

HOUSE BILL No. 1154

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-5-46; IC 6-7-3; IC 7.1-8; IC 9-30; IC 11-12-3.7-3; IC 15-16-7-8; IC 16-31-3; IC 16-42; IC 20-28-5-8; IC 22-15-5-16; IC 24-4-21-1; IC 25-1-1.1; IC 33-37; IC 34-24-1-1; IC 35-31.5-2; IC 35-38-1-17; IC 35-45; IC 35-46-9-6; IC 35-48; IC 35-50.

Synopsis: Cannabis legalization. Legalizes cannabis and establishes the cannabis regulatory agency (CRA) to regulate cannabis, including the permitting of growers, processors, dispensaries, and cannabis researchers. Requires the CRA to adopt rules limiting the number of dispensaries that may be established in a city, town, or county, and to ensure that a sufficient number of dispensary permits are awarded to minority business enterprises and women's business enterprises. Establishes permit fees. Creates the CRA advisory committee to advise the CRA. Changes references to "marijuana" in the Indiana Code to "cannabis". Legalizes possession of cannabis and possession of paraphernalia used in connection with cannabis. Legalizes the manufacture and delivery of cannabis and paraphernalia if done in substantial compliance with cannabis legalization provisions. Makes: (1) possession of cannabis by a person less than 21 years of age; (2) delivery of cannabis to a person less than 21 years of age; and (3) consumption of cannabis in a public place; a Class B misdemeanor. Allows a person sentenced for a cannabis offense committed before July 1, 2021, to petition for sentence modification even if the person would otherwise be barred from seeking sentence modification. Makes conforming amendments.

Effective: July 1, 2021.

Summers

January 7, 2021, read first time and referred to Committee on Courts and Criminal Code.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1154

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 2-5-46 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2021]:
4 **Chapter 46. Cannabis Regulatory Agency Advisory Committee**
5 **Sec. 1. The following definitions apply throughout this chapter:**
6 (1) "Advisory committee" means the cannabis regulatory
7 agency advisory committee established by section 2 of this
8 chapter.
9 (2) "Cannabis regulatory agency" means the cannabis
10 regulatory agency established by IC 7.1-8-2-1.
11 **Sec. 2. The cannabis regulatory agency advisory committee is**
12 **established.**
13 **Sec. 3. (a) The advisory committee consists of the following four**
14 **(4) voting members and five (5) nonvoting members:**
15 (1) One (1) legislative member appointed by the speaker of the
16 house of representatives.
17 (2) One (1) legislative member appointed by the minority



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



1 **(3) Review cannabis research.**

2 **(4) Consider any other matter that relates to cannabis.**

3 SECTION 2. IC 6-7-3-0.5 IS ADDED TO THE INDIANA CODE
4 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2021]: **Sec. 0.5. As used in this chapter, "cannabis" has the**
6 **meaning set forth in IC 35-48-1-19.**

7 SECTION 3. IC 6-7-3-4.1 IS REPEALED [EFFECTIVE JULY 1,
8 2021]. ~~Sec. 4.1. As used in this chapter, "marijuana" has the meaning~~
9 ~~set forth in IC 35-48-1-19.~~

10 SECTION 4. IC 6-7-3-6 IS AMENDED TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2021]: Sec. 6. (a) The amount of the controlled
12 substance excise tax is determined by:

13 (1) the weight of the controlled substance; or

14 (2) the pill, capsule, hit, rock, or dosage when a controlled
15 substance is delivered, possessed, or manufactured in that form.

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

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

20 ~~(2) On each gram of marijuana, three dollars and fifty cents~~
21 ~~(\$3.50) for each gram and a proportionate amount for each~~
22 ~~fraction of a gram.~~

23 ~~(3)~~ **(2)** On each pill, capsule, hit, rock, or dosage of a schedule I,
24 II, or III controlled substance, **except cannabis**, forty dollars
25 (\$40).

26 ~~(4)~~ **(3)** On each gram of a schedule IV controlled substance,
27 twenty dollars (\$20) for each gram and a proportionate amount for
28 each fraction of a gram.

29 ~~(5)~~ **(4)** On each pill, capsule, hit, rock, or dosage of a schedule IV
30 controlled substance, twenty dollars (\$20).

31 ~~(6)~~ **(5)** On each gram of a schedule V controlled substance, ten
32 dollars (\$10) for each gram and a proportionate amount for each
33 fraction of a gram.

34 ~~(7)~~ **(6)** On each pill, capsule, hit, rock, or dosage of a schedule V
35 controlled substance, ten dollars (\$10).

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

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,



2021]:

ARTICLE 8. CANNABIS REGULATION

Chapter 1. Definitions

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

(1) "Agency" means the cannabis regulatory agency established by IC 7.1-8-2-1.

(2) "Cannabis" has the meaning set forth in IC 35-48-1-19.

(3) "Cannabis organization" means a dispensary, a grower, a processor, or a testing laboratory.

(4) "Dispensary" means a person that holds a permit issued by the department to dispense cannabis.

(5) "Executive committee" means the cannabis regulatory agency executive committee.

(6) "Grower" means a person that holds a permit issued by the agency to grow cannabis.

(7) "Permit" means an authorization issued by the agency to a cannabis organization or researcher to conduct activities under this article.

(8) "Processor" means a person that holds a permit issued by the agency to process or convert plant material into a marketable form.

(9) "Testing laboratory" means a laboratory that analyzes cannabis.

(10) "Transporter" means a person who transports cannabis or paraphernalia. The term includes a person who does not possess a permit.

Chapter 2. General Provisions

Sec. 1. The cannabis regulatory agency is established to regulate the growing, processing, testing, transportation, and dispensing of cannabis in Indiana, and to authorize and regulate cannabis research.

Sec. 2. (a) The agency consists of:

(1) the executive committee;

(2) the executive director; and

(3) other employees necessary to carry out the duties of the agency.

(b) The executive committee consists of four (4) commissioners, who shall hire the executive director and direct and oversee the operation of the agency.

Sec. 3. (a) The executive committee commissioners shall be appointed by the governor.

(b) A commissioner is eligible for reappointment.



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

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

4 (e) A commissioner serves the commissioner's term at the
5 pleasure of the governor.

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

8 (1) The individual may not be employed by the state in any
9 other capacity.

10 (2) The individual must have good moral character.

11 (3) The individual must have been a resident of Indiana for at
12 least five (5) years immediately preceding the appointment.

13 Sec. 5. The governor shall appoint one (1) commissioner to serve
14 as chairperson of the executive committee and one (1)
15 commissioner to serve as vice chairperson. The vice chairperson
16 shall act as the chairperson if the chairperson is unable to attend
17 a meeting of the executive committee.

18 Sec. 6. A commissioner appointed to fill a vacancy in the
19 executive committee shall serve only for the unexpired part of the
20 original vacated term. In all other respects, an appointment to fill
21 a vacancy shall be made in the same manner that an original
22 appointment is made.

23 Sec. 7. As compensation for services, each commissioner is
24 entitled to the minimum salary per diem provided by
25 IC 4-10-11-2.1(b). A commissioner is also entitled to
26 reimbursement for traveling expenses as provided under
27 IC 4-13-1-4 and other expenses actually incurred in connection
28 with the commissioner's duties as provided in the state policies and
29 procedures established by the Indiana department of
30 administration and approved by the budget agency.

31 Sec. 8. (a) Each commissioner shall execute:

32 (1) a surety bond in the amount of ten thousand dollars
33 (\$10,000), with surety approved by the governor; and

34 (2) an oath of office.

35 (b) The surety bond and the oath of office shall be filed in the
36 office of the secretary of state.

37 Sec. 9. The required surety bond executed and filed on behalf of
38 a commissioner shall be made payable to the state of Indiana and
39 conditioned upon the faithful discharge of the commissioner's
40 duties.

41 Sec. 10. The executive committee shall hold meetings at the call
42 of the chairperson. The executive committee may establish rules



1 governing meetings.

2 **Sec. 11. (a) Three (3) agency commissioners constitute a quorum**
3 **for the transaction of business.**

4 **(b) Each commissioner has one (1) vote.**

5 **(c) Action of the executive committee may be taken only upon**
6 **the affirmative votes of at least two (2) commissioners. If a vote is**
7 **a tie, the position for which the chairperson voted prevails, as long**
8 **as that position has received the affirmative votes of at least two (2)**
9 **commissioners.**

10 **Sec. 12. A commissioner may not solicit or accept a political**
11 **contribution from any individual or entity that has a permit or has**
12 **applied for a permit issued by the agency, or that is otherwise**
13 **regulated by the agency. However, the right of a commissioner to**
14 **vote as the commissioner chooses and to express the**
15 **commissioner's opinions on political subjects and candidates may**
16 **not be impaired.**

17 **Chapter 3. Employees and Administration**

18 **Sec. 1. (a) The executive committee shall appoint an executive**
19 **director to assist the agency in the efficient administration of its**
20 **powers and duties.**

21 **(b) The executive committee shall fix the salary of the executive**
22 **director, subject to the approval of the budget agency.**

23 **(c) The executive director:**

24 **(1) is the executive agent of the executive committee in the**
25 **administration of the committee's policies; and**

26 **(2) has the other powers and duties delegated to the executive**
27 **director by the executive committee or specifically assigned to**
28 **the executive director by statute.**

29 **Sec. 2. The executive director has the power to employ all**
30 **necessary employees, determine their duties, and, subject to the**
31 **approval of the executive committee and the budget agency, fix**
32 **their salaries.**

33 **Chapter 4. Administrative Procedures and Powers**

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

40 **Sec. 2. (a) The agency has the general power to organize its**
41 **work, and to enforce and administer this article and rules adopted**
42 **by the agency.**



1 (b) The agency has the following additional powers and duties:

2 (1) To have a designated agent, upon presentation of proper
3 credentials, enter upon private or public property to inspect
4 for and investigate possible violations of this article and rules
5 adopted by the agency.

6 (2) To employ or contract for the legal, professional, and
7 other personnel and assistance that are necessary for the
8 efficient performance of the agency's duties.

9 (3) To issue orders to:

10 (A) secure compliance with this article and rules adopted
11 by the agency; and

12 (B) assess civil penalties.

13 (4) To bring an appropriate action in court to:

14 (A) enforce any order of the agency;

15 (B) collect any penalties or fees; and

16 (C) procure or secure compliance with this article and
17 rules adopted by the agency.

18 (5) To hold hearings before the agency or its representative.

19 (6) To take testimony and receive evidence.

20 (7) To conduct inquiries with or without a hearing.

21 (8) To receive reports of investigators or other governmental
22 officers and employees.

23 (9) To administer oaths.

24 (10) To subpoena witnesses and to compel them to appear and
25 testify.

26 (11) To certify copies of records of the agency or any other
27 document or record on file with the agency.

28 (12) To fix the form, mode, manner, time, and number of
29 times for the posting or publication of any required notices if
30 not otherwise provided.

31 (13) To retain and consult with experts and other consultants.

32 (14) To carry out any other duties assigned by statute.

33 **Chapter 5. Cannabis Program**

34 **Sec. 1. (a) The cannabis program is established to allow and**
35 **regulate the growing, processing, testing, transportation,**
36 **dispensing, and use of cannabis in Indiana, and to authorize and**
37 **permit cannabis research.**

38 **(b) The agency shall administer the program.**

39 **(c) The agency has regulatory and enforcement authority over**
40 **the growing, processing, testing, transportation, dispensing, and**
41 **use of cannabis, and over authorizing and regulating cannabis**
42 **research.**



1 **Sec. 2. The agency shall do the following:**

2 **(1) Issue a permit to a qualifying cannabis organization**
 3 **authorizing it to grow, process, test, or dispense cannabis.**

4 **(2) Establish and maintain an electronic data base to store**
 5 **and track information relating to the cannabis program. The**
 6 **data base must track the growing, processing, distribution,**
 7 **storage, and sale of cannabis.**

8 **(3) Develop enforcement procedures, including announced**
 9 **and unannounced inspections of a cannabis organization and**
 10 **a cannabis researcher, including all records of a cannabis**
 11 **organization and a cannabis researcher.**

12 **(4) Establish a program to authorize the use of cannabis for**
 13 **research purposes, and issue permits to allow a researcher to**
 14 **obtain cannabis for specified research purposes.**

15 **(5) Establish and maintain public outreach programs about**
 16 **the cannabis program, including:**

17 **(A) a dedicated telephone number for consumers to obtain**
 18 **basic information about the dispensing of cannabis; and**

19 **(B) a publicly accessible Internet web site with similar**
 20 **information.**

21 **(6) Collaborate as necessary with other state agencies, and**
 22 **contract with third parties as necessary to carry out the**
 23 **cannabis program.**

24 **(7) Develop record keeping requirements for all books,**
 25 **papers, any electronic data base or tracking system data, and**
 26 **other information maintained or required to be maintained by**
 27 **a cannabis organization and a cannabis researcher.**
 28 **Information must be retained for at least four (4) years unless**
 29 **otherwise provided by the agency.**

30 **(8) Restrict the advertising and marketing of cannabis.**
 31 **Advertising must be consistent with the federal regulations**
 32 **governing prescription drug advertising and marketing.**

33 **(9) Establish a reasonable limit on the number of dispensaries**
 34 **that may operate in a town, city, or county, based on:**

35 **(A) the population; and**

36 **(B) the demand for cannabis;**

37 **in the town, city, or county.**

38 **(10) Ensure that a sufficient number of dispensary permits**
 39 **are approved for applicants that are a:**

40 **(A) minority business enterprise (as defined in**
 41 **IC 4-13-16.5-1); and**

42 **(B) women's business enterprise (as defined in**



1 **IC 4-13-16.5-1);**
2 **to reflect the diversity and makeup of the town, city, or county**
3 **in which the dispensary is or will be located.**
4 **Sec. 3. (a) The agency shall adopt rules under IC 4-22-2 to**
5 **implement this article.**
6 **(b) The agency may adopt emergency rules in the manner**
7 **provided under IC 4-22-2-37.1 to implement this article.**
8 **Emergency rules adopted under this subsection expire on the later**
9 **of:**
10 **(1) the date permanent rules are adopted to replace the**
11 **emergency rules; or**
12 **(2) July 1, 2022.**
13 **Sec. 4. The following records are public:**
14 **(1) An application for a permit submitted by a cannabis**
15 **organization or cannabis researcher.**
16 **(2) Information relating to penalties or other disciplinary**
17 **actions taken against a cannabis organization or cannabis**
18 **researcher for violation of this article, including rules adopted**
19 **to implement this article.**
20 **Chapter 6. Use of Cannabis**
21 **Sec. 1. Notwithstanding any law to the contrary, the use,**
22 **possession, delivery, distribution, transport, cultivation, or**
23 **manufacture of:**
24 **(1) cannabis; or**
25 **(2) paraphernalia used in connection with cannabis;**
26 **is lawful if it complies with this article. However, this article does**
27 **not authorize a person to operate a motor vehicle, motorboat, or**
28 **any other device or equipment while under the influence of**
29 **cannabis.**
30 **Sec. 2. The use of cannabis is subject to the following:**
31 **(1) Cannabis may be dispensed only to:**
32 **(A) a person at least twenty-one (21) years of age; or**
33 **(B) a research facility holding a permit issued by the**
34 **agency, in accordance with the terms and conditions of the**
35 **permit.**
36 **(2) A product packaged by a cannabis organization may be**
37 **identified only by:**
38 **(A) the name of the grower or processor;**
39 **(B) the name of the dispensary;**
40 **(C) the form and species of cannabis;**
41 **(D) the percentage of tetrahydrocannabinol and**
42 **cannabinol contained in the product; and**



- 1 (E) any other labeling required by the agency.
- 2 Sec. 3. (a) Except as expressly otherwise provided in this article,
3 the cultivation, manufacturing, distribution, delivery, or use of
4 cannabis is unlawful.
- 5 (b) In addition to any other penalty provided by law, the
6 unlawful possession or use of cannabis may be a crime under
7 IC 35-48-4.
- 8 Sec. 4. (a) The following acts are unlawful:
- 9 (1) To grow more than six (6) cannabis plants, unless the
10 person:
- 11 (A) is a grower that has received a permit from the agency;
12 or
13 (B) is a research facility authorized by the agency.
- 14 (2) To dispense cannabis unless the person is a dispensary that
15 has received a permit from the agency.
- 16 (b) A person who is permitted to grow cannabis under
17 subsection (a)(1):
- 18 (1) may not sell the cannabis to any other person unless the
19 person has a dispensary permit from the agency; and
20 (2) may give the cannabis, at no charge, to any individual who
21 is at least twenty-one (21) years of age, even if the person does
22 not hold a dispensary or other permit.
- 23 Chapter 7. General Prohibitions
- 24 Sec. 1. A person may not operate a vehicle, including a
25 motorboat, while under the influence of cannabis.
- 26 Sec. 2. A person may not perform any employment duties in
27 exposed high places or in confined spaces while under the influence
28 of cannabis.
- 29 Sec. 3. A person's employer may prohibit a person from
30 performing any task while under the influence of cannabis. The
31 prohibition is not an adverse employment decision or unlawful
32 discrimination even if the prohibition results in financial harm for
33 the person.
- 34 Chapter 8. Cannabis Organizations
- 35 Sec. 1. The following entities may receive a permit to operate as
36 a cannabis organization to grow, process, or dispense cannabis:
- 37 (1) A grower.
38 (2) A processor.
39 (3) A dispensary.
- 40 Sec. 2. A cannabis organization may not receive a permit if a
41 person having an ownership interest in the cannabis organization
42 has a felony conviction that has not been expunged.



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- Sec. 3. (a) The agency shall develop an application for a:**
- (1) grower permit allowing the grower to grow cannabis;**
 - (2) dispensary permit allowing a dispensary to dispense cannabis;**
 - (3) processor permit allowing a processor to process cannabis;**
 - and**
 - (4) testing laboratory permit allowing a testing laboratory to test cannabis.**

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

- (1) The name, address, telephone number, and other contact information for every person having an ownership interest in the cannabis organization.**
- (2) Information relating to a similar permit, license, or other authorization granted in another jurisdiction, including any suspensions, revocations, or discipline in that jurisdiction.**
- (3) A release authorizing the agency to conduct a background check of the persons having an ownership interest in the cannabis organization.**
- (4) A statement as to whether the applicant intends to operate as a grower, a processor, or a dispensary, and a concise description of the business activities in which the cannabis organization intends to engage.**
- (5) The address or other location where the cannabis organization intends to operate.**
- (6) A statement that no person having an ownership interest in the cannabis organization has a felony conviction that has not been expunged.**
- (7) Any other information required by the agency.**

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

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

Chapter 9. Cannabis Organization Permits

Sec. 1. The agency shall grant a cannabis organization permit if the agency makes the following findings:

- (1) The applicant will maintain effective control of cannabis in the custody of the applicant.**
- (2) The applicant will comply with all state statutes, all rules adopted by the agency, and any ordinances adopted by a unit (as defined in IC 36-1-2-23).**
- (3) The applicant has the ability to properly carry out the**



1 activity for which the permit is sought.

2 (4) The applicant has sufficient financial means to acquire all
3 property, equipment, and permits required to properly grow,
4 process, or dispense cannabis.

5 (5) The applicant is able to implement and maintain
6 appropriate security, tracking, record keeping, and
7 surveillance systems relating to the acquisition, possession,
8 growth, manufacture, sale, delivery, transportation,
9 distribution, or dispensing of cannabis.

10 (6) The applicant satisfies any other conditions required
11 under rules adopted by the agency.

12 (7) Granting a permit to the applicant serves the public
13 interest.

14 Sec. 2. If the agency finds that information included in the
15 application is insufficient for the agency to grant a permit to the
16 cannabis organization, the agency may request that the applicant
17 submit additional documentation relating to one (1) or more items
18 listed in section 1 of this chapter.

19 Sec. 3. (a) Except as provided under subsection (b), a permit
20 granted under this chapter is nontransferable.

21 (b) A permit holder may transfer a permit to a person
22 authorized to hold a permit in accordance with rules adopted by
23 the agency if:

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

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

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

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

33 (b) The agency shall establish deadlines for filing a renewal
34 application that provide the agency with sufficient time to review
35 the application without causing an interruption in the cannabis
36 organization's activities.

37 (c) The same standards that apply for granting an initial
38 application apply to an application for renewal. In determining
39 whether the renewal of a permit serves the public interest, the
40 agency shall consider the manner in which the renewal applicant
41 has operated the cannabis organization and complied with all
42 relevant laws.



1 **Sec. 6. A permit issued by the agency to a cannabis organization**
 2 **must include the following information:**

- 3 **(1) The name and address of the cannabis organization.**
 4 **(2) The type of permit.**
 5 **(3) What activities are permitted under the permit.**
 6 **(4) A description of the property and facilities authorized to**
 7 **be used by the cannabis organization.**
 8 **(5) Any other information required by the agency.**

9 **Sec. 7. The agency may suspend or revoke all or part of a permit**
 10 **granted under this section if, following a hearing, the agency finds**
 11 **the following:**

- 12 **(1) That one (1) or more of the determinations made under**
 13 **section 1 of this chapter are no longer valid.**
 14 **(2) That the cannabis organization knowingly or intentionally**
 15 **sold or distributed cannabis unlawfully under this article.**
 16 **(3) That the cannabis organization has failed to maintain**
 17 **effective control against diversion of cannabis.**
 18 **(4) That the cannabis organization has violated a provision of**
 19 **this article or a rule adopted by the agency.**
 20 **(5) That the cannabis organization has failed to comply with**
 21 **another law regulating controlled substances.**

22 **Sec. 8. (a) An applicant for a cannabis organization permit has**
 23 **a continuing duty to notify the agency of any material change in**
 24 **facts or circumstances relating to the applicant's application,**
 25 **including a change in ownership.**

26 **(b) An applicant's duty to notify the agency begins on the date**
 27 **the applicant submits the application and continues for as long as**
 28 **the applicant holds a permit.**

29 **Sec. 9. The agency may, upon request of a permit holder, amend**
 30 **an existing permit to authorize a permit holder to:**

- 31 **(1) move the permit holder's operations from one (1) location**
 32 **to another; or**
 33 **(2) perform additional activities, or cease the performance of**
 34 **certain activities now performed, at the permit holder's**
 35 **facility;**

36 **if the agency finds that the amendment is reasonable under the**
 37 **circumstances.**

38 **Chapter 10. 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
- 4 agency of all cannabis organization facilities and records.
- 5 **Chapter 11. Application and Permit Fees**
- 6 **Sec. 1. The following fees apply to a grower:**
- 7 (1) A nonrefundable grower permit application fee of ten
- 8 thousand dollars (\$10,000).
- 9 (2) A refundable grower permit fee of fifty thousand dollars
- 10 (\$50,000).
- 11 (3) A refundable grower permit renewal fee of ten thousand
- 12 dollars (\$10,000).
- 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 ten
- 17 thousand dollars (\$10,000).
- 18 (2) A refundable processor permit fee of fifty thousand dollars
- 19 (\$50,000).
- 20 (3) A refundable processor permit renewal fee of ten thousand
- 21 dollars (\$10,000).
- 22 (4) A nonrefundable permit amendment fee of two hundred
- 23 fifty dollars (\$250).
- 24 **Sec. 3. The following fees apply to a dispensary:**
- 25 (1) A nonrefundable dispensary permit application fee of five
- 26 thousand dollars (\$5,000).
- 27 (2) A refundable dispensary permit fee of twenty thousand
- 28 dollars (\$20,000) for each dispensary location.
- 29 (3) A refundable dispensary permit renewal fee of five
- 30 thousand dollars (\$5,000) for each dispensary location.
- 31 (4) A nonrefundable permit amendment fee of two hundred
- 32 fifty dollars (\$250).
- 33 **Sec. 4. The following fees apply to a testing laboratory:**
- 34 (1) A nonrefundable testing laboratory permit application fee
- 35 of two thousand dollars (\$2,000).
- 36 (2) A refundable testing laboratory permit fee of ten thousand
- 37 dollars (\$10,000) for each testing laboratory location.
- 38 (3) A refundable testing laboratory permit renewal fee of two
- 39 thousand dollars (\$2,000) for each testing laboratory location.
- 40 (4) A nonrefundable permit amendment fee of two hundred
- 41 fifty dollars (\$250).
- 42 **Sec. 5. An applicant must submit the application fee and permit**



1 fee at the time the applicant submits the application.

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

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

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

10 Sec. 7. The agency shall transfer all fees to the state auditor for
11 deposit in the state general fund.

12 **Chapter 12. Tracking and Record Keeping**

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

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

19 (1) For a grower, a seed to sale tracking system that tracks the
20 cannabis from seed to plant until the cannabis is sold or
21 transferred to its final destination.

22 (2) For a processor, a system that tracks cannabis from its
23 purchase from a grower to its transfer to a dispensary, testing
24 laboratory, or research facility as authorized by this article.

25 (3) For a dispensary, a system that tracks cannabis from its
26 purchase from a grower or processor to its sale to a person or
27 caregiver or transfer to a testing laboratory, research facility,
28 grower, or processor as authorized by this article.

29 (4) For a dispensary, a system to verify that an identification
30 card presented by a person or caregiver:

31 (A) is valid; and

32 (B) authorizes the person or caregiver to receive cannabis
33 from a dispensary.

34 (5) For a cannabis organization, a:

35 (A) daily log of each day's beginning inventory,
36 acquisitions, amounts purchased and sold, disbursements,
37 disposals, and ending inventory, including prices paid and
38 amounts collected from persons and caregivers;

39 (B) system to recall defective cannabis; and

40 (C) system to track the waste resulting from the growth of
41 cannabis, including the name and address of a disposal
42 service.



1 **Sec. 2. A cannabis organization must implement a plan for:**
2 **(1) security and surveillance; and**
3 **(2) record keeping and record retention.**
4 **Sec. 3. The agency:**
5 **(1) shall require a cannabis organization to make an annual**
6 **report to the agency; and**
7 **(2) may require a cannabis organization to make a quarterly**
8 **report to the agency.**
9 **The agency shall determine the form and contents of the report**
10 **and may make all or part of the report available to the public.**
11 **Chapter 13. Grower Operations**
12 **Sec. 1. A person holding a grower permit may do all the**
13 **following in accordance with rules adopted by the agency:**
14 **(1) Obtain seed and plant material from another grower.**
15 **(2) Sell and transport seed and plant material to another**
16 **grower or processor.**
17 **(3) Sell and transport cannabis to a processor, dispensary,**
18 **testing laboratory, or research facility authorized by the**
19 **agency.**
20 **Sec. 2. The agency shall determine the manner in which**
21 **cannabis may be grown, harvested, and stored at the cultivation or**
22 **harvesting facility.**
23 **Sec. 3. The agency shall determine the manner in which**
24 **transportation of cannabis shall be conducted between or among**
25 **growers, processors, testing laboratories, research facilities, and**
26 **dispensaries. Rules adopted by the agency must include the**
27 **following:**
28 **(1) Requirements relating to shipping containers and**
29 **packaging.**
30 **(2) The manner in which trucks, vans, trailers, or other**
31 **carriers will be secured.**
32 **(3) Obtaining copies of driver's licenses and registrations and**
33 **other information related to security and tracking.**
34 **(4) The use of a GPS tracking system.**
35 **(5) Record keeping requirements for delivery and receipt of**
36 **cannabis products.**
37 **Sec. 4. A grower shall contract with an independent testing**
38 **laboratory to test the cannabis produced by the grower. The**
39 **agency shall approve the testing laboratory and require that the**
40 **laboratory report testing results in the manner determined by the**
41 **agency. If a grower learns that the grower's sample has failed**
42 **required testing, the grower must take steps to remediate the**



1 harvest to allowable levels under IC 7.1-8-16-3, or immediately
2 dispose of the harvest.

3 **Chapter 14. Processor Operations**

4 **Sec. 1. A person holding a processor permit may do all the**
5 **following in accordance with rules adopted by the agency:**

- 6 (1) Obtain plant material from a grower.
7 (2) Sell and transport processed cannabis to another grower
8 or processor.
9 (3) Sell and transport cannabis to a processor, dispensary,
10 testing laboratory, or research facility authorized by the
11 agency.

12 **Sec. 2. The agency shall determine the manner in which**
13 **cannabis may be processed or stored at the processor facility.**

14 **Sec. 3. The agency shall determine the manner in which**
15 **transportation of cannabis shall be conducted between or among**
16 **cannabis organizations and research facilities. Rules adopted by**
17 **the agency must include the following:**

- 18 (1) Requirements relating to shipping containers and
19 packaging.
20 (2) The manner in which trucks, vans, trailers, or other
21 carriers will be secured.
22 (3) Obtaining copies of driver's licenses and registrations and
23 other information related to security and tracking.
24 (4) The use of a GPS tracking system.
25 (5) Record keeping requirements for delivery and receipt of
26 cannabis products.

27 **Sec. 4. A processor shall develop a plan to ensure that cannabis**
28 **products are properly labeled, are not packaged in a manner that**
29 **is appealing to children, and are placed in child resistant**
30 **packaging.**

31 **Sec. 5. A processor shall include on its labeling of cannabis**
32 **products the following:**

- 33 (1) The amount contained within the package, the species, and
34 the percentage of tetrahydrocannabinol and cannabiniol.
35 (2) A warning that the cannabis must be kept in the original
36 container in which it was dispensed.
37 (3) A warning that unauthorized use is unlawful and will
38 subject the person to criminal penalties.
39 (4) A list of ingredients.
40 (5) Any other information required by the agency.

41 **Sec. 6. A processor shall contract with an independent testing**
42 **laboratory to test the cannabis product produced by the processor.**



1 **The testing laboratory must be approved by the agency, and the**
 2 **agency shall require that the laboratory report testing results in**
 3 **the manner determined by the agency. If a processor learns that a**
 4 **sample submitted by the processor has failed required testing, the**
 5 **processor must take steps to remediate the product to allowable**
 6 **levels under IC 7.1-8-16-3, or immediately dispose of the batch.**

7 **Chapter 15. Dispensary Operations**

8 **Sec. 1. A dispensary holding a valid permit under this article**
 9 **may dispense cannabis to a:**

10 **(1) person at least twenty-one (21) years of age upon**
 11 **presentation of a valid government issued photo identification**
 12 **card; and**

13 **(2) cannabis researcher with an appropriate permit.**

14 **Sec. 2. The dispensary shall provide to the user a receipt**
 15 **including all of the following:**

16 **(1) The name and address of the dispensary.**

17 **(2) The date the cannabis was dispensed.**

18 **(3) The form and the quantity of cannabis dispensed.**

19 **Sec. 3. (a) For purposes of this section:**

20 **(1) eight (8) grams of concentrated cannabis; or**

21 **(2) eighty (80) ten (10) milligram doses of**
 22 **tetrahydrocannabinol;**

23 **is equivalent to one (1) ounce of cannabis.**

24 **(b) A dispensary may not dispense more than one (1) ounce of**
 25 **cannabis to a consumer per day. A dispensary may dispense more**
 26 **than one (1) ounce of cannabis to a cannabis researcher if**
 27 **authorized under the research permit.**

28 **Sec. 4. The cannabis packaging must include the following**
 29 **information:**

30 **(1) The amount of cannabis contained within the package, the**
 31 **species, and the percentage of tetrahydrocannabinol and**
 32 **cannabinol.**

33 **(2) A warning that the cannabis must be kept in the original**
 34 **container in which it was dispensed.**

35 **(3) A warning that operating a vehicle under the influence of**
 36 **cannabis is unlawful and will subject the person to criminal**
 37 **penalties.**

38 **(4) Any other information required by the agency.**

39 **Sec. 5. A dispensary:**

40 **(1) may dispense cannabis only in an indoor, enclosed, secure**
 41 **facility located in Indiana;**

42 **(2) may sell paraphernalia and other devices and instruments**



1 that are needed to administer cannabis; and
2 (3) may sell services approved by the agency related to the use
3 of cannabis.
4 **Sec. 6. A dispensary shall post a copy of its permit in a location**
5 **within its facility in a manner that is easily observable by the**
6 **public.**
7 **Sec. 7. A dispensary shall establish a plan to:**
8 (1) prevent diversion of cannabis and cannabis products; and
9 (2) ensure a person is not dispensed more than one (1) ounce
10 of cannabis per day (or, in the case of a cannabis researcher,
11 more than the permitted amount).
12 **Chapter 16. Testing Laboratory Operations**
13 **Sec. 1. A testing laboratory may test cannabis from a cannabis**
14 **organization in accordance with rules adopted by the agency if:**
15 (1) the testing laboratory holds a valid permit issued under
16 this article; or
17 (2) the testing laboratory is already accredited as a testing
18 laboratory to International Organization for Standardization
19 (ISO) 17025 by a third party accrediting body such as the
20 American Association for Laboratory Accreditation (A2LA)
21 or Assured Calibration and Laboratory Accreditation Select
22 Services (ACCLASS).
23 **Sec. 2. A testing laboratory shall maintain policies and**
24 **procedures for the secure and proper analytical testing of**
25 **cannabis, which must include:**
26 (1) laboratory analysis techniques, including specific
27 instrumentation and protocols necessary to perform the tests
28 required by the agency;
29 (2) the implementation of standards and methods for
30 conducting analysis of forms of cannabis in accordance with
31 the requirements of ISO/IEC 17025 "General Requirements
32 for the Competence of Testing and Calibration
33 Laboratories"; and
34 (3) methods of testing to detect:
35 (A) potency levels of tetrahydrocannabinol and
36 cannabidiol;
37 (B) microbials;
38 (C) mycotoxins;
39 (D) pesticides;
40 (E) residual solvents; and
41 (F) any other matter as required by the agency.
42 **Sec. 3. The agency shall establish the allowable level of**



1 microbials, mycotoxins, pesticides, residual solvents, and any other
2 matter determined by the agency. If a sample received from a
3 grower or processor exceeds allowable levels, the testing
4 laboratory must immediately notify the grower or processor from
5 which they received the sample.

6 **Sec. 4. A person holding an ownership interest in a dispensary,
7 grower, or processor permit may not have an ownership interest
8 in a testing laboratory permit.**

9 **Chapter 17. Transportation**

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

- 12 (1) grower or processor to a dispensary;
- 13 (2) grower or processor to a testing laboratory or research
14 facility authorized by the agency;
- 15 (3) dispensary to a grower or processor;
- 16 (4) dispensary to a testing laboratory or research facility
17 authorized by the agency;
- 18 (5) cannabis organization to another cannabis organization;
19 or
- 20 (6) cannabis organization to another person if authorized to
21 do so by the agency;

22 **if the transporter complies with this chapter. A transporter is not
23 required to hold a permit.**

24 **Sec. 2. A transporter under this chapter may not have a felony
25 conviction that has not been expunged.**

26 **Sec. 3. Cannabis or paraphernalia transported under this
27 chapter must be:**

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

31 **Sec. 4. The transporter shall proceed as directly and
32 expeditiously as practicable from the shipping location to the
33 receiving location.**

34 **Sec. 5. The person who ships the cannabis or paraphernalia
35 shall provide the transporter with a shipping manifest clearly
36 stating the:**

- 37 (1) exact quantity of cannabis or paraphernalia that is being
38 transported;
- 39 (2) address of the shipping location;
- 40 (3) address of the receiving location;
- 41 (4) identification of the person transporting the material; and
- 42 (5) time the person transporting the material left the shipping



1 location.

2 Sec. 6. The transporter shall keep the shipping manifest in the
3 transporter's possession at all times.

4 Sec. 7. The agency may adopt rules to regulate the transport of
5 cannabis or paraphernalia.

6 Chapter 18. Reports

7 Sec. 1. The agency shall, not later than December 31 of each
8 year, submit a report concerning the cannabis program to the
9 legislative council, the governor, and the chief justice of the
10 supreme court. The report to the legislative council must be in an
11 electronic format under IC 5-14-6.

12 Chapter 19. Civil Penalties

13 Sec. 1. The agency may assess a penalty of not more than ten
14 thousand dollars (\$10,000) for each violation of this article or a
15 rule adopted under this article. In addition, the agency may impose
16 an additional penalty of not more than one thousand dollars
17 (\$1,000) for each day of a continuing violation.

18 Sec. 2. (a) In determining the amount of a civil penalty imposed
19 under this chapter, the agency shall consider the following:

- 20 (1) The seriousness of the violation.
21 (2) The potential harm resulting from the violation to
22 consumers and the general public.
23 (3) The willfulness of the violation.
24 (4) Any previous violations.
25 (5) The economic benefit that accrued to the person who
26 committed the violation.

27 (b) If the agency finds that the:

- 28 (1) violation did not threaten the safety or health of a
29 consumer or the general public; and
30 (2) violator took immediate action to remedy the violation
31 upon learning of it;

32 the agency may issue a written warning instead of assessing a civil
33 penalty.

34 Sec. 3. In addition to the civil penalty described in this article,
35 and any other penalty authorized by law, the agency may revoke
36 or suspend a person's permit.

37 Chapter 20. Research

38 Sec. 1. (a) The agency may provide assistance to universities,
39 research facilities, pharmaceutical companies, state agencies, and
40 similar entities that wish to conduct research concerning cannabis.

41 (b) The agency may conduct research concerning cannabis.

42 Sec. 2. The agency may issue a permit to authorize persons



1 **conducting research on cannabis to obtain, possess, transport, and**
 2 **use cannabis for research purposes, under terms and conditions**
 3 **established by the agency. If the agency issues a permit for**
 4 **research under this chapter, the agency shall issue appropriate**
 5 **documentation describing the amount of cannabis that may be**
 6 **received and the purposes for which it may be used.**

7 SECTION 6. IC 9-30-5-1, AS AMENDED BY P.L.142-2020,
 8 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2021]: Sec. 1. (a) A person who operates a vehicle with an
 10 alcohol concentration equivalent to at least eight-hundredths (0.08)
 11 gram of alcohol but less than fifteen-hundredths (0.15) gram of alcohol
 12 per:

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

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

15 commits a Class C misdemeanor.

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

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

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

20 commits a Class A misdemeanor.

21 (c) A person who operates a vehicle with:

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

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

27 commits a Class C misdemeanor.

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

32 SECTION 7. IC 9-30-5-4, AS AMENDED BY P.L.184-2019,
 33 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2021]: Sec. 4. (a) A person who causes serious bodily injury
 35 to another person when operating a vehicle:

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

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

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

40 (2) with:

41 **(A) a controlled substance, other than**
 42 **tetrahydrocannabinol, listed in schedule I or II of IC 35-48-2**



- 1 or its metabolite in the person's blood; or
 2 **(B) ten (10) or more nanograms of tetrahydrocannabinol**
 3 **per milliliter of the person's whole blood; or**
 4 (3) 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 8. 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, 2021]: 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:
 24 (A) a controlled substance, **other than**
 25 **tetrahydrocannabinol**, listed in schedule I or II of IC 35-48-2
 26 or its metabolite in the person's blood; or
 27 **(B) ten (10) or more nanograms of tetrahydrocannabinol**
 28 **per milliliter of the person's whole blood; or**
 29 (3) while intoxicated;
 30 commits a Level 4 felony.
 31 (b) A person who causes the death of a law enforcement animal (as
 32 defined in IC 35-46-3-4.5) when operating a vehicle:
 33 (1) with an alcohol concentration equivalent to at least
 34 eight-hundredths (0.08) gram of alcohol per:
 35 (A) one hundred (100) milliliters of the person's blood; or
 36 (B) two hundred ten (210) liters of the person's breath; or
 37 (2) with:
 38 (A) a controlled substance, **other than**
 39 **tetrahydrocannabinol**, listed in schedule I or II of IC 35-48-2
 40 or its metabolite in the person's blood; or
 41 **(B) ten (10) or more nanograms of tetrahydrocannabinol**
 42 **per milliliter of the person's whole blood;**



1 commits a Level 6 felony.

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

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

14 SECTION 9. IC 9-30-15.5-1, AS AMENDED BY P.L.198-2016,
15 SECTION 606, IS AMENDED TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2021]: Sec. 1. As used in this chapter,
17 "vehicular substance offense" means any misdemeanor or felony in
18 which operation of a vehicle while intoxicated, operation of a vehicle
19 in excess of the statutory limit for alcohol, or operation of a vehicle
20 with a controlled substance or **(before July 1, 2021)** its metabolite in
21 the person's body, is a material element. The term includes an offense
22 under IC 9-30-5, IC 9-24-6-15 (before its repeal), IC 9-24-6.1-7, and
23 IC 9-11-2 (before its repeal).

24 SECTION 10. IC 11-12-3.7-3, AS AMENDED BY P.L.182-2011,
25 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2021]: Sec. 3. As used in this chapter, "drug dealing offense"
27 means one (1) or more of the following offenses:

28 (1) Dealing in cocaine or a narcotic drug (IC 35-48-4-1), unless
29 the person received only minimal consideration as a result of the
30 drug transaction.

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

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

37 (4) Dealing in:

38 (A) marijuana **(before July 1, 2021);**

39 (B) cannabis **(after June 30, 2021); or**

40 (C) hash oil, hashish, salvia, or a synthetic cannabinoid (IC
41 35-48-4-10);

42 unless the person received only minimal consideration as a result



1 of the drug transaction.

2 SECTION 11. IC 15-16-7-8, AS ADDED BY P.L.2-2008,
 3 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2021]: Sec. 8. In addition to the weed control board's powers
 5 and duties under section 7 of this chapter, the weed control board may
 6 establish a ~~marijuana~~ **cannabis** eradication program to eliminate and
 7 destroy wild ~~marijuana~~ **cannabis** plants within the county. The
 8 program is funded by amounts appropriated by the county:

9 (1) under IC 33-37-8; and
 10 (2) from the county general fund.

11 SECTION 12. IC 16-31-3-14, AS AMENDED BY P.L.142-2020,
 12 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2021]: Sec. 14. (a) A person holding a certificate or license
 14 issued under this article must comply with the applicable standards and
 15 rules established under this article. A certificate holder or license
 16 holder is subject to disciplinary sanctions under subsection (b) if the
 17 department of homeland security determines that the certificate holder
 18 or license holder:

19 (1) engaged in or knowingly cooperated in fraud or material
 20 deception in order to obtain a certificate or license, including
 21 cheating on a certification or licensure examination;
 22 (2) engaged in fraud or material deception in the course of
 23 professional services or activities;
 24 (3) advertised services or goods in a false or misleading manner;
 25 (4) falsified or knowingly allowed another person to falsify
 26 attendance records or certificates of completion of continuing
 27 education courses required under this article or rules adopted
 28 under this article;
 29 (5) is convicted of a crime, if the act that resulted in the
 30 conviction has a direct bearing on determining if the certificate
 31 holder or license holder should be entrusted to provide emergency
 32 medical services;
 33 (6) is convicted of violating IC 9-19-14.5;
 34 (7) fails to comply and maintain compliance with or violates any
 35 applicable provision, standard, or other requirement of this article
 36 or rules adopted under this article;
 37 (8) continues to practice if the certificate holder or license holder
 38 becomes unfit to practice due to:

39 (A) professional incompetence that includes the undertaking
 40 of professional activities that the certificate holder or license
 41 holder is not qualified by training or experience to undertake;
 42 (B) failure to keep abreast of current professional theory or



- 1 practice;
- 2 (C) physical or mental disability; or
- 3 (D) addiction to, abuse of, or dependency on alcohol or other
- 4 drugs that endanger the public by impairing the certificate
- 5 holder's or license holder's ability to practice safely;
- 6 (9) engages in a course of lewd or immoral conduct in connection
- 7 with the delivery of services to the public;
- 8 (10) allows the certificate holder's or license holder's name or a
- 9 certificate or license issued under this article to be used in
- 10 connection with a person who renders services beyond the scope
- 11 of that person's training, experience, or competence;
- 12 (11) is subjected to disciplinary action in another state or
- 13 jurisdiction on grounds similar to those contained in this chapter.
- 14 For purposes of this subdivision, a certified copy of a record of
- 15 disciplinary action constitutes prima facie evidence of a
- 16 disciplinary action in another jurisdiction;
- 17 (12) assists another person in committing an act that would
- 18 constitute a ground for disciplinary sanction under this chapter;
- 19 or
- 20 (13) allows a certificate or license issued by the commission to
- 21 be:
- 22 (A) used by another person; or
- 23 (B) displayed to the public when the certificate or license is
- 24 expired, inactive, invalid, revoked, or suspended.
- 25 (b) The department of homeland security may issue an order under
- 26 IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if
- 27 the department of homeland security determines that a certificate
- 28 holder or license holder is subject to disciplinary sanctions under
- 29 subsection (a):
- 30 (1) Revocation of a certificate holder's certificate or license
- 31 holder's license for a period not to exceed seven (7) years.
- 32 (2) Suspension of a certificate holder's certificate or license
- 33 holder's license for a period not to exceed seven (7) years.
- 34 (3) Censure of a certificate holder or license holder.
- 35 (4) Issuance of a letter of reprimand.
- 36 (5) Assessment of a civil penalty against the certificate holder or
- 37 license holder in accordance with the following:
- 38 (A) The civil penalty may not exceed five hundred dollars
- 39 (\$500) per day per violation.
- 40 (B) If the certificate holder or license holder fails to pay the
- 41 civil penalty within the time specified by the department of
- 42 homeland security, the department of homeland security may



- 1 suspend the certificate holder's certificate or license holder's
 2 license without additional proceedings.
- 3 (6) Placement of a certificate holder or license holder on
 4 probation status and requirement of the certificate holder or
 5 license holder to:
- 6 (A) report regularly to the department of homeland security
 7 upon the matters that are the basis of probation;
- 8 (B) limit practice to those areas prescribed by the department
 9 of homeland security;
- 10 (C) continue or renew professional education approved by the
 11 department of homeland security until a satisfactory degree of
 12 skill has been attained in those areas that are the basis of the
 13 probation; or
- 14 (D) perform or refrain from performing any acts, including
 15 community restitution or service without compensation, that
 16 the department of homeland security considers appropriate to
 17 the public interest or to the rehabilitation or treatment of the
 18 certificate holder or license holder.
- 19 The department of homeland security may withdraw or modify
 20 this probation if the department of homeland security finds after
 21 a hearing that the deficiency that required disciplinary action is
 22 remedied or that changed circumstances warrant a modification
 23 of the order.
- 24 (c) If an applicant or a certificate holder or license holder has
 25 engaged in or knowingly cooperated in fraud or material deception to
 26 obtain a certificate or license, including cheating on the certification or
 27 licensure examination, the department of homeland security may
 28 rescind the certificate or license if it has been granted, void the
 29 examination or other fraudulent or deceptive material, and prohibit the
 30 applicant from reapplying for the certificate or license for a length of
 31 time established by the department of homeland security.
- 32 (d) The department of homeland security may deny certification or
 33 licensure to an applicant who would be subject to disciplinary sanctions
 34 under subsection (b) if that person were a certificate holder or license
 35 holder, has had disciplinary action taken against the applicant or the
 36 applicant's certificate or license to practice in another state or
 37 jurisdiction, or has practiced without a certificate or license in violation
 38 of the law. A certified copy of the record of disciplinary action is
 39 conclusive evidence of the other jurisdiction's disciplinary action.
- 40 (e) The department of homeland security may order a certificate
 41 holder or license holder to submit to a reasonable physical or mental
 42 examination if the certificate holder's or license holder's physical or



1 mental capacity to practice safely and competently is at issue in a
 2 disciplinary proceeding. Failure to comply with a department of
 3 homeland security order to submit to a physical or mental examination
 4 makes a certificate holder or license holder liable to temporary
 5 suspension under subsection (i).

6 (f) Except as provided under subsection (a), subsection (g), and
 7 section 14.5 of this chapter, a certificate or license may not be denied,
 8 revoked, or suspended because the applicant, certificate holder, or
 9 license holder has been convicted of an offense. The acts from which
 10 the applicant's, certificate holder's, or license holder's conviction
 11 resulted may be considered as to whether the applicant or certificate
 12 holder or license holder should be entrusted to serve the public in a
 13 specific capacity.

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

- 18 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- 19 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 20 (3) Possession of a controlled substance under IC 35-48-4-7(a).
- 21 (4) Fraudulently obtaining a controlled substance under
 22 IC 35-48-4-7(c).
- 23 (5) Manufacture of paraphernalia as a Class D felony (for a crime
 24 committed before July 1, 2014) or Level 6 felony (for a crime
 25 committed after June 30, 2014) under IC 35-48-4-8.1(b).
- 26 (6) Dealing in paraphernalia as a Class D felony (for a crime
 27 committed before July 1, 2014) or Level 6 felony (for a crime
 28 committed after June 30, 2014) under IC 35-48-4-8.5(b).
- 29 (7) Possession of paraphernalia as a Class D felony (for a crime
 30 committed before July 1, 2014) or Level 6 felony (for a crime
 31 committed after June 30, 2014) under IC 35-48-4-8.3(b) (before
 32 its amendment on July 1, 2015).
- 33 (8) Possession of:
 - 34 (A) marijuana, hash oil, hashish, or salvia as a Class D felony
 35 (for a crime committed before July 1, 2014) or Level 6 felony
 36 (for a crime committed after June 30, 2014, **and before July**
 37 **1, 2021**) under IC 35-48-4-11; **or**
 - 38 (B) **hash oil, hashish, or salvia as a Level 6 felony under**
 39 **IC 35-48-4-11.**
- 40 (9) A felony offense under IC 35-48-4 involving:
 - 41 (A) possession of a synthetic drug (as defined in
 42 IC 35-31.5-2-321);



- 1 (B) possession of a synthetic drug lookalike substance (as
 2 defined in IC 35-31.5-2-321.5 (before its repeal on July 1,
 3 2019)) as a:
- 4 (i) Class D felony (for a crime committed before July 1,
 5 2014); or
- 6 (ii) Level 6 felony (for a crime committed after June 30,
 7 2014);
 8 under IC 35-48-4-11.5 (before its repeal on July 1, 2019); or
- 9 (C) possession of a controlled substance analog (as defined in
 10 IC 35-48-1-9.3).
- 11 (10) Maintaining a common nuisance under IC 35-48-4-13
 12 (repealed) or IC 35-45-1-5, if the common nuisance involves a
 13 controlled substance.
- 14 (11) An offense relating to registration, labeling, and prescription
 15 forms under IC 35-48-4-14.
- 16 (h) A decision of the department of homeland security under
 17 subsections (b) through (g) may be appealed to the commission under
 18 IC 4-21.5-3-7.
- 19 (i) The department of homeland security may temporarily suspend
 20 a certificate holder's certificate or license holder's license under
 21 IC 4-21.5-4 before a final adjudication or during the appeals process if
 22 the department of homeland security finds that a certificate holder or
 23 license holder would represent a clear and immediate danger to the
 24 public's health, safety, or property if the certificate holder or license
 25 holder were allowed to continue to practice.
- 26 (j) On receipt of a complaint or information alleging that a person
 27 certified or licensed under this chapter or IC 16-31-3.5 has engaged in
 28 or is engaging in a practice that is subject to disciplinary sanctions
 29 under this chapter, the department of homeland security must initiate
 30 an investigation against the person.
- 31 (k) The department of homeland security shall conduct a factfinding
 32 investigation as the department of homeland security considers proper
 33 in relation to the complaint.
- 34 (l) The department of homeland security may reinstate a certificate
 35 or license that has been suspended under this section if the department
 36 of homeland security is satisfied that the applicant is able to practice
 37 with reasonable skill, competency, and safety to the public. As a
 38 condition of reinstatement, the department of homeland security may
 39 impose disciplinary or corrective measures authorized under this
 40 chapter.
- 41 (m) The department of homeland security may not reinstate a
 42 certificate or license that has been revoked under this chapter.



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

5 (o) A certificate holder may not surrender the certificate holder's
 6 certificate, and a license holder may not surrender the license holder's
 7 license, without the written approval of the department of homeland
 8 security, and the department of homeland security may impose any
 9 conditions appropriate to the surrender or reinstatement of a
 10 surrendered certificate or license.

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

- 13 (1) an unlimited certificate;
- 14 (2) a limited or probationary certificate; or
- 15 (3) an inactive certificate.

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

- 18 (1) an unlimited license;
- 19 (2) a limited or probationary license; or
- 20 (3) an inactive license.

21 SECTION 13. IC 16-31-3-14.5, AS AMENDED BY P.L.142-2020,
 22 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2021]: Sec. 14.5. The department of homeland security may
 24 issue an order under IC 4-21.5-3-6 to deny an applicant's request for
 25 certification or licensure or permanently revoke a certificate or license
 26 under procedures provided by section 14 of this chapter if the
 27 individual who holds the certificate or license issued under this title is
 28 convicted of any of the following:

- 29 (1) Dealing in a controlled substance resulting in death under
 30 IC 35-42-1-1.5.
- 31 (2) Dealing in or manufacturing cocaine or a narcotic drug under
 32 IC 35-48-4-1.
- 33 (3) Dealing in methamphetamine under IC 35-48-4-1.1.
- 34 (4) Manufacturing methamphetamine under IC 35-48-4-1.2.
- 35 (5) Dealing in a schedule I, II, or III controlled substance under
 36 IC 35-48-4-2.
- 37 (6) Dealing in a schedule IV controlled substance under
 38 IC 35-48-4-3.
- 39 (7) Dealing in a schedule V controlled substance under
 40 IC 35-48-4-4.
- 41 (8) Dealing in a substance represented to be a controlled
 42 substance under IC 35-48-4-4.5 (repealed).



- 1 (9) Knowingly or intentionally manufacturing, advertising,
 2 distributing, or possessing with intent to manufacture, advertise,
 3 or distribute a substance represented to be a controlled substance
 4 under IC 35-48-4-4.6.
- 5 (10) Dealing in a counterfeit substance under IC 35-48-4-5.
- 6 (11) Dealing in marijuana (**before July 1, 2021**), **cannabis (after**
 7 **June 30, 2021)**, hash oil, hashish, or salvia as a felony under
 8 IC 35-48-4-10.
- 9 (12) An offense under IC 35-48-4 involving the manufacture or
 10 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
 11 synthetic drug lookalike substance (as defined in
 12 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
 13 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
 14 substance analog (as defined in IC 35-48-1-9.3), or a substance
 15 represented to be a controlled substance (as described in
 16 IC 35-48-4-4.6).
- 17 (13) A crime of violence (as defined in IC 35-50-1-2(a)).
- 18 SECTION 14. IC 16-42-3-4 IS AMENDED TO READ AS
 19 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 4. A drug or device is
 20 considered to be misbranded under any of the following conditions:
- 21 (1) If the labeling of the drug or device is false or misleading in
 22 any way.
- 23 (2) If the drug or device is in package form unless the drug or
 24 device bears a label containing:
- 25 (A) the name and place of business of the manufacturer,
 26 packer, or distributor; and
- 27 (B) an accurate statement of the quantity of the contents in
 28 terms of weight, measure, or numerical count.
- 29 However, under clause (B) reasonable variations shall be
 30 permitted and exemptions as to small packages shall be
 31 established by rules adopted by the state department.
- 32 (3) If any word, statement, or other information required to appear
 33 on the label or labeling, under this chapter or a rule adopted under
 34 IC 16-42-1-2 is not prominently placed on the drug or device with
 35 conspicuousness (as compared with other words, statements,
 36 designs, or devices in the labeling) and in such terms that make
 37 the label likely to be read and understood by the ordinary
 38 individual under customary conditions of purchase and use.
- 39 (4) If the drug or device:
- 40 (A) is for use by humans; and
- 41 (B) contains any quantity of the narcotic or hypnotic substance
 42 alpha-eucaine, barbituric acid, beta-eucaine, bromal, cannabis,



- 1 carbromal, chloral, coca, cocaine, codeine, heroin, ~~marijuana~~,
 2 morphine, opium, paraldehyde, peyote, methamphetamine, or
 3 sulphonmethane, or any chemical derivative of such substance,
 4 which derivative after investigation has been found to be and
 5 is designated as habit forming, by rules adopted by the state
 6 department under IC 16-42-1 through IC 16-42-4 or by
 7 regulations issued under 21 U.S.C. 352(d);
 8 unless the label on the drug or device bears the name and quantity
 9 or proportion of that substance or derivative and the statement
 10 "Warning – May Be Habit Forming".
- 11 (5) If a drug, unless the following conditions are met:
- 12 (A) The label on the drug bears, to the exclusion of any other
 13 nonproprietary name except the applicable systematic
 14 chemical name or the chemical formula, the following:
- 15 (i) The established name of the drug, if any.
 16 (ii) If the drug is fabricated from at least two (2) ingredients,
 17 the established name and quantity of each active ingredient,
 18 including the kind and quantity or proportion of any alcohol
 19 and, whether active or not, the established name and
 20 quantity or proportion of any bromides, ether, chloroform,
 21 acetanilid, acetphenetidin, amidopyrine, antipyrine, atropine,
 22 hyoscine, hyoscyamine, arsenic, digitalis, digitalis
 23 glucosides, mercury, ouabain, strophanthin, strychnine,
 24 thyroid, or any derivative or preparation of those substances
 25 contained in the drug. However, the requirement for stating
 26 the quantity of the active ingredients, other than the quantity
 27 of those specifically named in this subdivision, applies only
 28 to prescription drugs.
- 29 (B) If a prescription drug, the established name of the drug or
 30 ingredient on the label (and on any labeling on which a name
 31 for the drug or ingredient is used) is printed prominently and
 32 in type at least half as large as that used for any proprietary
 33 name or designation for the drug or ingredient.
- 34 However, to the extent that compliance with the requirements of
 35 clause (A)(ii) or clause (B) is impracticable, exemptions shall be
 36 allowed under rules adopted by the state department or by
 37 regulations promulgated under the Federal Act.
- 38 (6) Unless the drug's or device's labeling bears:
- 39 (A) adequate directions for use; and
 40 (B) adequate warnings against use in those pathological
 41 conditions or by children where the drug's or device's use may
 42 be dangerous to health or against unsafe dosage or methods or



- 1 duration of administration or application in the manner and
 2 form that is necessary for the protection of users.
 3 However, if any requirement of clause (A) as applied to any drug
 4 or device is not necessary for the protection of the public health,
 5 the state department shall adopt rules exempting the drug or
 6 device from that requirement.
- 7 (7) If a drug purports to be a drug the name of which is
 8 recognized in an official compendium, unless the drug is
 9 packaged and labeled as prescribed in the compendium. However,
 10 the method of packing may be modified with the consent of the
 11 state department in accordance with regulations promulgated by
 12 the federal security administrator under the Federal Act.
 13 Whenever a drug is recognized in both the United States
 14 Pharmacopoeia and the Homeopathic Pharmacopoeia of the
 15 United States, the drug is subject to the requirements of the
 16 United States Pharmacopoeia with respect to packaging and
 17 labeling unless the drug is labeled and offered for sale as a
 18 homeopathic drug. In that case the drug is subject to the
 19 Homeopathic Pharmacopoeia of the United States and not to the
 20 United States Pharmacopoeia.
- 21 (8) If a drug or device has been found by the federal security
 22 administrator or the state department to be a drug liable to
 23 deterioration, unless the drug or device is packaged in a form and
 24 manner and the drug's or device's label bears a statement of such
 25 precautions as the federal security administrator or the state
 26 department requires by rule or regulation as necessary for the
 27 protection of the public health. A rule or regulation may not be
 28 established for any drug recognized in an official compendium
 29 until the federal security administrator or the state department
 30 informs the appropriate body charged with the revision of the
 31 compendium of the need for the packaging or labeling
 32 requirements and that body fails within a reasonable time to
 33 prescribe requirements.
- 34 (9) If a drug's container is made, formed, or filled as to be
 35 misleading.
- 36 (10) If a drug is an imitation of another drug.
- 37 (11) If a drug is offered for sale under the name of another drug.
- 38 (12) If a drug is or purports to be or is represented to be a drug
 39 composed wholly or partly of insulin, unless:
- 40 (A) the drug is from a batch with respect to which a certificate
 41 or release has been issued under Section 506 of the Federal
 42 Act; and



- 1 (B) the certificate or release is in effect with respect to the
 2 drug.
- 3 (13) If a drug is or purports to be or is represented to be a drug
 4 composed wholly or partly of any kind of penicillin, streptomycin,
 5 chlortetracycline, chloramphenicol, bacitracin, or any other
 6 antibiotic drug, or any derivative of those drugs, unless:
- 7 (A) the drug is from a batch with respect to which a certificate
 8 or release has been issued under Section 507 of the Federal
 9 Act; and
- 10 (B) the certificate or release is in effect with respect to that
 11 drug.
- 12 However, this subdivision does not apply to any drug or class of
 13 drugs exempted by regulations promulgated under Section 507(c)
 14 or 507(d) of the Federal Act.
- 15 (14) If a drug or device is dangerous to health when used in the
 16 dosage, or with the frequency or duration prescribed,
 17 recommended, or suggested in the labeling of the drug or device.
- 18 (15) Under the conditions described in section 6 of this chapter.
- 19 SECTION 15. IC 16-42-3-6, AS AMENDED BY P.L.204-2005,
 20 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2021]: Sec. 6. (a) This section applies to a drug intended for
 22 use by humans that:
- 23 (1) is a habit forming drug to which section 4(4) of this chapter
 24 applies;
- 25 (2) because of:
- 26 (A) the drug's toxicity or other potential for harmful effect;
- 27 (B) the method of the drug's use; or
- 28 (C) the collateral measures necessary to the drug's use;
- 29 is not safe for use except under the supervision of a practitioner
 30 licensed by law to administer the drug; or
- 31 (3) is limited by an approved application under Section 505 of the
 32 Federal Act or section 7 or 8 of this chapter to use under the
 33 professional supervision of a practitioner licensed by law to
 34 administer the drug.
- 35 (b) A drug described in subsection (a) may be dispensed only:
- 36 (1) upon a written or an electronically transmitted prescription of
 37 a practitioner licensed by law to administer the drug;
- 38 (2) upon an oral prescription of the practitioner that is reduced
 39 promptly to writing and filed by the pharmacist or pharmacist
 40 intern (as defined in IC 25-26-13-2); or
- 41 (3) by refilling a prescription if the refilling is authorized by the
 42 prescriber either in the original prescription, by an electronically



1 transmitted order that is recorded in an electronic format, or by
2 oral order that is reduced promptly to writing or is entered into an
3 electronic format and filed by the pharmacist or pharmacist intern
4 (as defined in IC 25-26-13-2).

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

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

12 (e) A drug dispensed by filling or refilling a prescription of a
13 practitioner licensed by law to administer the drug is exempt from the
14 requirements of section 4(2), 4(3), 4(4), 4(5), 4(6), 4(7), 4(8), and 4(9)
15 of this chapter if the drug bears a label containing the following:

16 (1) The name and address of the dispenser.

17 (2) The serial number and date of the prescription or of the
18 prescription's filling.

19 (3) The name of the drug's prescriber and, if stated in the
20 prescription, the name of the patient.

21 (4) The directions for use and cautionary statements, if any,
22 contained in the prescription.

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

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

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



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

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

9 SECTION 16. IC 16-42-27-2, AS AMENDED BY P.L.80-2019,
 10 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2021]: Sec. 2. (a) A prescriber may, directly or by standing
 12 order, prescribe or dispense an overdose intervention drug without
 13 examining the individual to whom it may be administered if all of the
 14 following conditions are met:

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

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

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

21 (2) The prescriber instructs the individual receiving the overdose
 22 intervention drug or prescription to summon emergency services
 23 either immediately before or immediately after administering the
 24 overdose intervention drug to an individual experiencing an
 25 opioid-related overdose.

26 (3) The prescriber provides education and training on drug
 27 overdose response and treatment, including the administration of
 28 an overdose intervention drug.

29 (4) The prescriber provides drug addiction treatment information
 30 and referrals to drug treatment programs, including programs in
 31 the local area and programs that offer medication assisted
 32 treatment that includes a federal Food and Drug Administration
 33 approved long acting, nonaddictive medication for the treatment
 34 of opioid or alcohol dependence.

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

38 (c) An individual described in subsection (a)(1) may administer an
 39 overdose intervention drug to an individual who is suffering from an
 40 overdose.

41 (d) An individual described in subsection (a)(1) may not be
 42 considered to be practicing medicine without a license in violation of



- 1 IC 25-22.5-8-2, if the individual, acting in good faith, does the
2 following:
- 3 (1) Obtains the overdose intervention drug from a prescriber or
4 entity acting under a standing order issued by a prescriber.
- 5 (2) Administers the overdose intervention drug to an individual
6 who is experiencing an apparent opioid-related overdose.
- 7 (3) Attempts to summon emergency services either immediately
8 before or immediately after administering the overdose
9 intervention drug.
- 10 (e) An entity acting under a standing order issued by a prescriber
11 must do the following:
- 12 (1) Annually register with either the:
- 13 (A) state department; or
14 (B) local health department in the county where services will
15 be provided by the entity;
16 in a manner prescribed by the state department.
- 17 (2) Provide education and training on drug overdose response and
18 treatment, including the administration of an overdose
19 intervention drug.
- 20 (3) Provide drug addiction treatment information and referrals to
21 drug treatment programs, including programs in the local area and
22 programs that offer medication assisted treatment that includes a
23 federal Food and Drug Administration approved long acting,
24 nonaddictive medication for the treatment of opioid or alcohol
25 dependence.
- 26 (4) Submit an annual report to the state department containing:
- 27 (A) the number of sales of the overdose intervention drug
28 dispensed;
29 (B) the dates of sale of the overdose intervention drug
30 dispensed; and
31 (C) any additional information requested by the state
32 department.
- 33 (f) The state department shall ensure that a statewide standing order
34 for the dispensing of an overdose intervention drug in Indiana is issued
35 under this section. The state health commissioner or a designated
36 public health authority who is a licensed prescriber may, as part of the
37 individual's official capacity, issue a statewide standing order that may
38 be used for the dispensing of an overdose intervention drug under this
39 section. The immunity provided in IC 34-13-3-3 applies to an
40 individual described in this subsection.
- 41 (g) A law enforcement officer may not take an individual into
42 custody based solely on the commission of an offense described in



1 subsection (h), if the law enforcement officer, after making a
 2 reasonable determination and considering the facts and surrounding
 3 circumstances, reasonably believes that the individual:

4 (1) obtained the overdose intervention drug as described in
 5 subsection (a)(1);

6 (2) complied with the provisions in subsection (d);

7 (3) administered an overdose intervention drug to an individual
 8 who appeared to be experiencing an opioid-related overdose;

9 (4) provided:

10 (A) the individual's full name; and

11 (B) any other relevant information requested by the law
 12 enforcement officer;

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

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

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

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

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

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

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

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

28 (5) IC 35-48-4-11 (possession of marijuana (**before July 1,**
 29 **2021**)).

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

35 SECTION 17. IC 20-28-5-8, AS AMENDED BY P.L.80-2019,
 36 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2021]: Sec. 8. (a) This section applies when a prosecuting
 38 attorney knows that a licensed employee of a public school or a
 39 nonpublic school has been convicted of an offense listed in subsection
 40 (c). The prosecuting attorney shall immediately give written notice of
 41 the conviction to the following:

42 (1) The state superintendent.



- 1 (2) Except as provided in subdivision (3), the superintendent of
 2 the school corporation that employs the licensed employee or the
 3 equivalent authority if a nonpublic school employs the licensed
 4 employee.
- 5 (3) The presiding officer of the governing body of the school
 6 corporation that employs the licensed employee, if the convicted
 7 licensed employee is the superintendent of the school corporation.
- 8 (b) The superintendent of a school corporation, presiding officer of
 9 the governing body, or equivalent authority for a nonpublic school shall
 10 immediately notify the state superintendent when the individual knows
 11 that a current or former licensed employee of the public school or
 12 nonpublic school has been convicted of an offense listed in subsection
 13 (c), or when the governing body or equivalent authority for a nonpublic
 14 school takes any final action in relation to an employee who engaged
 15 in any offense listed in subsection (c).
- 16 (c) Except as provided in section 8.5 of this chapter, the department
 17 shall permanently revoke the license of a person who is known by the
 18 department to have been convicted of any of the following felonies:
- 19 (1) Kidnapping (IC 35-42-3-2).
 20 (2) Criminal confinement (IC 35-42-3-3).
 21 (3) Rape (IC 35-42-4-1).
 22 (4) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
 23 (5) Child molesting (IC 35-42-4-3).
 24 (6) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
 25 (7) Vicarious sexual gratification (IC 35-42-4-5).
 26 (8) Child solicitation (IC 35-42-4-6).
 27 (9) Child seduction (IC 35-42-4-7).
 28 (10) Sexual misconduct with a minor (IC 35-42-4-9).
 29 (11) Incest (IC 35-46-1-3).
 30 (12) Dealing in or manufacturing cocaine or a narcotic drug (IC
 31 35-48-4-1).
 32 (13) Dealing in methamphetamine (IC 35-48-4-1.1).
 33 (14) Manufacturing methamphetamine (IC 35-48-4-1.2).
 34 (15) Dealing in a schedule I, II, or III controlled substance (IC
 35 35-48-4-2).
 36 (16) Dealing in a schedule IV controlled substance (IC
 37 35-48-4-3).
 38 (17) Dealing in a schedule V controlled substance (IC 35-48-4-4).
 39 (18) Dealing in a counterfeit substance (IC 35-48-4-5).
 40 (19) Dealing in marijuana (**before July 1, 2021**), **cannabis (after**
 41 **June 30, 2021)**, hash oil, hashish, or salvia as a felony (IC
 42 35-48-4-10).



- 1 (20) An offense under IC 35-48-4 involving the manufacture or
 2 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
 3 synthetic drug lookalike substance (as defined in
 4 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
 5 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
 6 substance analog (as defined in IC 35-48-1-9.3), or a substance
 7 represented to be a controlled substance (as described in
 8 IC 35-48-4-4.6).
- 9 (21) Possession of child pornography (IC 35-42-4-4(d) or
 10 IC 35-42-4-4(e)).
- 11 (22) Homicide (IC 35-42-1).
- 12 (23) Voluntary manslaughter (IC 35-42-1-3).
- 13 (24) Reckless homicide (IC 35-42-1-5).
- 14 (25) Battery as any of the following:
- 15 (A) A Class A felony (for a crime committed before July 1,
 16 2014) or a Level 2 felony (for a crime committed after June
 17 30, 2014).
- 18 (B) A Class B felony (for a crime committed before July 1,
 19 2014) or a Level 3 felony (for a crime committed after June
 20 30, 2014).
- 21 (C) A Class C felony (for a crime committed before July 1,
 22 2014) or a Level 5 felony (for a crime committed after June
 23 30, 2014).
- 24 (26) Aggravated battery (IC 35-42-2-1.5).
- 25 (27) Robbery (IC 35-42-5-1).
- 26 (28) Carjacking (IC 35-42-5-2) (before its repeal).
- 27 (29) Arson as a Class A felony or Class B felony (for a crime
 28 committed before July 1, 2014) or as a Level 2, Level 3, or Level
 29 4 felony (for a crime committed after June 30, 2014) (IC
 30 35-43-1-1(a)).
- 31 (30) Burglary as a Class A felony or Class B felony (for a crime
 32 committed before July 1, 2014) or as a Level 1, Level 2, Level 3,
 33 or Level 4 felony (for a crime committed after June 30, 2014) (IC
 34 35-43-2-1).
- 35 (31) Human trafficking (IC 35-42-3.5).
- 36 (32) Dealing in a controlled substance resulting in death (IC
 37 35-42-1-1.5).
- 38 (33) Attempt under IC 35-41-5-1 to commit an offense listed in
 39 this subsection.
- 40 (34) Conspiracy under IC 35-41-5-2 to commit an offense listed
 41 in this subsection.
- 42 (d) The department shall permanently revoke the license of a person



1 who is known by the department to have been convicted of a federal
 2 offense or an offense in another state that is comparable to a felony
 3 listed in subsection (c).

4 (e) A license may be suspended by the state superintendent as
 5 specified in IC 20-28-7.5.

6 (f) The department shall develop a data base of information on
 7 school corporation employees who have been reported to the
 8 department under this section.

9 (g) Upon receipt of information from the office of judicial
 10 administration in accordance with IC 33-24-6-3 concerning persons
 11 convicted of an offense listed in subsection (c), the department shall:

12 (1) cross check the information received from the office of
 13 judicial administration with information concerning licensed
 14 teachers (as defined in IC 20-18-2-22(b)) maintained by the
 15 department; and

16 (2) if a licensed teacher (as defined in IC 20-18-2-22(b)) has been
 17 convicted of an offense described in subsection (c), revoke the
 18 licensed teacher's license.

19 SECTION 18. IC 22-15-5-16, AS AMENDED BY P.L.142-2020,
 20 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2021]: Sec. 16. (a) A practitioner shall comply with the
 22 standards established under this licensing program. A practitioner is
 23 subject to the exercise of the disciplinary sanctions under subsection
 24 (b) if the department finds that a practitioner has:

25 (1) engaged in or knowingly cooperated in fraud or material
 26 deception in order to obtain a license to practice, including
 27 cheating on a licensing examination;

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

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

31 (4) falsified or knowingly allowed another person to falsify
 32 attendance records or certificates of completion of continuing
 33 education courses provided under this chapter;

34 (5) been convicted of a crime that has a direct bearing on the
 35 practitioner's ability to continue to practice competently;

36 (6) knowingly violated a state statute or rule or federal statute or
 37 regulation regulating the profession for which the practitioner is
 38 licensed;

39 (7) continued to practice although the practitioner has become
 40 unfit to practice due to:

41 (A) professional incompetence;

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



- 1 practice;
- 2 (C) physical or mental disability; or
- 3 (D) addiction to, abuse of, or severe dependency on alcohol or
- 4 other drugs that endanger the public by impairing a
- 5 practitioner's ability to practice safely;
- 6 (8) engaged in a course of lewd or immoral conduct in connection
- 7 with the delivery of services to the public;
- 8 (9) allowed the practitioner's name or a license issued under this
- 9 chapter to be used in connection with an individual or business
- 10 who renders services beyond the scope of that individual's or
- 11 business's training, experience, or competence;
- 12 (10) had disciplinary action taken against the practitioner or the
- 13 practitioner's license to practice in another state or jurisdiction on
- 14 grounds similar to those under this chapter;
- 15 (11) assisted another person in committing an act that would
- 16 constitute a ground for disciplinary sanction under this chapter;
- 17 or
- 18 (12) allowed a license issued by the department to be:
- 19 (A) used by another person; or
- 20 (B) displayed to the public when the license has expired, is
- 21 inactive, is invalid, or has been revoked or suspended.
- 22 For purposes of subdivision (10), a certified copy of a record of
- 23 disciplinary action constitutes prima facie evidence of a disciplinary
- 24 action in another jurisdiction.
- 25 (b) The department may impose one (1) or more of the following
- 26 sanctions if the department finds that a practitioner is subject to
- 27 disciplinary sanctions under subsection (a):
- 28 (1) Permanent revocation of a practitioner's license.
- 29 (2) Suspension of a practitioner's license.
- 30 (3) Censure of a practitioner.
- 31 (4) Issuance of a letter of reprimand.
- 32 (5) Assessment of a civil penalty against the practitioner in
- 33 accordance with the following:
- 34 (A) The civil penalty may not be more than one thousand
- 35 dollars (\$1,000) for each violation listed in subsection (a),
- 36 except for a finding of incompetency due to a physical or
- 37 mental disability.
- 38 (B) When imposing a civil penalty, the department shall
- 39 consider a practitioner's ability to pay the amount assessed. If
- 40 the practitioner fails to pay the civil penalty within the time
- 41 specified by the department, the department may suspend the
- 42 practitioner's license without additional proceedings. However,



- 1 a suspension may not be imposed if the sole basis for the
2 suspension is the practitioner's inability to pay a civil penalty.
- 3 (6) Placement of a practitioner on probation status and
4 requirement of the practitioner to:
- 5 (A) report regularly to the department upon the matters that
6 are the basis of probation;
- 7 (B) limit practice to those areas prescribed by the department;
- 8 (C) continue or renew professional education approved by the
9 department until a satisfactory degree of skill has been attained
10 in those areas that are the basis of the probation; or
- 11 (D) perform or refrain from performing any acts, including
12 community restitution or service without compensation, that
13 the department considers appropriate to the public interest or
14 to the rehabilitation or treatment of the practitioner.
- 15 The department may withdraw or modify this probation if the
16 department finds after a hearing that the deficiency that required
17 disciplinary action has been remedied or that changed
18 circumstances warrant a modification of the order.
- 19 (c) If an applicant or a practitioner has engaged in or knowingly
20 cooperated in fraud or material deception to obtain a license to
21 practice, including cheating on the licensing examination, the
22 department may rescind the license if it has been granted, void the
23 examination or other fraudulent or deceptive material, and prohibit the
24 applicant from reapplying for the license for a length of time
25 established by the department.
- 26 (d) The department may deny licensure to an applicant who has had
27 disciplinary action taken against the applicant or the applicant's license
28 to practice in another state or jurisdiction or who has practiced without
29 a license in violation of the law. A certified copy of the record of
30 disciplinary action is conclusive evidence of the other jurisdiction's
31 disciplinary action.
- 32 (e) The department may order a practitioner to submit to a
33 reasonable physical or mental examination if the practitioner's physical
34 or mental capacity to practice safely and competently is at issue in a
35 disciplinary proceeding. Failure to comply with a department order to
36 submit to a physical or mental examination makes a practitioner liable
37 to temporary suspension under subsection (j).
- 38 (f) Except as provided under subsection (g) or (h), a license may not
39 be denied, revoked, or suspended because the applicant or holder has
40 been convicted of an offense. The acts from which the applicant's or
41 holder's conviction resulted may, however, be considered as to whether
42 the applicant or holder should be entrusted to serve the public in a



1 specific capacity.

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

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

6 (2) Possession of methamphetamine under IC 35-48-4-6.1.

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

8 (4) Fraudulently obtaining a controlled substance under
9 IC 35-48-4-7(b) (for a crime committed before July 1, 2014) or
10 IC 35-48-4-7(c) (for a crime committed after June 30, 2014).

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

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

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

21 (8) Possession of:

22 **(A) before July 1, 2021, marijuana, hash oil, hashish, or salvia**
23 **as a Class D felony (for a crime committed before July 1,**
24 **2014) or a Level 6 felony (for a crime committed after June**
25 **30, 2014, and before July 1, 2021) under IC 35-48-4-11; or**

26 **(B) after June 30, 2021, hash oil, hashish, or salvia as a**
27 **Level 6 felony under IC 35-48-4-11.**

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

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

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

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

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

42 (h) The department shall deny, revoke, or suspend a license issued



1 under this chapter if the individual who holds the license is convicted
2 of any of the following:

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

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

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

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

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

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

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

14 (8) Dealing in a substance represented to be a controlled
15 substance under IC 35-48-4-4.5 (repealed).

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

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

21 (11) Dealing in:

22 (A) marijuana (before July 1, 2021);

23 (B) cannabis (after June 30, 2021); or

24 (C) hash oil, hashish, or salvia;

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

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

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

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

38 (j) The department may temporarily suspend a practitioner's license
39 under IC 4-21.5-4 before a final adjudication or during the appeals
40 process if the department finds that a practitioner represents a clear and
41 immediate danger to the public's health, safety, or property if the
42 practitioner is allowed to continue to practice.



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

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

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

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

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

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

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

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

- 37 (1) Court reporters.
- 38 (2) Transcripts.
- 39 (3) Certification of documents.
- 40 (4) Photo duplication.
- 41 (5) Witness attendance and mileage fees.
- 42 (6) Postage.



- 1 (7) Expert witnesses.
 2 (8) Depositions.
 3 (9) Notarizations.
- 4 SECTION 19. IC 24-4-21-1, AS AMENDED BY P.L.190-2019,
 5 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2021]: Sec. 1. The following definitions apply throughout this
 7 chapter:
- 8 (1) "Certificate of analysis" means a certificate from an
 9 independent testing laboratory describing the results of the
 10 laboratory's testing of a sample.
- 11 (2) "Independent testing laboratory" means a laboratory:
 12 (A) with respect to which no person having a direct or indirect
 13 interest in the laboratory also has a direct or indirect interest
 14 in a facility that:
 15 (i) processes, distributes, or sells low THC hemp extract, or
 16 a substantially similar substance in another jurisdiction;
 17 (ii) cultivates, processes, distributes, dispenses, or sells
 18 ~~marijuana~~; **cannabis**; or
 19 (iii) cultivates, processes, or distributes hemp; and
 20 (B) that is accredited as a testing laboratory to International
 21 Organization for Standardization (ISO) 17025 by a third party
 22 accrediting body such as the American Association for
 23 Laboratory Accreditation (A2LA) or Assured Calibration and
 24 Laboratory Accreditation Select Services (ACLASS).
- 25 (3) "Low THC hemp extract" has the meaning set forth in
 26 IC 35-48-1-17.5.
- 27 SECTION 20. IC 25-1-1.1-2, AS AMENDED BY P.L.142-2020,
 28 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2021]: Sec. 2. Notwithstanding IC 25-1-7, a board, a
 30 commission, or a committee may suspend, deny, or revoke a license or
 31 certificate issued under this title by the board, the commission, or the
 32 committee without an investigation by the office of the attorney general
 33 if the individual who holds the license or certificate is convicted of any
 34 of the following and the board, commission, or committee determines,
 35 after the individual has appeared in person, that the offense affects the
 36 individual's ability to perform the duties of the profession:
- 37 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
 38 (2) Possession of methamphetamine under IC 35-48-4-6.1.
 39 (3) Possession of a controlled substance under IC 35-48-4-7(a).
 40 (4) Fraudulently obtaining a controlled substance under
 41 IC 35-48-4-7(c).
 42 (5) Manufacture of paraphernalia as a Class D felony (for a crime



- 1 committed before July 1, 2014) or a Level 6 felony (for a crime
 2 committed after June 30, 2014) under IC 35-48-4-8.1(b).
- 3 (6) Dealing in paraphernalia as a Class D felony (for a crime
 4 committed before July 1, 2014) or a Level 6 felony (for a crime
 5 committed after June 30, 2014) under IC 35-48-4-8.5(b).
- 6 (7) Possession of paraphernalia as a Class D felony (for a crime
 7 committed before July 1, 2014) or a Level 6 felony (for a crime
 8 committed after June 30, 2014) under IC 35-48-4-8.3(b) (before
 9 its amendment on July 1, 2015).
- 10 (8) Possession of:
- 11 **(A) before July 1, 2021, marijuana, hash oil, hashish, or salvia**
 12 **as a Class D felony (for a crime committed before July 1,**
 13 **2014) or a Level 6 felony (for a crime committed after June**
 14 **30, 2014, and before July 1, 2021) under IC 35-48-4-11; or**
 15 **(B) after June 30, 2021, hash oil, hashish, or salvia as a**
 16 **Level 6 felony under IC 35-48-4-11.**
- 17 (9) A felony offense under IC 35-48-4 involving possession of a
 18 synthetic drug (as defined in IC 35-31.5-2-321), possession of a
 19 controlled substance analog (as defined in IC 35-48-1-9.3), or
 20 possession of a synthetic drug lookalike substance (as defined in
 21 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:
- 22 (A) Class D felony for a crime committed before July 1, 2014;
 23 or
- 24 (B) Level 6 felony for a crime committed after June 30, 2014;
 25 under IC 35-48-4-11.5 (before its repeal on July 1, 2019).
- 26 (10) Maintaining a common nuisance under IC 35-48-4-13
 27 (repealed) or IC 35-45-1-5, if the common nuisance involves a
 28 controlled substance.
- 29 (11) An offense relating to registration, labeling, and prescription
 30 forms under IC 35-48-4-14.
- 31 (12) A sex crime under IC 35-42-4.
- 32 (13) A felony that reflects adversely on the individual's fitness to
 33 hold a professional license.
- 34 SECTION 21. IC 25-1-1.1-3, AS AMENDED BY P.L.142-2020,
 35 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2021]: Sec. 3. A board, a commission, or a committee shall
 37 revoke or suspend a license or certificate issued under this title by the
 38 board, the commission, or the committee if the individual who holds
 39 the license or certificate is convicted of any of the following:
- 40 (1) Dealing in a controlled substance resulting in death under
 41 IC 35-42-1-1.5.
- 42 (2) Dealing in or manufacturing cocaine or a narcotic drug under



- 1 IC 35-48-4-1.
 2 (3) Dealing in methamphetamine under IC 35-48-4-1.1.
 3 (4) Manufacturing methamphetamine under IC 35-48-4-1.2.
 4 (5) Dealing in a schedule I, II, or III controlled substance under
 5 IC 35-48-4-2.
 6 (6) Dealing in a schedule IV controlled substance under
 7 IC 35-48-4-3.
 8 (7) Dealing in a schedule V controlled substance under
 9 IC 35-48-4-4.
 10 (8) Dealing in a substance represented to be a controlled
 11 substance under IC 35-48-4-4.5 (before its repeal on July 1,
 12 2019).
 13 (9) Knowingly or intentionally manufacturing, advertising,
 14 distributing, or possessing with intent to manufacture, advertise,
 15 or distribute a substance represented to be a controlled substance
 16 under IC 35-48-4-4.6.
 17 (10) Dealing in a counterfeit substance under IC 35-48-4-5.
 18 (11) Dealing in:
 19 (A) marijuana (**before July 1, 2021**);
 20 (B) cannabis (**after June 30, 2021**); or
 21 (C) hash oil, hashish, or salvia;
 22 as a felony under IC 35-48-4-10.
 23 (12) An offense under IC 35-48-4 involving the manufacture or
 24 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
 25 synthetic drug lookalike substance (as defined in
 26 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
 27 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
 28 substance analog (as defined in IC 35-48-1-9.3), or a substance
 29 represented to be a controlled substance (as described in
 30 IC 35-48-4-4.6).
 31 (13) A violation of any federal or state drug law or rule related to
 32 wholesale legend drug distributors licensed under IC 25-26-14.
 33 SECTION 22. IC 33-37-4-1, AS AMENDED BY P.L.24-2018,
 34 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2021]: Sec. 1. (a) For each action that results in a felony
 36 conviction under IC 35-50-2 or a misdemeanor conviction under
 37 IC 35-50-3, the clerk shall collect from the defendant a criminal costs
 38 fee of one hundred twenty dollars (\$120).
 39 (b) In addition to the criminal costs fee collected under this section,
 40 the clerk shall collect from the defendant the following fees if they are
 41 required under IC 33-37-5:
 42 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or



- 1 IC 33-37-5-4).
- 2 (2) A ~~marijuana~~ **cannabis** eradication program fee (IC
- 3 33-37-5-7).
- 4 (3) An alcohol and drug services program fee (IC 33-37-5-8(b)).
- 5 (4) A law enforcement continuing education program fee (IC
- 6 33-37-5-8(c)).
- 7 (5) A drug abuse, prosecution, interdiction, and correction fee (IC
- 8 33-37-5-9).
- 9 (6) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- 10 (7) A child abuse prevention fee (IC 33-37-5-12).
- 11 (8) A domestic violence prevention and treatment fee (IC
- 12 33-37-5-13).
- 13 (9) A highway worksite zone fee (IC 33-37-5-14).
- 14 (10) A deferred prosecution fee (IC 33-37-5-17).
- 15 (11) A document storage fee (IC 33-37-5-20).
- 16 (12) An automated record keeping fee (IC 33-37-5-21).
- 17 (13) A late payment fee (IC 33-37-5-22).
- 18 (14) A sexual assault victims assistance fee (IC 33-37-5-23).
- 19 (15) A public defense administration fee (IC 33-37-5-21.2).
- 20 (16) A judicial insurance adjustment fee (IC 33-37-5-25).
- 21 (17) A judicial salaries fee (IC 33-37-5-26).
- 22 (18) A court administration fee (IC 33-37-5-27).
- 23 (19) A DNA sample processing fee (IC 33-37-5-26.2).

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

25 except for the automated record keeping fee (IC 33-37-5-21), the clerk

26 shall collect a pretrial diversion program fee if an agreement between

27 the prosecuting attorney and the accused person entered into under

28 IC 33-39-1-8 requires payment of those fees by the accused person.

29 The pretrial diversion program fee is:

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

39 A monthly user fee may not be collected beyond the maximum length

40 of the possible sentence.

41 (d) The clerk shall transfer to the county auditor or city or town

42 fiscal officer the following fees, not later than thirty (30) days after the



1 fees are collected:

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

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

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

- 12 (1) The clerk shall apply the partial payment to general court
 13 costs.
 14 (2) If there is money remaining after the partial payment is
 15 applied to general court costs under subdivision (1), the clerk
 16 shall distribute the remainder of the partial payment for deposit in
 17 the appropriate county user fee fund.
 18 (3) If there is money remaining after distribution under
 19 subdivision (2), the clerk shall distribute the remainder of the
 20 partial payment for deposit in the state user fee fund.
 21 (4) If there is money remaining after distribution under
 22 subdivision (3), the clerk shall distribute the remainder of the
 23 partial payment to any other applicable user fee fund.
 24 (5) If there is money remaining after distribution under
 25 subdivision (4), the clerk shall apply the remainder of the partial
 26 payment to any outstanding fines owed by the defendant.

27 SECTION 23. IC 33-37-4-3, AS AMENDED BY P.L.85-2017,
 28 SECTION 110, IS AMENDED TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2021]: Sec. 3. (a) The clerk shall collect a
 30 juvenile costs fee of one hundred twenty dollars (\$120) for each action
 31 filed under any of the following:

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

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

- 38 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
 39 IC 33-37-5-4).
 40 (2) A ~~marijuana~~ **cannabis** eradication program fee (IC
 41 33-37-5-7).
 42 (3) An alcohol and drug services program fee (IC 33-37-5-8(b)).



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

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

- 15 (1) The ~~marijuana~~ **cannabis** eradication program fee (IC
16 33-37-5-7).
17 (2) The alcohol and drug services program fee (IC 33-37-5-8(b)).
18 (3) The law enforcement continuing education program fee (IC
19 33-37-5-8(c)).

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

22 SECTION 24. IC 33-37-5-7, AS AMENDED BY P.L.2-2008,
23 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 JULY 1, 2021]: Sec. 7. (a) This section applies to criminal actions.

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

- 27 (1) a weed control board has been established in the county under
28 IC 15-16-7-3; and
29 (2) the person has been convicted of an offense under IC 35-48-4
30 in a case prosecuted in that county.

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

33 SECTION 25. IC 33-37-8-5, AS AMENDED BY P.L.187-2011,
34 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2021]: Sec. 5. (a) A county user fee fund is established in each
36 county to finance various program services. The county fund is
37 administered by the county auditor.

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

- 41 (1) The pretrial diversion program fee.
42 (2) The informal adjustment program fee.



- 1 (3) The **marijuana cannabis** eradication program fee.
 2 (4) The alcohol and drug services program fee.
 3 (5) The law enforcement continuing education program fee.
 4 (6) The deferral program fee.
 5 (7) The jury fee.
 6 (8) The problem solving court fee.
 7 (c) All of the jury fee and two dollars (\$2) of a deferral program fee
 8 collected under IC 33-37-4-2(e) shall be deposited by the county
 9 auditor in the jury pay fund established under IC 33-37-11.
 10 SECTION 26. IC 34-24-1-1, AS AMENDED BY P.L.142-2020,
 11 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2021]: Sec. 1. (a) The following may be seized:
 13 (1) All vehicles (as defined by IC 35-31.5-2-346), if they are used
 14 or are intended for use by the person or persons in possession of
 15 them to transport or in any manner to facilitate the transportation
 16 of the following:
 17 (A) A controlled substance for the purpose of committing,
 18 attempting to commit, or conspiring to commit any of the
 19 following:
 20 (i) Dealing in or manufacturing cocaine or a narcotic drug
 21 (IC 35-48-4-1).
 22 (ii) Dealing in methamphetamine (IC 35-48-4-1.1).
 23 (iii) Manufacturing methamphetamine (IC 35-48-4-1.2).
 24 (iv) Dealing in a schedule I, II, or III controlled substance
 25 (IC 35-48-4-2).
 26 (v) Dealing in a schedule IV controlled substance (IC
 27 35-48-4-3).
 28 (vi) Dealing in a schedule V controlled substance (IC
 29 35-48-4-4).
 30 (vii) Dealing in a counterfeit substance (IC 35-48-4-5).
 31 (viii) Possession of cocaine or a narcotic drug (IC
 32 35-48-4-6).
 33 (ix) Possession of methamphetamine (IC 35-48-4-6.1).
 34 (x) Dealing in paraphernalia (IC 35-48-4-8.5).
 35 (xi) Dealing in marijuana (**before July 1, 2021**), **cannabis**
 36 (**after June 30, 2021**), hash oil, hashish, or salvia (IC
 37 35-48-4-10).
 38 (xii) An offense under IC 35-48-4 involving a synthetic drug
 39 (as defined in IC 35-31.5-2-321), a synthetic drug lookalike
 40 substance (as defined in IC 35-31.5-2-321.5 (before its
 41 repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its
 42 repeal on July 1, 2019), a controlled substance analog (as



- 1 defined in IC 35-48-1-9.3), or a substance represented to be
 2 a controlled substance (as described in IC 35-48-4-4.6).
- 3 (B) Any stolen (IC 35-43-4-2) or converted property (IC
 4 35-43-4-3) if the retail or repurchase value of that property is
 5 one hundred dollars (\$100) or more.
- 6 (C) Any hazardous waste in violation of IC 13-30-10-1.5.
- 7 (D) A bomb (as defined in IC 35-31.5-2-31) or weapon of
 8 mass destruction (as defined in IC 35-31.5-2-354) used to
 9 commit, used in an attempt to commit, or used in a conspiracy
 10 to commit a felony terrorist offense (as defined in
 11 IC 35-50-2-18) or an offense under IC 35-47 as part of or in
 12 furtherance of an act of terrorism (as defined by
 13 IC 35-31.5-2-329).
- 14 (2) All money, negotiable instruments, securities, weapons,
 15 communications devices, or any property used to commit, used in
 16 an attempt to commit, or used in a conspiracy to commit a felony
 17 terrorist offense (as defined in IC 35-50-2-18) or an offense under
 18 IC 35-47 as part of or in furtherance of an act of terrorism or
 19 commonly used as consideration for a violation of IC 35-48-4
 20 (other than items subject to forfeiture under IC 16-42-20-5 or
 21 IC 16-6-8.5-5.1, before its repeal):
- 22 (A) furnished or intended to be furnished by any person in
 23 exchange for an act that is in violation of a criminal statute;
- 24 (B) used to facilitate any violation of a criminal statute; or
- 25 (C) traceable as proceeds of the violation of a criminal statute.
- 26 (3) Any portion of real or personal property purchased with
 27 money that is traceable as a proceed of a violation of a criminal
 28 statute.
- 29 (4) A vehicle that is used by a person to:
- 30 (A) commit, attempt to commit, or conspire to commit;
- 31 (B) facilitate the commission of; or
- 32 (C) escape from the commission of;
- 33 murder (IC 35-42-1-1), dealing in a controlled substance resulting
 34 in death (IC 35-42-1-1.5), kidnapping (IC 35-42-3-2), criminal
 35 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting
 36 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense
 37 under IC 35-47 as part of or in furtherance of an act of terrorism.
- 38 (5) Real property owned by a person who uses it to commit any of
 39 the following as a Level 1, Level 2, Level 3, Level 4, or Level 5
 40 felony:
- 41 (A) Dealing in or manufacturing cocaine or a narcotic drug (IC
 42 35-48-4-1).



- 1 (B) Dealing in methamphetamine (IC 35-48-4-1.1).
 2 (C) Manufacturing methamphetamine (IC 35-48-4-1.2).
 3 (D) Dealing in a schedule I, II, or III controlled substance (IC
 4 35-48-4-2).
 5 (E) Dealing in a schedule IV controlled substance (IC
 6 35-48-4-3).
 7 (F) Dealing in marijuana (**before July 1, 2021**), **cannabis**
 8 (**after June 30, 2021**), hash oil, hashish, or salvia (IC
 9 35-48-4-10).
 10 (G) Dealing in a synthetic drug (as defined in
 11 IC 35-31.5-2-321) or synthetic drug lookalike substance (as
 12 defined in IC 35-31.5-2-321.5 (before its repeal on July 1,
 13 2019)) under IC 35-48-4-10.5 (before its repeal on July 1,
 14 2019).
 15 (H) Dealing in a controlled substance resulting in death (IC
 16 35-42-1-1.5).
 17 (6) Equipment and recordings used by a person to commit fraud
 18 under IC 35-43-5-4(10).
 19 (7) Recordings sold, rented, transported, or possessed by a person
 20 in violation of IC 24-4-10.
 21 (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as
 22 defined by IC 35-45-6-1) that is the object of a corrupt business
 23 influence violation (IC 35-45-6-2).
 24 (9) Unlawful telecommunications devices (as defined in
 25 IC 35-45-13-6) and plans, instructions, or publications used to
 26 commit an offense under IC 35-45-13.
 27 (10) Any equipment, including computer equipment and cellular
 28 telephones, used for or intended for use in preparing,
 29 photographing, recording, videotaping, digitizing, printing,
 30 copying, or disseminating matter in violation of IC 35-42-4.
 31 (11) Destructive devices used, possessed, transported, or sold in
 32 violation of IC 35-47.5.
 33 (12) Tobacco products that are sold in violation of IC 24-3-5,
 34 tobacco products that a person attempts to sell in violation of
 35 IC 24-3-5, and other personal property owned and used by a
 36 person to facilitate a violation of IC 24-3-5.
 37 (13) Property used by a person to commit counterfeiting or
 38 forgery in violation of IC 35-43-5-2.
 39 (14) After December 31, 2005, if a person is convicted of an
 40 offense specified in IC 25-26-14-26(b) or IC 35-43-10, the
 41 following real or personal property:
 42 (A) Property used or intended to be used to commit, facilitate,



- 1 or promote the commission of the offense.
- 2 (B) Property constituting, derived from, or traceable to the
- 3 gross proceeds that the person obtained directly or indirectly
- 4 as a result of the offense.
- 5 (15) Except as provided in subsection (e), a vehicle used by a
- 6 person who operates the vehicle:
- 7 (A) while intoxicated, in violation of IC 9-30-5-1 through
- 8 IC 9-30-5-5, if in the previous five (5) years the person has two
- 9 (2) or more prior unrelated convictions for operating a motor
- 10 vehicle while intoxicated in violation of IC 9-30-5-1 through
- 11 IC 9-30-5-5; or
- 12 (B) on a highway while the person's driving privileges are
- 13 suspended in violation of IC 9-24-19-2 through IC 9-24-19-3,
- 14 if in the previous five (5) years the person has two (2) or more
- 15 prior unrelated convictions for operating a vehicle while
- 16 intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5.
- 17 If a court orders the seizure of a vehicle under this subdivision,
- 18 the court shall transmit an order to the bureau of motor vehicles
- 19 recommending that the bureau not permit a vehicle to be
- 20 registered in the name of the person whose vehicle was seized
- 21 until the person possesses a current driving license (as defined in
- 22 IC 9-13-2-41).
- 23 (16) The following real or personal property:
- 24 (A) Property used or intended to be used to commit, facilitate,
- 25 or promote the commission of an offense specified in
- 26 IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or
- 27 IC 30-2-13-38(f).
- 28 (B) Property constituting, derived from, or traceable to the
- 29 gross proceeds that a person obtains directly or indirectly as a
- 30 result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b),
- 31 IC 30-2-10-9(b), or IC 30-2-13-38(f).
- 32 (17) An automated sales suppression device (as defined in
- 33 IC 35-43-5-4.6(a)(1)) or phantom-ware (as defined in
- 34 IC 35-43-5-4.6(a)(3)).
- 35 (18) Real or personal property, including a vehicle, that is used by
- 36 a person to:
- 37 (A) commit, attempt to commit, or conspire to commit;
- 38 (B) facilitate the commission of; or
- 39 (C) escape from the commission of;
- 40 a violation of IC 35-42-3.5-1 through IC 35-42-3.5-1.4 (human
- 41 trafficking) or IC 35-45-4-4 (promoting prostitution).
- 42 (b) A vehicle used by any person as a common or contract carrier in



1 the transaction of business as a common or contract carrier is not
 2 subject to seizure under this section, unless it can be proven by a
 3 preponderance of the evidence that the owner of the vehicle knowingly
 4 permitted the vehicle to be used to engage in conduct that subjects it to
 5 seizure under subsection (a).

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

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

19 (1) IC 35-42-1-1.5 (dealing in a controlled substance resulting in
 20 death).

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

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

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

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

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

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

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

32 (9) IC 35-48-4-6.1 (possession of methamphetamine) as a Level
 33 3, Level 4, or Level 5 felony.

34 (10) IC 35-48-4-10 (dealing in marijuana (**before July 1, 2021**),
 35 **cannabis (after June 30, 2021)**, hash oil, hashish, or salvia) as a
 36 Level 5 felony.

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

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

42 (1) an owner of the vehicle; or



1 (2) the spouse of the person who owns the vehicle;
 2 is not subject to seizure under subsection (a)(15) unless it can be
 3 proven by a preponderance of the evidence that the owner of the
 4 vehicle knowingly permitted the vehicle to be used to engage in
 5 conduct that subjects it to seizure under subsection (a)(15).

6 SECTION 27. IC 35-31.5-2-33.2 IS ADDED TO THE INDIANA
 7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2021]: **Sec. 33.2. "Cannabis", for the**
 9 **purposes of IC 35-48, has the meaning set forth in IC 35-48-1-19.**

10 SECTION 28. IC 35-31.5-2-195 IS REPEALED [EFFECTIVE
 11 JULY 1, 2021]. ~~Sec. 195. "Marijuana", for purposes of IC 35-48, has~~
 12 ~~the meaning set forth in IC 35-48-1-19.~~

13 SECTION 29. IC 35-38-1-17, AS AMENDED BY P.L.45-2018,
 14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2021]: Sec. 17. (a) Notwithstanding IC 1-1-5.5-21, this section
 16 applies to a person who:

- 17 (1) commits an offense; or
- 18 (2) is sentenced;

19 before July 1, 2014.

20 (b) This section does not apply to a credit restricted felon.

21 (c) Except as provided in subsections (k) and (m), this section does
 22 not apply to a violent criminal.

23 (d) As used in this section, "violent criminal" means a person
 24 convicted of any of the following offenses:

- 25 (1) Murder (IC 35-42-1-1).
- 26 (2) Attempted murder (IC 35-41-5-1).
- 27 (3) Voluntary manslaughter (IC 35-42-1-3).
- 28 (4) Involuntary manslaughter (IC 35-42-1-4).
- 29 (5) Reckless homicide (IC 35-42-1-5).
- 30 (6) Aggravated battery (IC 35-42-2-1.5).
- 31 (7) Kidnapping (IC 35-42-3-2).
- 32 (8) Rape (IC 35-42-4-1).
- 33 (9) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- 34 (10) Child molesting (IC 35-42-4-3).
- 35 (11) Sexual misconduct with a minor as a Class A felony under
- 36 IC 35-42-4-9(a)(2) or a Class B felony under IC 35-42-4-9(b)(2)
- 37 (for a crime committed before July 1, 2014) or sexual misconduct
- 38 with a minor as a Level 1 felony under IC 35-42-4-9(a)(2) or a
- 39 Level 2 felony under IC 35-42-4-9(b)(2) (for a crime committed
- 40 after June 30, 2014).
- 41 (12) Robbery as a Class A felony or a Class B felony (IC
- 42 35-42-5-1) (for a crime committed before July 1, 2014) or robbery



- 1 as a Level 2 felony or a Level 3 felony (IC 35-42-5-1) (for a crime
 2 committed after June 30, 2014).
- 3 (13) Burglary as Class A felony or a Class B felony (IC
 4 35-43-2-1) (for a crime committed before July 1, 2014) or
 5 burglary as a Level 1 felony, Level 2 felony, Level 3 felony, or
 6 Level 4 felony (IC 35-43-2-1) (for a crime committed after June
 7 30, 2014).
- 8 (14) Unlawful possession of a firearm by a serious violent felon
 9 (IC 35-47-4-5).
- 10 (e) At any time after:
- 11 (1) a convicted person begins serving the person's sentence; and
 12 (2) the court obtains a report from the department of correction
 13 concerning the convicted person's conduct while imprisoned;
 14 the court may reduce or suspend the sentence and impose a sentence
 15 that the court was authorized to impose at the time of sentencing.
 16 However, if the convicted person was sentenced under the terms of a
 17 plea agreement, the court may not, without the consent of the
 18 prosecuting attorney, reduce or suspend the sentence and impose a
 19 sentence not authorized by the plea agreement. The court must
 20 incorporate its reasons in the record.
- 21 (f) If the court sets a hearing on a petition under this section, the
 22 court must give notice to the prosecuting attorney and the prosecuting
 23 attorney must give notice to the victim (as defined in IC 35-31.5-2-348)
 24 of the crime for which the convicted person is serving the sentence.
- 25 (g) The court may suspend a sentence for a felony under this section
 26 only if suspension is permitted under IC 35-50-2-2.2.
- 27 (h) The court may deny a request to suspend or reduce a sentence
 28 under this section without making written findings and conclusions.
- 29 (i) The court is not required to conduct a hearing before reducing or
 30 suspending a sentence under this section if:
- 31 (1) the prosecuting attorney has filed with the court an agreement
 32 of the reduction or suspension of the sentence; and
 33 (2) the convicted person has filed with the court a waiver of the
 34 right to be present when the order to reduce or suspend the
 35 sentence is considered.
- 36 (j) This subsection applies only to a convicted person who is not a
 37 violent criminal. A convicted person who is not a violent criminal may
 38 file a petition for sentence modification under this section:
- 39 (1) not more than one (1) time in any three hundred sixty-five
 40 (365) day period; and
 41 (2) **except as provided in subsection (n)**, a maximum of two (2)
 42 times during any consecutive period of incarceration;



1 without the consent of the prosecuting attorney.

2 (k) This subsection applies to a convicted person who is a violent
3 criminal. A convicted person who is a violent criminal may, not later
4 than three hundred sixty-five (365) days from the date of sentencing,
5 file one (1) petition for sentence modification under this section
6 without the consent of the prosecuting attorney. After the elapse of the
7 three hundred sixty-five (365) day period, a violent criminal may not
8 file a petition for sentence modification without the consent of the
9 prosecuting attorney.

10 (l) A person may not waive the right to sentence modification under
11 this section as part of a plea agreement. Any purported waiver of the
12 right to sentence modification under this section in a plea agreement is
13 invalid and unenforceable as against public policy. This subsection
14 does not prohibit the finding of a waiver of the right to:

- 15 (1) have a court modify a sentence and impose a sentence not
16 authorized by the plea agreement, as described under subsection
17 (e); or
18 (2) sentence modification for any other reason, including failure
19 to comply with the provisions of this section.

20 (m) Notwithstanding subsection (k), a person who commits an
21 offense after June 30, 2014, and before May 15, 2015, may file one (1)
22 petition for sentence modification without the consent of the
23 prosecuting attorney, even if the person has previously filed a petition
24 for sentence modification.

25 **(n) This subsection applies to a person who is not a violent**
26 **criminal and who was convicted of an offense involving cannabis**
27 **that was committed before July 1, 2021. A person to whom this**
28 **subsection applies may apply for sentence modification without the**
29 **consent of the prosecuting attorney, even if the person would**
30 **otherwise be barred from seeking sentence modification under**
31 **subsection (j)(2). If the person was convicted of a cannabis offense:**

- 32 **(1) based on an act that became legal after June 30, 2021, the**
33 **court shall reduce the person's sentence by at least the**
34 **amount of time that the person has served or will serve for**
35 **that conviction; and**
36 **(2) not described in subdivision (1), the court shall consider**
37 **whether statutory changes legalizing cannabis after June 30,**
38 **2021, justify modifying the person's sentence.**

39 **A court may modify a sentence under this subsection without the**
40 **consent of the prosecuting attorney even if the person was**
41 **sentenced under the terms of a plea agreement.**

42 SECTION 30. IC 35-45-1-5, AS AMENDED BY P.L.144-2018,



1 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JULY 1, 2021]: Sec. 5. (a) As used in this section, "common nuisance"
 3 means a building, structure, vehicle, or other place that is used for (1)
 4 or more of the following purposes:

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

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

7 (3) To unlawfully:

8 (A) use;

9 (B) manufacture;

10 (C) keep;

11 (D) offer for sale;

12 (E) sell;

13 (F) deliver; or

14 (G) finance the delivery of;

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

17 (4) To provide a location for a person to pay, offer to pay, or agree
 18 to pay money or other property to another person for a human
 19 trafficking victim or an act performed by a human trafficking
 20 victim.

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

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

26 (1) Class B misdemeanor if the common nuisance is used for the
 27 unlawful:

28 (A) sale of an alcoholic beverage as set forth in subsection
 29 (a)(1);

30 (B) use, keeping, or sale of a legend drug as set forth in
 31 subsection (a)(2); or

32 (C) use, manufacture, keeping, offer for sale, sale, delivery, or
 33 financing the delivery of a controlled substance or item of drug
 34 paraphernalia (as described in IC 35-48-4-8.5), as set forth in
 35 subsection (a)(3);

36 (2) Class A misdemeanor if:

37 (A) the common nuisance is used as a location for a person to
 38 pay, offer to pay, or agree to pay for a human trafficking victim
 39 or an act performed by a human trafficking victim as set forth
 40 in subsection (a)(4); or

41 (B) the person knowingly, intentionally, or recklessly takes a
 42 person less than eighteen (18) years of age or an endangered



- 1 adult (as defined in IC 12-10-3-2) into a common nuisance
 2 used to unlawfully:
 3 (i) use;
 4 (ii) manufacture;
 5 (iii) keep;
 6 (iv) offer for sale;
 7 (v) sell;
 8 (vi) deliver; or
 9 (vii) finance the delivery of;
 10 a controlled substance or an item of drug paraphernalia, as set
 11 forth in subsection (a)(3); and
 12 (3) Level 6 felony if the person:
 13 (A) knowingly, intentionally, or recklessly takes a person less
 14 than eighteen (18) years of age or an endangered adult (as
 15 defined in IC 12-10-3-2) into a common nuisance used to
 16 unlawfully:
 17 (i) use;
 18 (ii) manufacture;
 19 (iii) keep;
 20 (iv) offer for sale;
 21 (v) sell;
 22 (vi) deliver; or
 23 (vii) finance the delivery of;
 24 a controlled substance or an item of drug paraphernalia, as set
 25 forth in subsection (a)(3); and
 26 (B) has a prior unrelated conviction for a violation of this
 27 section involving a controlled substance or drug paraphernalia.
 28 (c) A person who knowingly or intentionally maintains a common
 29 nuisance commits maintaining a common nuisance, a Level 6 felony.
 30 (d) It is a defense to a prosecution under subsection (c) that:
 31 (1) the offense involves only the unlawful use or keeping of:
 32 (A) less than:
 33 (i) thirty (30) grams of ~~marijuana~~; **cannabis**; or
 34 (ii) five (5) grams of hash oil, hashish, or salvia; or
 35 (B) an item of drug paraphernalia (as described in
 36 IC 35-48-4-8.5) that is designed for use with, or intended to be
 37 used for, ~~marijuana~~; **cannabis**, hash oil, hashish, or salvia; and
 38 (2) the person does not have a prior unrelated conviction for a
 39 violation of subsection (c).
 40 SECTION 31. IC 35-45-6-1, AS AMENDED BY P.L.80-2019,
 41 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2021]: Sec. 1. (a) The definitions in this section apply



- 1 throughout this chapter.
- 2 (b) "Documentary material" means any document, drawing,
3 photograph, recording, or other tangible item containing compiled data
4 from which information can be either obtained or translated into a
5 usable form.
- 6 (c) "Enterprise" means:
7 (1) a sole proprietorship, corporation, limited liability company,
8 partnership, business trust, or governmental entity; or
9 (2) a union, an association, or a group, whether a legal entity or
10 merely associated in fact.
- 11 (d) "Pattern of racketeering activity" means engaging in at least two
12 (2) incidents of racketeering activity that have the same or similar
13 intent, result, accomplice, victim, or method of commission, or that are
14 otherwise interrelated by distinguishing characteristics that are not
15 isolated incidents. However, the incidents are a pattern of racketeering
16 activity only if at least one (1) of the incidents occurred after August
17 31, 1980, and if the last of the incidents occurred within five (5) years
18 after a prior incident of racketeering activity.
- 19 (e) "Racketeering activity" means to commit, to attempt to commit,
20 to conspire to commit a violation of, or aiding and abetting in a
21 violation of any of the following:
22 (1) A provision of IC 23-19, or of a rule or order issued under
23 IC 23-19.
24 (2) A violation of IC 35-45-9.
25 (3) A violation of IC 35-47.
26 (4) A violation of IC 35-49-3.
27 (5) Murder (IC 35-42-1-1).
28 (6) Battery as a Class C felony before July 1, 2014, or a Level 5
29 felony after June 30, 2014 (IC 35-42-2-1).
30 (7) Kidnapping (IC 35-42-3-2).
31 (8) Human and sexual trafficking crimes (IC 35-42-3.5).
32 (9) Child exploitation (IC 35-42-4-4).
33 (10) Robbery (IC 35-42-5-1).
34 (11) Carjacking (IC 35-42-5-2) (before its repeal).
35 (12) Arson (IC 35-43-1-1).
36 (13) Burglary (IC 35-43-2-1).
37 (14) Theft (IC 35-43-4-2).
38 (15) Receiving stolen property (IC 35-43-4-2) (before its
39 amendment on July 1, 2018).
40 (16) Forgery (IC 35-43-5-2).
41 (17) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10)).
42 (18) Bribery (IC 35-44.1-1-2).



- 1 (19) Official misconduct (IC 35-44.1-1-1).
 2 (20) Conflict of interest (IC 35-44.1-1-4).
 3 (21) Perjury (IC 35-44.1-2-1).
 4 (22) Obstruction of justice (IC 35-44.1-2-2).
 5 (23) Intimidation (IC 35-45-2-1).
 6 (24) Promoting prostitution (IC 35-45-4-4).
 7 (25) Professional gambling (IC 35-45-5-3).
 8 (26) Maintaining a professional gambling site (IC
 9 35-45-5-3.5(b)).
 10 (27) Promoting professional gambling (IC 35-45-5-4).
 11 (28) Dealing in or manufacturing cocaine or a narcotic drug (IC
 12 35-48-4-1).
 13 (29) Dealing in methamphetamine (IC 35-48-4-1.1).
 14 (30) Manufacturing methamphetamine (IC 35-48-4-1.2).
 15 (31) Dealing in a schedule I, II, or III controlled substance (IC
 16 35-48-4-2).
 17 (32) Dealing in a schedule IV controlled substance (IC
 18 35-48-4-3).
 19 (33) Dealing in a schedule V controlled substance (IC 35-48-4-4).
 20 (34) Dealing in marijuana (**before July 1, 2021**), **cannabis (after**
 21 **June 30, 2021)**, hash oil, hashish, or salvia (IC 35-48-4-10).
 22 (35) Money laundering (IC 35-45-15-5).
 23 (36) A violation of IC 35-47.5-5.
 24 (37) A violation of any of the following:
 25 (A) IC 23-14-48-9.
 26 (B) IC 30-2-9-7(b).
 27 (C) IC 30-2-10-9(b).
 28 (D) IC 30-2-13-38(f).
 29 (38) Practice of law by a person who is not an attorney (IC
 30 33-43-2-1).
 31 (39) An offense listed in IC 35-48-4 involving the manufacture or
 32 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
 33 synthetic drug lookalike substance (as defined in
 34 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
 35 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
 36 substance analog (as defined in IC 35-48-1-9.3), or a substance
 37 represented to be a controlled substance (as described in
 38 IC 35-48-4-4.6).
 39 (40) Dealing in a controlled substance resulting in death (IC
 40 35-42-1-1.5).

41 SECTION 32. IC 35-46-9-6, AS AMENDED BY P.L.184-2019,
 42 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2021]: Sec. 6. (a) Except as provided in subsections (b) and
 2 (c), a person who operates a motorboat while:

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

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

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

8 (2) having:

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

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

14 (3) intoxicated;

15 commits a Class C misdemeanor.

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

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

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

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

20 (C) this chapter; or

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

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

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

29 SECTION 33. IC 35-48-1-0.2 IS ADDED TO THE INDIANA
 30 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2021]: **Sec. 0.2. A reference to marijuana in**
 32 **a statute, rule, or other document related to marijuana is**
 33 **considered a reference to cannabis. The change in the reference**
 34 **does not change the crime itself.**

35 SECTION 34. IC 35-48-1-16.5, AS AMENDED BY P.L.142-2020,
 36 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2021]: Sec. 16.5. "Enhancing circumstance" means one (1) or
 38 more of the following:

39 (1) The person has a prior conviction for dealing in a controlled
 40 substance that is not marijuana (**before July 1, 2021**), **cannabis**
 41 (**after June 30, 2021**), hashish, hash oil, or salvia divinorum.

42 (2) The person committed the offense while in possession of a



- 1 firearm.
- 2 (3) The person committed the offense:
- 3 (A) on a school bus; or
- 4 (B) in, on, or within five hundred (500) feet of:
- 5 (i) school property while a person under eighteen (18) years
- 6 of age was reasonably expected to be present; or
- 7 (ii) a public park while a person under eighteen (18) years
- 8 of age was reasonably expected to be present.
- 9 (4) The person delivered or financed the delivery of the drug to a
- 10 person under eighteen (18) years of age at least three (3) years
- 11 junior to the person.
- 12 (5) The person manufactured or financed the manufacture of the
- 13 drug.
- 14 (6) The person committed the offense in the physical presence of
- 15 a child less than eighteen (18) years of age, knowing that the child
- 16 was present and might be able to see or hear the offense.
- 17 (7) The person committed the offense on the property of a:
- 18 (A) penal facility; or
- 19 (B) juvenile facility (as defined in IC 35-44.1-3-5).
- 20 (8) The person knowingly committed the offense in, on, or within
- 21 one hundred (100) feet of a facility. For purposes of this
- 22 subdivision, "facility" means a place that is:
- 23 (A) created and funded under IC 12-23-14 or IC 33-23-16;
- 24 (B) certified under IC 12-23-1-6; or
- 25 (C) used for the purpose of conducting a recovery or support
- 26 group meeting;
- 27 and at which a drug abuser (as defined in IC 12-7-2-73) may be
- 28 provided with treatment, care, or rehabilitation.
- 29 SECTION 35. IC 35-48-1-18, AS AMENDED BY P.L.158-2013,
- 30 SECTION 620, IS AMENDED TO READ AS FOLLOWS
- 31 [EFFECTIVE JULY 1, 2021]: Sec. 18. "Manufacture" means the
- 32 following:
- 33 (1) For offenses not involving ~~marijuana~~, **cannabis**, hashish, or
- 34 hash oil:
- 35 (A) the production, preparation, propagation, compounding,
- 36 conversion, or processing of a controlled substance, either
- 37 directly or indirectly by extraction from substances of natural
- 38 origin, independently by means of chemical synthesis, or by a
- 39 combination of extraction and chemical synthesis, and
- 40 includes any packaging or repackaging of the substance or
- 41 labeling or relabeling of its container. It does not include the
- 42 preparation, compounding, packaging, or labeling of a



- 1 controlled substance:
- 2 (i) by a practitioner as an incident to administering or
- 3 dispensing of a controlled substance in the course of a
- 4 professional practice; or
- 5 (ii) by a practitioner, or by the practitioner's authorized agent
- 6 under the practitioner's supervision, for the purpose of, or as
- 7 an incident to, research, teaching, or chemical analysis and
- 8 not for sale; or
- 9 (B) the organizing or supervising of an activity described in
- 10 clause (A).
- 11 (2) For offenses involving ~~marijuana~~, **cannabis**, hashish, or hash
- 12 oil:
- 13 (A) the preparation, compounding, conversion, or processing
- 14 of ~~marijuana~~, **cannabis**, hashish, or hash oil, either directly or
- 15 indirectly by extraction from substances of natural origin,
- 16 independently by means of chemical synthesis, or by a
- 17 combination of extraction and chemical synthesis, and
- 18 includes any packaging or repackaging of the ~~marijuana~~,
- 19 **cannabis**, hashish, or hash oil, or labeling or relabeling of its
- 20 container. It does not include planting, growing, cultivating, or
- 21 harvesting a plant, or the preparation, compounding,
- 22 packaging, or labeling of ~~marijuana~~, **cannabis**, hashish, or
- 23 hash oil:
- 24 (i) by a practitioner as an incident to lawfully administering
- 25 or dispensing of ~~marijuana~~, **cannabis**, hashish, or hash oil in
- 26 the course of a professional practice; or
- 27 (ii) by a practitioner, or by the practitioner's authorized agent
- 28 under the practitioner's supervision, for the purpose of, or as
- 29 an incident to, research, teaching, or chemical analysis and
- 30 not for sale; or
- 31 (B) the organizing or supervising of an activity described in
- 32 clause (A).
- 33 SECTION 36. IC 35-48-1-19, AS AMENDED BY P.L.190-2019,
- 34 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 35 JULY 1, 2021]: Sec. 19. (a) "~~Marijuana~~" "**Cannabis**" means any part
- 36 of the plant genus Cannabis whether growing or not; the seeds thereof;
- 37 the resin extracted from any part of the plant, including hashish and
- 38 hash oil; any compound, manufacture, salt, derivative, mixture, or
- 39 preparation of the plant, its seeds or resin.
- 40 (b) The term does not include:
- 41 (1) the mature stalks of the plant;
- 42 (2) fiber produced from the stalks;



- 1 (3) oil or cake made from the seeds of the plant;
 2 (4) any other compound, manufacture, salt, derivative, mixture,
 3 or preparation of the mature stalks (except the resin extracted
 4 therefrom);
 5 (5) the sterilized seed of the plant which is incapable of
 6 germination;
 7 (6) hemp (as defined by IC 15-15-13-6);
 8 (7) low THC hemp extract; or
 9 (8) smokable hemp.
- 10 SECTION 37. IC 35-48-2-4, AS AMENDED BY P.L.61-2020,
 11 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2021]: Sec. 4. (a) The controlled substances listed in this
 13 section are included in schedule I.
- 14 (b) Opiates. Any of the following opiates, including their isomers,
 15 esters, ethers, salts, and salts of isomers, esters, and ethers, unless
 16 specifically excepted by rule of the board or unless listed in another
 17 schedule, whenever the existence of these isomers, esters, ethers, and
 18 salts is possible within the specific chemical designation:
- 19 4-fluoroisobutyryl fentanyl
 20 Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-
 21 piperidinyl]-N-phenylacetamide) (9815)
 22 Acetyl fentanyl (Other names include:
 23 N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)
 24 Acetylmethadol (9601)
 25 Acrylfentanyl. Other name: N-(1-phenethylpiperidin-4-yl)-
 26 N-phenylacrylamide
 27 Allylprodine (9602)
 28 Alpha-methylthiofentanyl (N-[1-methyl-2-(2-
 29 thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide) (9832)
 30 Alphacetylmethadol (9603)
 31 Alphameprodine (9604)
 32 Alphamethadol (9605)
 33 Alphamethylfentanyl (9814)
 34 Benzethidine (9606)
 35 Beta-hydroxy-3-methylfentanyl (9831). Other name:
 36 N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl
 37]-N-phenylpropanamide
 38 Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-
 39 phenethyl)-4-piperidinyl]-N-phenylpropanamide) (9830)
 40 Betacetylmethadol (9607)
 41 Betameprodine (9608)
 42 Betamethadol (9609)



1	Betaprodine (9611)
2	Clonitazene (9612)
3	Cyclopentyl fentanyl. Other name:
4	N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide
5	Dextromoramide (9613)
6	Diampromide (9615)
7	Diethylthiambutene (9616)
8	Difenoxin (9168)
9	Dimenoxadol (9617)
10	Dimepheptanol (9618)
11	Dimethylthiambutene (9619)
12	Dioxaphetyl butyrate (9621)
13	Dipipanone (9622)
14	Ethylmethylthiambutene (9623)
15	Etonitazene (9624)
16	Etoxidine (9625)
17	Fentanyl related substances.
18	Furanyl fentanyl.
19	Furethidine (9626)
20	Hydroxypethidine (9627)
21	Isobutyryl fentanyl. Other name:
22	N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide
23	Ketobemidone (9628)
24	Levomoramide (9629)
25	Levophenacetylmorphan (9631)
26	Methoxyacetyl fentanyl. Other name:
27	2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide
28	3-Methylfentanyl [N-[3-methyl-1-(2-phenylethyl)-4-
29	piperidyl]-N-phenyl-propanimide](9813)
30	3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-
31	piperidinyl]-N-phenylpropanamide) (9833)
32	MPPP (1-methyl-4-phenyl-4-propionoxypiperidine) (9961)
33	Morpheridine (9632)
34	N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl),
35	including any isomers, salts, or salts of isomers (9818)
36	N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]-2-phenylpiperidin-4-yl]-
37	N-phenylpropionamide, also known as N-[1-[2-hydroxy-2-
38	(2-thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide,
39	(beta-hydroxythiofentanyl)
40	N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl) isobutyramide
41	(para-chloroisobutyryl fentanyl)
42	N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)



1	acetamide (ocfentanil)
2	N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl) butyramide
3	(para-fluorobutyryl fentanyl)
4	N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide, also known
5	as N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide, (butyryl
6	fentanyl)
7	N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide (valeryl
8	fentanyl)
9	N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl) butyramide
10	(para-methoxybutyryl fentanyl)
11	N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide
12	(thenylfentanyl), including any isomers, salts, or salts of isomers
13	(9834)
14	N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide (isobutyryl
15	fentanyl)
16	N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide
17	(cyclopentyl fentanyl)
18	Noracymethadol (9633)
19	Norlevorphanol (9634)
20	Normethadone (9635)
21	Norpipanone (9636)
22	O c f e n t a n i l . O t h e r n a m e :
23	N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)
24	acetamide
25	Ortho-fluorofentanyl or 2-fluorofentanyl. Other name:
26	N-(2-fluorophenyl)-N-
27	(1-phenethylpiperidin-4-yl)propionamide
28	Para-chloroisobutyryl fentanyl. Other name:
29	N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide
30	Para-fluorobutyryl fentanyl. Other name:
31	N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide
32	Para-fluorofentanyl (N-(4-fluorophenyl)-N-
33	[1-(2-phenethyl)-4-piperidinyl] propanamide (9812)
34	Para-methoxybutyryl fentanyl. Other name:
35	N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide
36	Phenadoxone (9637)
37	Phenampromide (9638)
38	Phenomorphane (9647)
39	Phenoperidine (9641)
40	PEPAP [1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine] (9663)
41	Piritramide (9642)
42	Proheptazine (9643)



- 1 Properidine (9644)
 2 Propiram (9649)
 3 Racemoramide (9645)
 4 Tetrahydrofuranyl fentanyl. Other name:
 5 N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carb
 6 oxamide
 7 Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-
 8 piperidinyl]-propanamide) (9835)
 9 Tilidine (9750)
 10 Trimeperidine (9646)
 11 U47700 (3,4-dichloro- N- [2-dimethylamino)cyclohexyl]-
 12 N-methyl- benzamide)
 13 Valeryl fentanyl. Other name :
 14 N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide
 15 (c) Opium derivatives. Any of the following opium derivatives, their
 16 salts, isomers, and salts of isomers, unless specifically excepted by rule
 17 of the board or unless listed in another schedule, whenever the
 18 existence of these salts, isomers, and salts of isomers is possible within
 19 the specific chemical designation:
 20 Acetorphine (9319)
 21 Acetyldihydrocodeine (9051)
 22 Benzylmorphine (9052)
 23 Codeine methylbromide (9070)
 24 Codeine-N-Oxide (9053)
 25 Cyprenorphine (9054)
 26 Desomorphine (9055)
 27 Dihydromorphine (9145)
 28 Drotebanol (9335)
 29 Etorphine (except hydrochloride salt) (9056)
 30 Heroin (9200)
 31 Hydromorphanol (9301)
 32 Methyl-desorphine (9302)
 33 Methyl-dihydromorphine (9304)
 34 Morphine methylbromide (9305)
 35 Morphine methylsulfonate (9306)
 36 Morphine-N-Oxide (9307)
 37 Myrophine (9308)
 38 Nicocodeine (9309)
 39 Nicomorphine (9312)
 40 Normorphine (9313)
 41 Pholcodine (9314)
 42 Thebacon (9315)



1 (d) Hallucinogenic substances. Unless specifically excepted or
 2 unless listed in another schedule, any material, compound, mixture, or
 3 preparation which contains any quantity of the following
 4 hallucinogenic, psychedelic, or psychogenic substances, their salts,
 5 isomers, and salts of isomers whenever the existence of these salts,
 6 isomers, and salts of isomers is possible within the specific chemical
 7 designation (for purposes of this subsection only, the term "isomer"
 8 includes the optical, position, and geometric isomers):

9 (1) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (7473). Other name:
 10 TCPy.

11 (2) 4-Bromo-2, 5-Dimethoxyamphetamine (7391). Some trade or
 12 other names: 4-Bromo-2, 5-Dimethoxy-a-methylphenethylamine;
 13 4-Bromo-2, 5-DMA.

14 (3) 4-Bromo-2, 5-dimethoxyphenethylamine (7392). Some trade
 15 or other names:

16 2-[4-bromo-2,5-dimethoxyphenyl]-1-aminoethane;
 17 alpha-desmethyl DOB; 2C-B, Nexus.

18 (4) 2, 5-Dimethoxy-4-ethylamphet-amine (7399). Other name:
 19 DOET.

20 (5) 2, 5-Dimethoxy-4-(n)-propylthiophenethylamine (7348).
 21 Other name: 2C-T-7.

22 (6) 2, 5-Dimethoxyamphetamine (7396). Some trade or other
 23 names: 2, 5-Dimethoxy-a-methylphenethylamine; 2, 5-DMA.

24 (7) 4-Methoxyamphetamine (7411). Some trade or other names:
 25 4-Methoxy-a-methylphenethylamine; Paramethoxyamphetamine;
 26 PMA.

27 (8) 5-Methoxy-3, 4-methylenedioxy amphetamine (7401). Other
 28 Name: MMDA.

29 (9) 5-Methoxy-N, N-diisopropyltryptamine, including any
 30 isomers, salts, or salts of isomers (7439). Other name:
 31 5-MeO-DIPT.

32 (10) 4-methyl-2, 5-dimethoxyamphetamine (7395). Some trade
 33 and other names: 4-methyl-2,
 34 5-dimethoxy-a-methylphenethylamine; DOM; and STP.

35 (11) 3, 4-methylenedioxy amphetamine (7400). Other name:
 36 MDA.

37 (12) 3,4-methylenedioxy-N-ethylamphetamine (7404). Other
 38 names: N-ethyl-alpha-methyl-3,4(methylenedioxy)
 39 phenethylamine; N-ethyl MDA; MDE; and MDEA.

40 (13) 3, 4-methylenedioxymethamphetamine (MDMA) (7405).

41 (14) 3, 4, 5-trimethoxy amphetamine (7390). Other name: TMA.

42 (15) Alpha-ethyltryptamine (7249). Some trade and other names:



- 1 Etryptamine; Monase; [alpha]-ethyl-1H-indole-3-ethanamine;
 2 3-(2-aminobutyl) indole; [alpha]-ET; and AET.
 3 (16) Alpha-methyltryptamine (7432). Other name: AMT.
 4 (17) Bufotenine (7433). Some trade and other names:
 5 3-(B-Dimethylaminoethyl)-5-hydroxyindole;
 6 3-(2-dimethylaminonethyl)-5-indolol; N, N-dimethylserotonin;
 7 5-hydroxy-N, N-dimethyltryptamine; mappine.
 8 (18) Diethyltryptamine (7434). Some trade or other names: N,
 9 N-Diethyltryptamine; DET.
 10 (19) Dimethyltryptamine (7435). Some trade or other names:
 11 DMT.
 12 (20) Ibogaine (7260). Some trade and other names: 7-Ethyl-6, 6b,
 13 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-pyrido
 14 (1', 2': 1, 2, azepino 4, 5-b) indole; tabernanthe iboga.
 15 (21) Lysergic acid diethylamide (7315). Other name: LSD.
 16 (22) ~~Marijuana~~ **Cannabis** (7360).
 17 (23) Mescaline (7381).
 18 (24) Parahexyl (7374). Some trade or other names:
 19 3-Hexyl-1-hydroxy-7, 8, 9, 10-Tetrahydro-6, 6,
 20 9-trimethyl-6H-dibenzo (b,d) pyran; Snyhexyl.
 21 (25) Peyote (7415), including:
 22 (A) all parts of the plant that are classified botanically as
 23 lophophora williamsii lemaire, whether growing or not;
 24 (B) the seeds thereof;
 25 (C) any extract from any part of the plant; and
 26 (D) every compound, manufacture, salt, derivative, mixture, or
 27 preparation of the plant, its seeds, or extracts.
 28 (26) N-ethyl-3-piperidyl benzilate (7482). Other name: DMZ.
 29 (27) N-hydroxy-3,4-methylenedioxyamphetamine (7402). Other
 30 names: N-hydroxy-alpha-methyl-3,4
 31 (methylenedioxy)phenethylamine; and N-hydroxy MDA.
 32 (28) N-methyl-3-piperidyl benzilate (7484). Other name: LBJ.
 33 (29) Psilocybin (7437).
 34 (30) Psilocyn (7438).
 35 (31) Tetrahydrocannabinols (7370), including synthetic
 36 equivalents of the substances contained in the plant, or in the
 37 resinous extractives of Cannabis, sp. and synthetic substances,
 38 derivatives, and their isomers with similar chemical structure and
 39 pharmacological activity such as:
 40 (A) π^1 cis or trans tetrahydrocannabinol, and their optical
 41 isomers;
 42 (B) π^6 cis or trans tetrahydrocannabinol, and their optical



- 1 isomers; and
 2 (C) π^3_4 cis or trans tetrahydrocannabinol, and their optical
 3 isomers.
 4 Since nomenclature of these substances is not internationally
 5 standardized, compounds of these structures, regardless of
 6 numerical designation of atomic positions are covered. Other
 7 name: THC.
 8 (32) Ethylamine analog of phencyclidine (7455). Some trade or
 9 other names: N-Ethyl-1-phenylcyclohexylamine;
 10 (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl)
 11 ethylamine; cyclohexamine; PCE.
 12 (33) Pyrrolidine analog of phencyclidine (7458). Some trade or
 13 other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCP_y; PHP.
 14 (34) Thiophene analog of phencyclidine (7470). Some trade or
 15 other names: 1-(1-(2-thienyl) cyclohexyl) piperidine; 2-Thienyl
 16 Analog of Phencyclidine; TPCP.
 17 (35) *Salvia divinorum* or salvinorin A, including:
 18 (A) all parts of the plant that are classified botanically as *salvia*
 19 *divinorum*, whether growing or not;
 20 (B) the seeds of the plant;
 21 (C) any extract from any part of the plant; and
 22 (D) every compound, manufacture, salt, derivative, mixture, or
 23 preparation of the plant, its seeds, or extracts.
 24 (36) 5-Methoxy-N,N-Dimethyltryptamine. Some trade or other
 25 names: 5-methoxy-3-[2- (dimethylamino)ethyl]indole;
 26 5-MeO-DMT.
 27 (37) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).
 28 (38) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).
 29 (39) 2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine (2C-C).
 30 (40) 2-(4-Iodo-2,5-dimethoxyphenyl) ethanamine (2C-I).
 31 (41) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl] ethanamine (2C-T-2).
 32 (42) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl] ethanamine
 33 (2C-T-4).
 34 (43) 2-(2,5-Dimethoxyphenyl) ethanamine (2C-H).
 35 (44) 2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine (2C-N).
 36 (45) 2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine (2C-P).
 37 (46) Deschloroketamine (2-Phenyl-2-
 38 (methylamino)cyclohexanone).
 39 (47) 4-Hydroxy-MET (4-Hydroxy-N-methyl-N-
 40 ethyltryptamine).
 41 (48) N-methyltryptamine (1H-Indole-3-ethanamine, N-methyl-).
 42 (e) Depressants. Unless specifically excepted in a rule adopted by



1 the board or unless listed in another schedule, any material, compound,
 2 mixture, or preparation which contains any quantity of the following
 3 substances having a depressant effect on the central nervous system,
 4 including its salts, isomers, and salts of isomers whenever the existence
 5 of such salts, isomers, and salts of isomers is possible within the
 6 specific chemical designation:

7 Etizolam (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-
 8 thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine) (other names
 9 include: Etilaam, Etizest, Depas, Etizola, Sedekopan, and
 10 Pasaden)

11 Flubromazolam (8-bromo-6-(2-fluorophenyl)-1-methyl-
 12 4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine)

13 Gamma-hydroxybutyric acid (other names include GHB;
 14 gamma-hydroxybutyrate; 4-hydroxybutanoic acid; sodium
 15 oxybate; sodium oxybutyrate) (2010)

16 Mecloqualone (2572)

17 Methaqualone (2565)

18 (f) Stimulants. Unless specifically excepted or unless listed in
 19 another schedule, any material, compound, mixture, or preparation that
 20 contains any quantity of the following substances having a stimulant
 21 effect on the central nervous system, including its salts, isomers, and
 22 salts of isomers:

23 ([+/-] cis-4-methylaminorex (([+/-]cis-4,5-
 24 dihydro-4-methyl-5-phenyl-2-oxazolamine) (1590)

25 Aminorex (1585). Other names: aminoxaphen;
 26 2-amino-5-phenyl-2-oxazoline; or
 27 4,5-dihydro-5-phenyl-2-oxazolamine.

28 Benzylone, 1-(1,3-benzodioxol-5-yl)-2-(benzylamino)propan-
 29 -1-one. Synonyms: BMDP, N-benzyl methylone,
 30 3,4-Methylenedioxy-N-benzylcathinone,
 31 N-benzyl-3,4-methylenedioxcathinone.

32 Cathinone (1235). Some trade or other names:
 33 2-amino-1-phenyl-1-propanone; alpha-aminopropiophenone;
 34 2-aminopropiophenone; and norephedrone.

35 Fenethylamine (1503).

36 N-Benzylpiperazine (7493). Other names: BZP; and
 37 1-benzylpiperazine.

38 N-ethylamphetamine (1475).

39 Methcathinone (1237). Some other trade names:
 40 2-Methylamino-1-Phenylpropan-1-one; Ephedrone;
 41 Monomethylpropion; UR 1431.

42 N, N-dimethylamphetamine (1480). Other names: N,



- 1 N-alpha-trimethyl-benzeneethanamine; and N,
 2 N-alpha-trimethylphenethylamine.
- 3 (g) Synthetic drugs as defined in IC 35-31.5-2-321.
- 4 SECTION 38. IC 35-48-4-2, AS AMENDED BY P.L.61-2020,
 5 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2021]: Sec. 2. (a) A person who:
- 7 (1) knowingly or intentionally:
- 8 (A) manufactures;
- 9 (B) finances the manufacture of;
- 10 (C) delivers; or
- 11 (D) finances the delivery of;
- 12 a controlled substance or controlled substance analog, pure or
 13 adulterated, classified in schedule I, except ~~marijuana, cannabis,~~
 14 hash oil, hashish, or salvia, or a controlled substance, or
 15 controlled substance analog, pure or adulterated, classified in
 16 schedule II or III; or
- 17 (2) possesses, with intent to:
- 18 (A) manufacture;
- 19 (B) finance the manufacture of;
- 20 (C) deliver; or
- 21 (D) finance the delivery of;
- 22 a controlled substance or controlled substance analog, pure or
 23 adulterated, classified in schedule I, except ~~marijuana, cannabis,~~
 24 hash oil, hashish, or salvia, or a controlled substance, or
 25 controlled substance analog, pure or adulterated, classified in
 26 schedule II or III;
- 27 commits dealing in a schedule I, II, or III controlled substance, a Level
 28 6 felony, except as provided in subsections (b) through (f).
- 29 (b) A person may be convicted of an offense under subsection (a)(2)
 30 only if:
- 31 (1) there is evidence in addition to the weight of the drug that the
 32 person intended to manufacture, finance the manufacture of,
 33 deliver, or finance the delivery of the drug; or
- 34 (2) the amount of the drug involved is at least twenty-eight (28)
 35 grams.
- 36 (c) The offense is a Level 5 felony if:
- 37 (1) the amount of the drug involved is at least one (1) gram but
 38 less than five (5) grams; or
- 39 (2) the amount of the drug involved is less than one (1) gram and
 40 an enhancing circumstance applies.
- 41 (d) The offense is a Level 4 felony if:
- 42 (1) the amount of the drug involved is at least five (5) grams but



- 1 less than ten (10) grams; or
 2 (2) the amount of the drug involved is at least one (1) gram but
 3 less than five (5) grams and an enhancing circumstance applies.
 4 (e) The offense is a Level 3 felony if:
 5 (1) the amount of the drug involved is at least ten (10) grams but
 6 less than twenty-eight (28) grams; or
 7 (2) the amount of the drug involved is at least five (5) grams but
 8 less than ten (10) grams and an enhancing circumstance applies.
 9 (f) The offense is a Level 2 felony if:
 10 (1) the amount of the drug involved is at least twenty-eight (28)
 11 grams; or
 12 (2) the amount of the drug involved is at least ten (10) grams but
 13 less than twenty-eight (28) grams and an enhancing circumstance
 14 applies.

15 SECTION 39. IC 35-48-4-7, AS AMENDED BY P.L.61-2020,
 16 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2021]: Sec. 7. (a) A person who, without a valid prescription
 18 or order of a practitioner acting in the course of the practitioner's
 19 professional practice, knowingly or intentionally possesses a:

- 20 (1) controlled substance or controlled substance analog (pure or
 21 adulterated), classified in schedule I, except ~~marijuana~~, **cannabis**,
 22 hashish, or salvia; or
 23 (2) controlled substance or controlled substance analog (pure or
 24 adulterated), classified in schedule II, III, or IV;

25 commits possession of a controlled substance, a Class A misdemeanor,
 26 except as provided in subsection (b).

27 (b) The offense is a Level 6 felony if the person commits the offense
 28 and an enhancing circumstance applies.

29 (c) A person who, without a valid prescription or order of a
 30 practitioner acting in the course of the practitioner's professional
 31 practice, knowingly or intentionally obtains:

- 32 (1) more than four (4) ounces of schedule V controlled substances
 33 containing codeine in any given forty-eight (48) hour period
 34 unless pursuant to a prescription;
 35 (2) a schedule V controlled substance pursuant to written or
 36 verbal misrepresentation; or
 37 (3) possession of a schedule V controlled substance other than by
 38 means of a prescription or by means of signing an exempt
 39 narcotic register maintained by a pharmacy licensed by the
 40 Indiana state board of pharmacy;

41 commits a Class A misdemeanor.

42 SECTION 40. IC 35-48-4-8.3, AS AMENDED BY P.L.187-2015,



1 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2021]: Sec. 8.3. (a) This section does not apply to a rolling
3 paper.

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

7 (1) introducing into the person's body a controlled substance
8 **other than cannabis;**

9 (2) testing the strength, effectiveness, or purity of a controlled
10 substance **other than cannabis;** or

11 (3) enhancing the effect of a controlled substance **other than**
12 **cannabis;**

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

16 SECTION 41. IC 35-48-4-8.5, AS AMENDED BY P.L.153-2018,
17 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2021]: Sec. 8.5. (a) A person who keeps for sale, offers for
19 sale, delivers, or finances the delivery of a raw material, an instrument,
20 a device, or other object that is intended to be or that is designed or
21 marketed to be used primarily for:

22 (1) ingesting, inhaling, or otherwise introducing into the human
23 body ~~marijuana;~~ **cannabis**, hash oil, hashish, salvia, a synthetic
24 drug, or a controlled substance;

25 (2) testing the strength, effectiveness, or purity of ~~marijuana;~~
26 **cannabis**, hash oil, hashish, salvia, a synthetic drug, or a
27 controlled substance;

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

29 (4) manufacturing, compounding, converting, producing,
30 processing, or preparing ~~marijuana;~~ **cannabis**, hash oil, hashish,
31 salvia, a synthetic drug, or a controlled substance;

32 (5) diluting or adulterating ~~marijuana;~~ **cannabis**, hash oil,
33 hashish, salvia, a synthetic drug, or a controlled substance by
34 individuals; or

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

37 commits a Class A infraction for dealing in paraphernalia.

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

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



- 1 (1) Items marketed for use in the preparation, compounding,
 2 packaging, labeling, or other use of ~~marijuana~~, **cannabis**, hash oil,
 3 hashish, salvia, a synthetic drug, or a controlled substance as an
 4 incident to lawful research, teaching, or chemical analysis and not
 5 for sale.
- 6 (2) Items marketed for or historically and customarily used in
 7 connection with the planting, propagating, cultivating, growing,
 8 harvesting, manufacturing, compounding, converting, producing,
 9 processing, preparing, testing, analyzing, packaging, repackaging,
 10 storing, containing, concealing, injecting, ingesting, or inhaling
 11 of tobacco or any other lawful substance.
- 12 (3) A qualified entity (as defined in IC 16-41-7.5-3) that provides
 13 a syringe or needle as part of a program under IC 16-41-7.5.
- 14 (4) Any entity or person that provides funding to a qualified entity
 15 (as defined in IC 16-41-7.5-3) to operate a program described in
 16 IC 16-41-7.5.
- 17 **(5) A cannabis organization, cannabis researcher, user, or**
 18 **transporter described in IC 7.1-8 if the person is in substantial**
 19 **compliance with the requirements of IC 7.1-8.**
- 20 SECTION 42. IC 35-48-4-10, AS AMENDED BY P.L.153-2018,
 21 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2021]: Sec. 10. (a) A person who:
 23 (1) knowingly or intentionally:
 24 (A) manufactures;
 25 (B) finances the manufacture of;
 26 (C) delivers; or
 27 (D) finances the delivery of;
 28 ~~marijuana~~, **cannabis**, hash oil, hashish, or salvia, pure or
 29 adulterated; or
 30 (2) possesses, with intent to:
 31 (A) manufacture;
 32 (B) finance the manufacture of;
 33 (C) deliver; or
 34 (D) finance the delivery of;
 35 ~~marijuana~~, **cannabis**, hash oil, hashish, or salvia, pure or
 36 adulterated;
 37 commits dealing in ~~marijuana~~, **cannabis**, hash oil, hashish, or salvia,
 38 a Class A misdemeanor, except as provided in subsections (b) through
 39 (d).
 40 (b) A person may be convicted of an offense under subsection (a)(2)
 41 only if:
 42 (1) there is evidence in addition to the weight of the drug that the



1 person intended to manufacture, finance the manufacture of,
2 deliver, or finance the delivery of the drug; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (2) the:

25 (A) amount of the drug involved is:

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

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

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

30 (3) the:

31 (A) person is a retailer;

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

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

37 **(e) This section does not apply to a cannabis organization,**
38 **cannabis researcher, cannabis user, or cannabis transporter**
39 **described in IC 7.1-8 if the person is in substantial compliance with**
40 **the requirements of IC 7.1-8.**

41 SECTION 43. IC 35-48-4-11, AS AMENDED BY P.L.153-2018,
42 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2021]: Sec. 11. (a) A person who
 2 ~~(1)~~ knowingly or intentionally possesses (pure or adulterated)
 3 ~~marijuana~~, hash oil, hashish, or salvia
 4 ~~(2) knowingly or intentionally grows or cultivates marijuana; or~~
 5 ~~(3) knowing that marijuana is growing on the person's premises;~~
 6 ~~fails to destroy the marijuana plants;~~
 7 commits possession of ~~marijuana~~, hash oil, hashish, or salvia, a Class
 8 B misdemeanor, except as provided in subsections (b) through (c).

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

- 11 (1) the person has a prior conviction for a drug offense; or
 12 (2) the:

- 13 (A) ~~marijuana~~, hash oil, hashish, or salvia is packaged in a
 14 manner that appears to be low THC hemp extract; and
 15 (B) person knew or reasonably should have known that the
 16 product was ~~marijuana~~, hash oil, hashish, or salvia.

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

- 18 (1) the person has a prior conviction for a drug offense; and
 19 (2) the person possesses

20 ~~(A) at least thirty (30) grams of marijuana; or~~

21 ~~(B) at least five (5) grams of hash oil, hashish, or salvia.~~

22 **(d) This section does not apply to a cannabis organization,**
 23 **cannabis researcher, cannabis user, or cannabis transporter**
 24 **described in IC 7.1-8 if the person is in substantial compliance with**
 25 **the requirements of IC 7.1-8.**

26 SECTION 44. IC 35-48-4-11.1 IS ADDED TO THE INDIANA
 27 CODE AS A NEW SECTION TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2021]: **Sec. 11.1. A person who knowingly or**
 29 **intentionally:**

- 30 **(1) consumes cannabis in a public place;**
 31 **(2) delivers cannabis to a person less than twenty-one (21)**
 32 **years of age; or**
 33 **(3) being less than twenty-one (21) years of age, possesses**
 34 **cannabis;**

35 **commits unlawful cannabis use, a Class B misdemeanor.**

36 SECTION 45. IC 35-48-4-12, AS AMENDED BY P.L.142-2020,
 37 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2021]: Sec. 12. If a person who has no prior conviction of an
 39 offense under this article relating to controlled substances pleads guilty
 40 to possession of ~~marijuana~~, hashish, salvia, or smokable hemp as a
 41 misdemeanor, the court, without entering a judgment of conviction and
 42 with the consent of the person, may defer further proceedings and place



1 the person in the custody of the court under conditions determined by
 2 the court. Upon violation of a condition of the custody, the court may
 3 enter a judgment of conviction. However, if the person fulfills the
 4 conditions of the custody, the court shall dismiss the charges against
 5 the person. There may be only one (1) dismissal under this section with
 6 respect to a person.

7 SECTION 46. IC 35-50-2-2.2, AS AMENDED BY P.L.142-2020,
 8 SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2021]: Sec. 2.2. (a) Except as provided in subsection (b), (c),
 10 (d), or (e), the court may suspend any part of a sentence for a felony.

11 (b) Except as provided in subsection (d), if a person is convicted of
 12 a Level 2 felony or a Level 3 felony, except a Level 2 felony or a Level
 13 3 felony concerning a controlled substance under IC 35-48-4, and has
 14 any prior unrelated felony conviction, the court may suspend only that
 15 part of a sentence that is in excess of the minimum sentence for the:

16 (1) Level 2 felony; or

17 (2) Level 3 felony.

18 (c) If:

19 (1) a person has a prior unrelated felony conviction for dealing in
 20 a controlled substance that is not marijuana (**before July 1,**
 21 **2021**), **cannabis (after June 30, 2021)**, hashish, hash oil, or
 22 salvia divinorum; and

23 (2) the person is convicted of a Level 2 felony under
 24 IC 35-48-4-1.1 or IC 35-48-4-1.2;

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

27 (d) If a person:

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

30 (2) has a prior unrelated felony conviction;

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

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

36 SECTION 47. IC 35-50-5-3, AS AMENDED BY P.L.111-2018,
 37 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2021]: Sec. 3. (a) Except as provided in subsection (i), (j), (l),
 39 or (m), in addition to any sentence imposed under this article for a
 40 felony or misdemeanor, the court may, as a condition of probation or
 41 without placing the person on probation, order the person to make
 42 restitution to the victim of the crime, the victim's estate, or the family



1 of a victim who is deceased. The court shall base its restitution order
2 upon a consideration of:

3 (1) property damages of the victim incurred as a result of the
4 crime, based on the actual cost of repair (or replacement if repair
5 is inappropriate);

6 (2) medical and hospital costs incurred by the victim (before the
7 date of sentencing) as a result of the crime;

8 (3) the cost of medical laboratory tests to determine if the crime
9 has caused the victim to contract a disease or other medical
10 condition;

11 (4) earnings lost by the victim (before the date of sentencing) as
12 a result of the crime including earnings lost while the victim was
13 hospitalized or participating in the investigation or trial of the
14 crime; and

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

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

19 (1) attaches to the property of the person subject to the order;

20 (2) may be perfected;

21 (3) may be enforced to satisfy any payment that is delinquent
22 under the restitution order by the person in whose favor the order
23 is issued or the person's assignee; and

24 (4) expires;

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

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

29 (1) the victim services division of the Indiana criminal justice
30 institute in an amount not exceeding:

31 (A) the amount of the award, if any, paid to the victim under
32 IC 5-2-6.1; and

33 (B) the cost of the reimbursements, if any, for emergency
34 services provided to the victim under IC 16-10-1.5 (before its
35 repeal) or IC 16-21-8; or

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

38 (A) a victim of a crime;

39 (B) a victim's estate; or

40 (C) the family of a victim who is deceased.

41 The victim services division of the Indiana criminal justice institute
42 shall deposit the restitution it receives under this subsection in the



1 violent crime victims compensation fund established by IC 5-2-6.1-40.

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

7 (1) The name and address of the person that is to receive the
8 restitution.

9 (2) The amount of restitution the person is to receive.

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

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

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

20 (2) other damages suffered by the victim.

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

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

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

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

41 (j) The court may order the person convicted of an offense under
42 IC 35-43-5-3.5 to make restitution to the victim of the crime, the



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

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

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

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

27 (A) the federal Fair Labor Standards Act of 1938, as amended
 28 (29 U.S.C. 201-209); or

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

30 whichever is greater.

31 (l) The court shall order a person who:

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

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

37 to pay liquidated damages to the property owner in the amount of ten
 38 thousand dollars (\$10,000) or to pay actual damages to the property
 39 owner, including lost rent and the costs of decontamination by a
 40 qualified inspector certified under IC 16-19-3.1.

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

42 (1) is convicted of dealing in marijuana (**before July 1, 2021**) or



1 **dealing in cannabis (after June 30, 2021)** under
2 IC 35-48-4-10(a)(1)(A); and
3 (2) manufactured the marijuana **(before July 1, 2021) or**
4 **cannabis (after June 30, 2021)** on property owned by another
5 person, without the consent of the property owner;
6 to pay liquidated damages to the property owner in the amount of two
7 thousand dollars (\$2,000).

