produce methamphetamine.

SECTION 3. IC 5-2-15-3, AS AMENDED BY P.L.186-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. **(a)** As used in this section, "property" refers to a:

- (1) dwelling (as defined in IC 13-11-2-61.3);**
- (2) building;**
- (3) motor vehicle (as defined in IC 9-13-2-105(a));**
- (4) trailer (as defined in IC 9-13-2-184(b)); or**
- (5) watercraft (as defined by IC 9-13-2-198.5).**

(b) A law enforcement agency that terminates the ~~operation of a~~ **methamphetamine laboratory use of a property in the illegal manufacture of a controlled substance (as defined in IC 35-48-1-9)** shall report the existence and location of the ~~methamphetamine~~



laboratory property to:

- (1) the state police department;
- (2) the local fire department that serves the area in which the **methamphetamine laboratory property** is located;
- (3) the **county local** health department or, if applicable, **multiple county health department of the county in which whose jurisdiction** the **methamphetamine laboratory property** is located; and
- (4) the Indiana criminal justice institute;

on a form and in the manner prescribed by guidelines adopted by the superintendent of the state police department under IC 10-11-2-31.

SECTION 4. IC 10-11-2-31, AS AMENDED BY P.L.3-2008, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 31. (a) **The following definitions apply throughout this section:**

(1) **"Controlled substance" has the meaning set forth in IC 35-48-1-9.**

(2) **"Property" has the meaning set forth in IC 5-2-15-3.**

(a) (b) The superintendent shall adopt:

- (1) guidelines; and
- (2) a reporting form or a specified electronic format, or both;

for the report **by a law enforcement agency under IC 5-2-15-3 of a methamphetamine laboratory by a law enforcement agency under ~~IC 5-2-15-3.~~ property used in the illegal manufacture of a controlled substance.**

(b) (c) The guidelines adopted under this section must require a law enforcement agency to report the existence of a **methamphetamine laboratory a property used in the illegal manufacture of a controlled substance** to:

- (1) the department;
- (2) the local fire department that serves the area in which the **methamphetamine laboratory property** is located;
- (3) the **county local** health department or, if applicable, **multiple county health department of the county in which whose jurisdiction** the **methamphetamine laboratory property** is located; and
- (4) the Indiana criminal justice institute;

on the form or in the specified electronic format adopted by the superintendent.

(c) (d) The guidelines adopted under this section:

- (1) may incorporate a recommendation of the methamphetamine abuse task force (IC 5-2-14, expired June 30, 2007, and repealed)

HEA 1120 — Concur



that the superintendent determines to be relevant;

(2) may require the department to report the existence of the ~~methamphetamine laboratory~~ **property** to one (1) or more additional agencies or organizations;

(3) must require the department to maintain reports filed under IC 5-2-15-3 in a manner permitting an accurate assessment of:

(A) the number of ~~methamphetamine laboratories~~ **properties used in the illegal manufacture of a controlled substance** located in Indiana in a specified period;

(B) the geographical dispersal of ~~methamphetamine laboratories~~ **properties used in the illegal manufacture of a controlled substance** located in Indiana in a specified period; and

(C) any other information that the superintendent determines to be relevant; and

(4) must require a law enforcement agency to report any other information that the superintendent determines to be relevant.

SECTION 5. IC 10-11-2-31.1, AS ADDED BY P.L.180-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 31.1. **(a) The following definitions apply throughout this section:**

(1) "Controlled substance" has the meaning set forth in IC 35-48-1-9.

(2) "Property" has the meaning set forth in IC 5-2-6-19.

~~(a)~~ **(b)** The superintendent shall adopt:

(1) guidelines; and

(2) a reporting form or a specified electronic format, or both;

for receiving an approved certificate of cleanup from the state department of ~~environmental management~~ **health** that property used for the ~~manufacture of methamphetamine~~ **illegal manufacture of a controlled substance** or polluted by waste from the ~~illegal manufacture of methamphetamine~~ **a controlled substance** has been certified as decontaminated by ~~an a~~ **qualified** inspector ~~approved~~ **certified** under ~~IC 13-14-1-15~~ **IC 16-19-3.1-1**.

~~(b)~~ **(c)** Guidelines adopted under this section must require that the department remove, in accordance with the time periods described in IC 5-2-6-19, the decontaminated property from any publicly available list of ~~methamphetamine contaminated~~ **properties used for the illegal manufacture of a controlled substance** compiled or made available by the department.

SECTION 6. IC 13-14-1-15 IS REPEALED [EFFECTIVE JULY 1, 2018]. Sec. ~~15~~. ~~(a)~~ The department shall maintain a list of persons

HEA 1120 — Concur



certified to inspect and clean property that is polluted by a contaminant. The list may specifically note persons with particular expertise or experience in the inspection or cleanup of property contaminated by chemicals used in the illegal manufacture of a controlled substance (as defined in IC 35-48-1-9) or by waste produced from the illegal manufacture of a controlled substance.

(b) The department may specify by rule that a person who meets certain qualifications prescribed by the department is a person certified to inspect and clean property that is polluted by a contaminant.

(c) The department shall specify by rule that any person:

- (1) certified under this section to inspect and clean contaminated property; and
- (2) who has decontaminated property polluted by the manufacture of methamphetamine or by waste from the manufacture of methamphetamine;

shall notify the department when the person has decontaminated a property polluted by the manufacture of methamphetamine or by waste from the manufacture of methamphetamine.

(d) The department shall adopt rules under IC 4-22-2:

- (1) to implement this section; and
- (2) concerning the inspection and remediation of contaminated property.

SECTION 7. IC 16-18-2-36.5, AS AMENDED BY SEA 360-2018, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 36.5. (a) "Birthing center", for purposes of IC 16-21-2 ~~IC 16-21-11.2~~; and IC 16-21-13, means a freestanding entity that has the sole purpose of delivering a normal or uncomplicated pregnancy.

(b) The term does not include a hospital that is licensed as a hospital under IC 16-21-2.

SECTION 8. IC 16-18-2-287.6 IS REPEALED [EFFECTIVE JULY 1, 2018]. Sec. 287.6. "Postnatal donation"; for purposes of ~~IC 16-21-11.2~~; has the meaning set forth in ~~IC 16-21-11.2-1~~.

SECTION 9. IC 16-18-2-331.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 331.2. "Site", for purposes of IC 16-19-3.1, means a:

- (1) dwelling (as defined in IC 13-11-2-61.3);
- (2) building;
- (3) motor vehicle (as defined in IC 9-13-2-105(a));
- (4) trailer (as defined in IC 9-13-2-184(b)); or
- (5) watercraft (as defined by IC 9-13-2-198.5).



SECTION 10. IC 16-19-3.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]:

Chapter 3.1. Controlled Substances Site Decontamination and Qualified Inspector Certification

Sec. 1. (a) The state department shall, in order to protect the public health, establish a program to certify individuals as qualified inspectors to perform decontamination of a site that has been contaminated by the illegal manufacture of controlled substances.

(b) The state department shall do the following concerning qualified inspectors:

(1) Adopt rules under IC 4-22-2 concerning the following:

(A) Training, testing, and certification of qualified inspectors to perform decontamination on sites that have been contaminated by the illegal manufacture of controlled substances.

(B) The inspection and remediation of sites used in the illegal manufacturing of a controlled substance.

(2) Maintain a list of individuals certified as qualified inspectors.

(3) Remove individuals who no longer meet the certification requirements from the list described in subdivision (2).

Sec. 2. The state department shall coordinate with, and provide assistance to, local health departments in carrying out the powers and duties under IC 16-41-20 concerning a site that has been contaminated by the illegal manufacture of controlled substances.

Sec. 3. (a) Upon proper remediation of a site that has been contaminated by the illegal manufacture of a controlled substance, a qualified inspector shall issue a certification of decontamination to the property owner.

(b) The property owner of a site that has been contaminated by the illegal manufacture of a controlled substance shall, after demolition or remediation of the site, submit to the state department and local health department documentation that the site has been demolished or remediated in accordance with remediation standards and rules adopted under section 4 of this chapter.

Sec. 4. (a) The state department shall adopt rules under IC 4-22-2 to carry out the purposes of this chapter.

(b) Rules adopted under this section must include the following:

(1) Remediation standards for a site that has been



contaminated by the illegal manufacture of a controlled substance.

(2) The procedure for the issuance of a certification of decontamination by a qualified inspector under section 3(a) of this chapter.

(3) Requirements for the documentation of remediation required by section 3(b) of this chapter.

SECTION 11. IC 16-21-11.2 IS REPEALED [EFFECTIVE JULY 1, 2018]. (Postnatal Donation Initiative).

SECTION 12. IC 16-41-20-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. The state department, local board of health, or county health officer may order purified, cleansed, disinfected, renewed, altered, repaired, **decontaminated**, or improved a dwelling, excavation, building, structure, sewer, plumbing, pipe, passage, premises, ground, or thing in or about a dwelling that is found to be unfit for human habitation or the dwelling's lot.

SECTION 13. IC 32-21-5-7, AS AMENDED BY P.L.180-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 7. The Indiana real estate commission established by IC 25-34.1-2-1 shall adopt a specific disclosure form that contains the following:

- (1) Disclosure by the owner of the known condition of the following:
 - (A) The foundation.
 - (B) The mechanical systems.
 - (C) The roof.
 - (D) The structure.
 - (E) The water and sewer systems.
 - (F) Additions that may require improvements to the sewage disposal system.
 - (G) Other areas that the Indiana real estate commission determines are appropriate.
- (2) Disclosure by the owner of known:
 - (A) contamination caused by the manufacture of a controlled substance **(as defined by IC 35-48-1-9)** on the property that has not been certified as decontaminated by ~~an~~ **a qualified inspector approved who is certified** under ~~IC 13-14-1-15;~~ **IC 16-19-3.1;** or
 - (B) manufacture of methamphetamine or dumping of waste from the manufacture of methamphetamine in a residential structure on the property.



(3) A notice to the prospective buyer that contains substantially the following language:

"The prospective buyer and the owner may wish to obtain professional advice or inspections of the property and provide for appropriate provisions in a contract between them concerning any advice, inspections, defects, or warranties obtained on the property."

(4) A notice to the prospective buyer that contains substantially the following language:

"The representations in this form are the representations of the owner and are not the representations of the agent, if any. This information is for disclosure only and is not intended to be a part of any contract between the buyer and owner."

(5) A disclosure by the owner that an airport is located within a geographical distance from the property as determined by the Indiana real estate commission. The commission may consider the differences between an airport serving commercial airlines and an airport that does not serve commercial airlines in determining the distance to be disclosed.

SECTION 14. IC 34-30-2-60.2 IS REPEALED [EFFECTIVE JULY 1, 2018]. Sec. 60.2: IC 16-21-11.2-5 (Concerning participation in the postnatal donation initiative).

SECTION 15. IC 35-43-1-2, AS AMENDED BY P.L.252-2017, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) A person who recklessly, knowingly, or intentionally damages or defaces property of another person without the other person's consent commits criminal mischief, a Class B misdemeanor. However, the offense is:

(1) a Class A misdemeanor if the pecuniary loss is at least seven hundred fifty dollars (\$750) but less than fifty thousand dollars (\$50,000); and

(2) a Level 6 felony if:

(A) the pecuniary loss is at least fifty thousand dollars (\$50,000);

(B) the damage causes a substantial interruption or impairment of utility service rendered to the public;

(C) the damage is to a public record; or

(D) the damage is to a law enforcement animal (as defined in IC 35-46-3-4.5).

(b) A person who recklessly, knowingly, or intentionally damages:

(1) a structure used for religious worship without the consent of the owner, possessor, or occupant of the property that is damaged;



- (2) a school or community center without the consent of the owner, possessor, or occupant of the property that is damaged;
- (3) the property of an agricultural operation (as defined in IC 32-30-6-1) without the consent of the owner, possessor, or occupant of the property that is damaged;
- (4) the grounds:
 - (A) adjacent to; and
 - (B) owned or rented in common with;
 a structure or facility identified in subdivisions (1) through (3) without the consent of the owner, possessor, or occupant of the property that is damaged;
- (5) personal property contained in a structure or located at a facility identified in subdivisions (1) through (3) without the consent of the owner, possessor, or occupant of the property that is damaged;
- (6) property that is vacant real property (as defined in IC 36-7-36-5) or a vacant structure (as defined in IC 36-7-36-6); or
- (7) property after the person has been denied entry to the property by a court order that was issued:
 - (A) to the person; or
 - (B) to the general public by conspicuous posting on or around the property in areas where a person could observe the order when the property has been designated by a municipality or county enforcement authority to be a vacant property, an abandoned property, or an abandoned structure (as defined in IC 36-7-36-1);

commits institutional criminal mischief, a Class A misdemeanor. However, the offense is a Level 6 felony if the pecuniary loss (or property damage, in the case of an agricultural operation) is at least seven hundred fifty dollars (\$750) but less than fifty thousand dollars (\$50,000), and a Level 5 felony if the pecuniary loss (or property damage, in the case of an agricultural operation) is at least fifty thousand dollars (\$50,000).

(c) A person who recklessly, knowingly, or intentionally damages property:

- (1) during the dealing or manufacture of or attempted dealing or manufacture of a controlled substance; and
- (2) by means of a fire or an explosion;

commits controlled substances criminal mischief, a Level 6 felony. However, the offense is a Level 5 felony if the offense results in moderate bodily injury to any person other than a defendant.



(d) If a person is convicted of an offense under this section that involves the use of graffiti, the court may, in addition to any other penalty, order that the person's operator's license be suspended or invalidated by the bureau of motor vehicles for not more than one (1) year.

(e) The court may rescind an order for suspension or invalidation under subsection (d) and allow the person to receive a license or permit before the period of suspension or invalidation ends if the court determines that the person has removed or painted over the graffiti or has made other suitable restitution.

(f) For purposes of this section, "pecuniary loss" includes:

- (1) the total costs incurred in inspecting, cleaning, and decontaminating property contaminated by a pollutant; and
- (2) a reasonable estimate of all additional costs not already incurred under subdivision (1) that are necessary to inspect, clean, and decontaminate property contaminated by a pollutant, to the extent that the property has not already been:
 - (A) cleaned;
 - (B) decontaminated; or
 - (C) both cleaned and decontaminated.

The term includes inspection, cleaning, or decontamination conducted by a person certified under ~~IC 13-14-1-15~~. **IC 16-19-3.1.**

SECTION 16. IC 35-50-5-3, AS AMENDED BY P.L.252-2017, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) Except as provided in subsection (i), (j), (l), or (m), in addition to any sentence imposed under this article for a felony or misdemeanor, the court may, as a condition of probation or without placing the person on probation, order the person to make restitution to the victim of the crime, the victim's estate, or the family of a victim who is deceased. The court shall base its restitution order upon a consideration of:

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



crime; and

(5) funeral, burial, or cremation costs incurred by the family or estate of a homicide victim as a result of the crime.

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

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

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

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

- (1) the victim services division of the Indiana criminal justice institute in an amount not exceeding:
 - (A) the amount of the award, if any, paid to the victim under IC 5-2-6.1; and
 - (B) the cost of the reimbursements, if any, for emergency services provided to the victim under IC 16-10-1.5 (before its repeal) or IC 16-21-8; or
- (2) a probation department that shall forward restitution or part of restitution to:
 - (A) a victim of a crime;
 - (B) a victim's estate; or
 - (C) the family of a victim who is deceased.

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

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

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

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



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

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

(2) other damages suffered by the victim.

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

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

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

(i) The court may order the person convicted of an offense under IC 35-43-9 to make restitution to the victim of the crime. The court shall base its restitution order upon a consideration of the amount of money that the convicted person converted, misappropriated, or received, or for which the convicted person conspired. The restitution order issued for a violation of IC 35-43-9 must comply with subsections (b), (d), (e), and (g), and is not discharged by the completion of any probationary period or other sentence imposed for a violation of IC 35-43-9.

(j) The court may order the person convicted of an offense under IC 35-43-5-3.5 to make restitution to the victim of the crime, the victim's estate, or the family of a victim who is deceased. The court shall base its restitution order upon a consideration of the amount of fraud or harm caused by the convicted person and any reasonable expenses (including lost wages) incurred by the victim in correcting the victim's credit report and addressing any other issues caused by the commission of the offense under IC 35-43-5-3.5. If, after a person is sentenced for an offense under IC 35-43-5-3.5, a victim, a victim's estate, or the family of a victim discovers or incurs additional expenses that result from the convicted person's commission of the offense under IC 35-43-5-3.5, the court may issue one (1) or more restitution orders to require the convicted person to make restitution, even if the court issued a restitution order at the time of sentencing. For purposes of entering a restitution order after sentencing, a court has continuing



jurisdiction over a person convicted of an offense under IC 35-43-5-3.5 for five (5) years after the date of sentencing. Each restitution order issued for a violation of IC 35-43-5-3.5 must comply with subsections (b), (d), (e), and (g), and is not discharged by the completion of any probationary period or other sentence imposed for an offense under IC 35-43-5-3.5.

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

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

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

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

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

whichever is greater.

(l) The court shall order a person who:

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

(2) manufactured the methamphetamine on property owned by another person, without the consent of the property owner;

to pay liquidated damages to the property owner in the amount of ten thousand dollars (\$10,000) or to pay actual damages to the property owner, including lost rent and the costs of decontamination by ~~an~~ **a qualified inspector approved certified** under ~~IC 13-14-1-15.~~ **IC 16-19-3.1.**

(m) The court shall order a person who:

(1) is convicted of dealing in marijuana under IC 35-48-4-10(a)(1)(A); and

(2) manufactured the marijuana on property owned by another person, without the consent of the property owner;

to pay liquidated damages to the property owner in the amount of two thousand dollars (\$2,000).

SECTION 17. [EFFECTIVE JULY 1, 2018] (a) All powers, duties, agreements, and liabilities of the Indiana department of environmental management under IC 13-14-1-15 (before its repeal by this act on July 1, 2018) are transferred to the state department of health under IC 16-19-3.1 (as added by this act).

(b) A rule adopted by the Indiana department of environmental management under IC 13-14-1-15 (before its repeal by this act on



July 1, 2018) before July 1, 2018, and in effect on June 30, 2018, is considered, after June 30, 2018, a rule of the state department of health.

(c) All records and property related to IC 13-14-1-15 (before its repeal by this act on July 1, 2018) are transferred to the state department of health.

(d) This SECTION expires June 30, 2021.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

HEA 1120 — Concur

