



January 29, 2016

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## HOUSE BILL No. 1228

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DIGEST OF HB 1228 (Updated January 28, 2016 10:41 am - DI 77)

**Citations Affected:** IC 15-15; IC 21-45; IC 34-30; IC 35-48.

**Synopsis:** Hemp. Allows the state seed commissioner to adopt rules to implement laws concerning industrial hemp. Encourages Indiana University School of Medicine and other state educational institutions to research the use of cannabidiol oil (CBD) from a hemp plant in the treatment of intractable epilepsy. Provides that an individual who possesses or uses CBD from a hemp plant for the treatment of intractable epilepsy is not subject to criminal penalties for the possession or use of the CBD if certain conditions are met. Provides civil, criminal, and administrative immunity for a physician who recommends, dispenses, possesses, or administers CBD in the treatment of intractable epilepsy.

**Effective:** July 1, 2016.

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January 11, 2016, read first time and referred to Committee on Agriculture and Rural Development.  
January 28, 2016, amended, reported — Do Pass.

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HB 1228—LS 6846/DI 77





January 29, 2016

Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

## HOUSE BILL No. 1228

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A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

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

1 SECTION 1. IC 15-15-13-15, AS ADDED BY P.L.165-2014,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2016]: Sec. 15. (a) Notwithstanding any other law, the state  
4 seed commissioner may not grant any license until the state seed  
5 commissioner has secured any necessary permissions, waivers, or other  
6 form of legal status by the United States Drug Enforcement Agency or  
7 other appropriate federal agency concerning industrial hemp.  
8 (b) The state seed commissioner shall apply for any necessary  
9 permissions, waivers, or other forms of legal status by the United States  
10 Drug Enforcement Agency or other appropriate federal agency that are  
11 necessary to implement this chapter before January 1, 2015.  
12 (c) The state seed commissioner may not implement a waiver under  
13 this section until the state seed commissioner files an affidavit with the  
14 governor attesting that the federal permission or waiver applied for  
15 under this section is in effect. The state seed commissioner shall file  
16 the affidavit under this subsection not later than five (5) days after the  
17 state seed commissioner is notified that the waiver is approved.

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1 (d) If the state seed commissioner receives a waiver permission  
 2 under this section from all the appropriate federal agencies and the  
 3 governor receives the affidavit filed under subsection (c), the state seed  
 4 commissioner shall implement this chapter, subject to the terms and  
 5 conditions of the permission or waiver received, not more than sixty  
 6 (60) days after the governor receives the affidavit.

7 **(e) The state seed commissioner may adopt rules under**  
 8 **IC 4-22-2 to implement this chapter.**

9 SECTION 2. IC 21-45-7 IS ADDED TO THE INDIANA CODE AS  
 10 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
 11 1, 2016]:

12 **Chapter 7. Research on Cannabidiol for Treatment of Epilepsy**

13 **Sec. 1. As used in this chapter, "cannabidiol oil" means an**  
 14 **extract from a hemp plant in an oral suspension or oil that:**

- 15 (1) is composed of not more than three-tenths percent (0.3%)  
 16 total tetrahydrocannabinol (THC) by weight;  
 17 (2) is composed of at least fifteen (15) times more cannabidiol  
 18 than total tetrahydrocannabinol (THC) by weight; and  
 19 (3) contains no other controlled substance.

20 **Sec. 2. As used in this chapter, "intractable epilepsy" means a**  
 21 **seizure disorder that has been diagnosed by a physician in a patient**  
 22 **who has not responded to other seizure disorder treatment options.**

23 **Sec. 3. The state encourages the Indiana University School of**  
 24 **Medicine and other state educational institutions that perform**  
 25 **medical research to:**

- 26 (1) conduct physician led research; and  
 27 (2) conduct clinical studies or trials;

28 **concerning the safety and efficacy of using cannabidiol oil in the**  
 29 **treatment of intractable epilepsy.**

30 SECTION 3. IC 34-30-2-151.9 IS ADDED TO THE INDIANA  
 31 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 32 [EFFECTIVE JULY 1, 2016]: **Sec. 151.9. IC 35-48-4-18 (Concerning**  
 33 **the recommendation, dispensing, possession, or administration of**  
 34 **cannabidiol oil in the treatment of intractable epilepsy).**

35 SECTION 4. IC 35-48-4-18 IS ADDED TO THE INDIANA CODE  
 36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 37 1, 2016]: **Sec. 18. (a) As used in this section, "cannabidiol oil"**  
 38 **means an extract from a hemp plant in an oral suspension or oil**  
 39 **that:**

- 40 (1) is composed of not more than three-tenths percent (0.3%)  
 41 total tetrahydrocannabinol (THC) by weight;  
 42 (2) is composed of at least fifteen (15) times more cannabidiol



1           than total tetrahydrocannabinol (THC) by weight; and  
2           (3) contains no other controlled substance.  
3           (b) Notwithstanding any other law, an individual who possesses  
4 or uses cannabidiol oil is not subject to the penalties for the  
5 possession or use of the cannabidiol oil if the following conditions  
6 are met:  
7           (1) The individual:  
8               (A) has an intractable seizure disorder; or  
9               (B) is the parent, legal guardian, health care  
10              representative, or custodian of a minor who has an  
11              intractable seizure disorder; and  
12           possesses and uses the cannabidiol oil only to treat the  
13           intractable seizure disorder.  
14           (2) The individual with an intractable seizure disorder has  
15           received a written recommendation for the use of cannabidiol  
16           oil from a physician who is licensed to practice medicine or  
17           osteopathic medicine in Indiana or by the board or licensing  
18           agency of another state.  
19           (3) The cannabidiol oil is in a container with a capacity of  
20           thirty-two (32) fluid ounces or less that is labeled by the  
21           manufacturer indicating:  
22               (A) the total tetrahydrocannabinol (THC) by weight;  
23               (B) the ratio of total cannabidiol to total  
24               tetrahydrocannabinol (THC) and that the ratio is in  
25               compliance with this section; and  
26               (C) any other ingredients or substances in the cannabidiol  
27               oil.  
28           (4) A laboratory unaffiliated with the producer of the  
29           cannabidiol oil has verified:  
30               (A) the tetrahydrocannabinol (THC) and cannabidiol oil  
31               by weight; and  
32               (B) any other ingredients or substances in the cannabidiol  
33               oil.  
34           (c) A physician who issues a written recommendation under  
35           subsection (b)(2) is immune from civil, criminal, and  
36           administrative liability for the recommendation, dispensing,  
37           possession, or administration of cannabidiol oil in the treatment of  
38           a patient with intractable epilepsy.



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1228, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 34.

Page 2, line 37, reset in roman "(a) Notwithstanding any other law,".

Page 2, line 37, delete "The" and insert "the".

Page 2, line 39, reset in roman "secured any necessary permissions, waivers, or other".

Page 2, reset in roman lines 40 through 42.

Page 3, reset in roman lines 1 through 14.

Page 3, line 15, reset in roman "(60) days after the governor receives the affidavit."

Page 3, line 15, delete "adopted", begin a new paragraph and insert:

**"(e) The state seed commissioner may adopt".**

Page 3, after line 16, begin a new paragraph and insert:

"SECTION 2. IC 21-45-7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

**Chapter 7. Research on Cannabidiol for Treatment of Epilepsy**

**Sec. 1. As used in this chapter, "cannabidiol oil" means an extract from a hemp plant in an oral suspension or oil that:**

- (1) is composed of not more than three-tenths percent (0.3%) total tetrahydrocannabinol (THC) by weight;**
- (2) is composed of at least fifteen (15) times more cannabidiol than total tetrahydrocannabinol (THC) by weight; and**
- (3) contains no other controlled substance.**

**Sec. 2. As used in this chapter, "intractable epilepsy" means a seizure disorder that has been diagnosed by a physician in a patient who has not responded to other seizure disorder treatment options.**

**Sec. 3. The state encourages the Indiana University School of Medicine and other state educational institutions that perform medical research to:**

- (1) conduct physician led research; and**
- (2) conduct clinical studies or trials;**

**concerning the safety and efficacy of using cannabidiol oil in the treatment of intractable epilepsy.**

SECTION 3. IC 34-30-2-151.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 151.9. IC 35-48-4-18 (Concerning**



the recommendation, dispensing, possession, or administration of cannabidiol oil in the treatment of intractable epilepsy).

SECTION 4. IC 35-48-4-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 18. (a) As used in this section, "cannabidiol oil" means an extract from a hemp plant in an oral suspension or oil that:**

- (1) is composed of not more than three-tenths percent (0.3%) total tetrahydrocannabinol (THC) by weight;**
- (2) is composed of at least fifteen (15) times more cannabidiol than total tetrahydrocannabinol (THC) by weight; and**
- (3) contains no other controlled substance.**

**(b) Notwithstanding any other law, an individual who possesses or uses cannabidiol oil is not subject to the penalties for the possession or use of the cannabidiol oil if the following conditions are met:**

**(1) The individual:**

- (A) has an intractable seizure disorder; or**
- (B) is the parent, legal guardian, health care representative, or custodian of a minor who has an intractable seizure disorder; and**

**possesses and uses the cannabidiol oil only to treat the intractable seizure disorder.**

**(2) The individual with an intractable seizure disorder has received a written recommendation for the use of cannabidiol oil from a physician who is licensed to practice medicine or osteopathic medicine in Indiana or by the board or licensing agency of another state.**

**(3) The cannabidiol oil is in a container with a capacity of thirty-two (32) fluid ounces or less that is labeled by the manufacturer indicating:**

- (A) the total tetrahydrocannabinol (THC) by weight;**
- (B) the ratio of total cannabidiol to total tetrahydrocannabinol (THC) and that the ratio is in compliance with this section; and**
- (C) any other ingredients or substances in the cannabidiol oil.**

**(4) A laboratory unaffiliated with the producer of the cannabidiol oil has verified:**

- (A) the tetrahydrocannabinol (THC) and cannabidiol oil by weight; and**
- (B) any other ingredients or substances in the cannabidiol**



**oil.**

**(c) A physician who issues a written recommendation under subsection (b)(2) is immune from civil, criminal, and administrative liability for the recommendation, dispensing, possession, or administration of cannabidiol oil in the treatment of a patient with intractable epilepsy."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1228 as introduced.)

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Committee Vote: yeas 8, nays 0.

