



February 17, 2017

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## HOUSE BILL No. 1148

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DIGEST OF HB 1148 (Updated February 15, 2017 3:40 pm - DI 124)

**Citations Affected:** IC 35-48.

**Synopsis:** Cannabidiol. Defines "cannabidiol", and provides an affirmative defense to possession of cannabidiol if the person or the person's child has been diagnosed with certain medical conditions, the cannabidiol contains not more than 0.3% THC and at least 10% cannabidiol, and other specified conditions are met.

**Effective:** July 1, 2017.

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**Friend, Moseley, Arnold L,  
Schaibley**

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January 5, 2017, read first time and referred to Committee on Courts and Criminal Code.  
February 16, 2017, amended, reported — Do Pass.

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HB 1148—LS 6457/DI 106





February 17, 2017

First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

## HOUSE BILL No. 1148

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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 35-48-1-6.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2017]: **Sec. 6.5. "Cannabidiol", for purposes of IC 35-48-4-11,**  
4 **means 2-(6-isopropenyl-3- methyl-2- cyclohexen-1-yl)- 5- pentyl-**  
5 **1,3-benzenediol.**  
6           SECTION 2. IC 35-48-4-11, AS AMENDED BY P.L.226-2014(ts),  
7 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2017]: Sec. 11. (a) A person who:  
9           (1) knowingly or intentionally possesses (pure or adulterated)  
10           marijuana, hash oil, hashish, or salvia;  
11           (2) knowingly or intentionally grows or cultivates marijuana; or  
12           (3) knowing that marijuana is growing on the person's premises,  
13           fails to destroy the marijuana plants;  
14           commits possession of marijuana, hash oil, hashish, or salvia, a Class  
15 B misdemeanor, except as provided in subsections (b) through (c).  
16           (b) The offense described in subsection (a) is a Class A  
17           misdemeanor if the person has a prior conviction for a drug offense.

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- 1 (c) The offense described in subsection (a) is a Level 6 felony if:  
2 (1) the person has a prior conviction for a drug offense; and  
3 (2) the person possesses:  
4 (A) at least thirty (30) grams of marijuana; or  
5 (B) at least five (5) grams of hash oil, hashish, or salvia.
- 6 **(d) It is a defense to a prosecution under subsection (a)(1) based**  
7 **on possession of a substance containing cannabidiol if all of the**  
8 **following apply:**
- 9 **(1) The substance containing cannabidiol is a pharmaceutical**  
10 **product provided:**  
11 **(A) by a wholesale drug distributor (as defined in**  
12 **IC 25-26-14-12):**  
13 **(i) approved by the federal Food and Drug**  
14 **Administration; or**  
15 **(ii) subject to regulation by, and in compliance with rules**  
16 **adopted by, the Indiana board of pharmacy; or**  
17 **(B) as part of a clinical trial by a:**  
18 **(i) governmental entity; or**  
19 **(ii) regionally accredited college or university.**
- 20 **(2) The substance containing cannabidiol is delivered in a**  
21 **container labeled with the origin, volume, and concentration**  
22 **by weight of total THC, including its precursors and**  
23 **derivatives, and cannabidiol.**
- 24 **(3) The substance contains:**  
25 **(A) not more than three-tenths percent (0.3%) total THC,**  
26 **including its precursors and derivatives, by weight; and**  
27 **(B) at least ten percent (10%) cannabidiol by weight.**
- 28 **(4) The person who possesses the cannabidiol:**  
29 **(A) has a written diagnosis from a physician stating that**  
30 **the person has been diagnosed with Dravet syndrome or**  
31 **Lennox-Gastaut syndrome; or**  
32 **(B) is the parent or guardian of a child and has a written**  
33 **diagnosis from a physician stating that the child has been**  
34 **diagnosed with Dravet syndrome or Lennox-Gastaut**  
35 **syndrome.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1148, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 6, delete "this section" and insert "**subsection (a)(1)**".

Page 2, line 21, after "concentration" insert "**by weight**".

Page 2, line 22, delete "the active ingredient." and insert "**total THC, including its precursors and derivatives, and cannabidiol.**".

Page 2, delete lines 23 through 24, begin a new line block indented and insert:

**"(3) The substance contains:**

**(A) not more than three-tenths percent (0.3%) total THC, including its precursors and derivatives, by weight; and**

**(B) at least ten percent (10%) cannabidiol by weight."**

Page 2, line 29, delete "parent, guardian, or caretaker" and insert "**parent or guardian**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1148 as introduced.)

WASHBURNE

Committee Vote: yeas 8, nays 0.

