

# HOUSE BILL No. 1263

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-30-5; IC 16-18-2; IC 16-51; IC 35-46-9-6; IC 35-48-4; IC 35-52-16.

**Synopsis:** Medical marijuana. Permits the use of medical marijuana by persons with serious medical conditions as determined by their physician. Establishes a medical marijuana program to permit the cultivation, processing, testing, transportation, and dispensing of medical marijuana by holders of a valid permit. Requires the Indiana department of health (state department) to implement and enforce the medical marijuana program. Requires that permit holders undertake steps to prevent diversion of medical marijuana to unauthorized persons. Requires that medical marijuana and medical marijuana products be properly labeled, placed in child resistant packaging, and tested by an independent testing laboratory before being made available for purchase. Prohibits packaging medical marijuana in a manner that is appealing to children. Authorizes research on medical marijuana in accordance with rules set forth by the state department. Prohibits discrimination against medical marijuana users. Prohibits harassment of medical marijuana users by law enforcement officers, and prohibits cooperation with federal law enforcement officials seeking to enforce federal laws that criminalize the use of marijuana authorized in Indiana. Establishes the medical marijuana oversight board to review appeals and grievances concerning the medical marijuana program. Provides a defense to prosecution for a person who operates a vehicle or motorboat with marijuana or its metabolite in the person's blood under certain conditions that involve medical marijuana. Makes conforming amendments.

**Effective:** July 1, 2023.

---

---

## Lucas

---

---

January 11, 2023, read first time and referred to Committee on Public Health.

---

---



First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

## HOUSE BILL No. 1263

---

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 9-30-5-1, AS AMENDED BY P.L.49-2021,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2023]: Sec. 1. (a) A person who operates a vehicle with an  
4 alcohol concentration equivalent to at least eight-hundredths (0.08)  
5 gram of alcohol but less than fifteen-hundredths (0.15) gram of alcohol  
6 per:  
7 (1) one hundred (100) milliliters of the person's blood; or  
8 (2) two hundred ten (210) liters of the person's breath;  
9 commits a Class C misdemeanor.  
10 (b) A person who operates a vehicle with an alcohol concentration  
11 equivalent to at least fifteen-hundredths (0.15) gram of alcohol per:  
12 (1) one hundred (100) milliliters of the person's blood; or  
13 (2) two hundred ten (210) liters of the person's breath;  
14 commits a Class A misdemeanor.  
15 (c) A person who operates a vehicle with a controlled substance  
16 listed in schedule I or II of IC 35-48-2 or its metabolite in the person's  
17 blood commits a Class C misdemeanor.



1 (d) It is a defense to subsection (c) that:

2 (1) the accused person consumed the controlled substance in  
3 accordance with a valid prescription or order of a practitioner (as  
4 defined in IC 35-48-1) who acted in the course of the  
5 practitioner's professional practice; **or**

6 (2) the:

7 (A) controlled substance is marijuana or a metabolite of  
8 marijuana;

9 (B) person was not intoxicated;

10 (C) person did not cause a traffic accident; and

11 (D) substance was identified by means of a chemical test taken  
12 pursuant to IC 9-30-7; **or**

13 **(3) the:**

14 **(A) controlled substance is marijuana or a metabolite of**  
15 **marijuana;**

16 **(B) accused person is a person authorized to use medical**  
17 **marijuana under IC 16-51; and**

18 **(C) accused person used the medical marijuana in**  
19 **substantial compliance with the requirements of IC 16-51.**

20 SECTION 2. IC 9-30-5-4, AS AMENDED BY P.L.184-2019,  
21 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 JULY 1, 2023]: Sec. 4. (a) A person who causes serious bodily injury  
23 to another person when operating a vehicle:

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

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

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

28 (2) with a controlled substance listed in schedule I or II of  
29 IC 35-48-2 or its metabolite in the person's blood; or

30 (3) while intoxicated;

31 commits a Level 5 felony. However, the offense is a Level 4 felony if  
32 the person has a previous conviction of operating while intoxicated  
33 within the five (5) years preceding the commission of the offense.

34 (b) A person who violates subsection (a) commits a separate offense  
35 for each person whose serious bodily injury is caused by the violation  
36 of subsection (a).

37 (c) It is a defense under subsection (a)(2) that:

38 (1) the accused person consumed the controlled substance in  
39 accordance with a valid prescription or order of a practitioner (as  
40 defined in IC 35-48-1) who acted in the course of the  
41 practitioner's professional practice; **or**

42 **(2) the:**



- 1           **(A) controlled substance is marijuana or a metabolite of**  
 2           **marijuana;**  
 3           **(B) accused person is a person authorized to use medical**  
 4           **marijuana under IC 16-51; and**  
 5           **(C) accused person used the medical marijuana in**  
 6           **substantial compliance with the requirements of IC 16-51.**
- 7           SECTION 3. IC 9-30-5-5, AS AMENDED BY P.L.184-2019,  
 8           SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9           JULY 1, 2023]: Sec. 5. (a) A person who causes the death or  
 10          catastrophic injury of another person when operating a vehicle:  
 11          (1) with an alcohol concentration equivalent to at least  
 12          eight-hundredths (0.08) gram of alcohol per:  
 13                  (A) one hundred (100) milliliters of the person's blood; or  
 14                  (B) two hundred ten (210) liters of the person's breath;  
 15          (2) with a controlled substance listed in schedule I or II of  
 16          IC 35-48-2 or its metabolite in the person's blood; or  
 17          (3) while intoxicated;  
 18          commits a Level 4 felony.  
 19          (b) A person who causes the death of a law enforcement animal (as  
 20          defined in IC 35-46-3-4.5) when operating a vehicle:  
 21          (1) with an alcohol concentration equivalent to at least  
 22          eight-hundredths (0.08) gram of alcohol per:  
 23                  (A) one hundred (100) milliliters of the person's blood; or  
 24                  (B) two hundred ten (210) liters of the person's breath; or  
 25          (2) with a controlled substance listed in schedule I or II of  
 26          IC 35-48-2 or its metabolite in the person's blood;  
 27          commits a Level 6 felony.  
 28          (c) A person who commits an offense under subsection (a) or (b)  
 29          commits a separate offense for each person or law enforcement animal  
 30          whose death (or catastrophic injury, in the case of a person) is caused  
 31          by the violation of subsection (a) or (b).  
 32          (d) It is a defense under subsection (a) or (b) that:  
 33                  **(1) the person accused of causing the death or catastrophic injury**  
 34                  **of another person or the death of a law enforcement animal when**  
 35                  **operating a vehicle with a controlled substance listed in schedule**  
 36                  **I or II of IC 35-48-2 or its metabolite in the person's blood**  
 37                  **consumed the controlled substance in accordance with a valid**  
 38                  **prescription or order of a practitioner (as defined in IC 35-48-1)**  
 39                  **who acted in the course of the practitioner's professional practice;**  
 40                  **or**  
 41                  **(2) the:**  
 42                  **(A) controlled substance is marijuana or a metabolite of**



1 marijuana;

2 (B) accused person is a person authorized to use medical  
3 marijuana under IC 16-51; and

4 (C) accused person used the medical marijuana in  
5 substantial compliance with the requirements of IC 16-51.

6 SECTION 4. IC 16-18-2-48.8 IS ADDED TO THE INDIANA  
7 CODE AS A NEW SECTION TO READ AS FOLLOWS  
8 [EFFECTIVE JULY 1, 2023]: **Sec. 48.8. "Caregiver", for purposes  
9 of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

10 SECTION 5. IC 16-18-2-92.6, AS AMENDED BY P.L.101-2006,  
11 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 JULY 1, 2023]: Sec. 92.6. (a) "Department", for purposes of  
13 IC 16-31-8.5, has the meaning set forth in IC 16-31-8.5-1.

14 (b) "Department", for purposes of IC 16-47-1, has the meaning set  
15 forth in IC 16-47-1-1.

16 (c) "Department", for purposes of IC 16-51, has the meaning set  
17 forth in IC 16-51-1-1.

18 SECTION 6. IC 16-18-2-96.6 IS ADDED TO THE INDIANA  
19 CODE AS A NEW SECTION TO READ AS FOLLOWS  
20 [EFFECTIVE JULY 1, 2023]: **Sec. 96.6. "Dispensary", for purposes  
21 of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

22 SECTION 7. IC 16-18-2-122.6 IS ADDED TO THE INDIANA  
23 CODE AS A NEW SECTION TO READ AS FOLLOWS  
24 [EFFECTIVE JULY 1, 2023]: **Sec. 122.6. "Family or household  
25 member", for purposes of IC 16-51, has the meaning set forth in  
26 IC 16-51-1-1.**

27 SECTION 8. IC 16-18-2-139.6 IS ADDED TO THE INDIANA  
28 CODE AS A NEW SECTION TO READ AS FOLLOWS  
29 [EFFECTIVE JULY 1, 2023]: **Sec. 139.6. "Form of medical  
30 marijuana", for purposes of IC 16-51, has the meaning set forth in  
31 IC 16-51-1-1.**

32 SECTION 9. IC 16-18-2-154.5 IS ADDED TO THE INDIANA  
33 CODE AS A NEW SECTION TO READ AS FOLLOWS  
34 [EFFECTIVE JULY 1, 2023]: **Sec. 154.5. "Grower", for purposes of  
35 IC 16-51, has the meaning set forth in IC 16-51-1-1.**

36 SECTION 10. IC 16-18-2-185.5 IS ADDED TO THE INDIANA  
37 CODE AS A NEW SECTION TO READ AS FOLLOWS  
38 [EFFECTIVE JULY 1, 2023]: **Sec. 185.5. "Identification card", for  
39 purposes of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

40 SECTION 11. IC 16-18-2-190.8 IS ADDED TO THE INDIANA  
41 CODE AS A NEW SECTION TO READ AS FOLLOWS  
42 [EFFECTIVE JULY 1, 2023]: **Sec. 190.8. "INSPECT", for purposes**



1 **of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

2 SECTION 12. IC 16-18-2-216.5 IS ADDED TO THE INDIANA  
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2023]: **Sec. 216.5. "Marijuana", for purposes**  
5 **of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

6 SECTION 13. IC 16-18-2-223.8 IS ADDED TO THE INDIANA  
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
8 [EFFECTIVE JULY 1, 2023]: **Sec. 223.8. "Medical marijuana", for**  
9 **purposes of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

10 SECTION 14. IC 16-18-2-223.9 IS ADDED TO THE INDIANA  
11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
12 [EFFECTIVE JULY 1, 2023]: **Sec. 223.9. "Medical marijuana**  
13 **organization", for purposes of IC 16-51, has the meaning set forth**  
14 **in IC 16-51-1-1.**

15 SECTION 15. IC 16-18-2-272, AS AMENDED BY P.L.153-2018,  
16 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JULY 1, 2023]: Sec. 272. (a) "Patient", for purposes of IC 16-27-1, has  
18 the meaning set forth in IC 16-27-1-6.

19 (b) "Patient", for purposes of IC 16-28 and IC 16-29, means an  
20 individual who has been accepted and assured care by a health facility.

21 (c) "Patient", for purposes of IC 16-36-1.5, has the meaning set forth  
22 in IC 16-36-1.5-3.

23 (d) "Patient", for purposes of IC 16-39, means an individual who has  
24 received health care services from a provider for the examination,  
25 treatment, diagnosis, or prevention of a physical or mental condition.

26 (e) **"Patient", for purposes of IC 16-51, has the meaning set**  
27 **forth in IC 16-51-1-1.**

28 SECTION 16. IC 16-18-2-273.7 IS ADDED TO THE INDIANA  
29 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
30 [EFFECTIVE JULY 1, 2023]: **Sec. 273.7. "Permit", for purposes of**  
31 **IC 16-51, has the meaning set forth in IC 16-51-1-1.**

32 SECTION 17. IC 16-18-2-293.7 IS ADDED TO THE INDIANA  
33 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
34 [EFFECTIVE JULY 1, 2023]: **Sec. 293.7. "Processor", for purposes**  
35 **of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

36 SECTION 18. IC 16-18-2-328.7 IS ADDED TO THE INDIANA  
37 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
38 [EFFECTIVE JULY 1, 2023]: **Sec. 328.7. "Serious medical**  
39 **condition", for purposes of IC 16-51, has the meaning set forth in**  
40 **IC 16-51-1-1.**

41 SECTION 19. IC 16-18-2-351.7 IS ADDED TO THE INDIANA  
42 CODE AS A **NEW** SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2023]: **Sec. 351.7. "Testing laboratory", for**  
 2 **purposes of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

3 SECTION 20. IC 16-18-2-354.2 IS ADDED TO THE INDIANA  
 4 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 5 [EFFECTIVE JULY 1, 2023]: **Sec. 354.2. "Transporter", for**  
 6 **purposes of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

7 SECTION 21. IC 16-51 IS ADDED TO THE INDIANA CODE AS  
 8 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 9 2023]:

10 **ARTICLE 51. MEDICAL MARIJUANA**

11 **Chapter 1. Definitions**

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

13 (1) "Caregiver" means the individual designated by a patient  
 14 under this article to obtain, possess, deliver, and assist in the  
 15 administration of medical marijuana to the patient.

16 (2) "Department" means the Indiana department of health.

17 (3) "Dispensary" means a person that holds a permit issued  
 18 by the department to dispense medical marijuana.

19 (4) "Family or household member" means a person described  
 20 in IC 35-31.5-2-128.

21 (5) "Form of medical marijuana" means the characteristics  
 22 of the medical marijuana recommended for a particular  
 23 patient, including the method of consumption, and any  
 24 particular dosage, strain, variety, quantity, or percentage of  
 25 medical marijuana or of a particular active ingredient.

26 (6) "Grower" means a person that holds a permit issued by  
 27 the department to grow medical marijuana.

28 (7) "Identification card" means a document issued to a  
 29 patient or caregiver by the department authorizing access to  
 30 marijuana.

31 (8) "INSPECT" means the Indiana scheduled prescription  
 32 electronic collection and tracking program established by  
 33 IC 25-1-13-4.

34 (9) "Marijuana" has the meaning set forth in IC 35-48-1-19.

35 (10) "Medical marijuana" means marijuana for medical use.

36 (11) "Medical marijuana organization" means a dispensary,  
 37 a grower, a processor, or a testing laboratory.

38 (12) "Patient" means an individual who:

39 (A) has a serious medical condition; and

40 (B) meets the requirements for certification under this  
 41 article.

42 (13) "Permit" means an authorization issued by the



1 department to a medical marijuana organization to conduct  
2 activities under this article.

3 (14) "Processor" means a person that holds a permit issued by  
4 the department to process or convert plant material into a  
5 marketable form.

6 (15) "Serious medical condition" means a medical condition  
7 for which, in the professional opinion of a physician, the  
8 benefits of treatment with medical marijuana are greater than  
9 the risks of treatment with medical marijuana.

10 (16) "Testing laboratory" means a laboratory that analyzes  
11 medical marijuana.

12 (17) "Transporter" means a person who transports medical  
13 marijuana or paraphernalia. The term includes a person who  
14 does not possess a permit or identification card.

15 **Chapter 2. Medical Marijuana Program**

16 **Sec. 1. (a) The medical marijuana program is established to**  
17 **serve patients suffering from a serious medical condition.**

18 **(b) The department shall administer the program.**

19 **(c) The department has regulatory and enforcement authority**  
20 **over the growing, processing, sale, dispensing, transporting, and**  
21 **use of medical marijuana.**

22 **Sec. 2. The department shall do the following:**

23 **(1) Issue a permit to a qualifying medical marijuana**  
24 **organization authorizing it to grow, process, dispense, or test**  
25 **medical marijuana.**

26 **(2) Establish and maintain an electronic data base to store**  
27 **and track information relating to the medical marijuana**  
28 **program. The electronic data base must:**

29 **(A) have the ability to authenticate in real time an**  
30 **identification card presented to a dispensary;**

31 **(B) track in real time the amount of marijuana provided to**  
32 **a patient or caregiver at a dispensary, and share this**  
33 **information in real time with other dispensaries to prevent**  
34 **diversion;**

35 **(C) store records relating to a physician's certification,**  
36 **including, if applicable, the recommended form of**  
37 **marijuana and any early expiration date recommended by**  
38 **the physician; and**

39 **(D) track the cultivation, processing, transport, storage,**  
40 **and dispensing of medical marijuana.**

41 **(3) Maintain within the department's electronic data base an**  
42 **electronic directory of patients and caregivers approved to**





1 use or assist in the administration of medical marijuana.

2 (4) Develop enforcement procedures, including announced  
3 and unannounced inspections of:

4 (A) a dispensary;

5 (B) a grower facility;

6 (C) a processor facility; and

7 (D) all records of a medical marijuana organization.

8 (5) Establish a program to authorize the use of medical  
9 marijuana for medical research purposes, and issue  
10 documents to permit a researcher to obtain medical  
11 marijuana for research purposes.

12 (6) Establish and maintain public outreach programs about  
13 the medical marijuana program, including:

14 (A) a dedicated telephone number for patients, caregivers,  
15 and members of the public to obtain basic information  
16 about the dispensing of medical marijuana; and

17 (B) a publicly accessible website with similar information.

18 (7) Collaborate as necessary with other state agencies, and  
19 contract with third parties as necessary to carry out the  
20 medical marijuana program.

21 (8) Develop record keeping requirements for all books,  
22 papers, any electronic data base or tracking system data, and  
23 other information of a medical marijuana organization.  
24 Information shall be retained for at least four (4) years unless  
25 otherwise provided by the department.

26 (9) Restrict the advertising and marketing of medical  
27 marijuana, which must be consistent with the federal  
28 regulations governing prescription drug advertising and  
29 marketing.

30 **Sec. 3. (a) The department shall adopt rules under IC 4-22-2 to  
31 implement this article.**

32 **(b) The department may adopt emergency rules in the manner  
33 provided under IC 4-22-2-37.1 to implement this article.  
34 Emergency rules adopted under this subsection expire on the later  
35 of:**

36 **(1) the date permanent rules are adopted to replace the  
37 emergency rules; or**

38 **(2) July 1, 2024.**

39 **Sec. 4. (a) The department shall maintain a confidential list of  
40 patients and caregivers to whom it has issued identification cards.  
41 Except as provided in subsection (b), all information obtained by  
42 the department relating to patients, caregivers, and other**



1 applicants is confidential.

2 (b) The following records are public:

3 (1) An application for a permit submitted by a medical  
4 marijuana organization.

5 (2) Information relating to penalties or other disciplinary  
6 actions taken against a medical marijuana organization for  
7 violation of this article.

8 **Chapter 3. Use of Medical Marijuana**

9 **Sec. 1. Notwithstanding any law to the contrary, the use,  
10 possession, delivery, distribution, transport, cultivation, or  
11 manufacture of:**

12 (1) medical marijuana; or

13 (2) paraphernalia used in connection with medical marijuana;  
14 is lawful if the use or possession complies with this article.  
15 However, this article does not authorize a person to operate a  
16 motor vehicle, motorboat, or any other device or equipment while  
17 under the influence of medical marijuana.

18 **Sec. 2. The use of medical marijuana is subject to the following:**

19 (1) Medical marijuana may be dispensed only to:

20 (A) a patient who receives a certification from a physician  
21 and is in possession of a valid identification card issued by  
22 the department that authorizes dispensing marijuana to  
23 the patient;

24 (B) a caregiver who possesses a valid identification card  
25 issued by the department; or

26 (C) a research facility authorized by the department, under  
27 terms and conditions established by the department.

28 (2) If a physician has ordered that medical marijuana be  
29 dispensed in a specific form, medical marijuana may be  
30 dispensed only in that form.

31 (3) An individual may not act as a caregiver for more than ten  
32 (10) patients.

33 (4) A patient may designate up to two (2) caregivers at any  
34 one (1) time.

35 (5) Medical marijuana that has not been used by the patient  
36 shall be kept in the original package in which it was  
37 dispensed.

38 (6) A patient or caregiver shall possess an identification card  
39 whenever the patient or caregiver is in possession of medical  
40 marijuana.

41 (7) A product packaged by a medical marijuana organization  
42 may be identified only by:



- 1 (A) the name of the grower or processor;
- 2 (B) the name of the dispensary;
- 3 (C) the form and species of medical marijuana;
- 4 (D) the percentage of tetrahydrocannabinol and
- 5 cannabiniol contained in the product; and
- 6 (E) any other labeling required by the department.

7 **Sec. 3. Except as expressly otherwise provided in this article, the**  
 8 **possession or use of medical marijuana is unlawful.**

9 **Sec. 4. The following acts are unlawful:**

- 10 (1) To grow medical marijuana unless the person:
- 11 (A) is a grower that has received a permit from the
- 12 department;
- 13 (B) is a patient with a valid identification card who is
- 14 authorized to cultivate marijuana for personal use under
- 15 this article; or
- 16 (C) is a research facility authorized by the department.
- 17 (2) To dispense medical marijuana unless the dispensary has
- 18 received a permit from the department.

19 **Chapter 4. Physicians**

20 **Sec. 1. (a) A physician who issues a patient certification under**  
 21 **this article may not have an ownership interest in a medical**  
 22 **marijuana organization.**

23 (b) A physician may issue a certification to a patient only if the  
 24 physician:

- 25 (1) establishes and intends to maintain a bona fide
- 26 physician-patient relationship with the patient for the
- 27 provision of medical services that is established by an in
- 28 person visit and for which there is an expectation that the
- 29 physician will provide care to the patient on an ongoing basis;
- 30 or
- 31 (2) establishes coordination with the patient's existing
- 32 primary physician for treatment of the patient's serious
- 33 medical condition.

34 (c) A physician who violates this section may be subject to  
 35 professional discipline.

36 **Sec. 2. A physician may issue a certification to use medical**  
 37 **marijuana to a patient if the following requirements are met:**

- 38 (1) The physician has determined that the patient has a
- 39 serious medical condition and has included the condition in
- 40 the patient's health care record.
- 41 (2) The patient is under the physician's continuing care for the
- 42 serious medical condition, except as provided in section



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

1(b)(2) of this chapter.

(3) The physician has determined the patient is likely to receive therapeutic or palliative benefit from the use of medical marijuana.

Sec. 3. A physician issuing a certification under section 1(b)(2) of this chapter may not issue a certification unless the physician has contacted the patient's existing primary physician to discuss the patient's serious medical condition and which form of medical marijuana the patient is likely to benefit from.

Sec. 4. A certification must include the following information:

- (1) The patient's name, date of birth, and address.
- (2) The specific serious medical condition of the patient.
- (3) A statement by the physician that the patient has a serious medical condition and the patient is under continuing care for the serious medical condition that is provided by:
  - (A) the physician; or
  - (B) the patient's primary physician (as described under section 1(b)(2) of this chapter).
- (4) The date of issuance.
- (5) The name, address, telephone number, and signature of the physician.
- (6) Any requirement or limitation concerning the appropriate form of medical marijuana, and any limitation on the duration of use, if applicable.

Sec. 5. (a) A physician shall review INSPECT:

- (1) to determine the controlled substance history of a patient, before issuing a certification; and
- (2) before recommending a change of amount or form of medical marijuana.

(b) A physician may access INSPECT to do any of the following:

- (1) To determine whether a patient is under treatment with a controlled substance by another physician or other person.
- (2) To allow the physician to review the patient's controlled substance history as considered necessary by the physician.
- (3) To provide to the patient, or caregiver on behalf of the patient if authorized by the patient, a copy of the patient's controlled substance history.

Sec. 6. A physician shall do the following:

- (1) Provide the certification to the patient.
- (2) Provide a copy of the certification to the department, which shall place the information in the patient directory within the department's electronic data base. The certification



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

may be transmitted to the department electronically.

(3) File a copy of the certification in the patient's health care record.

Sec. 7. A physician may not issue a certification for the physician's own use or for the use of a family or household member of the physician.

**Chapter 5. Certification Form**

Sec. 1. The department shall develop a standard certification form, which it shall provide to a physician upon request. The form must be available electronically. The form must include a statement that a false statement made by a physician is punishable under the penalties of perjury.

**Chapter 6. Patients**

Sec. 1. The department shall issue an identification card to a patient who has a valid certification and who otherwise meets the requirements of this article.

Sec. 2. The department shall issue an identification card to a caregiver designated by the patient in accordance with this article.

Sec. 3. Except as provided in section 4 of this chapter, an identification card issued to a patient authorizes the patient to obtain and use medical marijuana as authorized by this article. Except as provided in section 4 of this chapter, an identification card issued to a caregiver authorizes the caregiver to obtain medical marijuana on behalf of the patient.

Sec. 4. (a) A patient holding a valid identification card may cultivate marijuana for the patient's own use if the patient complies with the following requirements:

- (1) The patient notifies the department on or before the date that the patient begins cultivation and informs the department of the number of plants the patient intends to cultivate and the location of cultivation.
- (2) The patient cultivates not more than six (6) plants.
- (3) Not more than three (3) of the plants may be mature at any one (1) time.
- (4) Marijuana from the plant is used only for the patient's personal use.
- (5) Not later than thirty (30) days before the expected date that the plants become mature, the patient notifies the department of the anticipated maturity date.

(b) If the mature plants of a patient cultivating marijuana for the patient's own use die, become damaged, or are otherwise unable to produce marijuana for medical use, the patient shall



1 notify the department, which shall reinstate the person's  
 2 authorization to obtain marijuana from a dispensary not later than  
 3 fifteen (15) days after receipt of the notice.

4 **Chapter 7. Identification Cards**

5 **Sec. 1. The department shall do the following:**

- 6 (1) Review an application for an identification card.  
 7 (2) Review the certification submitted by the physician.  
 8 (3) Issue identification cards to patients and caregivers.  
 9 (4) Note in the electronic data base if a patient or caregiver  
 10 identification card may not be used to obtain marijuana from  
 11 a dispensary because the patient is cultivating the patient's  
 12 own marijuana.

13 **Sec. 2. A patient or a caregiver may apply, in a form and**  
 14 **manner prescribed by the department, for issuance or renewal of**  
 15 **an identification card. A caregiver must submit a separate**  
 16 **application for issuance or renewal. Each application must include:**

- 17 (1) the name, address, and date of birth of the patient;  
 18 (2) the name, address, and date of birth of a caregiver, if  
 19 applicable;  
 20 (3) a copy of the certification issued by the physician;  
 21 (4) the name, address, and telephone number of the physician;  
 22 (5) the signature of the applicant and the date signed; and  
 23 (6) any other information required by the department.

24 **Sec. 3. The fee to apply for or to renew an identification card is**  
 25 **fifty dollars (\$50). The department may waive or reduce the fee if**  
 26 **the applicant demonstrates financial hardship.**

27 **Sec. 4. The department shall make application and renewal**  
 28 **forms available on the department's website.**

29 **Sec. 5. (a) The identification card of a patient or caregiver**  
 30 **expires one (1) year after the date of issuance, unless a physician**  
 31 **has specified that a patient should use medical marijuana for less**  
 32 **than one (1) year.**

33 **(b) If a physician has specified that a patient's use of medical**  
 34 **marijuana should be limited to certain forms of medical**  
 35 **marijuana, the types of medical marijuana must be listed on the**  
 36 **identification card.**

37 **Sec. 6. (a) The department shall issue separate identification**  
 38 **cards for a patient and a caregiver as soon as reasonably**  
 39 **practicable after receiving a properly completed application.**

40 **(b) If the department determines that an application is**  
 41 **incomplete or factually inaccurate, the department shall promptly**  
 42 **notify the applicant.**



1 (c) If a patient application designates an individual as a  
 2 caregiver who is not authorized to be a caregiver, the department  
 3 shall deny that portion of the application, but may approve the  
 4 balance of the application.

5 Sec. 7. (a) A patient or caregiver who has been issued an  
 6 identification card shall notify the department not later than ten  
 7 (10) days after any change of name or address.

8 (b) A patient shall notify the department within ten (10) days if  
 9 a physician has determined the patient no longer has the serious  
 10 medical condition noted on the certification.

11 Sec. 8. (a) If the identification card of a patient or caregiver is  
 12 lost, stolen, destroyed, or made illegible, the patient or caregiver  
 13 shall apply to the department for a replacement card not later than  
 14 ten (10) days after discovery of the loss or defacement. The  
 15 application for a replacement card shall be on a form furnished by  
 16 the department and accompanied by a twenty-five dollar (\$25) fee.  
 17 The department may establish higher fees for issuance of second  
 18 and subsequent replacement identification cards.

19 (b) The department may waive or reduce the fee in cases of  
 20 demonstrated financial hardship.

21 (c) The department shall issue a replacement identification card  
 22 as soon as practicable.

23 (d) A patient or caregiver may not obtain medical marijuana  
 24 from a dispensary until the department issues the replacement  
 25 card.

26 Sec. 9. The identification card must contain the following  
 27 information:

28 (1) The name of the patient or the caregiver, as applicable.

29 The identification card must also state whether the individual  
 30 is designated as a patient or as a caregiver.

31 (2) The date of issuance and expiration date.

32 (3) A unique identification number for the patient or  
 33 caregiver, as applicable.

34 (4) A photograph of the individual to whom the identification  
 35 card is issued.

36 (5) Any requirement or limitation set by the physician as to  
 37 the form of medical marijuana.

38 (6) Any other requirements as determined by the department.  
 39 However, the department may not require that an  
 40 identification card disclose the patient's serious medical  
 41 condition.

42 The department shall establish guidelines specifying an acceptable



1 photograph under subdivision (4) and shall provide a reasonable  
2 accommodation for a patient who is confined to the patient's home  
3 or is in inpatient care.

4 Sec. 10. The department shall monthly transmit fees received  
5 under this chapter to the auditor of state for deposit in the state  
6 general fund.

7 Chapter 8. Caregivers

8 Sec. 1. (a) A caregiver must be at least eighteen (18) years of  
9 age.

10 (b) A caregiver may be less than twenty-one (21) years of age  
11 only if the department determines that it is in the best interests of  
12 the patient that a specific person less than twenty-one (21) years of  
13 age serves as a caregiver.

14 Sec. 2. (a) A patient may terminate the person's designation as  
15 caregiver at any time.

16 (b) The patient shall notify the department that the patient has  
17 terminated the person's caregiver designation as soon as  
18 reasonably practicable after the termination.

19 (c) Upon learning that a patient has terminated a person's  
20 caregiver designation, the department shall cancel the caregiver's  
21 identification card and notify the caregiver to return the physical  
22 copy of the card.

23 Sec. 3. If a patient designates a caregiver, the caregiver may  
24 submit an application for an identification card as a caregiver. The  
25 caregiver application must include:

- 26 (1) the name, address, and date of birth of the caregiver;
- 27 (2) if the caregiver has an identification card for the caregiver  
28 (as a patient) or another patient (as caregiver), the expiration  
29 date of each identification card; and
- 30 (3) any other information required by the department.

31 The application must be signed and dated by the caregiver  
32 applicant and verified under penalties of perjury.

33 Sec. 4. (a) Except as provided in subsection (c), before the  
34 caregiver application is approved, the caregiver must authorize the  
35 department to perform a national criminal history background  
36 check of the caregiver.

37 (b) The caregiver is responsible for the fee for the national  
38 criminal history background check.

39 (c) The department may conduct only one (1) national criminal  
40 history background check of the caregiver per year.

41 Sec. 5. The caregiver shall pay an application fee of fifty dollars  
42 (\$50). The department may waive or reduce the fee in cases of





1 demonstrated financial hardship.

2 Sec. 6. (a) After receiving the caregiver application, the fee, and  
3 the results of the national criminal history background check, the  
4 department shall:

- 5 (1) verify the information contained in the application; and  
6 (2) review INSPECT with respect to the applicant.

7 (b) The department may deny a caregiver application if it finds  
8 that the caregiver has:

- 9 (1) been convicted of a criminal offense within the previous  
10 five (5) years relating to the sale or possession of a controlled  
11 substance; or  
12 (2) a history of drug abuse.

13 Sec. 7. The department shall monthly transmit fees received  
14 under this chapter to the auditor of state for deposit in the state  
15 general fund.

16 Chapter 9. Minor Patients

17 Sec. 1. If a patient is less than eighteen (18) years of age, the  
18 following apply:

- 19 (1) The patient must have a caregiver.  
20 (2) The caregiver must be:  
21 (A) the patient's parent or legal guardian;  
22 (B) an individual designated by a parent or legal guardian;  
23 or  
24 (C) an appropriate individual approved by the department  
25 on a sufficient showing that no parent or legal guardian is  
26 appropriate or available.

27 Chapter 10. Suspension

28 Sec. 1. If a patient or caregiver knowingly, intentionally, or  
29 recklessly:

- 30 (1) violates any provision of this article; or  
31 (2) transfers or sells medical marijuana to a person not  
32 qualified as a patient under this article;

33 the department may suspend or revoke the patient's or caregiver's  
34 identification card. The suspension or revocation is in addition to  
35 any criminal or other penalty.

36 Chapter 11. General Prohibitions

37 Sec. 1. A person may not operate a motor vehicle, including a  
38 motorboat, while under the influence of medical marijuana.

39 Sec. 2. A patient may not perform any employment duties in  
40 exposed high places or in confined spaces while under the influence  
41 of medical marijuana.

42 Sec. 3. A patient's employer may prohibit a patient from



1 performing any task while under the influence of medical  
 2 marijuana. The prohibition is not an adverse employment decision  
 3 or unlawful discrimination even if the prohibition results in  
 4 financial harm for the patient.

5 **Chapter 12. Medical Marijuana Organizations**

6 **Sec. 1. The following entities may receive a permit to operate as  
 7 a medical marijuana organization to grow, process, or dispense  
 8 medical marijuana:**

- 9 (1) A grower.  
 10 (2) A processor.  
 11 (3) A dispensary.

12 **Sec. 2. A medical marijuana organization may not receive a  
 13 permit if a person having an ownership interest in the medical  
 14 marijuana organization has a felony conviction that has not been  
 15 expunged.**

16 **Sec. 3. (a) The department shall develop an application for a:**

- 17 (1) grower permit allowing the grower to grow medical  
 18 marijuana;  
 19 (2) dispensary permit allowing a dispensary to dispense  
 20 medical marijuana;  
 21 (3) processor permit allowing a processor to process medical  
 22 marijuana; and  
 23 (4) testing laboratory permit allowing a testing laboratory to  
 24 test medical marijuana.

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

- 27 (1) The name, address, telephone number, and other contact  
 28 information for every person having an ownership interest in  
 29 the medical marijuana organization.  
 30 (2) Information relating to a similar permit, license, or other  
 31 authorization granted in another jurisdiction, including any  
 32 suspensions, revocations, or discipline in that jurisdiction.  
 33 (3) A release authorizing the department to conduct a  
 34 background check of the persons having an ownership  
 35 interest in the medical marijuana organization.  
 36 (4) A statement as to whether the applicant intends to operate  
 37 as a grower, a processor, or a dispensary, and a concise  
 38 description of the business activities in which the medical  
 39 marijuana organization intends to engage.  
 40 (5) The address or other location where the medical  
 41 marijuana organization intends to operate.  
 42 (6) A statement that no person having an ownership interest



1           in the medical marijuana organization has a felony conviction  
2           that has not been expunged.  
3           (7) Any other information required by the department.  
4           (c) A permit application described in this section shall be  
5           verified and completed subject to the penalties of perjury.  
6           (d) An applicant shall submit the appropriate application and  
7           permit fees at the time the applicant submits the application.

8           **Chapter 13. Medical Marijuana Organization Permits**  
9           **Sec. 1. The department shall grant a medical marijuana**  
10          **organization permit if the department makes the following**  
11          **findings:**

12           (1) The applicant will maintain effective control of medical  
13           marijuana in the custody of the applicant.  
14           (2) The applicant will comply with all state statutes, all rules  
15           adopted by the department, and any ordinances adopted by a  
16           unit.  
17           (3) The applicant has the ability to properly carry out the  
18           activity for which the permit is sought.  
19           (4) The applicant has sufficient financial means to acquire all  
20           property, equipment, and permits required to properly grow,  
21           process, or dispense medical marijuana.  
22           (5) The applicant is able to implement and maintain  
23           appropriate security, tracking, record keeping, and  
24           surveillance systems relating to the acquisition, possession,  
25           growth, manufacture, sale, delivery, transportation,  
26           distribution, or dispensing of medical marijuana.  
27           (6) The applicant satisfies any other conditions required  
28           under rules adopted by the department.  
29           (7) Granting a permit to the applicant serves the public  
30           interest.

31          **Sec. 2. If the department finds that information included in the**  
32          **application is insufficient for the department to grant a permit to**  
33          **the medical marijuana organization, the department may request**  
34          **that the applicant submit additional documentation relating to one**  
35          **(1) or more items listed in section 1 of this chapter.**

36          **Sec. 3. (a) Except as provided under subsection (b), a permit**  
37          **granted under this chapter is nontransferable.**  
38          **(b) A permit holder may transfer a permit to a person**  
39          **authorized to hold a permit in accordance with rules adopted by**  
40          **the department if:**  
41            (1) the permit holder has held the permit for at least  
42            twenty-four (24) months; or



1           (2) the transfer is necessary due to the death or disability of  
2           the permit holder or a similar severe hardship. For purposes  
3           of this subdivision, financial hardship is not a severe hardship.  
4           **Sec. 4. A permit granted under this application is valid for one**  
5           **(1) year after the date of issuance.**  
6           **Sec. 5. (a) A permit may be renewed for one (1) or more**  
7           **additional one (1) year periods.**  
8           **(b) The department shall establish deadlines for filing a renewal**  
9           **application that provide the department with sufficient time to**  
10           **review the application without causing an interruption in the**  
11           **medical marijuana organization's activities.**  
12           **(c) The same standards that apply for granting an initial**  
13           **application apply to an application for renewal. In determining**  
14           **whether the renewal of a permit serves the public interest, the**  
15           **department shall consider the manner in which the renewal**  
16           **applicant has operated the medical marijuana organization and**  
17           **complied with all relevant laws.**  
18           **Sec. 6. A permit issued by the department to a medical**  
19           **marijuana organization must include the following information:**  
20           **(1) The name and address of the medical marijuana**  
21           **organization.**  
22           **(2) The type of permit.**  
23           **(3) The activities permitted under the permit.**  
24           **(4) A description of the property and facilities authorized to**  
25           **be used by the medical marijuana organization.**  
26           **(5) Any other information required by the department.**  
27           **Sec. 7. The department may suspend or revoke all or part of a**  
28           **permit granted under this chapter if, following a hearing, the**  
29           **department finds the following:**  
30           **(1) That one (1) or more of the determinations made under**  
31           **section 1 of this chapter are no longer valid.**  
32           **(2) That the medical marijuana organization knowingly or**  
33           **intentionally sold or distributed medical marijuana to a**  
34           **person not qualified as a patient under this article.**  
35           **(3) That the medical marijuana organization has failed to**  
36           **maintain effective control against diversion of medical**  
37           **marijuana.**  
38           **(4) That the medical marijuana organization has violated a**  
39           **provision of this article or a rule adopted by the department.**  
40           **(5) That the medical marijuana organization has failed to**  
41           **comply with another law regulating controlled substances.**  
42           **Sec. 8. (a) An applicant for a medical marijuana organization**



1 permit has a continuing duty to notify the department of any  
 2 material change in facts or circumstances relating to the  
 3 applicant's application, including a change in ownership.

4 (b) An applicant's duty to notify the department begins on the  
 5 date the applicant submits the application and continues for as long  
 6 as the applicant holds a permit.

7 **Sec. 9.** The department may, upon request of a permit holder,  
 8 amend an existing permit to authorize a permit holder to:

9 (1) move the permit holder's operations from one (1) location  
 10 to another; or

11 (2) perform additional activities, or cease the performance of  
 12 certain activities now performed, at the permit holder's  
 13 facility;

14 if the department finds that the amendment is reasonable under  
 15 the circumstances.

16 **Chapter 14. General Duties of a Permit Holder**

17 **Sec. 1.** The holder of a medical marijuana organization permit  
 18 must do the following:

19 (1) Report the loss, theft, or unexplained disappearance of  
 20 medical marijuana to a law enforcement agency not later than  
 21 twenty-four (24) hours after the loss, theft, or disappearance  
 22 is discovered.

23 (2) Permit announced or unannounced inspections by the  
 24 department of all medical marijuana organization facilities  
 25 and records.

26 **Chapter 15. Application and Permit Fees**

27 **Sec. 1.** The following fees apply to a grower:

28 (1) A nonrefundable grower permit application fee of ten  
 29 thousand dollars (\$10,000).

30 (2) A refundable grower permit fee of fifty thousand dollars  
 31 (\$50,000).

32 (3) A refundable grower permit renewal fee of ten thousand  
 33 dollars (\$10,000).

34 (4) A nonrefundable permit amendment fee of two hundred  
 35 fifty dollars (\$250).

36 **Sec. 2.** The following fees apply to a processor:

37 (1) A nonrefundable processor permit application fee of ten  
 38 thousand dollars (\$10,000).

39 (2) A refundable processor permit fee of fifty thousand dollars  
 40 (\$50,000).

41 (3) A refundable processor permit renewal fee of ten thousand  
 42 dollars (\$10,000).



- 1           (4) A nonrefundable permit amendment fee of two hundred
- 2           fifty dollars (\$250).
- 3       **Sec. 3. The following fees apply to a dispensary:**
- 4           (1) A nonrefundable dispensary permit application fee of five
- 5           thousand dollars (\$5,000).
- 6           (2) A refundable dispensary permit fee of twenty thousand
- 7           dollars (\$20,000) for each dispensary location.
- 8           (3) A refundable dispensary permit renewal fee of five
- 9           thousand dollars (\$5,000) for each dispensary location.
- 10          (4) A nonrefundable permit amendment fee of two hundred
- 11          fifty dollars (\$250).
- 12       **Sec. 4. The following fees apply to a testing laboratory:**
- 13          (1) A nonrefundable testing laboratory permit application fee
- 14          of two thousand dollars (\$2,000).
- 15          (2) A refundable testing laboratory permit fee of ten thousand
- 16          dollars (\$10,000) for each testing laboratory location.
- 17          (3) A refundable testing laboratory permit renewal fee of two
- 18          thousand dollars (\$2,000) for each testing laboratory location.
- 19          (4) A nonrefundable permit amendment fee of two hundred
- 20          fifty dollars (\$250).
- 21       **Sec. 5. An applicant must submit the application fee and permit**
- 22       **fee at the time the applicant submits the application.**
- 23       **Sec. 6. (a) The department shall retain the application fee even**
- 24       **if the application is not approved.**
- 25       **(b) The department shall refund the permit fee and renewal fee**
- 26       **if the permit or renewal is not approved. However, the permit fee**
- 27       **and renewal fee are not refundable if the permit is initially granted**
- 28       **but later suspended or revoked.**
- 29       **(c) The department shall retain the permit amendment fee even**
- 30       **if the application for amendment is not approved.**
- 31       **Sec. 7. The department shall transfer all fees to the auditor of**
- 32       **state for deposit in the state general fund.**
- 33       **Chapter 16. Tracking and Record Keeping**
- 34       **Sec. 1. (a) A medical marijuana organization must implement an**
- 35       **electronic inventory tracking system, which must be directly**
- 36       **accessible to the department through an electronic data base that**
- 37       **is updated at least one (1) time each day.**
- 38       **(b) The electronic inventory tracking system must include the**
- 39       **following:**
- 40           (1) For a grower, a seed to sale tracking system that tracks the
- 41           medical marijuana from seed to plant until the medical
- 42           marijuana is sold or transferred to its final destination.



- 1           (2) For a processor, a system that tracks medical marijuana  
2 from its purchase from a grower to its transfer to a  
3 dispensary, testing laboratory, or research facility as  
4 authorized by this article.
- 5           (3) For a dispensary, a system that tracks medical marijuana  
6 from its purchase from a grower or processor to its sale to a  
7 patient or caregiver or transfer to a testing laboratory,  
8 research facility, grower, or processor as authorized by this  
9 article.
- 10          (4) For a dispensary, a system to verify that an identification  
11 card presented by a patient or caregiver:  
12           (A) is valid; and  
13           (B) authorizes the patient or caregiver to receive  
14 marijuana from a dispensary.
- 15          (5) For a medical marijuana organization, a:  
16           (A) daily log of each day's beginning inventory,  
17 acquisitions, amounts purchased and sold, disbursements,  
18 disposals, and ending inventory, including prices paid and  
19 amounts collected from patients and caregivers;  
20           (B) system to recall defective medical marijuana; and  
21           (C) system to track the waste resulting from the growth of  
22 medical marijuana, including the name and address of a  
23 disposal service.
- 24          **Sec. 2. A medical marijuana organization must implement a**  
25 **plan for:**  
26           (1) security and surveillance; and  
27           (2) record keeping and record retention.
- 28          **Sec. 3. The department:**  
29           (1) shall require a medical marijuana organization to make an  
30 annual report to the department; and  
31           (2) may require a medical marijuana organization to make a  
32 quarterly report to the department.
- 33          **The department shall determine the form and contents of the**  
34 **report and may make all or part of the report available to the**  
35 **public.**
- 36          **Chapter 17. Grower Operations**
- 37          **Sec. 1. A person holding a grower permit may do all the**  
38 **following in accordance with rules adopted by the department:**  
39           (1) Obtain seed and plant material from another grower.  
40           (2) Sell and transport seed and plant material to another  
41 grower or processor.  
42           (3) Sell and transport medical marijuana to a processor,



1           dispensary, testing laboratory, or research facility authorized  
2           by the department.

3           **Sec. 2.** The department shall determine the manner in which  
4           medical marijuana may be grown, harvested, and stored at the  
5           cultivation or harvesting facility.

6           **Sec. 3.** The department shall determine the manner in which  
7           transportation of medical marijuana shall be conducted between  
8           or among growers, processors, testing laboratories, research  
9           facilities, and dispensaries. Rules adopted by the department must  
10          include the following:

11          (1) Requirements relating to shipping containers and  
12          packaging.

13          (2) The manner in which trucks, vans, trailers, or other  
14          carriers will be secured.

15          (3) Obtaining copies of driver's licenses and registrations and  
16          other information related to security and tracking.

17          (4) The use of a GPS tracking system.

18          (5) Record keeping requirements for delivery and receipt of  
19          medical marijuana products.

20          **Sec. 4.** A grower shall contract with an independent testing  
21          laboratory to test the medical marijuana produced by the grower.  
22          The department shall approve the testing laboratory and require  
23          that the laboratory report testing results in the manner determined  
24          by the department. If a grower learns that the grower's sample has  
25          failed required testing, the grower must take steps to remediate the  
26          harvest to allowable levels under IC 16-51-20-3, or immediately  
27          dispose of the harvest.

28          **Chapter 18. Processor Operations**

29          **Sec. 1.** A person holding a processor permit may do all the  
30          following in accordance with rules adopted by the department:

31          (1) Obtain plant material from a grower.

32          (2) Sell and transport processed medical marijuana to another  
33          grower or processor.

34          (3) Sell and transport medical marijuana to a processor,  
35          dispensary, testing laboratory, or research facility authorized  
36          by the department.

37          **Sec. 2.** The department shall determine the manner in which  
38          medical marijuana may be processed or stored at the processor  
39          facility.

40          **Sec. 3.** The department shall determine the manner in which  
41          transportation of medical marijuana shall be conducted between  
42          or among medical marijuana organizations and research facilities.





- 1       **Rules adopted by the department must include the following:**  
 2           (1) Requirements relating to shipping containers and  
 3           packaging.  
 4           (2) The manner in which trucks, vans, trailers, or other  
 5           carriers will be secured.  
 6           (3) Obtaining copies of driver's licenses and registrations and  
 7           other information related to security and tracking.  
 8           (4) The use of a GPS tracking system.  
 9           (5) Record keeping requirements for delivery and receipt of  
 10          medical marijuana products.
- 11       **Sec. 4. A processor shall develop a plan to ensure that medical**  
 12       **marijuana products are properly labeled, are not packaged in a**  
 13       **manner that is appealing to children, and are placed in child**  
 14       **resistant packaging.**
- 15       **Sec. 5. A processor shall include on its labeling of medical**  
 16       **marijuana products the following:**  
 17           (1) The number of doses contained within the package, the  
 18           species, and the percentage of tetrahydrocannabinol and  
 19           cannabinol.  
 20           (2) A warning that the medical marijuana must be kept in the  
 21           original container in which it was dispensed.  
 22           (3) A warning that unauthorized use is unlawful and will  
 23           subject the person to criminal penalties.  
 24           (4) A list of ingredients.  
 25           (5) Any other information required by the department.
- 26       **Sec. 6. A processor shall contract with an independent testing**  
 27       **laboratory to test the medical marijuana product produced by the**  
 28       **processor. The testing laboratory must be approved by the**  
 29       **department, and the department shall require that the laboratory**  
 30       **report testing results in the manner determined by the department.**  
 31       **If a processor learns that a sample submitted by the processor has**  
 32       **failed required testing, the processor must take steps to remediate**  
 33       **the product to allowable levels under IC 16-51-20-3, or**  
 34       **immediately dispose of the batch.**
- 35       **Chapter 19. Dispensary Operations**
- 36       **Sec. 1. A dispensary holding a valid permit under this article**  
 37       **may dispense medical marijuana to a patient or caregiver upon**  
 38       **presentation of a valid identification card for that patient or**  
 39       **caregiver and electronic verification that the identification card is**  
 40       **valid and authorizes the patient or caregiver to receive medical**  
 41       **marijuana from a dispensary.**
- 42       **Sec. 2. The dispensary shall provide to the patient or caregiver**



1 a receipt including all of the following:

- 2 (1) The name and address of the dispensary.  
 3 (2) The name and address of the patient and caregiver (if  
 4 applicable).  
 5 (3) The date the medical marijuana was dispensed.  
 6 (4) Any requirement or limitation by the physician as to the  
 7 form of medical marijuana for the patient.  
 8 (5) The form and the quantity of medical marijuana  
 9 dispensed.

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

- 11 (1) eight (8) grams of concentrated marijuana; or  
 12 (2) eighty (80) ten (10) milligram doses of  
 13 tetrahydrocannabinol;

14 is equivalent to one (1) ounce of medical marijuana.

15 (b) A dispensary may not dispense:

- 16 (1) more than one (1) ounce of medical marijuana to a patient  
 17 (or caregiver on behalf of a specific patient) per day;  
 18 (2) a form of medical marijuana that the patient is not  
 19 permitted to possess; or  
 20 (3) medical marijuana to a patient who is cultivating mature  
 21 marijuana plants for the patient's own use.

22 Sec. 4. The medical marijuana packaging must include the  
 23 following information:

- 24 (1) The number of doses contained within the package, the  
 25 species, and the percentage of tetrahydrocannabinol and  
 26 cannabiniol.  
 27 (2) A warning that the medical marijuana must be kept in the  
 28 original container in which it was dispensed.  
 29 (3) A warning that unauthorized use is unlawful and will  
 30 subject the person to criminal penalties.  
 31 (4) Any other information required by the department.

32 Sec. 5. A dispensary:

- 33 (1) may dispense medical marijuana only in an indoor,  
 34 enclosed, secure facility located in Indiana;  
 35 (2) may sell medical devices and instruments that are needed  
 36 to administer medical marijuana; and  
 37 (3) may sell services approved by the department related to  
 38 the use of medical marijuana.

39 Sec. 6. A dispensary shall post a copy of its permit in a location  
 40 within its facility in a manner that is easily observable by the  
 41 public.

42 Sec. 7. A dispensary shall establish a plan to:



1 (1) prevent diversion of medical marijuana and medical  
2 marijuana products; and

3 (2) ensure a patient is not dispensed more than one (1) ounce  
4 of medical marijuana per day.

5 **Chapter 20. Testing Laboratory Operations**

6 **Sec. 1. A testing laboratory may test medical marijuana from a**  
7 **medical marijuana organization in accordance with rules adopted**  
8 **by the department if:**

9 (1) it holds a valid permit issued under this article; or

10 (2) it is already accredited as a testing laboratory to  
11 **International Organization for Standardization (ISO) 17025**  
12 **by a third party accrediting body such as the American**  
13 **Association for Laboratory Accreditation (A2LA) or Assured**  
14 **Calibration and Laboratory Accreditation Select Services**  
15 **(ACCLASS).**

16 **Sec. 2. A testing laboratory shall maintain policies and**  
17 **procedures for the secure and proper analytical testing of medical**  
18 **marijuana, which must include:**

19 (1) laboratory analysis techniques, including specific  
20 instrumentation and protocols necessary to perform the tests  
21 required by the department;

22 (2) the implementation of standards and methods for  
23 conducting analysis of forms of medical marijuana in  
24 accordance with the requirements of ISO/IEC 17025  
25 "General Requirements for the Competence of Testing and  
26 Calibration Laboratories"; and

27 (3) methods of testing to detect:

28 (A) potency levels of tetrahydrocannabinol and  
29 cannabidiol;

30 (B) microbials;

31 (C) mycotoxins;

32 (D) pesticides;

33 (E) residual solvents; and

34 (F) any other matter as required by the department.

35 **Sec. 3. The department shall establish the allowable level of**  
36 **microbials, mycotoxins, pesticides, residual solvents, and other**  
37 **matter determined by the department. If a sample received from**  
38 **a grower or processor exceeds allowable levels, the testing**  
39 **laboratory must immediately notify the grower or processor from**  
40 **whom they received the sample.**

41 **Sec. 4. A person holding an ownership interest in a dispensary,**  
42 **grower, or processor permit may not have an ownership interest**



1 in a testing laboratory permit.

2 **Chapter 21. Transportation**

3 **Sec. 1. A transporter may transport medical marijuana or**  
4 **paraphernalia from a:**

- 5 (1) grower or processor to a dispensary;  
6 (2) grower or processor to a testing laboratory or research  
7 facility authorized by the department;  
8 (3) dispensary to a grower or processor;  
9 (4) dispensary to a testing laboratory or research facility  
10 authorized by the department;  
11 (5) medical marijuana organization to another medical  
12 marijuana organization; or  
13 (6) medical marijuana organization to another person if  
14 authorized to do so by the department;

15 if the transporter complies with this chapter.

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

18 **Sec. 3. Medical marijuana or paraphernalia transported under**  
19 **this chapter must be:**

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

23 **Sec. 4. The transporter shall proceed as directly and**  
24 **expeditiously as practicable from the shipping location to the**  
25 **receiving location.**

26 **Sec. 5. The person who ships the medical marijuana or**  
27 **paraphernalia shall provide the transporter with a shipping**  
28 **manifest clearly stating the:**

- 29 (1) exact quantity of medical marijuana or paraphernalia that  
30 is being transported;  
31 (2) address of the shipping location;  
32 (3) address of the receiving location;  
33 (4) identification of the person transporting the material; and  
34 (5) time the person transporting the material left the shipping  
35 location.

36 **Sec. 6. The transporter shall keep the shipping manifest in the**  
37 **transporter's possession at all times.**

38 **Sec. 7. The department may adopt rules to regulate the**  
39 **transport of medical marijuana or paraphernalia.**

40 **Chapter 22. Civil Penalties**

41 **Sec. 1. The department may assess a penalty of not more than**  
42 **ten thousand dollars (\$10,000) for each violation of this article or**



1 a rule adopted under this article. In addition, the department may  
 2 impose an additional penalty of not more than one thousand  
 3 dollars (\$1,000) for each day of a continuing violation.

4 Sec. 2. (a) In determining the amount of a civil penalty imposed  
 5 under this chapter, the department shall consider the following:

6 (1) The seriousness of the violation.

7 (2) The potential harm resulting from the violation to  
 8 patients, caregivers, or the general public.

9 (3) The willfulness of the violation.

10 (4) Any previous violations.

11 (5) The economic benefit that accrued to the person who  
 12 committed the violation.

13 (b) If the department finds that the:

14 (1) violation did not threaten the safety or health of a patient,  
 15 caregiver, or the general public; and

16 (2) violator took immediate action to remedy the violation  
 17 upon learning of it;

18 the department may issue a written warning instead of assessing a  
 19 civil penalty.

20 Sec. 3. In addition to the civil penalty described in this chapter,  
 21 and any other penalty authorized by law, the department may  
 22 revoke or suspend a person's permit or identification card.

#### 23 Chapter 23. Research

24 Sec. 1. (a) The department may provide assistance to  
 25 universities, research facilities, pharmaceutical companies, state  
 26 agencies, and similar entities that wish to conduct research  
 27 concerning medical marijuana.

28 (b) The department may conduct research concerning medical  
 29 marijuana.

30 Sec. 2. The department may authorize persons conducting  
 31 research on medical marijuana to obtain, possess, transport, and  
 32 use medical marijuana for research purposes, under terms and  
 33 conditions established by the department. The department shall  
 34 issue appropriate documentation to allow persons to obtain  
 35 marijuana for research purposes.

#### 36 Chapter 24. Discrimination Prohibited

37 Sec. 1. (a) It is unlawful discrimination for any person to:

38 (1) suspend;

39 (2) expel;

40 (3) refuse to employ;

41 (4) refuse to admit;

42 (5) refuse to grant or renew a license, permit, or certificate



1           necessary to engage in any activity, occupation, or profession;

2           or

3           (6) otherwise discriminate against;

4           any person due to the person's lawful certification, use, possession,  
5           delivery, distribution, transport, cultivation, or manufacture of  
6           marijuana or paraphernalia as authorized by this article.

7           (b) A person who violates this section commits a Class C  
8           infraction. However, the offense is a Class B infraction if the  
9           person has a prior unrelated adjudication under this section.

10          (c) In addition to any other penalty prescribed by this section,  
11          a person who is the victim of unlawful discrimination may obtain  
12          injunctive relief.

13          Sec. 2. A person's lawful certification, use, possession, delivery,  
14          distribution, transport, cultivation, or manufacture of marijuana  
15          or paraphernalia under this article is not admissible as evidence in  
16          an action for negligent hiring, admission, or licensure against a  
17          person or entity hired, admitted, or licensed by the person or entity  
18          that lawfully used marijuana.

19          Sec. 3. A law enforcement officer who knowingly or  
20          intentionally performs a search or seizure of a patient or caregiver  
21          holding a valid identification card:

22               (1) more than two (2) times in any sixty (60) day period; and

23               (2) without:

24                     (A) reasonable suspicion;

25                     (B) probable cause; or

26                     (C) a warrant;

27          commits harassment of a medical marijuana user, a Class A  
28          misdemeanor. However, the offense is a Level 6 felony if the person  
29          has a prior unrelated conviction under this section.

30          Sec. 4. (a) This section applies only to a law enforcement officer  
31          employed by the state, a political subdivision of the state, or a unit.  
32          This section does not apply to a federal law enforcement officer.

33          (b) A law enforcement officer or employee of the state, a  
34          political subdivision of the state, or a unit may not aid or assist a  
35          federal law enforcement officer in the enforcement of a federal  
36          law:

37               (1) criminalizing; or

38               (2) authorizing civil forfeiture with respect to;

39          any activity permitted under this article.

40          (c) A person who knowingly or intentionally violates this section  
41          commits a Level 6 felony.

42          Chapter 25. Reports



1           **Sec. 1.** The department shall, not later than December 31 of  
 2 each year, submit a report concerning the medical marijuana  
 3 program to the legislative council, the governor, and the chief  
 4 justice of the supreme court. The report to the legislative council  
 5 must be in an electronic format under IC 5-14-6. The report must  
 6 include the number of appeals and grievances filed and adjudicated  
 7 under chapter 26 of this article.

8           **Chapter 26. Medical Marijuana Oversight Board**

9           **Sec. 1. (a)** The medical marijuana oversight board is established.

10          **(b)** The medical marijuana oversight board consists of the  
 11 following:

12           **(1)** Two (2) members of the senate, appointed as follows:

13           **(A)** One (1) member appointed by the president pro  
 14 tempore of the senate.

15           **(B)** One (1) member appointed by the senate minority  
 16 leader.

17           **(2)** Two (2) members of the house of representatives,  
 18 appointed as follows:

19           **(A)** One (1) member appointed by the speaker of the house  
 20 of representatives.

21           **(B)** One (1) member appointed by the house minority  
 22 leader.

23           **(3)** One (1) member, appointed by the governor.

24           **(4)** One (1) individual representing the Indiana Pharmacists  
 25 Association.

26           **(5)** One (1) individual representing the Indiana State Medical  
 27 Association.

28          **(c)** The medical marijuana oversight board shall elect one (1) of  
 29 its members to be chairperson and one (1) of its members to be  
 30 secretary of the board.

31          **(d)** The medical marijuana oversight board shall meet at the call  
 32 of the chair. The members serve without compensation.

33          **(e)** A majority of the board members constitutes a quorum. The  
 34 board may act by an affirmative vote of a majority of the board.

35          **Sec. 2.** The medical marijuana oversight board may adopt rules  
 36 under IC 4-22-2 to establish procedures to:

37           **(1)** implement and administer an appeals process; or

38           **(2)** resolve grievances;

39 arising under this article.

40          **Sec. 3.** The rules may include informal procedures to resolve  
 41 appeals or grievances under this article.

42          **Sec. 4.** The department must include the number of appeals and



1 **grievances filed and adjudicated under this chapter in the yearly**  
 2 **report required to be submitted under chapter 25 of this article.**

3 **Sec. 5. Final resolution of appeals or grievances arising under**  
 4 **this chapter are subject to IC 4-21.5.**

5 SECTION 22. IC 35-46-9-6, AS AMENDED BY P.L.184-2019,  
 6 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2023]: Sec. 6. (a) Except as provided in subsections (b) and  
 8 (c), a person who operates a motorboat while:

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

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

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

14 (2) having a controlled substance listed in schedule I or II of  
 15 IC 35-48-2 or its metabolite in the person's ~~body~~; **blood**; or

16 (3) intoxicated;

17 commits a Class C misdemeanor.

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

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

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

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

22 (C) this chapter; or

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

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

26 (d) It is a defense to a prosecution under subsection (a)(2) that:

27 (1) the accused person consumed the controlled substance in  
 28 accordance with a valid prescription or order of a practitioner (as  
 29 defined in IC 35-48-1-24) who acted in the course of the  
 30 practitioner's professional practice; or

31 (2) **the:**

32 (A) **controlled substance is marijuana or a metabolite of**  
 33 **marijuana;**

34 (B) **accused person is a person authorized to use medical**  
 35 **marijuana under IC 16-51; and**

36 (C) **the accused person used the medical marijuana in**  
 37 **substantial compliance with the requirements of IC 16-51.**

38 SECTION 23. IC 35-48-4-8.3, AS AMENDED BY P.L.187-2015,  
 39 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2023]: Sec. 8.3. (a) This section does not apply to:

41 (1) a rolling paper; or

42 (2) **a patient, caregiver, medical marijuana organization,**





1           **research facility, or transporter described in IC 16-51 if the**  
 2           **person is in substantial compliance with the requirements of**  
 3           **IC 16-51.**

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           (2) testing the strength, effectiveness, or purity of a controlled  
 9           substance; or  
 10          (3) enhancing the effect of a controlled substance;

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

14          SECTION 24. IC 35-48-4-8.5, AS AMENDED BY P.L.153-2018,  
 15          SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16          JULY 1, 2023]: Sec. 8.5. (a) A person who keeps for sale, offers for  
 17          sale, delivers, or finances the delivery of a raw material, an instrument,  
 18          a device, or other object that is intended to be or that is designed or  
 19          marketed to be used primarily for:

- 20          (1) ingesting, inhaling, or otherwise introducing into the human  
 21          body marijuana, hash oil, hashish, salvia, a synthetic drug, or a  
 22          controlled substance;  
 23          (2) testing the strength, effectiveness, or purity of marijuana, hash  
 24          oil, hashish, salvia, a synthetic drug, or a controlled substance;  
 25          (3) enhancing the effect of a controlled substance;  
 26          (4) manufacturing, compounding, converting, producing,  
 27          processing, or preparing marijuana, hash oil, hashish, salvia, a  
 28          synthetic drug, or a controlled substance;  
 29          (5) diluting or adulterating marijuana, hash oil, hashish, salvia, a  
 30          synthetic drug, or a controlled substance by individuals; or  
 31          (6) any purpose announced or described by the seller that is in  
 32          violation of this chapter;

33          commits a Class A infraction for dealing in paraphernalia.

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

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

- 39          (1) Items marketed for use in the preparation, compounding,  
 40          packaging, labeling, or other use of marijuana, hash oil, hashish,  
 41          salvia, a synthetic drug, or a controlled substance as an incident  
 42          to lawful research, teaching, or chemical analysis and not for sale.



- 1 (2) Items marketed for or historically and customarily used in  
 2 connection with the planting, propagating, cultivating, growing,  
 3 harvesting, manufacturing, compounding, converting, producing,  
 4 processing, preparing, testing, analyzing, packaging, repackaging,  
 5 storing, containing, concealing, injecting, ingesting, or inhaling  
 6 of tobacco or any other lawful substance.
- 7 (3) A qualified entity (as defined in IC 16-41-7.5-3) that provides  
 8 a syringe or needle as part of a program under IC 16-41-7.5.
- 9 (4) Any entity or person that provides funding to a qualified entity  
 10 (as defined in IC 16-41-7.5-3) to operate a program described in  
 11 IC 16-41-7.5.
- 12 **(5) A patient, caregiver, medical marijuana organization,**  
 13 **research facility, or transporter described in IC 16-51 if the**  
 14 **person is in substantial compliance with the requirements of**  
 15 **IC 16-51.**
- 16 SECTION 25. IC 35-48-4-10, AS AMENDED BY P.L.153-2018,  
 17 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2023]: Sec. 10. (a) A person who:  
 19 (1) knowingly or intentionally:  
 20 (A) manufactures;  
 21 (B) finances the manufacture of;  
 22 (C) delivers; or  
 23 (D) finances the delivery of;  
 24 marijuana, hash oil, hashish, or salvia, pure or adulterated; or  
 25 (2) possesses, with intent to:  
 26 (A) manufacture;  
 27 (B) finance the manufacture of;  
 28 (C) deliver; or  
 29 (D) finance the delivery of;  
 30 marijuana, hash oil, hashish, or salvia, pure or adulterated;  
 31 commits dealing in marijuana, hash oil, hashish, or salvia, a Class A  
 32 misdemeanor, except as provided in subsections (b) through (d).
- 33 (b) A person may be convicted of an offense under subsection (a)(2)  
 34 only if:  
 35 (1) there is evidence in addition to the weight of the drug that the  
 36 person intended to manufacture, finance the manufacture of,  
 37 deliver, or finance the delivery of the drug; or  
 38 (2) the amount of the drug involved is at least:  
 39 (A) ten (10) pounds, if the drug is marijuana; or  
 40 (B) three hundred (300) grams, if the drug is hash oil, hashish,  
 41 or salvia.  
 42 (c) The offense is a Level 6 felony if:



- 1 (1) the person has a prior conviction for a drug offense and the  
 2 amount of the drug involved is:  
 3 (A) less than thirty (30) grams of marijuana; or  
 4 (B) less than five (5) grams of hash oil, hashish, or salvia; or  
 5 (2) the amount of the drug involved is:  
 6 (A) at least thirty (30) grams but less than ten (10) pounds of  
 7 marijuana; or  
 8 (B) at least five (5) grams but less than three hundred (300)  
 9 grams of hash oil, hashish, or salvia.  
 10 (d) The offense is a Level 5 felony if:  
 11 (1) the person has a prior conviction for a drug dealing offense  
 12 and the amount of the drug involved is:  
 13 (A) at least thirty (30) grams but less than ten (10) pounds of  
 14 marijuana; or  
 15 (B) at least five (5) grams but less than three hundred (300)  
 16 grams of hash oil, hashish, or salvia;  
 17 (2) the:  
 18 (A) amount of the drug involved is:  
 19 (i) at least ten (10) pounds of marijuana; or  
 20 (ii) at least three hundred (300) grams of hash oil, hashish,  
 21 or salvia; or  
 22 (B) offense involved a sale to a minor; or  
 23 (3) the:  
 24 (A) person is a retailer;  
 25 (B) marijuana, hash oil, hashish, or salvia is packaged in a  
 26 manner that appears to be low THC hemp extract; and  
 27 (C) person knew or reasonably should have known that the  
 28 product was marijuana, hash oil, hashish, or salvia.  
 29 **(e) This section does not apply to a patient, caregiver, medical**  
 30 **marijuana organization, research facility, or transporter described**  
 31 **in IC 16-51 if the person is in substantial compliance with the**  
 32 **requirements of IC 16-51.**  
 33 SECTION 26. IC 35-48-4-11, AS AMENDED BY P.L.153-2018,  
 34 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2023]: Sec. 11. (a) A person who:  
 36 (1) knowingly or intentionally possesses (pure or adulterated)  
 37 marijuana, hash oil, hashish, or salvia;  
 38 (2) knowingly or intentionally grows or cultivates marijuana; or  
 39 (3) knowing that marijuana is growing on the person's premises,  
 40 fails to destroy the marijuana plants;  
 41 commits possession of marijuana, hash oil, hashish, or salvia, a Class  
 42 B misdemeanor, except as provided in subsections (b) through (c).



1 (b) The offense described in subsection (a) is a Class A  
2 misdemeanor if:

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

5 (A) marijuana, hash oil, hashish, or salvia is packaged in a  
6 manner that appears to be low THC hemp extract; and

7 (B) person knew or reasonably should have known that the  
8 product was marijuana, hash oil, hashish, or salvia.

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

10 (1) the person has a prior conviction for a drug offense; and

11 (2) the person possesses:

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

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

14 **(d) This section does not apply to a patient, caregiver, medical**  
15 **marijuana organization, research facility, or transporter described**  
16 **in IC 16-51 if the person is in substantial compliance with the**  
17 **requirements of IC 16-51.**

18 SECTION 27. IC 35-52-16-94 IS ADDED TO THE INDIANA  
19 CODE AS A NEW SECTION TO READ AS FOLLOWS  
20 [EFFECTIVE JULY 1, 2023]: **Sec. 94. IC 16-51-24-3 defines a crime**  
21 **concerning medical marijuana.**

22 SECTION 28. IC 35-52-16-95 IS ADDED TO THE INDIANA  
23 CODE AS A NEW SECTION TO READ AS FOLLOWS  
24 [EFFECTIVE JULY 1, 2023]: **Sec. 95. IC 16-51-24-4 defines a crime**  
25 **concerning medical marijuana.**

