

Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1203

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

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

SECTION 1. IC 35-48-4-18 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2024]: **Sec. 18. (a) A person who knowingly or intentionally possesses xylazine commits possession of xylazine, a Class A misdemeanor. However, the offense is a Level 6 felony if the person has a prior unrelated conviction under this section.**

(b) A person who:

(1) knowingly or intentionally:

- (A) manufactures;**
- (B) finances the manufacture of;**
- (C) delivers; or**
- (D) finances the delivery of;**

xylazine; or

(2) possesses, with intent to:

- (A) manufacture;**
- (B) finance the manufacture of;**
- (C) deliver; or**
- (D) finance the delivery of;**

xylazine;

commits dealing in xylazine, a Level 5 felony. However, the offense is a Level 4 felony if the person has a prior unrelated conviction

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under this section.

(c) This section does not apply to one (1) or more of the following:

(1) A person who dispenses, prescribes, or administers a drug containing xylazine to a nonhuman species, if:

(A) the drug has been approved by the Secretary of Health and Human Services under section 512 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 360b); or

(B) the dispensing, prescription, or administration of the drug is permissible under section 512(a)(4) of the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 360b(a)(4)).

(2) A person who:

(A) manufactures, distributes, or uses xylazine as an active pharmaceutical ingredient for manufacturing an animal drug approved under section 512 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 360b); or

(B) has been issued an investigation use exemption for xylazine under section 512(j) of the federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 360b(j)).

(3) A person who manufactures, distributes, or uses a xylazine bulk chemical for pharmaceutical compounding by a licensed pharmacist or veterinarian.

(4) A person who uses xylazine for another purpose approved or permitted under the federal Food, Drug, and Cosmetic Act.

(5) A person who:

(A) possesses xylazine for the purpose of engaging in an activity permitted under this section; or

(B) delivers or transports xylazine from a person described in subdivisions (1) through (5)(A) to another person described in subdivisions (1) through (5)(A).



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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