

# HOUSE BILL No. 1185

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-48-4-11.

**Synopsis:** Medical marijuana defense to possession charge. Provides a defense to prosecution for marijuana possession if the person who possessed the marijuana did so under a valid prescription or order of a practitioner who acted in the scope of the practitioner's professional practice.

**Effective:** July 1, 2014.

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## Errington

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January 14, 2014, read first time and referred to Committee on Courts and Criminal Code.

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Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

# HOUSE BILL No. 1185

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

1 SECTION 1. IC 35-48-4-11, AS AMENDED BY P.L.196-2013,  
2 SECTION 23, AND AS AMENDED BY P.L.158-2013, SECTION  
3 638, IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) A person who:  
5 (1) knowingly or intentionally possesses (pure or adulterated)  
6 marijuana, hash oil, hashish, or salvia; ~~or a synthetic drug;~~  
7 (2) knowingly or intentionally grows or cultivates marijuana; or  
8 (3) knowing that marijuana is growing on the person's premises,  
9 fails to destroy the marijuana plants;  
10 commits possession of marijuana, hash oil, hashish, or salvia, ~~or a~~  
11 ~~synthetic drug,~~ a ~~Class A~~ *Class B* misdemeanor, *except as provided in*  
12 *subsections (b) through (c). However, the offense is a Class D felony*  
13 *if the amount involved is more than thirty (30) grams of marijuana or*  
14 *two (2) grams of hash oil, hashish, or salvia, or a synthetic drug, or if*  
15 *the person has a prior conviction of an offense involving marijuana,*  
16 *hash oil, or hashish, or salvia, or a synthetic drug.*



- 1           (b) *The offense described in subsection (a) is a Class A*  
2 *misdemeanor if the person has a prior conviction for a drug offense.*  
3           (c) *The offense described in subsection (a) is a Level 6 felony if:*  
4           (1) *the person has a prior conviction for a drug offense; and*  
5           (2) *the person possesses:*  
6           (A) *at least thirty (30) grams of marijuana; or*  
7           (B) *at least two (2) grams of hash oil, hashish, or salvia. or a*  
8           *synthetic drug.*  
9           **(d) It is a defense to a prosecution under this section that the**  
10 **person who possessed the marijuana did so under a valid**  
11 **prescription or order of a practitioner who acted in the scope of the**  
12 **practitioner's professional practice.**

