

HOUSE BILL No. 1311

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-2.5-8-7; IC 6-8.1-1-1; IC 6-11; IC 7.1-8; IC 10-10.5-1-3; IC 10-13-8-5; IC 11-12-3.7-3; IC 16-31-3; IC 16-42-27-2; IC 20-28-5-8; IC 22-15-5-16; IC 25-1-1.1; IC 34-24-1-1; IC 34-30-2-23.5; IC 35-31.5-2-185; IC 35-45-6-1; IC 35-48; IC 35-50-5-3; IC 35-52-7; IC 36-1-8.5-4.

Synopsis: Cannabis legalization. Establishes a procedure for the lawful production and sale of cannabis in Indiana. Makes conforming amendments.

Effective: July 1, 2022.

Ziemke, Bartels, Moed, Summers

January 11, 2022, read first time and referred to Committee on Courts and Criminal Code.



Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

HOUSE BILL No. 1311

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

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

1 SECTION 1. IC 6-2.5-8-7, AS AMENDED BY P.L.156-2020,
2 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 7. (a) The department may, for good cause, revoke
4 a certificate issued under section 1, 3, or 4 of this chapter. However,
5 the department must give the certificate holder at least five (5) days
6 notice before it revokes the certificate under this subsection. Good
7 cause for revocation may include the following:
8 (1) Failure to:
9 (A) file a return required under this chapter or for any tax
10 collected for the state in trust; or
11 (B) remit any tax collected for the state in trust.
12 (2) Being charged with a violation of any provision under IC 35.
13 (3) Being subject to a court order under IC 7.1-2-6-7,
14 IC 32-30-6-8, IC 32-30-7, or IC 32-30-8.
15 (4) Being charged with a violation of IC 23-15-12.
16 (5) Operating as a retail merchant where the certificate issued
17 under section 1 of this chapter could have been denied under



- 1 section 1(e) of this chapter prior to its issuance.
- 2 The department may revoke a certificate before a criminal adjudication
3 or without a criminal charge being filed. If the department gives notice
4 of an intent to revoke based on an alleged violation of subdivision (2),
5 the department shall hold a public hearing to determine whether good
6 cause exists. If the department finds in a public hearing by a
7 preponderance of the evidence that a person has committed a violation
8 described in subdivision (2), the department shall proceed in
9 accordance with subsection (i) (if the violation resulted in a criminal
10 conviction) or subsection (j) (if the violation resulted in a judgment for
11 an infraction).
- 12 (b) The department shall revoke a certificate issued under section
13 1, 3, or 4 of this chapter if, for a period of three (3) years, the certificate
14 holder fails to:
- 15 (1) file the returns required by IC 6-2.5-6-1; or
 - 16 (2) report the collection of any state gross retail or use tax on the
17 returns filed under IC 6-2.5-6-1.
- 18 However, the department must give the certificate holder at least five
19 (5) days notice before it revokes the certificate.
- 20 (c) The department may, for good cause, revoke a certificate issued
21 under section 1 of this chapter after at least five (5) days notice to the
22 certificate holder if:
- 23 (1) the certificate holder is subject to an innkeeper's tax under
24 IC 6-9; and
 - 25 (2) a board, bureau, or commission established under IC 6-9 files
26 a written statement with the department.
- 27 (d) The statement filed under subsection (c) must state that:
- 28 (1) information obtained by the board, bureau, or commission
29 under IC 6-8.1-7-1 indicates that the certificate holder has not
30 complied with IC 6-9; and
 - 31 (2) the board, bureau, or commission has determined that
32 significant harm will result to the county from the certificate
33 holder's failure to comply with IC 6-9.
- 34 (e) The department shall revoke or suspend a certificate issued
35 under section 1 of this chapter after at least five (5) days notice to the
36 certificate holder if:
- 37 (1) the certificate holder owes taxes, penalties, fines, interest, or
38 costs due under IC 6-1.1 that remain unpaid at least sixty (60)
39 days after the due date under IC 6-1.1; and
 - 40 (2) the treasurer of the county to which the taxes are due requests
41 the department to revoke or suspend the certificate.
- 42 (f) The department shall reinstate a certificate suspended under



1 subsection (e) if the taxes and any penalties due under IC 6-1.1 are paid
 2 or the county treasurer requests the department to reinstate the
 3 certificate because an agreement for the payment of taxes and any
 4 penalties due under IC 6-1.1 has been reached to the satisfaction of the
 5 county treasurer.

6 (g) The department shall revoke a certificate issued under section
 7 1 of this chapter after at least five (5) days notice to the certificate
 8 holder if the department finds in a public hearing by a preponderance
 9 of the evidence that the certificate holder has violated IC 35-45-5-3,
 10 IC 35-45-5-3.5, or IC 35-45-5-4.

11 (h) If a person makes a payment for the certificate under section 1
 12 or 3 of this chapter with a check, credit card, debit card, or electronic
 13 funds transfer, and the department is unable to obtain payment of the
 14 check, credit card, debit card, or electronic funds transfer for its full
 15 face amount when the check, credit card, debit card, or electronic funds
 16 transfer is presented for payment through normal banking channels, the
 17 department shall notify the person by mail that the check, credit card,
 18 debit card, or electronic funds transfer was not honored and that the
 19 person has five (5) days after the notice is mailed to pay the fee in cash,
 20 by certified check, or other guaranteed payment. If the person fails to
 21 make the payment within the five (5) day period, the department shall
 22 revoke the certificate.

23 (i) If the department finds in a public hearing by a preponderance of
 24 the evidence that a person has a conviction for an offense under
 25 IC 35-48-4 and the conviction involved the sale of or the offer to sell,
 26 in the normal course of business, a synthetic drug (as defined in
 27 IC 35-31.5-2-321), a synthetic drug lookalike substance (as defined in
 28 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)), a controlled
 29 substance analog (as defined in IC 35-48-1-9.3), or a substance
 30 represented to be a controlled substance (as described in
 31 IC 35-48-4-4.6) by a retail merchant in a place of business for which
 32 the retail merchant has been issued a registered retail merchant
 33 certificate under section 1 of this chapter, the department:

34 (1) shall suspend the registered retail merchant certificate for the
 35 place of business for one (1) year; and

36 (2) may not issue another retail merchant certificate under section
 37 1 of this chapter for one (1) year to any person:

38 (A) that:

39 (i) applied for; or

40 (ii) made a retail transaction under;

41 the retail merchant certificate suspended under subdivision
 42 (1); or



- 1 (B) that:
- 2 (i) owned or co-owned, directly or indirectly; or
- 3 (ii) was an officer, a director, a manager, or a partner of;
- 4 the retail merchant that was issued the retail merchant
- 5 certificate suspended under subdivision (1).
- 6 (j) If the department finds in a public hearing by a preponderance of
- 7 the evidence that a person has a judgment for a violation of
- 8 IC 35-48-4-10.5 (before its repeal on July 1, 2019) as an infraction and
- 9 the violation involved the sale of or the offer to sell, in the normal
- 10 course of business, a synthetic drug or a synthetic drug lookalike
- 11 substance by a retail merchant in a place of business for which the
- 12 retail merchant has been issued a registered retail merchant certificate
- 13 under section 1 of this chapter, the department:
- 14 (1) may suspend the registered retail merchant certificate for the
- 15 place of business for six (6) months; and
- 16 (2) may withhold issuance of another retail merchant certificate
- 17 under section 1 of this chapter for six (6) months to any person:
- 18 (A) that:
- 19 (i) applied for; or
- 20 (ii) made a retail transaction under;
- 21 the retail merchant certificate suspended under subdivision
- 22 (1); or
- 23 (B) that:
- 24 (i) owned or co-owned, directly or indirectly; or
- 25 (ii) was an officer, a director, a manager, or a partner of;
- 26 the retail merchant that was issued the retail merchant
- 27 certificate suspended under subdivision (1).
- 28 (k) If the department finds in a public hearing by a preponderance
- 29 of the evidence that a person has a conviction for a violation of
- 30 ~~IC 35-48-4-10(d)(3)~~ **IC 35-48-4-10(e)** and the conviction involved an
- 31 offense committed by a retail merchant in a place of business for which
- 32 the retail merchant has been issued a registered retail merchant
- 33 certificate under section 1 of this chapter, the department:
- 34 (1) shall suspend the registered retail merchant certificate for the
- 35 place of business for one (1) year; and
- 36 (2) may not issue another retail merchant certificate under section
- 37 1 of this chapter for one (1) year to any person:
- 38 (A) that:
- 39 (i) applied for; or
- 40 (ii) made a retail transaction under;
- 41 the retail merchant certificate suspended under subdivision
- 42 (1); or



1 (B) that:

2 (i) owned or co-owned, directly or indirectly; or

3 (ii) was an officer, a director, a manager, or a partner of;

4 the retail merchant that was issued the retail merchant
5 certificate suspended under subdivision (1).

6 SECTION 2. IC 6-8.1-1-1, AS AMENDED BY P.L.165-2021,
7 SECTION 120, IS AMENDED TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2022]: Sec. 1. "Listed taxes" or "taxes" includes
9 only the pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the
10 supplemental wagering tax (IC 4-33-12); the riverboat wagering tax (IC
11 4-33-13); the slot machine wagering tax (IC 4-35-8); the type II
12 gambling game excise tax (IC 4-36-9); the gross income tax (IC 6-2.1)
13 (repealed); the utility receipts and utility services use taxes (IC 6-2.3);
14 the state gross retail and use taxes (IC 6-2.5); the adjusted gross income
15 tax (IC 6-3); the supplemental net income tax (IC 6-3-8) (repealed); the
16 county adjusted gross income tax (IC 6-3.5-1.1) (repealed); the county
17 option income tax (IC 6-3.5-6) (repealed); the county economic
18 development income tax (IC 6-3.5-7) (repealed); the local income tax
19 (IC 6-3.6); the auto rental excise tax (IC 6-6-9); the financial
20 institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the special fuel
21 tax (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor fuel tax
22 collected under a reciprocal agreement under IC 6-8.1-3; the vehicle
23 excise tax (IC 6-6-5); the aviation fuel excise tax (IC 6-6-13); the
24 commercial vehicle excise tax (IC 6-6-5.5); the excise tax imposed on
25 recreational vehicles and truck campers (IC 6-6-5.1); the hazardous
26 waste disposal tax (IC 6-6-6.6) (repealed); the heavy equipment rental
27 excise tax (IC 6-6-15); the vehicle sharing excise tax (IC 6-6-16); the
28 cigarette tax (IC 6-7-1); the closed system cartridge tax (IC 6-7-2-7.5);
29 the electronic cigarette tax (IC 6-7-4); **the cannabis excise tax (IC**
30 **6-11)**; the beer excise tax (IC 7.1-4-2); the liquor excise tax (IC
31 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard cider excise tax (IC
32 7.1-4-4.5); the petroleum severance tax (IC 6-8-1); the various
33 innkeeper's taxes (IC 6-9); the various food and beverage taxes (IC
34 6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28); the oil
35 inspection fee (IC 16-44-2); the penalties assessed for oversize vehicles
36 (IC 9-20-3 and IC 9-20-18); the fees and penalties assessed for
37 overweight vehicles (IC 9-20-4 and IC 9-20-18); and any other tax or
38 fee that the department is required to collect or administer.

39 SECTION 3. IC 6-11 IS ADDED TO THE INDIANA CODE AS A
40 **NEW ARTICLE TO READ AS FOLLOWS** [EFFECTIVE JULY 1,
41 2022]:

42 **ARTICLE 11. CANNABIS EXCISE TAX**



1 **Chapter 1. Imposition and Collection of Tax**

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

- 3 (1) "Department" refers to the department of state revenue.
 4 (2) "Person" has the meaning set forth in IC 6-2.5-1-3.
 5 (3) "Retailer permittee" means a person who holds a cannabis
 6 retailer permit issued under IC 7.1-8-15.

7 **Sec. 2. A tax is imposed upon the privilege of selling cannabis at**
 8 **a rate of ten percent (10%) of the sales price per ounce of cannabis.**
 9 **This tax shall be paid to the department by the retailer permittee**
 10 **who sells the cannabis.**

11 **Sec. 3. (a) Every person subject to the tax under this article shall**
 12 **remit the tax owed to the department before the fifteenth day of**
 13 **the month following the month in which the cannabis is sold.**

14 **(b) The department shall prescribe the return to be filed for the**
 15 **payment of the tax.**

16 **Sec. 4. The amounts received from the tax imposed by this**
 17 **article shall be transferred by the auditor of state to the cannabis**
 18 **regulation fund established by IC 7.1-8-2-10.**

19 **Sec. 5. The department has full power to administer and enforce**
 20 **this chapter, to collect all taxes and penalties due, and to dispose of**
 21 **taxes and penalties so collected as provided by law. The tax is a**
 22 **listed tax for purposes of IC 6-8.1.**

23 **Sec. 6. Except as otherwise provided in this article, a tax**
 24 **imposed under this chapter shall be imposed, paid, and collected in**
 25 **the same manner that the state gross retail tax is imposed, paid,**
 26 **and collected under IC 6-2.5.**

27 **Sec. 7. The department shall adopt rules under IC 4-22-2 to**
 28 **implement this article.**

29 **SECTION 4. IC 7.1-8 IS ADDED TO THE INDIANA CODE AS A**
 30 **NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,**
 31 **2022]:**

32 **ARTICLE 8. CANNABIS**

33 **Chapter 1. Definitions**

34 **Sec. 1. The following definitions apply throughout this article**
 35 **unless the context clearly requires otherwise:**

- 36 (1) "Applicant" means a person who applies for a permit
 37 under this article.
 38 (2) "Batch" means cannabis plants that have been grown
 39 together.
 40 (3) "Cannabis" means any part of the plant genus *Cannabis*
 41 whether growing or not, the seeds thereof, and any compound,
 42 manufacture, salt, derivative, mixture, or preparation of the



- 1 plant or its seeds. However, the term does not include:
 2 (A) the mature stalks of the plant;
 3 (B) fiber produced from the stalks;
 4 (C) oil or cake made from the seeds of the plant;
 5 (D) any other compound, manufacture, salt, derivative,
 6 mixture, or preparation of the mature stalks (except the
 7 resin extracted therefrom);
 8 (E) the sterilized seed of the plant which is incapable of
 9 germination;
 10 (F) hemp (as defined in IC 15-15-13-6);
 11 (G) low THC hemp extract (as defined in IC 35-48-1-17.5);
 12 or
 13 (H) smokable hemp (as defined in IC 35-48-1-26.6).
- 14 (4) "Cannabis canopy" means the surface area utilized to
 15 grow cannabis plants calculated in square feet and measured
 16 using the outside boundaries of any area that includes
 17 cannabis plants, including all of the space within the
 18 boundaries.
- 19 (5) "Cannabis permittee" means an individual, partnership,
 20 company, or corporation permitted to grow, process,
 21 transport, or sell cannabis for commercial purposes in
 22 Indiana. However, the term does not include a person who
 23 grows cannabis for personal use.
- 24 (6) "Carrier" means a person who is engaged in the
 25 transportation of cannabis or cannabis products between a
 26 grower, a processor, and a retailer and holds a permit issued
 27 under IC 7.1-8-14.
- 28 (7) "Commission" means the cannabis commission established
 29 by IC 7.1-8-2-1.
- 30 (8) "Crop" means any cannabis grown under a single permit.
- 31 (9) "Grower" means an individual, partnership, company, or
 32 corporation that produces cannabis for commercial purposes
 33 and that holds a permit issued under IC 7.1-8-12.
- 34 (10) "Integrated permittee" means a permittee who holds a
 35 grower permit, a processor permit, and a retailer permit.
- 36 (11) "Permit" means a written authorization issued by the
 37 commission entitling the holder to grow, process, transport,
 38 sell, test, or otherwise deal in cannabis, as provided in this
 39 article.
- 40 (12) "Permittee" means a person who holds a valid permit
 41 under this article, including an agent of, employee of, or
 42 another person acting on behalf of, a permittee.



- 1 (13) "Personally cultivate" means to grow cannabis for
 2 personal household use.
- 3 (14) "Processor" means an individual, partnership, company,
 4 or corporation holding a permit issued under IC 7.1-8-13 that
 5 obtains cannabis from a grower and:
 6 (A) extracts botanical compounds or cannabinoids from
 7 the cannabis;
 8 (B) creates a cannabis infused product; or
 9 (C) prepares or packages cannabis for retail sale for sale
 10 or transfer.
- 11 (15) "Retailer" means an individual, partnership, company,
 12 or corporation that holds a permit under IC 7.1-8-15 and that,
 13 in the ordinary course of the person's regular trade or
 14 business:
 15 (A) acquires any form of cannabis for the purpose of
 16 resale; and
 17 (B) transfers the cannabis to another person for money or
 18 other consideration.
- 19 (16) "Statewide monitoring system" means the statewide
 20 cannabis tracking and monitoring system established under
 21 IC 7.1-8-17.
- 22 **Chapter 2. Cannabis Commission**
- 23 **Sec. 1. The cannabis commission is established.**
- 24 **Sec. 2. The commission consists of:**
- 25 (1) five (5) voting members appointed by the governor with
 26 the advice and consent of the legislative council; and
 27 (2) the executive director of the commission or the executive
 28 director's designee, who serves *ex officio* as a nonvoting
 29 member.
- 30 **Sec. 3. (a) A commissioner is eligible for reappointment.**
- 31 **(b) Not more than three (3) commissioners may be members of**
 32 **the same political party.**
- 33 **(c) A commissioner shall be appointed to a four (4) year term**
 34 **and may be removed only for cause. An appointment to fill a**
 35 **vacancy shall be made in the same manner that an original**
 36 **appointment is made. A member appointed to fill a vacancy in the**
 37 **membership of the commission may serve only for the unexpired**
 38 **portion of the original, vacated term, but may be reappointed.**
- 39 **Sec. 4. To be eligible for appointment as a commissioner an**
 40 **individual must have the following qualifications:**
- 41 (1) The individual may not be employed by the state in any
 42 other capacity.



- 1 **(2) The individual must have been an Indiana resident for at**
 2 **least ten (10) years immediately preceding the appointment.**
 3 **(3) The individual may not have a financial interest in a**
 4 **cannabis permittee or in an entity governed by:**
 5 **(A) this title;**
 6 **(B) IC 4-29;**
 7 **(C) IC 4-29.5;**
 8 **(D) IC 4-31;**
 9 **(E) IC 4-32.3;**
 10 **(F) IC 4-33;**
 11 **(G) IC 4-35; or**
 12 **(H) IC 4-36.**
 13 **(4) The individual may not have been convicted within ten**
 14 **(10) years before the date of appointment of:**
 15 **(A) a federal crime having a sentence of greater than one**
 16 **(1) year;**
 17 **(B) a Class A, Class B, or Class C felony (for a crime**
 18 **committed before July 1, 2014) or a Level 1, Level 2, Level**
 19 **3, Level 4, or Level 5 felony (for a crime committed after**
 20 **June 30, 2014); or**
 21 **(C) a crime in another state that is substantially similar to**
 22 **a crime described in clause (B).**
 23 **Sec. 5. As compensation for services, each commissioner is**
 24 **entitled to the minimum salary per diem provided by**
 25 **IC 4-10-11-2.1(b). A commissioner is also entitled to**
 26 **reimbursement for traveling expenses as provided under**
 27 **IC 4-13-1-4 and other expenses actually incurred in connection**
 28 **with the commissioner's duties as provided in the state policies and**
 29 **procedures established by the Indiana department of**
 30 **administration and approved by the budget agency.**
 31 **Sec. 6. (a) Each commissioner shall execute a surety bond in the**
 32 **amount of ten thousand dollars (\$10,000), with surety approved by**
 33 **the governor, and an oath of office, both of which shall be filed in**
 34 **the office of the secretary of state.**
 35 **(b) The required surety bond executed and filed on behalf of a**
 36 **commissioner, an enforcement officer (under IC 7.1-8-5), or the**
 37 **prosecutor (under IC 7.1-8-3) shall be made payable to the State of**
 38 **Indiana and conditioned upon the faithful discharge of the bonded**
 39 **party's respective duties.**
 40 **Sec. 7. The commission shall hold regular meetings on a**
 41 **quarterly basis at a minimum. The commission may hold special**
 42 **meetings whenever the commission deems it necessary. The**



1 procedure for the calling of a special meeting shall be provided for
 2 in the rules of the commission. The commission has the power to
 3 adjourn, from time to time, both regular and special meetings. In
 4 no event, however, shall the adjournment be later than the next
 5 regular meeting date.

6 **Sec. 8. (a) Three (3) members of the commission constitute a**
 7 **quorum for the transaction of business.**

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

9 **(c) Action of the commission may be taken only upon the**
 10 **affirmative votes of at least two (2) commissioners. If a vote of the**
 11 **commission is a tie, the position for which the chairperson voted**
 12 **prevails, as long as that position has received the affirmative votes**
 13 **of at least two (2) commissioners.**

14 **Sec. 9. A commissioner may not solicit or accept a political**
 15 **contribution from any person or entity that has a permit or has**
 16 **applied for a permit issued by the commission. However, the right**
 17 **of a commissioner to vote as the commissioner chooses and to**
 18 **express the commissioner's opinions on political subjects and**
 19 **candidates may not be impaired.**

20 **Sec. 10. (a) As used in this section, "fund" means the cannabis**
 21 **regulation fund established by subsection (b).**

22 **(b) The cannabis regulation fund is established for the purpose**
 23 **of implementing, administering, and enforcing this article. The**
 24 **fund shall be administered by the commission.**

25 **(c) The fund consists of taxes, fees, and civil penalties collected**
 26 **under this article.**

27 **(d) The expenses of administering the fund shall be paid from**
 28 **money in the fund.**

29 **(e) The treasurer of state shall invest the money in the fund not**
 30 **currently needed to meet the obligations of the fund in the same**
 31 **manner as other public money may be invested. Interest that**
 32 **accrues from these investments shall be deposited in the fund.**

33 **(f) Money in the fund at the end of a state fiscal year does not**
 34 **revert to the state general fund. However, the treasurer shall**
 35 **distribute money in the fund at the end of a state fiscal year as**
 36 **follows:**

37 **(1) Fifteen percent (15%) to prosecuting attorneys in counties**
 38 **in which a cannabis retail facility is located, allocated in**
 39 **proportion to the number of cannabis retail facilities within**
 40 **the county as compared to the total number of cannabis retail**
 41 **facilities in Indiana.**

42 **(2) Fifteen percent (15%) to cities, towns, and counties (if a**



1 facility is not located in a city or town) in which a cannabis
 2 growing facility, processing facility, or retail facility is
 3 located, allocated in proportion to the number of growing
 4 facilities, processing facilities, and retail facilities in Indiana.

5 (3) Twenty percent (20%) to the state department of health to
 6 be used to develop, in consultation with the department of
 7 education, a cannabis abuse prevention and education
 8 program for youth.

9 (4) Twenty-five percent (25%) to the state department of
 10 health for use by the division of mental health and addiction.

11 (5) Twenty-five percent (25%) to the state police department.

12 **Chapter 3. Office of the Prosecutor**

13 **Sec. 1.** The office of the prosecutor is established within the
 14 commission.

15 **Sec. 2.** The prosecutor shall be appointed by the governor for a
 16 term of four (4) years to be served at the pleasure of the governor.
 17 The prosecutor must be a resident of Indiana and licensed to
 18 practice law in Indiana.

19 **Sec. 3.** The prosecutor shall execute a surety bond in the amount
 20 of five thousand dollars (\$5,000), with surety approved by the
 21 governor, and an oath of office, both of which shall be filed in the
 22 office of the secretary of state.

23 **Sec. 4.** As compensation for services, the prosecutor shall
 24 receive an annual salary to be fixed in the same manner that the
 25 salaries of other state officials are fixed. In addition to the annual
 26 salary, the prosecutor shall be reimbursed for traveling and other
 27 expenses necessarily incurred while away from the office carrying
 28 out prosecutorial duties.

29 **Sec. 5.** The prosecutor has the following powers and duties:

30 (1) To prosecute before the commission all violations of laws
 31 pertaining to cannabis or cannabis products.

32 (2) To prosecute before the commission all violations of the
 33 rules of the commission.

34 (3) To assist the prosecuting attorneys of the various judicial
 35 circuits in the investigation and prosecution of violations of
 36 laws pertaining to cannabis or cannabis products.

37 (4) To appear before grand juries to assist in their
 38 investigations into matters pertaining to cannabis or cannabis
 39 products.

40 (5) To establish a seal of office.

41 (6) To administer oaths and to do all other acts authorized by
 42 law for notaries public.



1 (7) To employ, with the consent of the commission and at
 2 salaries fixed by the commission in its budget, the clerical staff
 3 required to effectively discharge the duties of the prosecutor.

4 **Sec. 6.** The commission shall provide the prosecutor with
 5 appropriate office space and all necessary office supplies and
 6 services. All claims for salaries and necessary expenses of the office
 7 of the prosecutor shall be allowed and approved and paid by the
 8 commission.

9 **Chapter 4. Executive Director**

10 **Sec. 1.** The commission shall employ an executive director to aid
 11 the commission in the efficient administration of its powers and
 12 duties.

13 **Sec. 2.** The executive director's compensation shall be approved
 14 annually by the commission.

15 **Sec. 3.** The commission may by resolution assign to the executive
 16 director any duty imposed upon the commission by this article.

17 **Sec. 4.** The executive director shall perform the duties assigned
 18 to the executive director by the commission. The executive director
 19 may exercise any power conferred upon the commission by this
 20 article that is consistent with the duties assigned to the executive
 21 director under this chapter.

22 **Sec. 5.** In addition to any salary paid under this chapter, the
 23 executive director is entitled to reimbursement for traveling
 24 expenses and other expenses actually incurred in connection with
 25 the executive director's duties, as provided in the state travel
 26 policies and procedures established by the department of
 27 administration and approved by the budget agency.

28 **Chapter 5. Enforcement Officers**

29 **Sec. 1.** The commission may employ a superintendent of the
 30 enforcement officers and qualified individuals to serve as
 31 enforcement officers of the commission.

32 **Sec. 2.** The superintendent of the enforcement officers must
 33 have had at least ten (10) years experience as an active law
 34 enforcement officer, at least five (5) years of which must have been
 35 in a management capacity.

36 **Sec. 3.** An enforcement officer who has completed the required
 37 training at the Indiana law enforcement academy is vested with full
 38 police powers and duties to enforce:

39 (1) the provisions of this article; and

40 (2) any other Indiana law relating to cannabis and cannabis
 41 products.

42 **Sec. 4.** An enforcement officer may issue a summons for



1 **infraction or misdemeanor violations if the defendant promises to**
2 **appear by signing the summons. A defendant who fails to appear**
3 **is subject to the penalties provided by IC 35-44.1-2-10. Upon**
4 **failure to appear, the court shall issue a warrant for the arrest of**
5 **the defendant.**

6 **Sec. 5. An enforcement officer may act as an officer for the**
7 **arrest of offenders against Indiana law if the enforcement officer**
8 **reasonably believes that a crime is or is about to be committed or**
9 **attempted in the enforcement officer's presence.**

10 **Sec. 6. Each enforcement officer shall execute a surety bond in**
11 **the amount of one thousand dollars (\$1,000), with surety approved**
12 **by the commission, and an oath of office, both of which shall be**
13 **filed with the executive secretary of the commission.**

14 **Sec. 7. An eligible enforcement officer who retires with at least**
15 **twenty (20) years of service as an enforcement officer may retain**
16 **the officer's service weapon. The officer is entitled to receive, in**
17 **recognition of the officer's service to the commission and to the**
18 **public, a badge that indicates that the officer is retired. The**
19 **commission shall issue the officer who is retiring an identification**
20 **card stating the officer's name and rank, signifying that the officer**
21 **is retired, and noting the officer's authority to retain the service**
22 **weapon.**

23 **Sec. 8. The commission has the power to employ and remove at**
24 **will all necessary employees, and to fix their duties, authority, and,**
25 **with proper approval, their compensation.**

26 **Sec. 9. The superintendent of the enforcement officers may**
27 **discharge a nonprobationary enforcement officer for just cause.**
28 **The commission shall adopt rules to establish a probationary**
29 **period and a procedure for the adjudication of the propriety of the**
30 **discharge of a nonprobationary enforcement officer.**

31 **Sec. 10. (a) The commission shall categorize salaries of**
32 **enforcement officers within each rank based upon the rank held**
33 **and the number of years of service in the commission through the**
34 **twentieth year. The salary ranges that the commission assigns to**
35 **each rank shall be divided into a base salary and twenty (20)**
36 **increments above the base salary with:**

37 **(1) the base salary in the rank paid to a person with less than**
38 **one (1) year of service in the commission; and**

39 **(2) the highest salary in the rank paid to a person with at least**
40 **twenty (20) years of service in the commission.**

41 **(b) The salary matrix prescribed by this section shall be**
42 **reviewed and approved by the budget agency before**



1 implementation.

2 (c) The salary matrix prescribed by this section must have
3 parity with the salary matrix prescribed by the natural resources
4 commission under IC 14-9-8 for conservation officers of the
5 department of natural resources. The budget agency shall approve
6 a salary matrix that meets the parity requirement of this
7 subsection.

8 **Chapter 6. Duties and Responsibilities of the Commission**

9 **Sec. 1. The chairperson is the presiding officer at the meetings**
10 **of the commission. The chairperson, together with the executive**
11 **director, shall prepare, certify, and authenticate all proceedings,**
12 **minutes, records, and rules of the commission. The chairperson or**
13 **the chairperson's designee also shall perform all other duties as**
14 **imposed by this article.**

15 **Sec. 2. The commission has the power to organize its work and**
16 **carry on the functions of the commission and to enforce and**
17 **administer the provisions of this chapter and the rules of the**
18 **commission.**

19 **Sec. 3. The commission, in accordance with IC 5-15-5.1, has the**
20 **power to prescribe the forms for all applications, permits, licenses,**
21 **certificates, and other documents and records used in the**
22 **administration of this chapter.**

23 **Sec. 4. The commission has the power to:**

- 24 (1) hold hearings before the commission or its representative;
25 (2) take testimony and receive evidence;
26 (3) conduct inquiries with or without hearings;
27 (4) receive reports of investigators or other governmental
28 officers and employees;
29 (5) administer oaths;
30 (6) subpoena witnesses and to compel them to appear and
31 testify;
32 (7) issue and enforce subpoenas duces tecum;
33 (8) take or institute proceedings to enforce subpoenas, and the
34 rules, orders, or requirements of the commission or its
35 representative;
36 (9) fix the compensation paid to witnesses appearing before
37 the commission;
38 (10) establish and use the seal of the commission;
39 (11) certify copies of records of the commission or any other
40 document or record on file with the commission;
41 (12) fix the form, mode, manner, time, and number of times
42 for the posting or publication of any required notices if not



1 otherwise provided in this chapter;

2 (13) issue letters of extension as authorized by this chapter;
3 and

4 (14) hold permits on deposit as authorized by this chapter.

5 **Sec. 5. (a) The commission shall prepare a quarterly report that**
6 **describes the violations by permittees subject to an enforcement**
7 **action under this article. Beginning in January 2023, the**
8 **commission shall issue the quarterly reports on or before the**
9 **fifteenth day of:**

10 (1) January, concerning violations committed during the
11 preceding quarter consisting of the months of October
12 through December;

13 (2) April, concerning violations committed during the
14 preceding quarter consisting of the months of January
15 through March;

16 (3) July, concerning violations committed during the
17 preceding quarter consisting of the months of April through
18 June; and

19 (4) October, concerning violations committed during the
20 preceding quarter consisting of the months of July through
21 September.

22 (b) The commission's quarterly report must provide
23 noncompliance violations by:

24 (1) business listing;

25 (2) permit type; and

26 (3) county.

27 (c) The commission shall post the quarterly reports on the
28 commission's Internet web site. The commission shall:

29 (1) prepare a report annually that compiles the violations for
30 the preceding calendar year; and

31 (2) provide the report to the legislative council not later than
32 February 1 of each year in an electronic format under
33 IC 5-14-6.

34 **Sec. 6. The commission has the authority to petition the circuit**
35 **or superior court of the county in which the hearing or**
36 **investigation is being held to compel obedience to the lawful**
37 **requirements of its subpoena under this chapter.**

38 **Sec. 7. The commission is responsible for the enforcement and**
39 **administration of this article.**

40 **Sec. 8. The commission shall adopt rules in accordance with**
41 **IC 4-22-2 to implement and administer this article.**

42 **Sec. 9. The commission has the power to adopt rules governing**



1 the following:

- 2 (1) The conduct of the meetings and business of the
3 commission.
4 (2) The conduct of hearings before any of the commission's
5 representatives.
6 (3) The conduct of the business of a permittee authorized or
7 governed by the provisions of this article.
8 (4) The enforcement of the provisions of this article and of the
9 rules of the commission.
10 (5) The standards of purity and methods of processing used in
11 the production of cannabis and cannabis products.
12 (6) The prevention of misbranding or adulteration of cannabis
13 and cannabis products.
14 (7) The prevention of fraud, evasion, trickery, or deceit in the
15 processing, labeling, advertisement, transportation, or sale of
16 cannabis or cannabis products, or the evasion of other
17 Indiana law relating to cannabis or cannabis products.

18 **Chapter 7. Regulation of Permits and Permittees**

19 **Sec. 1.** The commission has the discretionary authority to issue,
20 deny, suspend, revoke, or not renew all permits and certificates
21 authorized by this article, unless the exercise of discretion or
22 authority is limited by applicable provisions of this article.

23 **Sec. 2. (a)** The commission shall prepare and maintain, available
24 for public inspection, a registry of all permits issued by the
25 commission, categorized by type of permit and by the type of
26 establishment to which the permit is issued. The registry of permits
27 must:

- 28 (1) be subdivided on a county by county basis, and further
29 subdivided by city, town, and unincorporated area;
30 (2) contain the number of permits authorized by the quota,
31 and the number of permits currently issued;
32 (3) contain the name of the owner of the permit, the address
33 of the permitted premises, the assumed business name under
34 which the business is conducted, and, if a corporation, the
35 names of the president and secretary; and
36 (4) be made current annually, to indicate by specific notation
37 any new permits that were issued or any existing permits that
38 were transferred in any manner within the prior year.

39 **(b)** The registry of permits is a public record.

40 **Sec. 3.** The commission has the power to investigate applicants
41 and permittees, and any violation of a provision of this article and
42 of the rules of the commission, and to report its findings to the



1 prosecuting attorney or the grand jury of the county in which the
2 violation occurred, or to the attorney general.

3 **Sec. 4. The commission has the power to prohibit the sale,**
4 **transportation, or movement of cannabis when, in the judgment of**
5 **the commission, it is necessary during a time of public emergency,**
6 **civil disturbance, riot, or epidemic. The prohibition may be**
7 **imposed without prior notice or advertisement and may be**
8 **continued in force as long as the need continues.**

9 **Sec. 5. (a) The commission has the power to examine, inspect,**
10 **and search a permitted premises or a vehicle where cannabis or**
11 **cannabis products are kept, processed, or sold.**

12 **(b) The commission has the power to seize cannabis or cannabis**
13 **products, or any other personal property when the seizure is lawful**
14 **under the provisions of this article.**

15 **Sec. 6. The commission has the power to prevent a part of the**
16 **premises connected with, or in any way used in connection with, a**
17 **permitted premises, from being used as a subterfuge or means of**
18 **evading the provisions of this article or of the rules of the**
19 **commission.**

20 **Sec. 7. The commission has the power to set standards of**
21 **cleanliness and sanitation for a permitted premises and for the**
22 **apparatus, equipment, utensils, accessories, articles, and fixtures**
23 **used or employed in the permitted premises.**

24 **Sec. 8. The commission has the power to require the destruction**
25 **or removal of cases, containers, apparatus, or devices, used or**
26 **likely to be used, in evading, violating, or preventing the**
27 **enforcement of the provisions of this article or of the rules of the**
28 **commission.**

29 **Sec. 9. (a) The commission has the power to regulate and**
30 **prohibit advertising, signs, displays, posters, and designs intended**
31 **to advertise cannabis, a cannabis product, or the place where**
32 **cannabis or cannabis products are sold.**

33 **(b) The commission may not exercise the prohibition power**
34 **contained in subsection (a) as to any advertisement broadcast over**
35 **licensed radio and television stations.**

36 **(c) All advertisements relating to cannabis or cannabis products**
37 **must conform to the rules of the commission.**

38 **(d) The commission shall not exercise the prohibition power**
39 **contained in subsection (a) as to advertising in the official program**
40 **of the Indianapolis 500 Race.**

41 **(e) Notwithstanding any other law, the commission may not**
42 **prohibit the use of an illuminated sign advertising cannabis or**



1 cannabis products by brand name that is displayed within the
 2 interior or on the exterior of the premises covered by the permit,
 3 regardless of whether the sign is illuminated constantly or
 4 intermittently.

5 (f) The commission may not prohibit the advertisement of:

- 6 (1) cannabis or cannabis products; or
- 7 (2) a place where cannabis or cannabis products may be
 8 obtained;

9 in a program, scorecard, handbill, throw-away newspaper, or
 10 menu. However, advertisements described in this subsection must
 11 conform to the rules of the commission.

12 (g) Cannabis or cannabis products must be marketed or
 13 advertised as "cannabis" for use only by persons at least
 14 twenty-one (21) years of age.

15 (h) Cannabis or cannabis products may not be marketed or
 16 advertised to persons less than twenty-one (21) years of age. The
 17 commission shall determine whether a sponsorship is marketed or
 18 advertised to a person less than twenty-one (21) years of age.

19 (i) Cannabis or cannabis products may not be advertised on any
 20 television program, radio program, Internet web site, or print
 21 publication unless there is reliable evidence that seventy percent
 22 (70%) of the audience is reasonably expected to be at least
 23 twenty-one (21) years of age.

24 (j) Any cannabis or cannabis products advertised must bear a
 25 warning label stating the following:

26 "For use by adults only. Keep out of reach of children. It is
 27 illegal to drive a motor vehicle while under the influence of
 28 cannabis. National Poison Control Center 1-800-222-1222."

29 Sec. 10. (a) As used in this section, "facility" includes the
 30 following:

- 31 (1) A facility permitted under this article.
- 32 (2) A tract that contains a premises permitted under this
 33 article.
- 34 (3) A horse track or satellite facility.
- 35 (4) A riverboat or racetrack.
- 36 (5) A tract that contains an entertainment complex.

37 (b) As used in this section, "tract" has the meaning set forth in
 38 IC 6-1.1-1-22.5.

39 (c) A facility may advertise cannabis or cannabis products:

- 40 (1) in the facility's interior; or
- 41 (2) on the facility's exterior.

42 (d) The commission may not exercise the prohibition power



1 contained in this chapter on advertising by a permittee in or on a
2 facility.

3 (e) A facility may provide advertising to a permittee in exchange
4 for compensation from that permittee.

5 Sec. 11. The commission has the power to require the
6 registration of all brands, formulas, analyses, labels used, or
7 proposed to be used in selling or advertising cannabis or cannabis
8 products. The commission does not have the power to require the
9 disclosure of formulas that are verified trade secrets.

10 Sec. 12. The commission has the power to regulate the modes
11 and methods of dealing in, and the transportation of, cannabis and
12 cannabis products.

13 Sec. 13. The commission has the power to:

14 (1) prescribe the manner and methods by which all records
15 relating to cannabis or cannabis products are kept and
16 preserved;

17 (2) inspect all records relating to cannabis or cannabis
18 products; and

19 (3) require true copies of any record to be made and furnished
20 to the commission.

21 Sec. 14. The commission may require that, before the
22 transportation of cannabis or cannabis products into Indiana by an
23 authorized permittee, the permittee shall submit written, verified
24 information concerning the proposed transportation and execute
25 and file any documents required. The commission has the power to
26 inspect the shipments in transit and the vehicle used in the
27 transportation.

28 Sec. 15. The commission, unless otherwise specifically
29 prohibited, may delegate the powers and duties conferred on it in
30 this article to responsible employees of the commission. However,
31 the commission bears ultimate responsibility.

32 Sec. 16. The members of the commission and their officers and
33 employees are immune from civil liability for an act or omission
34 done under the authority, or the color of authority, conferred by
35 this article or by a rule or order of the commission, unless the act
36 or omission constitutes gross negligence or willful or wanton
37 misconduct.

38 Sec. 17. The commission and the chairperson have, in addition
39 to the express powers enumerated in this article, the authority to
40 exercise all powers necessary and proper to carry out the policies
41 of this article and to promote efficient administration by the
42 commission.



1 **Chapter 8. Searches and Seizures**

2 **Sec. 1. A circuit or superior court may issue a warrant to search**
 3 **a house or other place for cannabis, cannabis products, or another**
 4 **article that is being possessed, kept, sold, bartered, given away,**
 5 **used, or transported in violation of this article.**

6 **Sec. 2. The warrant shall be directed to the officer, agent, or**
 7 **employee of the commission who filed the affidavit for the warrant**
 8 **and otherwise it shall be directed to any officer who has the power**
 9 **to serve criminal process. The warrant shall be served by the**
 10 **person to whom it was issued in the daytime or nighttime and the**
 11 **return made within twenty (20) days from the date of issue.**

12 **Sec. 3. The officer who serves the warrant shall seize any article**
 13 **described in the warrant and any other article found during the**
 14 **search that is used in the violation of a provision of this article and**
 15 **hold in the same manner as other items seized pursuant to a search**
 16 **warrant are held.**

17 **Sec. 4. A person has no property right of any kind in:**

- 18 **(1) cannabis or a cannabis product possessed contrary to law;**
 19 **(2) a receptacle or container holding cannabis or a cannabis**
 20 **product possessed contrary to law;**
 21 **(3) an unlawful or prohibited receptacle or container; or**
 22 **(4) a receptacle or container that violates a rule of the**
 23 **commission or that is being used in a manner that violates a**
 24 **rule of the commission.**

25 **Sec. 5. Testimony concerning the appearance, taste, or odor of**
 26 **cannabis or a cannabis product is admissible as evidence in a**
 27 **criminal prosecution or in a proceeding before the commission.**

28 **Sec. 6. An unbroken cannabis container with a label altered so**
 29 **that it does not describe the cannabis accurately is admissible as**
 30 **evidence in a court.**

31 **Sec. 7. The court shall receive oral testimony upon a matter**
 32 **referred to in this chapter for the purpose of showing a violation of**
 33 **this article whether the container is offered in evidence or not.**

34 **Sec. 8. (a) If a substance is removed or destroyed before it is**
 35 **able to be seized under this chapter, the trier of fact may infer that**
 36 **the substance was cannabis or a cannabis product possessed in**
 37 **violation of this article.**

38 **(b) Proof of the possession of an empty container permits a trier**
 39 **of fact to infer that the person who possessed the container**
 40 **possessed cannabis.**

41 **Chapter 9. Public Nuisances**

42 **Sec. 1. The following are declared to be a public nuisance:**



- 1 **(1) A premises, vehicle, or place of any kind where at least one**
- 2 **(1) of the following occurs:**
- 3 **(A) Cannabis or a cannabis product of any type is**
- 4 **possessed in violation of Indiana law or a rule of the**
- 5 **commission.**
- 6 **(B) A person is permitted to use the premises, vehicle, or**
- 7 **place for the purpose of consuming cannabis or cannabis**
- 8 **products in violation of Indiana law or a rule of the**
- 9 **commission.**
- 10 **(2) A place where cannabis or cannabis products are kept for**
- 11 **delivery in violation of Indiana law or in violation of a rule of**
- 12 **the commission.**
- 13 **(3) The business property of a person who knowingly or**
- 14 **intentionally possesses cannabis or cannabis products in**
- 15 **violation of Indiana law or a rule of the commission.**
- 16 **Sec. 2. The plaintiff in an action to abate a public nuisance**
- 17 **under this chapter must prove that the owner of the business had**
- 18 **actual knowledge of the actions alleged to constitute a nuisance.**
- 19 **Sec. 3. In determining whether an owner should be held liable**
- 20 **for failing to abate a public nuisance under this chapter, the court**
- 21 **shall consider the efforts the owner took to abate the public**
- 22 **nuisance, including whether the law enforcement agency that**
- 23 **serves the owner's property was notified by the owner or the**
- 24 **owner's employee of the actions alleged to constitute the public**
- 25 **nuisance.**
- 26 **Sec. 4. If a permittee violates this article on a premises or in a**
- 27 **vehicle where cannabis or a cannabis product is kept, the premises**
- 28 **or vehicle is a public nuisance.**
- 29 **Sec. 5. Untaxed cannabis, the receptacle in which it is contained,**
- 30 **and the premises or vehicle where it is kept constitute a public**
- 31 **nuisance.**
- 32 **Sec. 6. (a) The following may bring an action to abate a common**
- 33 **nuisance or a violation of this article:**
- 34 **(1) The commission.**
- 35 **(2) The chairperson of the commission.**
- 36 **(3) The attorney general.**
- 37 **(4) The prosecuting attorney exercising jurisdiction in the**
- 38 **county where the common nuisance or violation occurs.**
- 39 **(5) A permittee.**
- 40 **(6) A resident of the county where the common nuisance or**
- 41 **violation occurs.**
- 42 **(b) The court may grant a temporary restraining order, a**



1 preliminary injunction, a permanent injunction, and any other
2 relief authorized under Indiana law.

3 **Sec. 7. A prevailing plaintiff in an action brought to abate a**
4 **nuisance is entitled to, at the discretion of the court:**

5 (1) an order that the premises be closed for a period of one (1)
6 year; or

7 (2) an order that the premises be closed for a period of less
8 than one (1) year and an award of liquidated damages in an
9 amount of not less than one thousand dollars (\$1,000) and not
10 more than twenty-five thousand dollars (\$25,000) to the State
11 of Indiana.

12 **Sec. 8. An action authorized by this chapter shall be brought in**
13 **the name of the state on the relation of the commission. The**
14 **commission may be represented by an attorney selected by it, or by**
15 **the attorney general, or by a deputy or assistant attorney general**
16 **assigned by the attorney general for the purpose of instituting or**
17 **conducting the action, or by both.**

18 **Sec. 9. The remedies authorized by this chapter are cumulative**
19 **and nonexclusive. The remedies provided in this article do not**
20 **affect the power of the commission to revoke a permit.**

21 **Chapter 10. Jurisdiction and Miscellaneous Judicial**
22 **Proceedings**

23 **Sec. 1. An action brought against the commission, or against the**
24 **chairperson as the chairperson, shall be brought in the circuit or**
25 **superior court of Marion County unless otherwise specifically**
26 **provided in this article.**

27 **Sec. 2. The commission may bring an action for declaratory**
28 **judgment under IC 34-14-1-1.**

29 **Chapter 11. Issuance of Permits Generally**

30 **Sec. 1. (a) The commission may issue only the types of permits**
31 **authorized by this article subject to the applicable provisions of**
32 **this article.**

33 **(b) Beginning January 1, 2023, the commission shall accept**
34 **applications for cannabis permits.**

35 **Sec. 2. A permit:**

36 (1) is a revocable privilege granted by the state; and

37 (2) is not a property right.

38 **Sec. 3. The commission may issue a permit under this article**
39 **only to:**

40 (1) an individual;

41 (2) a partnership;

42 (3) a limited liability company; or



1 (4) a corporation organized and existing under Indiana law.
 2 **Sec. 4. The following definitions apply throughout this chapter:**

3 (1) "Minority" means a person identified as:

- 4 (A) Black;
 5 (B) Native American;
 6 (C) Asian American; or
 7 (D) Hispanic.

8 (2) "Owned and controlled" means:

- 9 (A) ownership of at least fifty-one percent (51%) of the
 10 enterprise, including corporate stock of a corporation;
 11 (B) control over the management and being active in the
 12 day to day operations of the business; and
 13 (C) an interest in the capital, assets, and profits and losses
 14 of the business proportionate to the percentage of
 15 ownership.

16 (3) "Veteran" means an individual who:

17 (1) has previously:

- 18 (A) served on active duty in any branch of the armed
 19 forces of the United States or their reserves, or in the
 20 national guard; and
 21 (B) received an honorable discharge from service; or

22 (2) is currently serving in:

- 23 (A) any branch of the armed forces of the United States
 24 or their reserves; or
 25 (B) the national guard.

26 **Sec. 5. (a) Except as provided in subsection (b), the commission**
 27 **shall issue not less than fifteen percent (15%) of allowable permits**
 28 **under this article to businesses owned and controlled by one (1) or**
 29 **more:**

- 30 (1) minorities; or
 31 (2) veterans.

32 (b) If an insufficient number of qualifying applications are by a
 33 person described in subsection (a), the commission shall issue
 34 permits in the usual way.

35 **Sec. 6. (a) Except as otherwise provided in this article, a permit**
 36 **issued by the commission is valid for one (1) calendar year,**
 37 **including the day upon which it is granted. At the end of the one (1)**
 38 **year period, the permit expires and is void.**

39 (b) The commission shall timely process a permittee's
 40 application for renewal of a permit unless the permittee receives a
 41 notice of a violation from the office of the prosecutor.

42 (c) The commission may timely process an application for



1 renewal of a permit filed by a permittee that receives notice of a
2 violation as described in subsection (f) if the chairperson or the
3 chairperson's designee authorizes the application for renewal of
4 the permit to be timely processed.

5 (d) A permittee may file an application for renewal of a permit
6 not later than thirty (30) days after the date the permit expires.

7 (e) If a permittee does not file an application for renewal of a
8 permit within the time provided in subsection (d), the permit
9 reverts to the commission. At least thirty (30) days before the date
10 that a permit reverts to the commission, the commission shall
11 provide written notice to the permittee informing the permittee of
12 the date that the permittee's permit will revert to the commission.

13 (f) The chairperson or the chairperson's designee may allow the
14 permittee to renew the permit after the date the permit expires
15 only if the permittee provides evidence that the permittee is
16 engaged in an administrative or court proceeding that prevents the
17 permittee from renewing the permit.

18 (g) A permit is effective upon the final approval of the
19 commission. Upon final approval of a permit, and upon the request
20 of the permittee, the commission shall provide the permittee with
21 a letter of authority to operate. The letter of authority to operate
22 constitutes authorization for the permittee to perform the actions
23 allowed under the permit until the date the permittee receives the
24 permit issued by the commission.

25 Sec. 7. (a) The chairperson or the chairperson's designee may
26 issue an original letter of extension extending the term of a permit
27 for a maximum period of ninety (90) days for good cause shown
28 upon the written request of the permittee and payment of the fee,
29 if required.

30 (b) Upon the expiration of an original letter of extension, or any
31 renewal thereof, if good cause still exists, subsequent renewals of
32 the extension may be granted to the permittee only upon the
33 affirmative vote of a majority of the members of the commission.

34 Sec. 8. The commission shall issue a permit authorized by this
35 article only upon proper application. The application shall be in
36 writing, and verified, upon forms prescribed and furnished by the
37 commission. The application shall contain the terms and
38 information required by this article or by the rules of the
39 commission. The appropriate surety bond, if required, must be
40 submitted with the application.

41 Sec. 9. An application for a permit shall contain the express
42 statement of the applicant that, if a permit is issued to the



1 applicant, the applicant consents for the duration of the permit
 2 term to the entrance, inspection, and search by an enforcement
 3 officer, without a warrant or other process, of the applicant's
 4 permitted premises and vehicles to determine whether the
 5 applicant is complying with the provisions of this article. The
 6 consent required by this section is renewed and continued by the
 7 retention of a permit or its use by a permittee.

8 **Sec. 10.** An application for a permit to sell cannabis or cannabis
 9 products of any kind, and the required publication of notice, must
 10 disclose the name of the applicant and the specific property
 11 address where the cannabis or cannabis products are to be sold,
 12 and any assumed business name under which the business will be
 13 conducted. The application and notice also must disclose:

- 14 (1) the names of the executive officers of the corporation,
 15 company, or other entity responsible to the public for the sale
 16 of cannabis or the cannabis product; and
 17 (2) the Internet web site where a member of the public may
 18 access the information in subdivision (1).

19 **Sec. 11.** An applicant must have a vested legal interest in the
 20 property address listed on the permit application.

21 **Sec. 12. (a)** As used in this section "immediate family member"
 22 means a spouse, parent, child, sibling, father-in-law, or
 23 mother-in-law.

24 (b) The commission may not issue a permit under this chapter
 25 to an individual who is an immediate family member of a current
 26 permittee.

27 **Sec. 13. (a)** On receipt of a completed permit application under
 28 this article, the commission shall forward a copy of the application
 29 to the state police department.

30 (b) The state police department shall perform a national
 31 criminal history background check of the applicant and return the
 32 application to the commission along with the results from the
 33 national criminal history background check. The commission is
 34 responsible for the cost of the national criminal history
 35 background check.

36 (c) The commission shall review the permit application after
 37 receipt of the results from the state police department. The
 38 commission shall grant or deny a completed application for a
 39 permit within sixty (60) days after receipt of the application. If the
 40 commission determines that:

- 41 (1) all the requirements under this article have been met; and
 42 (2) the applicant has not been convicted within ten (10) years



1 before the date of application of:

2 (A) a federal crime having a sentence of more than one (1)
3 year;

4 (B) a Class A, Class B, or Class C felony (for a crime
5 committed before July 1, 2014) or a Level 1, Level 2, Level
6 3, Level 4, or Level 5 felony (for a crime committed after
7 June 30, 2014); or

8 (C) a crime in another state that is substantially similar to
9 a crime described in clause (B);

10 the commission shall approve the application for issuance of
11 the permit.

12 (d) The commission may deny a permit application if it finds
13 that the applicant has been adjudicated against in a civil
14 proceeding regarding the cannabis or hemp industry.

15 (e) If the completed application for a permit is denied, the
16 commission must state the reasons for the denial. If a completed
17 application is denied under this section, the applicant may reapply
18 within thirty (30) days after the date of the denial. There is no
19 application fee for a reapplication under this subsection.

20 (f) A permit issued under this article expires one (1) year after
21 the date on which the permit was issued, unless revoked.

22 Sec. 14. An applicant for a permit issued pursuant to this article
23 shall file with the commission a surety bond in the sum of fifteen
24 thousand dollars (\$15,000).

25 Sec. 15. (a) The required surety bond of an applicant must be
26 approved by the commission. The bond must be made payable to
27 the state and may be forfeited if the applicant:

28 (1) violates a provision of this article or a rule of the
29 commission that relates to the permit; or

30 (2) fails to pay all taxes and fees imposed by this article on the
31 activities authorized under the permit.

32 (b) A permittee shall keep the bond in full force and effect
33 continuously in order to keep the permit in force.

34 Sec. 16. (a) Except as provided in subsection (b), the commission
35 may recover no more than two hundred fifty dollars (\$250) in any
36 one (1) action on a permittee's surety bond for the violation of a
37 rule of the commission. Except as provided in subsection (b), the
38 commission may recover no more than five hundred dollars (\$500)
39 in any one (1) action on the surety bond for the violation of a
40 provision of this article. All violations committed before the
41 commission brings an action on the bond are considered one (1)
42 violation. Funds recovered on a bond shall be deposited in the



1 cannabis regulation fund established by IC 7.1-8-2-10.

2 (b) The state may recover the full amount of all taxes and fees
3 due and owed by the permittee under this article in a single action
4 on the bond. No person may bring an action on the bond except the
5 commission. Funds recovered under this section shall be deposited
6 in the state general fund.

7 Sec. 17. The commission shall ensure that a surety bond filed
8 under this article is securely stored. The commission may not
9 approve a surety bond unless the surety company is solvent and
10 qualified to do business in Indiana. The commission, before
11 approving a surety bond, shall require the commissioner of the
12 department of insurance to furnish to the commission copies of
13 reports of the surety company and other information concerning
14 the reserves and reliability of the company.

15 Sec. 18. Cash or bonds of the United States, or both, may be
16 tendered to the commission instead of a surety bond required by
17 the provisions of this article if it is tendered on the same terms and
18 conditions as a surety bond.

19 Sec. 19. A surety may not cancel or annul a surety bond filed in
20 accordance with the provisions of this article after it has been
21 approved by the commission. However, a surety, with the consent
22 of the commission, may cancel a bond and be released from
23 liability accruing after the effective date of the cancellation. The
24 commission may not approve a cancellation until the surety has
25 paid and discharged in full its liability to the state on the bond to
26 the date of the approval of the cancellation.

27 Sec. 20. (a) As used in this section, "credit card" means a:

- 28 (1) credit card;
- 29 (2) debit card;
- 30 (3) charge card; or
- 31 (4) stored value card.

32 (b) The commission shall accept a payment to the commission
33 for any purpose by any of the following financial instruments:

- 34 (1) Cash.
- 35 (2) Certified check.
- 36 (3) Cashier's check.
- 37 (4) Check drawn on the bank deposit of a business.
- 38 (5) Valid postal money order of the United States.
- 39 (6) Bank draft.
- 40 (7) Money order.
- 41 (8) Bank card or credit card.
- 42 (9) Electronic funds transfer.



- 1 **(10) Any other financial instrument authorized by the**
 2 **commission.**
- 3 **(c) If there is a charge to the commission for the use of a**
 4 **financial instrument, the commission may collect a sum equal to**
 5 **the amount of the charge from the person who uses the financial**
 6 **instrument.**
- 7 **(d) A procedure authorized for a particular type of payment**
 8 **must be uniformly applied to all payments of the same type.**
- 9 **(e) The commission may contract with a bank card or credit**
 10 **card vendor for acceptance of bank cards or credit cards.**
 11 **However, if there is a vendor transaction charge or discount fee,**
 12 **whether billed to the commission or charged directly to the**
 13 **commission's account, the commission may collect from the person**
 14 **using the card:**
- 15 **(1) an official fee that may not exceed the transaction charge**
 16 **or discount fee charged to the commission by bank or credit**
 17 **card vendors; or**
- 18 **(2) a reasonable convenience fee:**
- 19 **(A) that may not exceed three dollars (\$3); and**
 20 **(B) that must be uniform regardless of the bank card or**
 21 **credit card used.**
- 22 **The fees described in subdivisions (1) and (2) may be collected**
 23 **regardless of retail merchant agreements between the bank and**
 24 **credit card vendors that may prohibit such fees. These fees are**
 25 **permitted additional charges under IC 24-4.5-3-202.**
- 26 **(f) The commission may pay any applicable bank card or credit**
 27 **card service charge associated with the use of a bank card or credit**
 28 **card under this section.**
- 29 **Sec. 21. (a) Except as provided in subsection (d), if publication**
 30 **of notice of application for a permit is required under this article,**
 31 **the publication shall be made in one (1) newspaper of general**
 32 **circulation published in the county where the permit is to be in**
 33 **effect.**
- 34 **(b) Publication required under subsection (a) may be made in**
 35 **any newspaper of general circulation published one (1) or more**
 36 **times each week.**
- 37 **(c) The rates to be paid for the advertising of a notice required**
 38 **under this article shall be those required to be paid in case of other**
 39 **notices published for or on behalf of the state.**
- 40 **(d) If:**
- 41 **(1) the commission is unable to procure advertising of a notice**
 42 **as required under subsection (a) at the rates set forth in**



1 **IC 5-3-1; or**

2 **(2) the newspaper published in the county as described in**
 3 **subsection (a) refuses to publish the notice;**
 4 **the commission may, instead of publication in a newspaper as**
 5 **required under subsection (a), post the notice on the commission's**
 6 **Internet web site.**

7 **Sec. 22. Whenever the character of the business in which an**
 8 **applicant is engaged is material to the applicant being issued a**
 9 **permit under this article, or is material to the applicant being**
 10 **qualified to continue to hold the permit, it must be made to appear**
 11 **to the satisfaction of the commission that a substantial portion of**
 12 **the business carried on, or to be carried on, in the premises in**
 13 **respect to which a permit is applied for is in the nature of the**
 14 **applicant's main business function in the premises.**

15 **Sec. 23. A person to whom a permit has been issued to carry on**
 16 **any of the activities authorized by this article shall, before being**
 17 **fully qualified to do business, post and display, and keep posted**
 18 **and displayed, in the most conspicuous place in the person's**
 19 **permitted premises the person's permit to do business.**

20 **Sec. 24. A permit issued under this article may not be**
 21 **transferred:**

22 **(1) from the permit holder to another person; or**

23 **(2) from the location for which the permit was approved or**
 24 **renewed to another location;**

25 **unless otherwise authorized in this article or approved by the**
 26 **commission.**

27 **Sec. 25. (a) As used in this section "disqualifying event" means**
 28 **an occurrence that would render the planned cannabis permittee**
 29 **location illegal under this article.**

30 **(b) In the event a disqualifying event occurs while a permit**
 31 **application is pending before the commission, the applicant may**
 32 **transfer the permit location within six (6) months of the**
 33 **disqualifying event.**

34 **Sec. 26. If the information required for an initial or renewal**
 35 **permit changes, the permit holder shall notify the commission**
 36 **within ten (10) business days of the change. If any change in the**
 37 **information required for an application results in a violation of this**
 38 **article, the commission may impose a penalty as provided in this**
 39 **article.**

40 **Sec. 27. (a) As used in this section, "integrated permittee"**
 41 **means a person who simultaneously holds a:**

42 **(1) grower permit;**



1 (2) processor permit; and
 2 (3) retail permit.
 3 (b) Except as provided in subsection (c), nothing in this article
 4 prohibits a permittee from simultaneously holding a:
 5 (1) grower permit;
 6 (2) processor permit; and
 7 (3) retail permit.
 8 However, a person holding a transport permit may not hold any
 9 other type of permit, and a person holding a testing permit may not
 10 hold any other type of permit.
 11 (c) No more than nine (9) permittees may hold a grower permit,
 12 a processor permit, and at least one (1) retail permit at one (1)
 13 time.
 14 (d) An integrated permittee must demonstrate a substantial
 15 historical business investment in Indiana, as determined by the
 16 commission.
 17 (e) An integrated permittee is subject to all the requirements of
 18 the laws and regulations governing each permit.
 19 (f) An integrated permittee may be subject to additional fees or
 20 assessments, as determined by the commission.
 21 **Chapter 12. Grower Permits**
 22 **Sec. 1. The growth of cannabis is authorized in Indiana. The**
 23 **growing and handling of cannabis is subject to regulation by the**
 24 **commission. The commission shall adopt rules under IC 4-22-2 to**
 25 **oversee the permitting, production, and management of:**
 26 (1) cannabis; and
 27 (2) cannabis seed.
 28 **Sec. 2. (a) Except as expressly provided in this article, a**
 29 **cannabis grower may not grow or sell cannabis in Indiana without**
 30 **a permit issued by the commission under this article.**
 31 (b) Except as otherwise provided in this article, cannabis
 32 produced by a grower permittee under this article may be grown
 33 and sold in Indiana.
 34 (c) A grower issued a permit under this chapter may only grow
 35 cannabis in a grow facility.
 36 (d) Nothing in this chapter prohibits a grower permittee from
 37 selling cannabis to another grower permittee in Indiana.
 38 (e) Nothing in this chapter prohibits a grower permittee from
 39 exporting cannabis outside Indiana as permitted by federal law.
 40 **Sec. 3. (a) A grower to whom a permit has been issued under**
 41 **this chapter may deposit that permit with the commission for a**
 42 **period of two (2) years if the permittee is unable to immediately**



1 operate the business to which the permit applies.

2 (b) If a permittee is unable to use the permit issued under this
3 article within two (2) years, the permit is forfeited to the
4 commission.

5 Sec. 4. (a) As used in this section, "household" means a
6 residential dwelling that is the principal place of residence of a
7 person or a family unit whose members are related by birth,
8 marriage, or adoption and who share a common living
9 arrangement. It does not include any industrial, commercial, or
10 other nonresidential building.

11 (b) An individual may personally cultivate cannabis in Indiana
12 for personal use without a permit.

13 (c) A person may not personally cultivate more than four (4)
14 plants per household at one (1) time.

15 (d) All cannabis personally cultivated under this section must be
16 grown on real property owned by the person or on real property
17 for which the person has the property owner's written permission
18 to personally cultivate cannabis on the property.

19 (e) A person who personally cultivates cannabis may not use
20 extraction equipment or extraction processes if the equipment or
21 process uses butane, propane, carbon dioxide, or any potentially
22 hazardous material in a residential property.

23 Sec. 5. (a) For purposes of this section, "visible" means viewable
24 by a normal person with 20/20 eyesight without the use of any
25 device to assist in improving viewing distance or vantage point.

26 (b) All cannabis personally cultivated under this chapter must
27 be cultivated so that the cannabis is not accessible to a member of
28 the general public. No cannabis may be visible from any street
29 adjacent to the property.

30 (c) In consultation with the state police department, the
31 commission shall adopt rules under IC 4-22-2 governing the
32 security of a cannabis personal cultivation site.

33 (d) Cannabis plants personally cultivated in violation of this
34 section may be seized and destroyed.

35 Sec. 6. In addition to the other requirements of this article, an
36 initial or renewal application for a grower permit must include the
37 following:

38 (1) The global positioning system coordinates and legal
39 description of the property used for the cannabis grow
40 operation.

41 (2) The planned size of the cannabis canopy.

42 (3) A site plan of the proposed grow facility.



1 **(4) A nonrefundable application fee.**

2 **Sec. 7. (a) For a permittee who grows less than five thousand**
3 **(5,000) square feet of cannabis canopy, the commission shall**
4 **impose an annual fee of fifteen thousand dollars (\$15,000).**

5 **(b) For a permittee who grows at least five thousand (5,000)**
6 **square feet of cannabis canopy, but less than fifteen thousand**
7 **(15,000) square feet of cannabis canopy, the commission shall**
8 **impose an annual fee of fifty thousand dollars (\$50,000).**

9 **(c) For a permittee who grows at least fifteen thousand (15,000)**
10 **square feet of cannabis canopy, the commission shall impose an**
11 **annual fee of one hundred thousand dollars (\$100,000).**

12 **(d) No more than four (4) grower permits may be issued under**
13 **subsection (c) at one (1) time.**

14 **(e) No permittee, or permittee who is directly or indirectly**
15 **controlled by another permittee, may possess more than one (1)**
16 **grower permit at one (1) time.**

17 **(f) The fees set forth in this section are due to the commission**
18 **within thirty (30) days of the date the initial or renewal grower**
19 **permit is issued, and shall be deposited in the cannabis regulation**
20 **fund established by IC 7.1-8-2-10.**

21 **Sec. 8. (a) A grower shall uniquely identify each immature plant**
22 **batch with a single permanent plant tag and record the**
23 **information in the statewide monitoring system established under**
24 **IC 7.1-8-17. Each immature plant batch must consist of no more**
25 **than one hundred (100) immature plants.**

26 **(b) A grower shall separate the plants as the plants go through**
27 **different growth stages and ensure that the plant tag is always**
28 **identified with the plant throughout the growth span so that all**
29 **plants can be easily identified and inspected. A grower shall ensure**
30 **that the identification information is recorded in the statewide**
31 **monitoring system.**

32 **(c) After a tagged plant is harvested, it is part of a harvest batch**
33 **so that a sample of the harvest batch can be tested in accordance**
34 **with this article. A grower shall quarantine a harvest batch from**
35 **other plants or batches that have test results pending. A harvest**
36 **batch must be easily distinguishable from other harvest batches**
37 **until the batch is broken down into packages.**

38 **(d) After test results show a passed test and the harvest batch is**
39 **packaged, the grower shall destroy the individual plant tags. Each**
40 **package must have a permanent package tag attached. A grower**
41 **shall ensure this information is placed in the statewide monitoring**
42 **system in accordance with this article and rules adopted by the**



- 1 commission.
- 2 **Sec. 9. (a) In addition to any other liability or penalty provided**
- 3 **by law, the commission may revoke or refuse to issue or renew a**
- 4 **cannabis grower permit and may impose a civil penalty for a**
- 5 **violation of:**
- 6 (1) a permit requirement;
- 7 (2) permit terms or conditions; or
- 8 (3) a rule relating to growing cannabis.
- 9 (b) The commission may not impose a civil penalty under this
- 10 section that exceeds two thousand five hundred dollars (\$2,500).
- 11 (c) Any civil penalties collected under this section shall be
- 12 deposited in the cannabis regulation fund established by
- 13 IC 7.1-8-2-10.
- 14 **Sec. 10. (a) Except as provided in subsection (b), the commission**
- 15 **shall give a person who negligently violates this chapter a**
- 16 **reasonable time, determined by the commission, to correct the**
- 17 **violation without imposing a penalty under this chapter. However,**
- 18 **the commission may require the person who committed the**
- 19 **violation to comply with a corrective action plan determined by the**
- 20 **commission and report to the commission on compliance with the**
- 21 **corrective action plan.**
- 22 (b) A person who commits a negligent violation of this chapter
- 23 three (3) times in a five (5) year period shall immediately be
- 24 ineligible to hold or work under a cannabis permit for five (5)
- 25 years.
- 26 (c) If the commission believes that a person has knowingly or
- 27 intentionally violated this chapter, the commission shall notify:
- 28 (1) the superintendent of the state police department; and
- 29 (2) the prosecuting attorney of the county in which the
- 30 violation occurred;
- 31 of the violation.
- 32 (d) A person who commits a negligent violation under this
- 33 chapter is subject to a late fee as established by rule adopted by the
- 34 commission.
- 35 **Sec. 11. The commission shall adopt rules under IC 4-22-2 to**
- 36 **implement and administer this chapter.**
- 37 **Sec. 12. (a) The commission may keep the:**
- 38 (1) names of growers who are permitted under this chapter;
- 39 and
- 40 (2) locations of permitted cannabis crops;
- 41 confidential for purposes of IC 5-14-3.
- 42 (b) The commission may share confidential information under



1 subsection (a) with the state police department and law
2 enforcement officers (as defined in IC 35-31.5-2-185).

3 Sec. 13. A person not permitted under this chapter who
4 knowingly or intentionally:

- 5 (1) grows or sells cannabis; or
- 6 (2) sells cannabis seed;

7 commits a Level 6 felony.

8 **Chapter 13. Processor Permits**

9 Sec. 1. The commission may issue a cannabis processor permit
10 to a person who desires to process cannabis or cannabis products.

11 Sec. 2. The holder of a processor permit may do the following:

- 12 (1) Process cannabis or cannabis products.
- 13 (2) Place cannabis or cannabis products in containers for
14 retail sale.
- 15 (3) Sell and deliver cannabis or cannabis products to a person
16 holding a cannabis retailer permit issued under this article.

17 Sec. 3. (a) A processor to whom a permit has been issued under
18 this chapter may deposit that permit with the commission for a
19 period of one (1) year if the permittee is unable to immediately
20 operate the business to which the permit applies.

21 (b) If a permittee is unable to use the permit issued under this
22 article within one (1) year, the permit is forfeited to the
23 commission.

24 Sec. 4. Cannabis must be transported and distributed to and
25 from a processor in packaging that contains the following
26 information:

- 27 (1) A scannable bar code or QR code linked to a document
28 that contains the:
 - 29 (A) batch identification number of the cannabis;
 - 30 (B) product name;
 - 31 (C) batch date;
 - 32 (D) expiration date, which must be not more than two (2)
33 years from the date of manufacture;
 - 34 (E) batch size;
 - 35 (F) total quantity produced;
 - 36 (G) ingredients used, including the:
 - 37 (i) ingredient name;
 - 38 (ii) name of the company that manufactured the
39 ingredient;
 - 40 (iii) company or product identification number or code,
41 if applicable; and
 - 42 (iv) ingredient lot number; and



- 1 (H) results of the quality assurance test conducted under
2 IC 7.1-8-18.
- 3 (2) The batch number.
- 4 (3) The Internet address of a web site to obtain batch
5 information.
- 6 (4) The expiration date.
- 7 (5) The total number of milligrams of
8 delta-9-tetrahydrocannabinol (THC), including precursors.
- 9 (6) The grower.
- 10 Chapter 14. Transport Permits
- 11 Sec. 1. The commission may issue a cannabis transport permit
12 to a person who is a carrier upon a showing of the reliability and
13 responsibility of the carrier and the appropriateness of issuing the
14 permit.
- 15 Sec. 2. The transportation of cannabis and cannabis products
16 for sale in Indiana are subject to the rules of the commission.
17 Cannabis and cannabis products may be transported and delivered
18 only in containers that are lawful under this article and permissible
19 under the rules of the commission.
- 20 Sec. 3. A transport permit is required for the transportation of
21 cannabis or cannabis products on a public highway in Indiana.
- 22 Sec. 4. (a) A carrier must hold a transport permit before the
23 carrier may transport cannabis or cannabis products on a public
24 highway.
- 25 (b) A person who is a direct or beneficial owner of a grower,
26 processor, retail, or safety compliance facility permit issued under
27 this article may not hold a transport permit.
- 28 Sec. 5. (a) A carrier to whom a permit has been issued under
29 this chapter may deposit that permit with the commission for a
30 period of one (1) year if the permittee is unable to immediately
31 operate the business to which the permit applies.
- 32 (b) If a permittee is unable to use the permit issued under this
33 article within one (1) year, the permit is forfeited to the
34 commission.
- 35 Sec. 6. (a) A carrier may not transport cannabis on a vehicle
36 owned or operated by the carrier unless the carrier has filed a
37 description of the vehicle with the commission.
- 38 (b) The description of a vehicle used to transport cannabis must
39 include:
- 40 (1) the engine number;
- 41 (2) the date of manufacture;
- 42 (3) the approximate weight;



- 1 (4) the vehicle identification number;
 2 (5) the license plate number;
 3 (6) the capacity; and
 4 (7) any other information that the commission may require.

5 (c) The permittee may alter or add to the number of vehicles
 6 included under the permit at any time.

7 Sec. 7. (a) A carrier must transmit a copy of its route plan and
 8 manifest to the safety and compliance facility as required by
 9 IC 7.1-8-18, and a copy of each must be carried in the transporting
 10 vehicle and presented to a law enforcement officer or commission
 11 enforcement officer upon request.

12 (b) The commission may inspect shipments of cannabis or
 13 cannabis products in transit and the vehicle used in the
 14 transportation.

15 Sec. 8. A transport permittee who knowingly or intentionally
 16 transports cannabis in a vehicle for which the permittee has not
 17 filed a description under this chapter commits a Class A
 18 misdemeanor.

19 **Chapter 15. Retailer Permits**

20 Sec. 1. The commission may issue a cannabis retailer permit to
 21 a person who desires to sell cannabis to customers for
 22 consumption.

23 Sec. 2. (a) The commission may grant only one (1) cannabis
 24 retailer permit per twenty-five thousand (25,000) persons
 25 statewide.

26 (b) Only two hundred sixty-nine (269) active cannabis retailer
 27 permits may be issued at any one (1) time.

28 (c) A county may not have more permits than its census
 29 population divided by twenty-five thousand (25,000).

30 (d) No single cannabis retail permittee may own more than
 31 twenty-five percent (25%) of available permits.

32 Sec. 3. (a) The holder of a cannabis retailer permit may
 33 purchase cannabis only from a permittee permitted under this
 34 article. A cannabis retailer may possess cannabis and sell it at
 35 retail for consumption to a customer who is at least twenty-one (21)
 36 years of age.

37 (b) A cannabis retailer may sell cannabis or cannabis products
 38 at wholesale.

39 (c) A cannabis retailer may sell and deliver cannabis for carry
 40 out and for at home delivery without a transport permit.

41 Sec. 4. (a) A retailer to whom a permit has been issued under
 42 this chapter may deposit the permit with the commission for a



1 period of one (1) year if the permittee is unable to immediately
2 operate the business to which the permit applies.

3 (b) If a permittee is unable to use the permit issued under this
4 article within one (1) year, the permit is forfeited to the
5 commission.

6 **Sec. 5. (a) A cannabis retailer may not:**

7 (1) operate within one thousand (1,000) feet of an elementary
8 or secondary school;

9 (2) allow a customer to sample or consume cannabis or a
10 cannabis product on the premises;

11 (3) permit a customer to purchase more than four (4) ounces
12 of cannabis or twenty-five (25) grams of cannabis concentrate
13 per day; or

14 (4) sell cannabis or a cannabis product in a unitary
15 transaction (as defined by IC 6-2.5-1-1) or bundled
16 transaction (as defined in IC 6-2.5-1-11.5).

17 (b) A person who knowingly or intentionally violates this section
18 commits a Level 6 felony.

19 **Sec. 6. (a) All sales of cannabis and cannabis products must be
20 accompanied by an invoice showing the following:**

21 (1) The name and address of the seller and the purchaser.

22 (2) The date of sale.

23 (3) The name of each brand sold.

24 (4) The number of packages, if any.

25 (5) The number of cases by size and type of container.

26 (6) The quantity of each kind of cannabis sold.

27 (b) The permittee must transmit an invoice to the commission
28 in accordance with rules adopted by the commission.

29 **Sec. 7. Except as provided in IC 7.1-8-16, a unit may not
30 regulate cannabis.**

31 **Chapter 16. Referendum to Prohibit Retail Sale of Cannabis**

32 **Sec. 1. (a) Before July 1, 2023, the governing body of a county
33 may adopt a resolution to place a public question on the ballot to
34 prohibit cannabis retail licensure within the county. The governing
35 body shall determine whether to place the public question on the
36 primary election ballot, on the general election ballot, or on a
37 special election ballot.**

38 (b) As soon as practicable after adopting the resolution under
39 subsection (a), the governing body shall send a certified copy of the
40 resolution to the commission and the county circuit court clerk.

41 **Sec. 2. A prohibition against cannabis retail licensure under this
42 chapter prevails if a majority of the individuals who vote on the**



1 public question approves the prohibition.

2 Sec. 3. The public question to be submitted to the voters must
3 read as follows:

4 "Shall the county prohibit cannabis retail licensure for five (5)
5 years immediately following the holding of the referendum?
6 If this public question is approved by the voters, cannabis
7 retailers will be prohibited from licensing premises in the
8 county for five (5) years."

9 Sec. 4. Each circuit court clerk shall, upon receiving the
10 question approved by the governing body of a county under this
11 chapter, call a meeting of the county election board to certify the
12 question and make arrangements for the referendum.

13 Sec. 5. (a) The referendum shall be held in the next primary
14 election or general election in which all the registered voters who
15 are residents of the county are entitled to vote after adoption of the
16 resolution under section 1 of this chapter. The certification of the
17 question must occur not later than noon:

- 18 (1) seventy-four (74) days before a primary election if the
19 question is to be placed on the primary election ballot; or
20 (2) August 1 if the question is to be placed on the general
21 election ballot.

22 (b) However, if a primary election or general election will not be
23 held during the first year in which the public question is eligible to
24 be placed on the ballot under this chapter, and if the county
25 requests the public question to be placed on the ballot at a special
26 election, the public question shall be placed on the ballot at a
27 special election to be held on the first Tuesday after the first
28 Monday in May or November of the year. The certification must
29 occur not later than noon:

- 30 (1) sixty (60) days before a special election to be held in May
31 (if the special election is to be held in May); or
32 (2) August 1 (if the special election is to be held in November).

33 (c) If the referendum is not conducted at a primary election or
34 general election, the county in which the special election is to be
35 held shall pay all the costs of holding the special election.

36 Sec. 6. Each county election board shall cause:

- 37 (1) the question certified to the circuit court clerk by the
38 governing body of a county to be placed on the ballot in the
39 form prescribed by IC 3-10-9; and
40 (2) an adequate supply of ballots and voting equipment to be
41 delivered to the precinct election board of each precinct in
42 which the referendum is to be held.



1 **Sec. 7. (a) Except as provided in subsection (b), every registered**
 2 **voter who resides in the county may vote on the public question.**

3 **(b) An individual who changes residence from a location within**
 4 **a county to a location outside of the county less than thirty (30)**
 5 **days before an election under this chapter may not vote on the**
 6 **public question.**

7 **Sec. 8. Each precinct election board shall count the affirmative**
 8 **votes and the negative votes cast concerning the public question,**
 9 **and shall certify those two (2) totals to the county election board of**
 10 **the county. The circuit court clerk shall, immediately after the**
 11 **votes have been counted, certify the results of the public question**
 12 **to the commission and the county governing body.**

13 **Sec. 9. (a) Except as otherwise provided in this section, during**
 14 **the period beginning with the adoption of a resolution by the**
 15 **governing body of a county to place a public question on the ballot**
 16 **and continuing through the day on which the public question is**
 17 **submitted to the voters, the county governing body may not**
 18 **promote a position on the referendum by doing any of the**
 19 **following:**

20 **(1) Using facilities or equipment, including mail and**
 21 **messaging systems, owned by the county to promote a position**
 22 **on the public question, unless equal access to the facilities or**
 23 **equipment is given to persons with a position opposite to that**
 24 **of the county governing body.**

25 **(2) Making an expenditure of money from a fund controlled**
 26 **by the county to promote a position on the public question.**

27 **(3) Using an employee to promote a position on the public**
 28 **question during the employee's normal working hours or paid**
 29 **overtime, or otherwise compelling an employee to promote a**
 30 **position on the public question at any time. However, if a**
 31 **person described in subsection (c) is advocating for or against**
 32 **a position on the public question or discussing the public**
 33 **question as authorized under subsection (c), an employee of**
 34 **the county may assist the person in presenting information on**
 35 **the public question, if requested to do so by the person**
 36 **described in subsection (c).**

37 **However, this section does not prohibit an official or employee of**
 38 **the county from carrying out duties with respect to a public**
 39 **question that are part of the normal and regular conduct of the**
 40 **official's or employee's office or agency, including the furnishing**
 41 **of factual information regarding the public question in response to**
 42 **inquiries from any person.**



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- (b) This subsection does not apply to:**
 - (1) a personal expenditure to promote a position on a public question by an employee of a county whose employment is governed by a collective bargaining contract or an employment contract; or**
 - (2) an expenditure to promote a position on a local question by a person or an organization that has a contract or an arrangement (whether formal or informal) with the county solely for the use of the county's facilities.**

A person or an organization that has a contract or arrangement (whether formal or informal) with a county to provide goods or services to the county may not spend any money to promote a position on the public question. A violation of this subsection is a Class A infraction.

(c) Notwithstanding any other law, an elected or appointed member of the county governing body may at any time:

- (1) personally advocate for or against a position on a public question; or**
- (2) discuss the public question with any individual, group, or organization or personally advocate for or against a position on a public question before any individual, group, or organization;**

so long as it is not done by using public funds. Advocacy or discussion allowed under this subsection is not considered a use of public funds.

Chapter 17. Statewide Monitoring System

Sec. 1. The commission shall establish a statewide monitoring system for use as an integrated cannabis tracking, inventory, and verification system. The system must allow for interface with third party inventory and tracking systems to provide for access by the state, permittees, and law enforcement personnel, to the extent that they need and are authorized to receive or submit the information, to comply with, enforce, or administer this article.

Sec. 2. At a minimum, the system must be capable of storing and providing access to information that, in conjunction with one (1) or more third party inventory control and tracking systems, allows the following:

- (1) Retention of a record of the date, time, quantity, and price of each sale or transfer of cannabis or cannabis products.**
- (2) Determination of whether a particular sale or transfer transaction will exceed the permissible limit established under this article.**



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- (3) Effective monitoring of cannabis seed to sale transfers.
- (4) Receipt and integration of information from third party inventory control and tracking systems.

Sec. 3. The commission shall seek bids under IC 5-22 to establish, operate, and maintain the statewide monitoring system under this section. The commission shall do the following:

- (1) Evaluate bidders based on the cost of the service and the ability to meet all requirements of this article.
- (2) Give strong consideration to the bidder's ability to prevent fraud, abuse, and other unlawful or prohibited activities associated with the commercial trade in cannabis, and the ability to provide additional tools for the administration and enforcement of this article.
- (3) Institute procedures to ensure that the contract awardee does not disclose or use the information in the system for any use or purpose except for the enforcement, oversight, and implementation of this article.
- (4) Require the contract awardee to deliver the functioning system within one hundred twenty (120) days after award of the contract.

Sec. 4. The commission shall adopt rules under IC 4-22-2 to implement this chapter.

Chapter 18. Safety Compliance Facility Permit

Sec. 1. The commission may issue a cannabis safety compliance facility permit to a person who desires to test cannabis and cannabis products for transfer, sale, and consumption in Indiana.

Sec. 2. A person who has a direct or indirect ownership interest in a grower, processor, transport, or retailer permit may not have a direct or indirect ownership interest in a safety compliance facility or a safety compliance facility permit.

Sec. 3. The commission shall adopt rules under IC 4-22-2 to establish a proficiency testing program and designate safety compliance facility participation, that, at a minimum, comply with reasonable and customary industry standards.

Sec. 4. (a) A safety compliance facility to which a permit has been issued under this chapter may deposit that permit with the commission for a period of one (1) year if the permittee is unable to immediately operate the facility.

(b) If a permittee is unable to use the permit issued under this article within one (1) year, the permit is forfeited to the commission.

Sec. 5. (a) A safety compliance facility must test samples as



1 provided in this chapter and pursuant to rules adopted by the
2 commission.

3 (b) A safety compliance facility shall collect samples of cannabis
4 and cannabis products from another cannabis permittee. Every
5 cannabis permittee shall permit and assist the safety compliance
6 facility in the collection of samples for testing.

7 (c) The safety compliance facility shall take a physical sample of
8 the cannabis product from another cannabis permittee to be tested
9 at the safety compliance facility.

10 (d) The safety compliance facility must develop a statistically
11 valid sampling method to collect a representative sample from each
12 batch of cannabis product.

13 **Sec. 6. (a) A safety compliance facility must comply with all the
14 following:**

15 (1) The safety compliance facility shall ensure that samples of
16 the cannabis product are identified in the statewide
17 monitoring system and placed in secured, sealed containers
18 that bear the labeling required under the rules.

19 (2) A carrier's route plan and manifest that have been
20 transmitted to the facility must be entered into the statewide
21 monitoring system.

22 (3) The cannabis or cannabis product must be transported in
23 one (1) or more sealed containers and not be accessible while
24 in transit.

25 (4) The vehicle a safety compliance facility uses to transport
26 samples of cannabis or cannabis products may not bear
27 markings or other indication that it is carrying cannabis or a
28 cannabis product.

29 (b) Except as otherwise required by the commission, the safety
30 compliance facility shall collect a sample size that is:

31 (1) sufficient to complete all required analyses; and

32 (2) not less than one-half percent (0.5%) of the weight of the
33 harvest batch.

34 (c) At least fifty percent (50%) of the sample taken must be
35 homogenized for testing.

36 (d) The safety compliance facility shall report all testing results
37 to the commission on a quarterly basis, including the rate of
38 failure.

39 **Sec. 7. A safety compliance facility must do all of the following:**

40 (1) Become fully accredited to the International Organization
41 for Standardization (ISO), ISO/IEC 17025, by an ISO 17011,
42 ILAC recognized accreditation body or by an entity approved



1 by the commission within one (1) year after the date the
 2 permit is issued, and agree to have the inspections and reports
 3 of the ISO made available to the commission.

4 (2) Maintain internal standard operating procedures.

5 (3) Maintain a quality control and quality assurance program.

6 Sec. 8. The commission may publish sample sizes for other
 7 cannabis products being tested.

8 Sec. 9. A cannabis permittee must allow the safety compliance
 9 facility to have access to its entire batch for the purposes of
 10 sampling.

11 Sec. 10. (a) An employee of the cannabis permittee from which
 12 the cannabis product test samples are being taken shall be
 13 physically present to observe the safety compliance facility
 14 employee collect the samples of cannabis or cannabis product for
 15 testing. The employee shall ensure that the correct sample
 16 increments are taken from throughout the batch.

17 (b) An employee of a cannabis permittee may not:

18 (1) be directly involved in the testing performed by the safety
 19 compliance facility employee; or

20 (2) touch the cannabis or cannabis product or the sampling
 21 equipment while the safety compliance facility employee is
 22 obtaining the sample.

23 Sec. 11. (a) After samples have been selected, both the employee
 24 of the cannabis permittee and the employee of the safety
 25 compliance facility shall sign and date a chain of custody form,
 26 attesting to the accuracy of the following sample information:

27 (1) The name of the cannabis product.

28 (2) The weight of cannabis or cannabis product.

29 (3) That all cannabis and cannabis products and samples are
 30 correctly identified in the statewide monitoring system.

31 (4) If the product test sample is obtained for a retest, the
 32 safety compliance facility confirms that it is not accepting a
 33 product test sample that is prohibited from being retested.

34 (b) The cannabis permittee shall enter in the statewide
 35 monitoring system the cannabis or cannabis product test sample
 36 that is collected by a permitted safety compliance facility, including
 37 the date and time the cannabis or cannabis product is collected and
 38 transferred. The safety compliance facility shall enter into the
 39 statewide monitoring system the test results within three (3)
 40 business days of test completion.

41 (c) If a testing sample is collected from a cannabis permittee for
 42 testing in the statewide monitoring system, that cannabis permittee



1 shall quarantine the cannabis product that is undergoing the
 2 testing from any other cannabis products at the cannabis permittee
 3 location. The quarantined cannabis product must not be packaged,
 4 transferred, or sold until passing test results are entered into the
 5 statewide monitoring system.

6 (d) A safety compliance facility may collect additional sample
 7 material from the same permittee from which the original sample
 8 was collected for the purposes of completing the required safety
 9 tests as long as the requirements of this chapter are met.

10 (e) The commission may publish guidance that shall be followed
 11 by cannabis permittees for chain of custody documentation.

12 **Sec. 12.** A safety compliance facility shall use analytical testing
 13 methodologies for the required quality assurance tests under this
 14 chapter that are validated. The tests may be monitored on an
 15 ongoing basis by the commission. The facility's methodology must
 16 follow one (1) of the following:

17 (1) The most current version of the Cannabis Inflorescence:
 18 Standards of Identity, Analysis, and Quality Control
 19 monograph published by the American Herbal
 20 Pharmacopoeia.

21 (2) An alternative testing methodology approved by the
 22 commission and validated by an independent third party that
 23 the methodology followed by the safety compliance facility
 24 produces scientifically accurate results as quality assurance
 25 for each test it conducts.

26 **Sec. 13.** A safety compliance facility shall conduct quality
 27 assurance tests that test for all of the following:

28 (1) Moisture content.

29 (2) Potency analysis.

30 (3) Tetrahydrocannabinol level.

31 (4) Tetrahydrocannabinol acid level.

32 (5) Cannabidiol and cannabidiol acid levels.

33 (6) Foreign matter inspection.

34 (7) Microbial and mycotoxin screening.

35 (8) Pesticides.

36 (9) Chemical residue.

37 (10) Fungicides.

38 (11) Insecticides.

39 (12) Metals screening.

40 (13) Residual solvents levels.

41 (14) Terpene analysis.

42 (15) Water activity content.



1 **Sec. 14. The commission, in consultation with the state seed**
2 **commissioner and the department of agriculture, shall publish a**
3 **list of approved pesticides for use in the growing and production of**
4 **cannabis and cannabis products to be sold or transferred in**
5 **Indiana.**

6 **Sec. 15. The commission shall take immediate disciplinary**
7 **action against any safety compliance facility that fails to comply**
8 **with the provisions of this article or falsifies records related to this**
9 **article, including any sanctions or fines, or both.**

10 **Sec. 16. A safety compliance facility is prohibited from doing**
11 **any of the following:**

12 **(1) Desiccating samples.**

13 **(2) Dry labeling samples.**

14 **(3) Pretesting samples.**

15 **Sec. 17. A safety compliance facility shall comply with random**
16 **quality assurance compliance checks upon the request of the**
17 **commission. The commission or its authorized agents may collect**
18 **a random sample of cannabis or cannabis product from a safety**
19 **compliance facility or designate another safety compliance facility**
20 **to collect a random sample of cannabis product in a secure manner**
21 **to test that sample for quality assurance compliance pursuant to**
22 **this rule.**

23 **Sec. 18. (a) A safety compliance facility may retest cannabis or**
24 **cannabis products that have failed initial safety testing, except as**
25 **indicated under subsection (c).**

26 **(b) A failed cannabis product must pass two (2) separate retests**
27 **with new samples consecutively to be eligible to proceed to sale or**
28 **transfer.**

29 **(c) The commission may publish a remediation protocol that**
30 **addresses, among other things, the sale or transfer of cannabis**
31 **product after a failed safety test.**

32 **(d) The cannabis permittee that provided the sample is**
33 **responsible for all costs involved in a retest.**

34 **Sec. 19. (a) As used in this section, "research and development**
35 **testing" means optional testing performed before final compliance**
36 **testing.**

37 **(b) The commission may not take punitive action against a**
38 **cannabis permittee for conducting research and development**
39 **testing.**

40 **(c) The commission may adopt rules or publish guidance for**
41 **research and development testing.**

42 **(d) A permittee conducting research and development testing**



1 must enter the testing and any other information required by the
2 commission into the statewide monitoring system.

3 **Chapter 19. Violations**

4 **Sec. 1. If a permit holder violates this article, the permit holder**
5 **may be publicly reprimanded, assessed a civil penalty, or have the**
6 **permit revoked or suspended.**

7 **Sec. 2. (a) The commission may assess a civil penalty for a**
8 **violation of this article in an amount that does not exceed fifty**
9 **thousand dollars (\$50,000). A civil penalty may be assessed in**
10 **addition to other penalties allowed under this article.**

11 **(b) A civil penalty assessed under this section shall be deposited**
12 **in the cannabis regulation fund established by IC 7.1-8-2-10.**

13 **Sec. 3. A person who recklessly, knowingly, or intentionally**
14 **provides cannabis or cannabis products to a person less than**
15 **twenty-one (21) years of age commits a Class B misdemeanor.**
16 **However, the offense is:**

17 **(1) a Class A misdemeanor if the person has a prior unrelated**
18 **conviction under this section; and**

19 **(2) a Level 6 felony if the use of the cannabis or cannabis**
20 **products is the proximate cause of the serious bodily injury or**
21 **death of any person.**

22 **Sec. 4. (a) A person who knowingly or intentionally:**

23 **(1) rents property; or**

24 **(2) provides or arranges for the use of property;**

25 **for the purpose of allowing or enabling a person less than**
26 **twenty-one (21) years of age to use cannabis or cannabis products**
27 **on the property commits a Class C infraction. However, the**
28 **violation is a Class B misdemeanor if the person has a prior**
29 **unrelated adjudication or conviction for a violation of this section**
30 **within the previous five (5) years.**

31 **(b) This section may not be construed to impose civil or criminal**
32 **liability upon any postsecondary educational institution, including**
33 **public and private universities and colleges, business schools,**
34 **vocational schools, and schools for continuing education, or its**
35 **agents for injury to any person or property sustained in**
36 **consequence of a violation of this section unless the institution or**
37 **its agent:**

38 **(1) sells, barter, exchanges, provides, or furnishes cannabis**
39 **or cannabis products to a minor; or**

40 **(2) either:**

41 **(A) rents property; or**

42 **(B) provides or arranges for the use of property;**



- 1 for the purpose of allowing or enabling a person less than
2 twenty-one (21) years of age to consume cannabis or cannabis
3 products on the property.
- 4 **Sec. 5. (a) It is a Class C infraction for a person less than**
5 **twenty-one (21) years of age to enter the premises of a cannabis**
6 **retailer or other location where cannabis or cannabis products are**
7 **provided.**
- 8 **(b) It is a Class C infraction for a parent, guardian, trustee, or**
9 **other person having custody of a child less than eighteen (18) years**
10 **of age to take that child into a cannabis retailer or other location**
11 **where cannabis or cannabis products are provided.**
- 12 **(c) It is a Class C infraction for a permittee to permit the parent,**
13 **guardian, trustee, or other person having custody of a child less**
14 **than eighteen (18) years of age to be with the child in a cannabis**
15 **retailer or other location where cannabis or cannabis products are**
16 **provided.**
- 17 **Sec. 6. A person who knowingly or intentionally employs a**
18 **person less than twenty-one (21) years of age:**
- 19 **(1) where cannabis or cannabis products are provided; and**
20 **(2) in a capacity which requires or allows the person less than**
21 **twenty-one (21) years of age to provide or otherwise deal in**
22 **cannabis or cannabis products;**
- 23 **commits a Class B misdemeanor.**
- 24 **Sec. 7. A person who is at least twenty-one (21) years of age who**
25 **knowingly or intentionally aids, induces, or causes a person less**
26 **than twenty-one (21) years of age to unlawfully possess cannabis or**
27 **cannabis products commits a Class C infraction.**
- 28 **Sec. 8. (a) Notwithstanding any other law, an enforcement**
29 **officer with police powers may engage a person who is:**
- 30 **(1) at least eighteen (18) years of age; and**
31 **(2) less than twenty-one (21) years of age;**
- 32 **to receive or purchase cannabis or cannabis products as part of an**
33 **enforcement action under this article.**
- 34 **(b) The initial or contemporaneous receipt or purchase of**
35 **cannabis or cannabis products under this section by a person**
36 **described in subsection (a) must:**
- 37 **(1) occur under the direction of an enforcement officer vested**
38 **with full police powers and duties; and**
39 **(2) be a part of the enforcement action.**
- 40 **Chapter 20. Professional Services**
- 41 **Sec. 1. A person licensed under IC 25 does not commit a crime**
42 **or an infraction under Indiana law solely for providing**



1 professional services to persons permitted to engage in an activity
2 authorized by this article.

3 **Chapter 21. Appropriation**

4 **Sec. 1. There is appropriated to the commission from the state**
5 **general fund, from monies not otherwise appropriated, a sum**
6 **sufficient to defray the expenses incurred by the commission in the**
7 **implementation and administration of this article.**

8 SECTION 5. IC 10-10.5-1-3, AS ADDED BY P.L.113-2020,
9 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 JULY 1, 2022]: Sec. 3. "Law enforcement officer" means any of the
11 following:

- 12 (1) A state police officer, enforcement officer of the alcohol and
13 tobacco commission, **enforcement officer of the cannabis**
14 **commission**, or conservation officer.
- 15 (2) A county, city, or town police officer.
- 16 (3) A police officer appointed by a state educational institution
17 under IC 21-39-4 or school corporation under IC 20-26-16.
- 18 (4) A gaming agent under IC 4-33-4.5 or a gaming control officer
19 under IC 4-33-20.

20 SECTION 6. IC 10-13-8-5, AS ADDED BY P.L.38-2013,
21 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2022]: Sec. 5. As used in this chapter, "law enforcement
23 officer" means any of the following:

- 24 (1) A state police officer.
- 25 (2) A county sheriff.
- 26 (3) A county police officer.
- 27 (4) A correctional officer.
- 28 (5) An excise police officer, **including an enforcement officer**
29 **of the cannabis commission.**
- 30 (6) A county police reserve officer.
- 31 (7) A city police officer.
- 32 (8) A city police reserve officer.
- 33 (9) A conservation enforcement officer.
- 34 (10) A town marshal.
- 35 (11) A deputy town marshal.
- 36 (12) A probation officer.
- 37 (13) A state educational institution police officer appointed under
38 IC 21-39-4.
- 39 (14) A gaming agent of the Indiana gaming commission.
- 40 (15) A person employed by a political subdivision (as defined in
41 IC 36-1-2-13) and appointed as a special deputy under
42 IC 36-8-10-10.6.



1 (16) A school corporation police officer appointed under
2 IC 20-26-16.

3 (17) A police officer of a public or private postsecondary
4 educational institution whose board of trustees has established a
5 police department under IC 21-17-5-2 or IC 21-39-4-2.

6 SECTION 7. IC 11-12-3.7-3, AS AMENDED BY P.L.182-2011,
7 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2022]: Sec. 3. As used in this chapter, "drug dealing offense"
9 means one (1) or more of the following offenses:

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

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

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

19 (4) Dealing in ~~marijuana; hash oil; hashish~~, salvia ~~or a synthetic~~
20 **cannabinoid or possession of mislabeled low THC hemp**
21 **extract** (IC 35-48-4-10) unless the person received only minimal
22 consideration as a result of the drug transaction.

23 SECTION 8. IC 16-31-3-14, AS AMENDED BY P.L.142-2020,
24 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2022]: Sec. 14. (a) A person holding a certificate or license
26 issued under this article must comply with the applicable standards and
27 rules established under this article. A certificate holder or license
28 holder is subject to disciplinary sanctions under subsection (b) if the
29 department of homeland security determines that the certificate holder
30 or license holder:

31 (1) engaged in or knowingly cooperated in fraud or material
32 deception in order to obtain a certificate or license, including
33 cheating on a certification or licensure examination;

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

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

37 (4) falsified or knowingly allowed another person to falsify
38 attendance records or certificates of completion of continuing
39 education courses required under this article or rules adopted
40 under this article;

41 (5) is convicted of a crime, if the act that resulted in the
42 conviction has a direct bearing on determining if the certificate



- 1 holder or license holder should be entrusted to provide emergency
 2 medical services;
 3 (6) is convicted of violating IC 9-19-14.5;
 4 (7) fails to comply and maintain compliance with or violates any
 5 applicable provision, standard, or other requirement of this article
 6 or rules adopted under this article;
 7 (8) continues to practice if the certificate holder or license holder
 8 becomes unfit to practice due to:
 9 (A) professional incompetence that includes the undertaking
 10 of professional activities that the certificate holder or license
 11 holder is not qualified by training or experience to undertake;
 12 (B) failure to keep abreast of current professional theory or
 13 practice;
 14 (C) physical or mental disability; or
 15 (D) addiction to, abuse of, or dependency on alcohol or other
 16 drugs that endanger the public by impairing the certificate
 17 holder's or license holder's ability to practice safely;
 18 (9) engages in a course of lewd or immoral conduct in connection
 19 with the delivery of services to the public;
 20 (10) allows the certificate holder's or license holder's name or a
 21 certificate or license issued under this article to be used in
 22 connection with a person who renders services beyond the scope
 23 of that person's training, experience, or competence;
 24 (11) is subjected to disciplinary action in another state or
 25 jurisdiction on grounds similar to those contained in this chapter.
 26 For purposes of this subdivision, a certified copy of a record of
 27 disciplinary action constitutes prima facie evidence of a
 28 disciplinary action in another jurisdiction;
 29 (12) assists another person in committing an act that would
 30 constitute a ground for disciplinary sanction under this chapter;
 31 or
 32 (13) allows a certificate or license issued by the commission to
 33 be:
 34 (A) used by another person; or
 35 (B) displayed to the public when the certificate or license is
 36 expired, inactive, invalid, revoked, or suspended.
 37 (b) The department of homeland security may issue an order under
 38 IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if
 39 the department of homeland security determines that a certificate
 40 holder or license holder is subject to disciplinary sanctions under
 41 subsection (a):
 42 (1) Revocation of a certificate holder's certificate or license



- 1 holder's license for a period not to exceed seven (7) years.
- 2 (2) Suspension of a certificate holder's certificate or license
- 3 holder's license for a period not to exceed seven (7) years.
- 4 (3) Censure of a certificate holder or license holder.
- 5 (4) Issuance of a letter of reprimand.
- 6 (5) Assessment of a civil penalty against the certificate holder or
- 7 license holder in accordance with the following:
- 8 (A) The civil penalty may not exceed five hundred dollars
- 9 (\$500) per day per violation.
- 10 (B) If the certificate holder or license holder fails to pay the
- 11 civil penalty within the time specified by the department of
- 12 homeland security, the department of homeland security may
- 13 suspend the certificate holder's certificate or license holder's
- 14 license without additional proceedings.
- 15 (6) Placement of a certificate holder or license holder on
- 16 probation status and requirement of the certificate holder or
- 17 license holder to:
- 18 (A) report regularly to the department of homeland security
- 19 upon the matters that are the basis of probation;
- 20 (B) limit practice to those areas prescribed by the department
- 21 of homeland security;
- 22 (C) continue or renew professional education approved by the
- 23 department of homeland security until a satisfactory degree of
- 24 skill has been attained in those areas that are the basis of the
- 25 probation; or
- 26 (D) perform or refrain from performing any acts, including
- 27 community restitution or service without compensation, that
- 28 the department of homeland security considers appropriate to
- 29 the public interest or to the rehabilitation or treatment of the
- 30 certificate holder or license holder.
- 31 The department of homeland security may withdraw or modify
- 32 this probation if the department of homeland security finds after
- 33 a hearing that the deficiency that required disciplinary action is
- 34 remedied or that changed circumstances warrant a modification
- 35 of the order.
- 36 (c) If an applicant or a certificate holder or license holder has
- 37 engaged in or knowingly cooperated in fraud or material deception to
- 38 obtain a certificate or license, including cheating on the certification or
- 39 licensure examination, the department of homeland security may
- 40 rescind the certificate or license if it has been granted, void the
- 41 examination or other fraudulent or deceptive material, and prohibit the
- 42 applicant from reapplying for the certificate or license for a length of



1 time established by the department of homeland security.

2 (d) The department of homeland security may deny certification or
3 licensure to an applicant who would be subject to disciplinary sanctions
4 under subsection (b) if that person were a certificate holder or license
5 holder, has had disciplinary action taken against the applicant or the
6 applicant's certificate or license to practice in another state or
7 jurisdiction, or has practiced without a certificate or license in violation
8 of the law. A certified copy of the record of disciplinary action is
9 conclusive evidence of the other jurisdiction's disciplinary action.

10 (e) The department of homeland security may order a certificate
11 holder or license holder to submit to a reasonable physical or mental
12 examination if the certificate holder's or license holder's physical or
13 mental capacity to practice safely and competently is at issue in a
14 disciplinary proceeding. Failure to comply with a department of
15 homeland security order to submit to a physical or mental examination
16 makes a certificate holder or license holder liable to temporary
17 suspension under subsection (i).

18 (f) Except as provided under subsection (a), subsection (g), and
19 section 14.5 of this chapter, a certificate or license may not be denied,
20 revoked, or suspended because the applicant, certificate holder, or
21 license holder has been convicted of an offense. The acts from which
22 the applicant's, certificate holder's, or license holder's conviction
23 resulted may be considered as to whether the applicant or certificate
24 holder or license holder should be entrusted to serve the public in a
25 specific capacity.

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

- 30 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
31 (2) Possession of methamphetamine under IC 35-48-4-6.1.
32 (3) Possession of a controlled substance under IC 35-48-4-7(a).
33 (4) Fraudulently obtaining a controlled substance under
34 IC 35-48-4-7(c).
35 (5) Manufacture of paraphernalia as a Class D felony (for a crime
36 committed before July 1, 2014) or Level 6 felony (for a crime
37 committed after June 30, 2014) under IC 35-48-4-8.1(b).
38 (6) Dealing in paraphernalia as a Class D felony (for a crime
39 committed before July 1, 2014) or Level 6 felony (for a crime
40 committed after June 30, 2014) under IC 35-48-4-8.5(b).
41 (7) Possession of paraphernalia as a Class D felony (for a crime
42 committed before July 1, 2014) or Level 6 felony (for a crime



- 1 committed after June 30, 2014) under IC 35-48-4-8.3(b) (before
 2 its amendment on July 1, 2015).
- 3 (8) Possession of ~~marijuana, hash oil, hashish, or~~ salvia as a Class
 4 D felony (for a crime committed before July 1, 2014) or Level 6
 5 felony (for a crime committed after June 30, 2014) under
 6 IC 35-48-4-11.
- 7 (9) A felony offense under IC 35-48-4 involving:
- 8 (A) possession of a synthetic drug (as defined in
 9 IC 35-31.5-2-321);
- 10 (B) possession of a synthetic drug lookalike substance (as
 11 defined in IC 35-31.5-2-321.5 (before its repeal on July 1,
 12 2019)) as a:
- 13 (i) Class D felony (for a crime committed before July 1,
 14 2014); or
- 15 (ii) Level 6 felony (for a crime committed after June 30,
 16 2014);
- 17 under IC 35-48-4-11.5 (before its repeal on July 1, 2019); or
- 18 (C) possession of a controlled substance analog (as defined in
 19 IC 35-48-1-9.3).
- 20 (10) Maintaining a common nuisance under IC 35-48-4-13
 21 (repealed) or IC 35-45-1-5, if the common nuisance involves a
 22 controlled substance.
- 23 (11) An offense relating to registration, labeling, and prescription
 24 forms under IC 35-48-4-14.
- 25 (h) A decision of the department of homeland security under
 26 subsections (b) through (g) may be appealed to the commission under
 27 IC 4-21.5-3-7.
- 28 (i) The department of homeland security may temporarily suspend
 29 a certificate holder's certificate or license holder's license under
 30 IC 4-21.5-4 before a final adjudication or during the appeals process if
 31 the department of homeland security finds that a certificate holder or
 32 license holder would represent a clear and immediate danger to the
 33 public's health, safety, or property if the certificate holder or license
 34 holder were allowed to continue to practice.
- 35 (j) On receipt of a complaint or information alleging that a person
 36 certified or licensed under this chapter or IC 16-31-3.5 has engaged in
 37 or is engaging in a practice that is subject to disciplinary sanctions
 38 under this chapter, the department of homeland security must initiate
 39 an investigation against the person.
- 40 (k) The department of homeland security shall conduct a factfinding
 41 investigation as the department of homeland security considers proper
 42 in relation to the complaint.



1 (l) The department of homeland security may reinstate a certificate
 2 or license that has been suspended under this section if the department
 3 of homeland security is satisfied that the applicant is able to practice
 4 with reasonable skill, competency, and safety to the public. As a
 5 condition of reinstatement, the department of homeland security may
 6 impose disciplinary or corrective measures authorized under this
 7 chapter.

8 (m) The department of homeland security may not reinstate a
 9 certificate or license that has been revoked under this chapter.

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

14 (o) A certificate holder may not surrender the certificate holder's
 15 certificate, and a license holder may not surrender the license holder's
 16 license, without the written approval of the department of homeland
 17 security, and the department of homeland security may impose any
 18 conditions appropriate to the surrender or reinstatement of a
 19 surrendered certificate or license.

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

- 22 (1) an unlimited certificate;
- 23 (2) a limited or probationary certificate; or
- 24 (3) an inactive certificate.

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

- 27 (1) an unlimited license;
- 28 (2) a limited or probationary license; or
- 29 (3) an inactive license.

30 SECTION 9. IC 16-31-3-14.5, AS AMENDED BY P.L.142-2020,
 31 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2022]: Sec. 14.5. The department of homeland security may
 33 issue an order under IC 4-21.5-3-6 to deny an applicant's request for
 34 certification or licensure or permanently revoke a certificate or license
 35 under procedures provided by section 14 of this chapter if the
 36 individual who holds the certificate or license issued under this title is
 37 convicted of any of the following:

- 38 (1) Dealing in a controlled substance resulting in death under
 39 IC 35-42-1-1.5.
- 40 (2) Dealing in or manufacturing cocaine or a narcotic drug under
 41 IC 35-48-4-1.
- 42 (3) Dealing in methamphetamine under IC 35-48-4-1.1.



- 1 (4) Manufacturing methamphetamine under IC 35-48-4-1.2.
 2 (5) Dealing in a schedule I, II, or III controlled substance under
 3 IC 35-48-4-2.
 4 (6) Dealing in a schedule IV controlled substance under
 5 IC 35-48-4-3.
 6 (7) Dealing in a schedule V controlled substance under
 7 IC 35-48-4-4.
 8 (8) Dealing in a substance represented to be a controlled
 9 substance under IC 35-48-4-4.5 (repealed).
 10 (9) Knowingly or intentionally manufacturing, advertising,
 11 distributing, or possessing with intent to manufacture, advertise,
 12 or distribute a substance represented to be a controlled substance
 13 under IC 35-48-4-4.6.
 14 (10) Dealing in a counterfeit substance under IC 35-48-4-5.
 15 (11) Dealing in ~~marijuana, hash oil, hashish, or salvia or~~
 16 **mislabeled low THC hemp extract** as a felony under
 17 IC 35-48-4-10.
 18 (12) An offense under IC 35-48-4 involving the manufacture or
 19 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
 20 synthetic drug lookalike substance (as defined in
 21 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
 22 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
 23 substance analog (as defined in IC 35-48-1-9.3), or a substance
 24 represented to be a controlled substance (as described in
 25 IC 35-48-4-4.6).
 26 (13) A crime of violence (as defined in IC 35-50-1-2(a)).
 27 SECTION 10. IC 16-42-27-2, AS AMENDED BY P.L.80-2019,
 28 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2022]: Sec. 2. (a) A prescriber may, directly or by standing
 30 order, prescribe or dispense an overdose intervention drug without
 31 examining the individual to whom it may be administered if all of the
 32 following conditions are met:
 33 (1) The overdose intervention drug is dispensed or prescribed to:
 34 (A) a person at risk of experiencing an opioid-related
 35 overdose; or
 36 (B) a family member, a friend, or any other individual or entity
 37 in a position to assist an individual who, there is reason to
 38 believe, is at risk of experiencing an opioid-related overdose.
 39 (2) The prescriber instructs the individual receiving the overdose
 40 intervention drug or prescription to summon emergency services
 41 either immediately before or immediately after administering the
 42 overdose intervention drug to an individual experiencing an



- 1 opioid-related overdose.
- 2 (3) The prescriber provides education and training on drug
3 overdose response and treatment, including the administration of
4 an overdose intervention drug.
- 5 (4) The prescriber provides drug addiction treatment information
6 and referrals to drug treatment programs, including programs in
7 the local area and programs that offer medication assisted
8 treatment that includes a federal Food and Drug Administration
9 approved long acting, nonaddictive medication for the treatment
10 of opioid or alcohol dependence.
- 11 (b) A prescriber may provide a prescription of an overdose
12 intervention drug to an individual as a part of the individual's addiction
13 treatment plan.
- 14 (c) An individual described in subsection (a)(1) may administer a
15 overdose intervention drug to an individual who is suffering from an
16 overdose.
- 17 (d) An individual described in subsection (a)(1) may not be
18 considered to be practicing medicine without a license in violation of
19 IC 25-22.5-8-2, if the individual, acting in good faith, does the
20 following:
- 21 (1) Obtains the overdose intervention drug from a prescriber or
22 entity acting under a standing order issued by a prescriber.
- 23 (2) Administers the overdose intervention drug to an individual
24 who is experiencing an apparent opioid-related overdose.
- 25 (3) Attempts to summon emergency services either immediately
26 before or immediately after administering the overdose
27 intervention drug.
- 28 (e) An entity acting under a standing order issued by a prescriber
29 must do the following:
- 30 (1) Annually register with either the:
- 31 (A) state department; or
- 32 (B) local health department in the county where services will
33 be provided by the entity;
34 in a manner prescribed by the state department.
- 35 (2) Provide education and training on drug overdose response and
36 treatment, including the administration of an overdose
37 intervention drug.
- 38 (3) Provide drug addiction treatment information and referrals to
39 drug treatment programs, including programs in the local area and
40 programs that offer medication assisted treatment that includes a
41 federal Food and Drug Administration approved long acting,
42 nonaddictive medication for the treatment of opioid or alcohol



- 1 dependence.
- 2 (4) Submit an annual report to the state department containing:
- 3 (A) the number of sales of the overdose intervention drug
- 4 dispensed;
- 5 (B) the dates of sale of the overdose intervention drug
- 6 dispensed; and
- 7 (C) any additional information requested by the state
- 8 department.
- 9 (f) The state department shall ensure that a statewide standing order
- 10 for the dispensing of an overdose intervention drug in Indiana is issued
- 11 under this section. The state health commissioner or a designated
- 12 public health authority who is a licensed prescriber may, as part of the
- 13 individual's official capacity, issue a statewide standing order that may
- 14 be used for the dispensing of an overdose intervention drug under this
- 15 section. The immunity provided in IC 34-13-3-3 applies to an
- 16 individual described in this subsection.
- 17 (g) A law enforcement officer may not take an individual into
- 18 custody based solely on the commission of an offense described in
- 19 subsection (h), if the law enforcement officer, after making a
- 20 reasonable determination and considering the facts and surrounding
- 21 circumstances, reasonably believes that the individual:
- 22 (1) obtained the overdose intervention drug as described in
- 23 subsection (a)(1);
- 24 (2) complied with the provisions in subsection (d);
- 25 (3) administered an overdose intervention drug to an individual
- 26 who appeared to be experiencing an opioid-related overdose;
- 27 (4) provided:
- 28 (A) the individual's full name; and
- 29 (B) any other relevant information requested by the law
- 30 enforcement officer;
- 31 (5) remained at the scene with the individual who reasonably
- 32 appeared to be in need of medical assistance until emergency
- 33 medical assistance arrived;
- 34 (6) cooperated with emergency medical assistance personnel and
- 35 law enforcement officers at the scene; and
- 36 (7) came into contact with law enforcement because the
- 37 individual requested emergency medical assistance for another
- 38 individual who appeared to be experiencing an opioid-related
- 39 overdose.
- 40 (h) An individual who meets the criteria in subsection (g) is immune
- 41 from criminal prosecution for the following:
- 42 (1) IC 35-48-4-6 (possession of cocaine).



- 1 (2) IC 35-48-4-6.1 (possession of methamphetamine).
 2 (3) IC 35-48-4-7 (possession of a controlled substance).
 3 (4) IC 35-48-4-8.3 (possession of paraphernalia).
 4 (5) IC 35-48-4-11 (possession of **marijuana salvia**).
 5 (6) An offense under IC 35-48-4 involving possession of a
 6 synthetic drug (as defined in IC 35-31.5-2-321), possession of a
 7 controlled substance analog (as defined in IC 35-48-1-9.3), or
 8 possession of a substance represented to be a controlled substance
 9 (as described in IC 35-48-4-4.6).
- 10 SECTION 11. IC 20-28-5-8, AS AMENDED BY P.L.174-2021,
 11 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2022]: Sec. 8. (a) This section applies when a prosecuting
 13 attorney knows that a licensed employee of a public school or a
 14 nonpublic school has been convicted of an offense listed in subsection
 15 (c). The prosecuting attorney shall immediately give written notice of
 16 the conviction to the following:
- 17 (1) The secretary of education.
 18 (2) Except as provided in subdivision (3), the superintendent of
 19 the school corporation that employs the licensed employee or the
 20 equivalent authority if a nonpublic school employs the licensed
 21 employee.
 22 (3) The presiding officer of the governing body of the school
 23 corporation that employs the licensed employee, if the convicted
 24 licensed employee is the superintendent of the school corporation.
- 25 (b) The superintendent of a school corporation, presiding officer of
 26 the governing body, or equivalent authority for a nonpublic school shall
 27 immediately notify the secretary of education when the individual
 28 knows that a current or former licensed employee of the public school
 29 or nonpublic school has been convicted of an offense listed in
 30 subsection (c), or when the governing body or equivalent authority for
 31 a nonpublic school takes any final action in relation to an employee
 32 who engaged in any offense listed in subsection (c).
- 33 (c) Except as provided in section 8.5 of this chapter, the department
 34 shall permanently revoke the license of a person who is known by the
 35 department to have been convicted of any of the following felonies:
- 36 (1) Kidnapping (IC 35-42-3-2).
 37 (2) Criminal confinement (IC 35-42-3-3).
 38 (3) Rape (IC 35-42-4-1).
 39 (4) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
 40 (5) Child molesting (IC 35-42-4-3).
 41 (6) An offense under IC 35-42-4-4(b) or IC 35-42-4-4(c).
 42 (7) Vicarious sexual gratification (IC 35-42-4-5).



- 1 (8) Child solicitation (IC 35-42-4-6).
 2 (9) Child seduction (IC 35-42-4-7).
 3 (10) Sexual misconduct with a minor (IC 35-42-4-9).
 4 (11) Incest (IC 35-46-1-3).
 5 (12) Dealing in or manufacturing cocaine or a narcotic drug (IC
 6 35-48-4-1).
 7 (13) Dealing in methamphetamine (IC 35-48-4-1.1).
 8 (14) Manufacturing methamphetamine (IC 35-48-4-1.2).
 9 (15) Dealing in a schedule I, II, or III controlled substance (IC
 10 35-48-4-2).
 11 (16) Dealing in a schedule IV controlled substance (IC
 12 35-48-4-3).
 13 (17) Dealing in a schedule V controlled substance (IC 35-48-4-4).
 14 (18) Dealing in a counterfeit substance (IC 35-48-4-5).
 15 (19) Dealing in ~~marijuana, hash oil, hashish, or~~ salvia **or**
 16 **mislabeled low THC hemp extract** as a felony (IC 35-48-4-10).
 17 (20) An offense under IC 35-48-4 involving the manufacture or
 18 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
 19 synthetic drug lookalike substance (as defined in
 20 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
 21 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
 22 substance analog (as defined in IC 35-48-1-9.3), or a substance
 23 represented to be a controlled substance (as described in
 24 IC 35-48-4-4.6).
 25 (21) Possession of child pornography (IC 35-42-4-4(d) or
 26 IC 35-42-4-4(e)).
 27 (22) Homicide (IC 35-42-1).
 28 (23) Voluntary manslaughter (IC 35-42-1-3).
 29 (24) Reckless homicide (IC 35-42-1-5).
 30 (25) Battery as any of the following:
 31 (A) A Class A felony (for a crime committed before July 1,
 32 2014) or a Level 2 felony (for a crime committed after June
 33 30, 2014).
 34 (B) A Class B felony (for a crime committed before July 1,
 35 2014) or a Level 3 felony (for a crime committed after June
 36 30, 2014).
 37 (C) A Class C felony (for a crime committed before July 1,
 38 2014) or a Level 5 felony (for a crime committed after June
 39 30, 2014).
 40 (26) Aggravated battery (IC 35-42-2-1.5).
 41 (27) Robbery (IC 35-42-5-1).
 42 (28) Carjacking (IC 35-42-5-2) (before its repeal).



- 1 (29) Arson as a Class A felony or Class B felony (for a crime
 2 committed before July 1, 2014) or as a Level 2, Level 3, or Level
 3 4 felony (for a crime committed after June 30, 2014) (IC
 4 35-43-1-1(a)).
- 5 (30) Burglary as a Class A felony or Class B felony (for a crime
 6 committed before July 1, 2014) or as a Level 1, Level 2, Level 3,
 7 or Level 4 felony (for a crime committed after June 30, 2014) (IC
 8 35-43-2-1).
- 9 (31) Human trafficking (IC 35-42-3.5).
- 10 (32) Dealing in a controlled substance resulting in death (IC
 11 35-42-1-1.5).
- 12 (33) Attempt under IC 35-41-5-1 to commit an offense listed in
 13 this subsection.
- 14 (34) Conspiracy under IC 35-41-5-2 to commit an offense listed
 15 in this subsection.
- 16 (d) The department shall permanently revoke the license of a person
 17 who is known by the department to have been convicted of a federal
 18 offense or an offense in another state that is comparable to a felony
 19 listed in subsection (c).
- 20 (e) A license may be suspended by the secretary of education as
 21 specified in IC 20-28-7.5.
- 22 (f) The department shall develop a data base of information on
 23 school corporation employees who have been reported to the
 24 department under this section.
- 25 (g) Upon receipt of information from the office of judicial
 26 administration in accordance with IC 33-24-6-3 concerning persons
 27 convicted of an offense listed in subsection (c), the department shall:
- 28 (1) cross check the information received from the office of
 29 judicial administration with information concerning licensed
 30 teachers (as defined in IC 20-18-2-22(b)) maintained by the
 31 department; and
- 32 (2) if a licensed teacher (as defined in IC 20-18-2-22(b)) has been
 33 convicted of an offense described in subsection (c), revoke the
 34 licensed teacher's license.
- 35 SECTION 12. IC 22-15-5-16, AS AMENDED BY P.L.142-2020,
 36 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2022]: Sec. 16. (a) A practitioner shall comply with the
 38 standards established under this licensing program. A practitioner is
 39 subject to the exercise of the disciplinary sanctions under subsection
 40 (b) if the department finds that a practitioner has:
- 41 (1) engaged in or knowingly cooperated in fraud or material
 42 deception in order to obtain a license to practice, including



- 1 cheating on a licensing examination;
 2 (2) engaged in fraud or material deception in the course of
 3 professional services or activities;
 4 (3) advertised services or goods in a false or misleading manner;
 5 (4) falsified or knowingly allowed another person to falsify
 6 attendance records or certificates of completion of continuing
 7 education courses provided under this chapter;
 8 (5) been convicted of a crime that has a direct bearing on the
 9 practitioner's ability to continue to practice competently;
 10 (6) knowingly violated a state statute or rule or federal statute or
 11 regulation regulating the profession for which the practitioner is
 12 licensed;
 13 (7) continued to practice although the practitioner has become
 14 unfit to practice due to:
 15 (A) professional incompetence;
 16 (B) failure to keep abreast of current professional theory or
 17 practice;
 18 (C) physical or mental disability; or
 19 (D) addiction to, abuse of, or severe dependency on alcohol or
 20 other drugs that endanger the public by impairing a
 21 practitioner's ability to practice safely;
 22 (8) engaged in a course of lewd or immoral conduct in connection
 23 with the delivery of services to the public;
 24 (9) allowed the practitioner's name or a license issued under this
 25 chapter to be used in connection with an individual or business
 26 who renders services beyond the scope of that individual's or
 27 business's training, experience, or competence;
 28 (10) had disciplinary action taken against the practitioner or the
 29 practitioner's license to practice in another state or jurisdiction on
 30 grounds similar to those under this chapter;
 31 (11) assisted another person in committing an act that would
 32 constitute a ground for disciplinary sanction under this chapter;
 33 or
 34 (12) allowed a license issued by the department to be:
 35 (A) used by another person; or
 36 (B) displayed to the public when the license has expired, is
 37 inactive, is invalid, or has been revoked or suspended.
 38 For purposes of subdivision (10), a certified copy of a record of
 39 disciplinary action constitutes prima facie evidence of a disciplinary
 40 action in another jurisdiction.
 41 (b) The department may impose one (1) or more of the following
 42 sanctions if the department finds that a practitioner is subject to



- 1 disciplinary sanctions under subsection (a):
- 2 (1) Permanent revocation of a practitioner's license.
- 3 (2) Suspension of a practitioner's license.
- 4 (3) Censure of a practitioner.
- 5 (4) Issuance of a letter of reprimand.
- 6 (5) Assessment of a civil penalty against the practitioner in
- 7 accordance with the following:
- 8 (A) The civil penalty may not be more than one thousand
- 9 dollars (\$1,000) for each violation listed in subsection (a),
- 10 except for a finding of incompetency due to a physical or
- 11 mental disability.
- 12 (B) When imposing a civil penalty, the department shall
- 13 consider a practitioner's ability to pay the amount assessed. If
- 14 the practitioner fails to pay the civil penalty within the time
- 15 specified by the department, the department may suspend the
- 16 practitioner's license without additional proceedings. However,
- 17 a suspension may not be imposed if the sole basis for the
- 18 suspension is the practitioner's inability to pay a civil penalty.
- 19 (6) Placement of a practitioner on probation status and
- 20 requirement of the practitioner to:
- 21 (A) report regularly to the department upon the matters that
- 22 are the basis of probation;
- 23 (B) limit practice to those areas prescribed by the department;
- 24 (C) continue or renew professional education approved by the
- 25 department until a satisfactory degree of skill has been attained
- 26 in those areas that are the basis of the probation; or
- 27 (D) perform or refrain from performing any acts, including
- 28 community restitution or service without compensation, that
- 29 the department considers appropriate to the public interest or
- 30 to the rehabilitation or treatment of the practitioner.
- 31 The department may withdraw or modify this probation if the
- 32 department finds after a hearing that the deficiency that required
- 33 disciplinary action has been remedied or that changed
- 34 circumstances warrant a modification of the order.
- 35 (c) If an applicant or a practitioner has engaged in or knowingly
- 36 cooperated in fraud or material deception to obtain a license to
- 37 practice, including cheating on the licensing examination, the
- 38 department may rescind the license if it has been granted, void the
- 39 examination or other fraudulent or deceptive material, and prohibit the
- 40 applicant from reapplying for the license for a length of time
- 41 established by the department.
- 42 (d) The department may deny licensure to an applicant who has had



1 disciplinary action taken against the applicant or the applicant's license
 2 to practice in another state or jurisdiction or who has practiced without
 3 a license in violation of the law. A certified copy of the record of
 4 disciplinary action is conclusive evidence of the other jurisdiction's
 5 disciplinary action.

6 (e) The department may order a practitioner to submit to a
 7 reasonable physical or mental examination if the practitioner's physical
 8 or mental capacity to practice safely and competently is at issue in a
 9 disciplinary proceeding. Failure to comply with a department order to
 10 submit to a physical or mental examination makes a practitioner liable
 11 to temporary suspension under subsection (j).

12 (f) Except as provided under subsection (g) or (h), a license may not
 13 be denied, revoked, or suspended because the applicant or holder has
 14 been convicted of an offense. The acts from which the applicant's or
 15 holder's conviction resulted may, however, be considered as to whether
 16 the applicant or holder should be entrusted to serve the public in a
 17 specific capacity.

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

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



1 controlled substance analog (as defined in IC 35-48-1-9.3), or
 2 possession of a synthetic drug lookalike substance (as defined in
 3 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:

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

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

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

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

13 (h) The department shall deny, revoke, or suspend a license issued
 14 under this chapter if the individual who holds the license is convicted
 15 of any of the following:

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

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

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

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

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

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

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

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

29 (9) Knowingly or intentionally manufacturing, advertising,
 30 distributing, or possessing with intent to manufacture, advertise,
 31 or distribute a substance represented to be a controlled substance
 32 under IC 35-48-4-4.6.

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

34 (11) Dealing in ~~marijuana, hash oil, hashish, or salvia~~ **or**
 35 **mislabeled low THC hemp extract** as a felony under
 36 IC 35-48-4-10.

37 (12) An offense under IC 35-48-4 involving the manufacture or
 38 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
 39 synthetic drug lookalike substance (as defined in
 40 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
 41 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
 42 substance analog (as defined in IC 35-48-1-9.3), or a substance



- 1 represented to be a controlled substance (as described in
2 IC 35-48-4-4.6).
- 3 (13) A violation of any federal or state drug law or rule related to
4 wholesale legend drug distributors licensed under IC 25-26-14.
- 5 (i) A decision of the department under subsections (b) through (h)
6 may be appealed to the commission under IC 4-21.5-3-7.
- 7 (j) The department may temporarily suspend a practitioner's license
8 under IC 4-21.5-4 before a final adjudication or during the appeals
9 process if the department finds that a practitioner represents a clear and
10 immediate danger to the public's health, safety, or property if the
11 practitioner is allowed to continue to practice.
- 12 (k) On receipt of a complaint or an information alleging that a
13 person licensed under this chapter has engaged in or is engaging in a
14 practice that jeopardizes the public health, safety, or welfare, the
15 department shall initiate an investigation against the person.
- 16 (l) Any complaint filed with the office of the attorney general
17 alleging a violation of this licensing program shall be referred to the
18 department for summary review and for its general information and any
19 authorized action at the time of the filing.
- 20 (m) The department shall conduct a fact finding investigation as the
21 department considers proper in relation to the complaint.
- 22 (n) The department may reinstate a license that has been suspended
23 under this section if, after a hearing, the department is satisfied that the
24 applicant is able to practice with reasonable skill, safety, and
25 competency to the public. As a condition of reinstatement, the
26 department may impose disciplinary or corrective measures authorized
27 under this chapter.
- 28 (o) The department may not reinstate a license that has been
29 revoked under this chapter. An individual whose license has been
30 revoked under this chapter may not apply for a new license until seven
31 (7) years after the date of revocation.
- 32 (p) The department shall seek to achieve consistency in the
33 application of sanctions authorized in this chapter. Significant
34 departures from prior decisions involving similar conduct must be
35 explained in the department's findings or orders.
- 36 (q) A practitioner may petition the department to accept the
37 surrender of the practitioner's license instead of having a hearing before
38 the commission. The practitioner may not surrender the practitioner's
39 license without the written approval of the department, and the
40 department may impose any conditions appropriate to the surrender or
41 reinstatement of a surrendered license.
- 42 (r) A practitioner who has been subjected to disciplinary sanctions



1 may be required by the commission to pay the costs of the proceeding.
 2 The practitioner's ability to pay shall be considered when costs are
 3 assessed. If the practitioner fails to pay the costs, a suspension may not
 4 be imposed solely upon the practitioner's inability to pay the amount
 5 assessed. The costs are limited to costs for the following:

- 6 (1) Court reporters.
- 7 (2) Transcripts.
- 8 (3) Certification of documents.
- 9 (4) Photo duplication.
- 10 (5) Witness attendance and mileage fees.
- 11 (6) Postage.
- 12 (7) Expert witnesses.
- 13 (8) Depositions.
- 14 (9) Notarizations.

15 SECTION 13. IC 25-1-1.1-2, AS AMENDED BY P.L.142-2020,
 16 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2022]: Sec. 2. Notwithstanding IC 25-1-7, a board, a
 18 commission, or a committee may suspend, deny, or revoke a license or
 19 certificate issued under this title by the board, the commission, or the
 20 committee without an investigation by the office of the attorney general
 21 if the individual who holds the license or certificate is convicted of any
 22 of the following and the board, commission, or committee determines,
 23 after the individual has appeared in person, that the offense affects the
 24 individual's ability to perform the duties of the profession:

- 25 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- 26 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 27 (3) Possession of a controlled substance under IC 35-48-4-7(a).
- 28 (4) Fraudulently obtaining a controlled substance under
 29 IC 35-48-4-7(c).
- 30 (5) Manufacture of paraphernalia as a Class D felony (for a crime
 31 committed before July 1, 2014) or a Level 6 felony (for a crime
 32 committed after June 30, 2014) under IC 35-48-4-8.1(b).
- 33 (6) Dealing in paraphernalia as a Class D felony (for a crime
 34 committed before July 1, 2014) or a Level 6 felony (for a crime
 35 committed after June 30, 2014) under IC 35-48-4-8.5(b).
- 36 (7) Possession of paraphernalia as a Class D felony (for a crime
 37 committed before July 1, 2014) or a Level 6 felony (for a crime
 38 committed after June 30, 2014) under IC 35-48-4-8.3(b) (before
 39 its amendment on July 1, 2015).
- 40 (8) Possession of ~~marijuana, hash oil, hashish, or~~ salvia as a Class
 41 D felony (for a crime committed before July 1, 2014) or a Level
 42 6 felony (for a crime committed after June 30, 2014) under



- 1 IC 35-48-4-11.
 2 (9) A felony offense under IC 35-48-4 involving possession of a
 3 synthetic drug (as defined in IC 35-31.5-2-321), possession of a
 4 controlled substance analog (as defined in IC 35-48-1-9.3), or
 5 possession of a synthetic drug lookalike substance (as defined in
 6 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:
 7 (A) Class D felony for a crime committed before July 1, 2014;
 8 or
 9 (B) Level 6 felony for a crime committed after June 30, 2014;
 10 under IC 35-48-4-11.5 (before its repeal on July 1, 2019).
 11 (10) Maintaining a common nuisance under IC 35-48-4-13
 12 (repealed) or IC 35-45-1-5, if the common nuisance involves a
 13 controlled substance.
 14 (11) An offense relating to registration, labeling, and prescription
 15 forms under IC 35-48-4-14.
 16 (12) A sex crime under IC 35-42-4.
 17 (13) A felony that reflects adversely on the individual's fitness to
 18 hold a professional license.
 19 SECTION 14. IC 25-1-1.1-3, AS AMENDED BY P.L.142-2020,
 20 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2022]: Sec. 3. A board, a commission, or a committee shall
 22 revoke or suspend a license or certificate issued under this title by the
 23 board, the commission, or the committee if the individual who holds
 24 the license or certificate is convicted of any of the following:
 25 (1) Dealing in a controlled substance resulting in death under
 26 IC 35-42-1-1.5.
 27 (2) Dealing in or manufacturing cocaine or a narcotic drug under
 28 IC 35-48-4-1.
 29 (3) Dealing in methamphetamine under IC 35-48-4-1.1.
 30 (4) Manufacturing methamphetamine under IC 35-48-4-1.2.
 31 (5) Dealing in a schedule I, II, or III controlled substance under
 32 IC 35-48-4-2.
 33 (6) Dealing in a schedule IV controlled substance under
 34 IC 35-48-4-3.
 35 (7) Dealing in a schedule V controlled substance under
 36 IC 35-48-4-4.
 37 (8) Dealing in a substance represented to be a controlled
 38 substance under IC 35-48-4-4.5 (before its repeal on July 1,
 39 2019).
 40 (9) Knowingly or intentionally manufacturing, advertising,
 41 distributing, or possessing with intent to manufacture, advertise,
 42 or distribute a substance represented to be a controlled substance



- 1 under IC 35-48-4-4.6.
- 2 (10) Dealing in a counterfeit substance under IC 35-48-4-5.
- 3 (11) Dealing in ~~marijuana, hash oil, hashish, or~~ **salvia or**
 4 **mislabeled low THC hemp extract** as a felony under
 5 IC 35-48-4-10.
- 6 (12) An offense under IC 35-48-4 involving the manufacture or
 7 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
 8 synthetic drug lookalike substance (as defined in
 9 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
 10 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
 11 substance analog (as defined in IC 35-48-1-9.3), or a substance
 12 represented to be a controlled substance (as described in
 13 IC 35-48-4-4.6).
- 14 (13) A violation of any federal or state drug law or rule related to
 15 wholesale legend drug distributors licensed under IC 25-26-14.
- 16 SECTION 15. IC 34-24-1-1, AS AMENDED BY P.L.174-2021,
 17 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2022]: Sec. 1. (a) The following may be seized:
- 19 (1) All vehicles (as defined by IC 35-31.5-2-346), if they are used
 20 or are intended for use by the person or persons in possession of
 21 them to transport or in any manner to facilitate the transportation
 22 of the following:
- 23 (A) A controlled substance for the purpose of committing,
 24 attempting to commit, or conspiring to commit any of the
 25 following:
- 26 (i) Dealing in or manufacturing cocaine or a narcotic drug
 27 (IC 35-48-4-1).
- 28 (ii) Dealing in methamphetamine (IC 35-48-4-1.1).
- 29 (iii) Manufacturing methamphetamine (IC 35-48-4-1.2).
- 30 (iv) Dealing in a schedule I, II, or III controlled substance
 31 (IC 35-48-4-2).
- 32 (v) Dealing in a schedule IV controlled substance (IC
 33 35-48-4-3).
- 34 (vi) Dealing in a schedule V controlled substance (IC
 35 35-48-4-4).
- 36 (vii) Dealing in a counterfeit substance (IC 35-48-4-5).
- 37 (viii) Possession of cocaine or a narcotic drug (IC
 38 35-48-4-6).
- 39 (ix) Possession of methamphetamine (IC 35-48-4-6.1).
- 40 (x) Dealing in paraphernalia (IC 35-48-4-8.5).
- 41 (xi) Dealing in ~~marijuana, hash oil, hashish, or~~ **salvia or**
 42 **mislabeled low THC hemp extract** (IC 35-48-4-10).



- 1 (xii) An offense under IC 35-48-4 involving a synthetic drug
 2 (as defined in IC 35-31.5-2-321), a synthetic drug lookalike
 3 substance (as defined in IC 35-31.5-2-321.5 (before its
 4 repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its
 5 repeal on July 1, 2019), a controlled substance analog (as
 6 defined in IC 35-48-1-9.3), or a substance represented to be
 7 a controlled substance (as described in IC 35-48-4-4.6).
- 8 **(xiii) A violation of IC 7.1-8.**
- 9 (B) Any stolen (IC 35-43-4-2) or converted property (IC
 10 35-43-4-3) if the retail or repurchase value of that property is
 11 one hundred dollars (\$100) or more.
- 12 (C) Any hazardous waste in violation of IC 13-30-10-1.5.
- 13 (D) A bomb (as defined in IC 35-31.5-2-31) or weapon of
 14 mass destruction (as defined in IC 35-31.5-2-354) used to
 15 commit, used in an attempt to commit, or used in a conspiracy
 16 to commit a felony terrorist offense (as defined in
 17 IC 35-50-2-18) or an offense under IC 35-47 as part of or in
 18 furtherance of an act of terrorism (as defined by
 19 IC 35-31.5-2-329).
- 20 (2) All money, negotiable instruments, securities, weapons,
 21 communications devices, or any property used to commit, used in
 22 an attempt to commit, or used in a conspiracy to commit a felony
 23 terrorist offense (as defined in IC 35-50-2-18) or an offense under
 24 IC 35-47 as part of or in furtherance of an act of terrorism or
 25 commonly used as consideration for a violation of IC 35-48-4
 26 (other than items subject to forfeiture under IC 16-42-20-5 or
 27 IC 16-6-8.5-5.1, before its repeal):
- 28 (A) furnished or intended to be furnished by any person in
 29 exchange for an act that is in violation of a criminal statute;
 30 (B) used to facilitate any violation of a criminal statute; or
 31 (C) traceable as proceeds of the violation of a criminal statute.
- 32 (3) Any portion of real or personal property purchased with
 33 money that is traceable as a proceed of a violation of a criminal
 34 statute.
- 35 (4) A vehicle that is used by a person to:
- 36 (A) commit, attempt to commit, or conspire to commit;
 37 (B) facilitate the commission of; or
 38 (C) escape from the commission of;
 39 murder (IC 35-42-1-1), dealing in a controlled substance resulting
 40 in death (IC 35-42-1-1.5), kidnapping (IC 35-42-3-2), criminal
 41 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting
 42 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense



- 1 under IC 35-47 as part of or in furtherance of an act of terrorism.
 2 (5) Real property owned by a person who uses it to commit any of
 3 the following as a Level 1, Level 2, Level 3, Level 4, or Level 5
 4 felony:
 5 (A) Dealing in or manufacturing cocaine or a narcotic drug (IC
 6 35-48-4-1).
 7 (B) Dealing in methamphetamine (IC 35-48-4-1.1).
 8 (C) Manufacturing methamphetamine (IC 35-48-4-1.2).
 9 (D) Dealing in a schedule I, II, or III controlled substance (IC
 10 35-48-4-2).
 11 (E) Dealing in a schedule IV controlled substance (IC
 12 35-48-4-3).
 13 (F) Dealing in ~~marijuana, hash oil, hashish, or salvia or~~
 14 **misabeled low THC hemp extract** (IC 35-48-4-10).
 15 (G) Dealing in a synthetic drug (as defined in
 16 IC 35-31.5-2-321) or synthetic drug lookalike substance (as
 17 defined in IC 35-31.5-2-321.5 (before its repeal on July 1,
 18 2019)) under IC 35-48-4-10.5 (before its repeal on July 1,
 19 2019).
 20 (H) Dealing in a controlled substance resulting in death (IC
 21 35-42-1-1.5).
 22 (6) Equipment and recordings used by a person to commit fraud
 23 under IC 35-43-5.
 24 (7) Recordings sold, rented, transported, or possessed by a person
 25 in violation of IC 24-4-10.
 26 (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as
 27 defined by IC 35-45-6-1) that is the object of a corrupt business
 28 influence violation (IC 35-45-6-2).
 29 (9) Unlawful telecommunications devices (as defined in
 30 IC 35-45-13-6) and plans, instructions, or publications used to
 31 commit an offense under IC 35-45-13.
 32 (10) Any equipment, including computer equipment and cellular
 33 telephones, used for or intended for use in preparing,
 34 photographing, recording, videotaping, digitizing, printing,
 35 copying, or disseminating matter in violation of IC 35-42-4.
 36 (11) Destructive devices used, possessed, transported, or sold in
 37 violation of IC 35-47.5.
 38 (12) Tobacco products that are sold in violation of IC 24-3-5,
 39 tobacco products that a person attempts to sell in violation of
 40 IC 24-3-5, and other personal property owned and used by a
 41 person to facilitate a violation of IC 24-3-5.
 42 (13) Property used by a person to commit counterfeiting or



1 forgery in violation of IC 35-43-5-2.

2 (14) After December 31, 2005, if a person is convicted of an
3 offense specified in IC 25-26-14-26(b) or IC 35-43-10, the
4 following real or personal property:

5 (A) Property used or intended to be used to commit, facilitate,
6 or promote the commission of the offense.

7 (B) Property constituting, derived from, or traceable to the
8 gross proceeds that the person obtained directly or indirectly
9 as a result of the offense.

10 (15) Except as provided in subsection (e), a vehicle used by a
11 person who operates the vehicle:

12 (A) while intoxicated, in violation of IC 9-30-5-1 through
13 IC 9-30-5-5, if in the previous five (5) years the person has two
14 (2) or more prior unrelated convictions for operating a motor
15 vehicle while intoxicated in violation of IC 9-30-5-1 through
16 IC 9-30-5-5; or

17 (B) on a highway while the person's driving privileges are
18 suspended in violation of IC 9-24-19-2 through IC 9-24-19-3,
19 if in the previous five (5) years the person has two (2) or more
20 prior unrelated convictions for operating a vehicle while
21 intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5.

22 If a court orders the seizure of a vehicle under this subdivision,
23 the court shall transmit an order to the bureau of motor vehicles
24 recommending that the bureau not permit a vehicle to be
25 registered in the name of the person whose vehicle was seized
26 until the person possesses a current driving license (as defined in
27 IC 9-13-2-41).

28 **(16) Cannabis and cannabis products grown, processed, sold,
29 or offered for sale in violation of IC 7.1-8.**

30 ~~(16)~~ (17) The following real or personal property:

31 (A) Property used or intended to be used to commit, facilitate,
32 or promote the commission of an offense specified in
33 IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or
34 IC 30-2-13-38(f).

35 (B) Property constituting, derived from, or traceable to the
36 gross proceeds that a person obtains directly or indirectly as a
37 result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b),
38 IC 30-2-10-9(b), or IC 30-2-13-38(f).

39 ~~(17)~~ (18) Real or personal property, including a vehicle, that is
40 used by a person to:

41 (A) commit, attempt to commit, or conspire to commit;

42 (B) facilitate the commission of; or



- 1 (C) escape from the commission of;
 2 a violation of IC 35-42-3.5-1 through IC 35-42-3.5-1.4 (human
 3 trafficking) or IC 35-45-4-4 (promoting prostitution).
 4 (b) A vehicle used by any person as a common or contract carrier in
 5 the transaction of business as a common or contract carrier is not
 6 subject to seizure under this section, unless it can be proven by a
 7 preponderance of the evidence that the owner of the vehicle knowingly
 8 permitted the vehicle to be used to engage in conduct that subjects it to
 9 seizure under subsection (a).
 10 (c) Equipment under subsection (a)(10) may not be seized unless it
 11 can be proven by a preponderance of the evidence that the owner of the
 12 equipment knowingly permitted the equipment to be used to engage in
 13 conduct that subjects it to seizure under subsection (a)(10).
 14 (d) Money, negotiable instruments, securities, weapons,
 15 communications devices, or any property commonly used as
 16 consideration for a violation of IC 35-48-4 found near or on a person
 17 who is committing, attempting to commit, or conspiring to commit any
 18 of the following offenses shall be admitted into evidence in an action
 19 under this chapter as prima facie evidence that the money, negotiable
 20 instrument, security, or other thing of value is property that has been
 21 used or was to have been used to facilitate the violation of a criminal
 22 statute or is the proceeds of the violation of a criminal statute:
 23 (1) IC 35-42-1-1.5 (dealing in a controlled substance resulting in
 24 death).
 25 (2) IC 35-48-4-1 (dealing in or manufacturing cocaine or a
 26 narcotic drug).
 27 (3) IC 35-48-4-1.1 (dealing in methamphetamine).
 28 (4) IC 35-48-4-1.2 (manufacturing methamphetamine).
 29 (5) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled
 30 substance).
 31 (6) IC 35-48-4-3 (dealing in a schedule IV controlled substance).
 32 (7) IC 35-48-4-4 (dealing in a schedule V controlled substance)
 33 as a Level 4 felony.
 34 (8) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a
 35 Level 3, Level 4, or Level 5 felony.
 36 (9) IC 35-48-4-6.1 (possession of methamphetamine) as a Level
 37 3, Level 4, or Level 5 felony.
 38 (10) IC 35-48-4-10 (dealing in ~~marijuana, hash oil, hashish, or~~
 39 ~~salvia~~ **or mislabeled low THC hemp extract**) as a Level 5
 40 felony.
 41 (11) IC 35-48-4-10.5 (before its repeal on July 1, 2019) (dealing
 42 in a synthetic drug or synthetic drug lookalike substance) as a



1 Level 5 felony or Level 6 felony (or as a Class C felony or Class
2 D felony under IC 35-48-4-10 before its amendment in 2013).

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

4 (1) an owner of the vehicle; or

5 (2) the spouse of the person who owns the vehicle;

6 is not subject to seizure under subsection (a)(15) unless it can be
7 proven by a preponderance of the evidence that the owner of the
8 vehicle knowingly permitted the vehicle to be used to engage in
9 conduct that subjects it to seizure under subsection (a)(15).

10 SECTION 16. IC 34-30-2-23.5 IS ADDED TO THE INDIANA
11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2022]: **Sec. 23.5. IC 7.1-8-7-16 (Concerning**
13 **acts and omissions of the members of the cannabis commission and**
14 **their officers and employees).**

15 SECTION 17. IC 35-31.5-2-185, AS AMENDED BY P.L.58-2020,
16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2022]: Sec. 185. (a) "Law enforcement officer" means:

18 (1) a police officer (including a correctional police officer),
19 sheriff, constable, marshal, prosecuting attorney, special
20 prosecuting attorney, special deputy prosecuting attorney, the
21 securities commissioner, or the inspector general;

22 (2) a deputy of any of those persons;

23 (3) an investigator for a prosecuting attorney or for the inspector
24 general;

25 (4) a conservation officer;

26 (5) an enforcement officer of the alcohol and tobacco commission
27 **or of the cannabis commission;**

28 (6) an enforcement officer of the securities division of the office
29 of the secretary of state; or

30 (7) a gaming agent employed under IC 4-33-4.5 or a gaming
31 control officer employed by the gaming control division under
32 IC 4-33-20.

33 (b) "Law enforcement officer", for purposes of IC 35-42-2-1,
34 includes an alcoholic beverage enforcement officer, as set forth in
35 IC 35-42-2-1.

36 (c) "Law enforcement officer", for purposes of IC 35-45-15,
37 includes a federal enforcement officer, as set forth in IC 35-45-15-3.

38 (d) "Law enforcement officer", for purposes of IC 35-44.1-3-1 and
39 IC 35-44.1-3-2, includes a school resource officer (as defined in
40 IC 20-26-18.2-1) and a school corporation police officer appointed
41 under IC 20-26-16.

42 (e) "Law enforcement officer", for purposes of IC 35-40.5, has the



- 1 meaning set forth in IC 35-40.5-1-1.
- 2 SECTION 18. IC 35-45-6-1, AS AMENDED BY P.L.80-2019,
3 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2022]: Sec. 1. (a) The definitions in this section apply
5 throughout this chapter.
- 6 (b) "Documentary material" means any document, drawing,
7 photograph, recording, or other tangible item containing compiled data
8 from which information can be either obtained or translated into a
9 usable form.
- 10 (c) "Enterprise" means:
11 (1) a sole proprietorship, corporation, limited liability company,
12 partnership, business trust, or governmental entity; or
13 (2) a union, an association, or a group, whether a legal entity or
14 merely associated in fact.
- 15 (d) "Pattern of racketeering activity" means engaging in at least two
16 (2) incidents of racketeering activity that have the same or similar
17 intent, result, accomplice, victim, or method of commission, or that are
18 otherwise interrelated by distinguishing characteristics that are not
19 isolated incidents. However, the incidents are a pattern of racketeering
20 activity only if at least one (1) of the incidents occurred after August
21 31, 1980, and if the last of the incidents occurred within five (5) years
22 after a prior incident of racketeering activity.
- 23 (e) "Racketeering activity" means to commit, to attempt to commit,
24 to conspire to commit a violation of, or aiding and abetting in a
25 violation of any of the following:
26 (1) A provision of IC 23-19, or of a rule or order issued under
27 IC 23-19.
28 (2) A violation of IC 35-45-9.
29 (3) A violation of IC 35-47.
30 (4) A violation of IC 35-49-3.
31 (5) Murder (IC 35-42-1-1).
32 (6) Battery as a Class C felony before July 1, 2014, or a Level 5
33 felony after June 30, 2014 (IC 35-42-2-1).
34 (7) Kidnapping (IC 35-42-3-2).
35 (8) Human and sexual trafficking crimes (IC 35-42-3.5).
36 (9) Child exploitation (IC 35-42-4-4).
37 (10) Robbery (IC 35-42-5-1).
38 (11) Carjacking (IC 35-42-5-2) (before its repeal).
39 (12) Arson (IC 35-43-1-1).
40 (13) Burglary (IC 35-43-2-1).
41 (14) Theft (IC 35-43-4-2).
42 (15) Receiving stolen property (IC 35-43-4-2) (before its



- 1 amendment on July 1, 2018).
 2 (16) Forgery (IC 35-43-5-2).
 3 (17) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10)).
 4 (18) Bribery (IC 35-44.1-1-2).
 5 (19) Official misconduct (IC 35-44.1-1-1).
 6 (20) Conflict of interest (IC 35-44.1-1-4).
 7 (21) Perjury (IC 35-44.1-2-1).
 8 (22) Obstruction of justice (IC 35-44.1-2-2).
 9 (23) Intimidation (IC 35-45-2-1).
 10 (24) Promoting prostitution (IC 35-45-4-4).
 11 (25) Professional gambling (IC 35-45-5-3).
 12 (26) Maintaining a professional gambling site (IC
 13 35-45-5-3.5(b)).
 14 (27) Promoting professional gambling (IC 35-45-5-4).
 15 (28) Dealing in or manufacturing cocaine or a narcotic drug (IC
 16 35-48-4-1).
 17 (29) Dealing in methamphetamine (IC 35-48-4-1.1).
 18 (30) Manufacturing methamphetamine (IC 35-48-4-1.2).
 19 (31) Dealing in a schedule I, II, or III controlled substance (IC
 20 35-48-4-2).
 21 (32) Dealing in a schedule IV controlled substance (IC
 22 35-48-4-3).
 23 (33) Dealing in a schedule V controlled substance (IC 35-48-4-4).
 24 (34) Dealing in ~~marijuana, hash oil, hashish, or~~ salvia or
 25 **mislabeled low THC hemp extract** (IC 35-48-4-10).
 26 (35) Money laundering (IC 35-45-15-5).
 27 (36) A violation of IC 35-47.5-5.
 28 (37) A violation of any of the following:
 29 (A) IC 23-14-48-9.
 30 (B) IC 30-2-9-7(b).
 31 (C) IC 30-2-10-9(b).
 32 (D) IC 30-2-13-38(f).
 33 (38) Practice of law by a person who is not an attorney (IC
 34 33-43-2-1).
 35 (39) An offense listed in IC 35-48-4 involving the manufacture or
 36 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
 37 synthetic drug lookalike substance (as defined in
 38 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
 39 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
 40 substance analog (as defined in IC 35-48-1-9.3), or a substance
 41 represented to be a controlled substance (as described in
 42 IC 35-48-4-4.6).



1 (40) Dealing in a controlled substance resulting in death (IC
 2 35-42-1-1.5).

3 SECTION 19. IC 35-48-2-4, AS AMENDED BY P.L.10-2021,
 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2022]: Sec. 4. (a) The controlled substances listed in this
 6 section are included in schedule I.

7 (b) Opiates. Any of the following opiates, including their isomers,
 8 esters, ethers, salts, and salts of isomers, esters, and ethers, unless
 9 specifically excepted by rule of the board or unless listed in another
 10 schedule, whenever the existence of these isomers, esters, ethers, and
 11 salts is possible within the specific chemical designation:

12 4-fluoroisobutyryl fentanyl
 13 Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-
 14 piperidinyl]-N-phenylacetamide) (9815)
 15 Acetyl fentanyl (Other names include:
 16 N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)
 17 Acetylmethadol (9601)
 18 Acrylfentanyl. Other name: N-(1-phenethylpiperidin-4-yl)-
 19 N-phenylacrylamide
 20 Allylprodine (9602)
 21 Alpha-methylthiofentanyl (N-[1-methyl-2-(2-
 22 thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide) (9832)
 23 Alphacetylmethadol (9603)
 24 Alphameprodine (9604)
 25 Alphamethadol (9605)
 26 Alphamethylfentanyl (9814)
 27 Benzethidine (9606)
 28 Beta-hydroxy-3-methylfentanyl (9831). Other name:
 29 N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl
 30]-N-phenylpropanamide
 31 Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-
 32 phenethyl)-4-piperidinyl]-N-phenylpropanamide) (9830)
 33 Betacetylmethadol (9607)
 34 Betameprodine (9608)
 35 Betamethadol (9609)
 36 Betaprodine (9611)
 37 Clonitazene (9612)
 38 Cyclopentyl fentanyl. Other name:
 39 N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide
 40 Dextromoramide (9613)
 41 Diampromide (9615)
 42 Diethylthiambutene (9616)



| | |
|----|--|
| 1 | Difenoxin (9168) |
| 2 | Dimenoxadol (9617) |
| 3 | Dimepheptanol (9618) |
| 4 | Dimethylthiambutene (9619) |
| 5 | Dioxaphetyl butyrate (9621) |
| 6 | Dipipanone (9622) |
| 7 | Ethylmethylthiambutene (9623) |
| 8 | Etonitazene (9624) |
| 9 | Etoxidine (9625) |
| 10 | Fentanyl related substances. |
| 11 | Furanyl fentanyl. |
| 12 | Furethidine (9626) |
| 13 | Hydroxypethidine (9627) |
| 14 | Isobutyryl fentanyl. Other name: |
| 15 | N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide |
| 16 | Isotonitazene. Other name: N,N-diethyl-2- |
| 17 | (2-(4 isopropoxybenzyl)-5-nitro-1H-benzimidazol- |
| 18 | 1-yl)ethan-1-amine) |
| 19 | Ketobemidone (9628) |
| 20 | Levomoramide (9629) |
| 21 | Levophenacymorphan (9631) |
| 22 | Methoxyacetyl fentanyl. Other name: |
| 23 | 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide |
| 24 | 3-Methylfentanyl [N-[3-methyl-1-(2-phenylethyl)-4- |
| 25 | piperidyl]-N-phenylpropanamide](9813) |
| 26 | 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4- |
| 27 | piperidiny]-N-phenylpropanamide) (9833) |
| 28 | MDMB-4en-PINACA |
| 29 | 4F-MDMB-BICA; 4-fluoro MDMB-BICA; 4F-MDMB-BUTICA; |
| 30 | Methyl 2-[[1-(4-fluorobutyl)indole-3-carbonyl]amino]-3, |
| 31 | 3-dimethyl-butanoate |
| 32 | MPPP (1-methyl-4-phenyl-4-propionoxypiperidine) (9961) |
| 33 | Morpheridine (9632) |
| 34 | N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), |
| 35 | including any isomers, salts, or salts of isomers (9818) |
| 36 | N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl] 25 piperidin-4-yl]- |
| 37 | N-phenylpropionamide, also known as N-[1-[2-hydroxy-2- |
| 38 | (2-thienyl)ethyl] -4- piperidiny]- N-phenylpropanamide, |
| 39 | (beta-hydroxythiofentanyl) |
| 40 | N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl) isobutyramide |
| 41 | (para-chloroisobutyryl fentanyl) |
| 42 | N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl) |



| | |
|----|---|
| 1 | acetamide (ocfentanil) |
| 2 | N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl) butyramide |
| 3 | (para-fluorobutyryl fentanyl) |
| 4 | N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide, also known |
| 5 | as N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide, (butyryl |
| 6 | fentanyl) |
| 7 | N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide (valeryl |
| 8 | fentanyl) |
| 9 | N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl) butyramide |
| 10 | (para-methoxybutyryl fentanyl) |
| 11 | N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide |
| 12 | (thenylfentanyl), including any isomers, salts, or salts of isomers |
| 13 | (9834) |
| 14 | N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide (isobutyryl |
| 15 | fentanyl) |
| 16 | N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide |
| 17 | (cyclopentyl fentanyl) |
| 18 | Noracymethadol (9633) |
| 19 | Norlevorphanol (9634) |
| 20 | Normethadone (9635) |
| 21 | Norpipanone (9636) |
| 22 | O c f e n t a n i l . O t h e r n a m e : |
| 23 | N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl) |
| 24 | acetamide |
| 25 | Ortho-fluorofentanyl or 2-fluorofentanyl. Other name: |
| 26 | N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide |
| 27 | Para-chloroisobutyryl fentanyl. Other name: |
| 28 | N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide |
| 29 | Para-fluorobutyryl fentanyl. Other name: |
| 30 | N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide |
| 31 | Para-fluorofentanyl (N-(4-fluorophenyl)-N- |
| 32 | [1-(2-phenethyl)-4-piperidiny] propanamide (9812) |
| 33 | Para-methoxybutyryl fentanyl. Other name: |
| 34 | N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide |
| 35 | Phenadoxone (9637) |
| 36 | Phenampramide (9638) |
| 37 | Phenomorphane (9647) |
| 38 | Phenoperidine (9641) |
| 39 | PEPAP [1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine] (9663) |
| 40 | Piritramide (9642) |
| 41 | Proheptazine (9643) |
| 42 | Properidine (9644) |



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



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

8 (1) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (7473). Other name:
 9 TCPy.

10 (2) 4-Bromo-2, 5-Dimethoxyamphetamine (7391). Some trade or
 11 other names: 4-Bromo-2, 5-Dimethoxy-a-methylphenethylamine;
 12 4-Bromo-2, 5-DMA.

13 (3) 4-Bromo-2, 5-dimethoxyphenethylamine (7392). Some trade
 14 or other names:

15 2-[4-bromo-2,5-dimethoxyphenyl]-1-aminoethane;
 16 alpha-desmethyl DOB; 2C-B, Nexus.

17 (4) 2, 5-Dimethoxy-4-ethylamphet-amine (7399). Other name:
 18 DOET.

19 (5) 2, 5-Dimethoxy-4-(n)-propylthiophenethylamine (7348).
 20 Other name: 2C-T-7.

21 (6) 2, 5-Dimethoxyamphetamine (7396). Some trade or other
 22 names: 2, 5-Dimethoxy-a-methylphenethylamine; 2, 5-DMA.

23 (7) 4-Methoxyamphetamine (7411). Some trade or other names:
 24 4-Methoxy-a-methylphenethylamine; Paramethoxyamphetamine;
 25 PMA.

26 (8) 5-Methoxy-3, 4-methylenedioxy amphetamine (7401). Other
 27 Name: MMDA.

28 (9) 5-Methoxy-N, N-diisopropyltryptamine, including any
 29 isomers, salts, or salts of isomers (7439). Other name:
 30 5-MeO-DIPT.

31 (10) 4-methyl-2, 5-dimethoxyamphetamine (7395). Some trade
 32 and other names: 4-methyl-2,

33 5-dimethoxy-a-methylphenethylamine; DOM; and STP.

34 (11) 3, 4-methylenedioxy amphetamine (7400). Other name:
 35 MDA.

36 (12) 3,4-methylenedioxy-N-ethylamphetamine (7404). Other
 37 names: N-ethyl-alpha-methyl-3,4(methylenedioxy)
 38 phenethylamine; N-ethyl MDA; MDE; and MDEA.

39 (13) 3, 4-methylenedioxymethamphetamine (MDMA) (7405).

40 (14) 3, 4, 5-trimethoxy amphetamine (7390). Other name: TMA.

41 (15) Alpha-ethyltryptamine (7249). Some trade and other names:
 42 Etryptamine; Monase; [alpha]-ethyl-1H-indole-3-ethanamine;



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



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



- 1 ethyltryptamine).
- 2 ~~(48)~~ (47) N-methyltryptamine (1H-Indole-3-ethanamine,
3 N-methyl-).
- 4 (e) Depressants. Unless specifically excepted in a rule adopted by
5 the board or unless listed in another schedule, any material, compound,
6 mixture, or preparation which contains any quantity of the following
7 substances having a depressant effect on the central nervous system,
8 including its salts, isomers, and salts of isomers whenever the existence
9 of such salts, isomers, and salts of isomers is possible within the
10 specific chemical designation:
- 11 Etizolam (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-
12 thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine) (other names
13 include: Etilaam, Etizest, Depas, Etizola, Sedekopan, and
14 Pasaden)
- 15 Flubromazolam (8-bromo-6-(2-fluorophenyl)-1-methyl-
16 4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine)
- 17 Gamma-hydroxybutyric acid (other names include GHB;
18 gamma-hydroxybutyrate; 4-hydroxybutanoic acid; sodium
19 oxybate; sodium oxybutyrate) (2010)
- 20 Mecloqualone (2572)
- 21 Methaqualone (2565)
- 22 (f) Stimulants. Unless specifically excepted or unless listed in
23 another schedule, any material, compound, mixture, or preparation that
24 contains any quantity of the following substances having a stimulant
25 effect on the central nervous system, including its salts, isomers, and
26 salts of isomers:
- 27 ([+/-] cis-4-methylaminorex (([+/-]cis-4,5-
28 dihydro-4-methyl-5-phenyl-2-oxazolamine) (1590)
- 29 Aminorex (1585). Other names: aminoxaphen;
30 2-amino-5-phenyl-2-oxazoline; or
31 4,5-dihydro-5-phenyl-2-oxazolamine.
- 32 Benzylone, 1-(1,3-benzodioxol-5-yl)-2-(benzylamino)propan-
33 -1-one. Synonyms: BMDP, N-benzyl methylone,
34 3,4-Methylene dioxy-Nbenzylcathinone,
35 N-benzyl-3,4-methylenedioxcathinone.
- 36 Cathinone (1235). Some trade or other names:
37 2-amino-1-phenyl-1-propanone; alpha-aminopropiophenone;
38 2-aminopropiophenone; and norephedrone.
- 39 Fenethylamine (1503).
- 40 N-Benzylpiperazine (7493). Other names: BZP; and
41 1-benzylpiperazine.
- 42 N-ethylamphetamine (1475).



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

4 N, N-dimethylamphetamine (1480). Other names: N,
 5 N-alpha-trimethyl-benzeneethanamine; and N,
 6 N-alpha-trimethylphenethylamine.

7 (g) Synthetic drugs as defined in IC 35-31.5-2-321.

8 SECTION 20. IC 35-48-4-8.5, AS AMENDED BY P.L.153-2018,
 9 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2022]: Sec. 8.5. (a) A person who keeps for sale, offers for
 11 sale, delivers, or finances the delivery of a raw material, an instrument,
 12 a device, or other object that is intended to be or that is designed or
 13 marketed to be used primarily for:

14 (1) ingesting, inhaling, or otherwise introducing into the human
 15 body ~~marijuana, hash oil, hashish~~, salvia, a synthetic drug, or a
 16 controlled substance;

17 (2) testing the strength, effectiveness, or purity of ~~marijuana, hash
 18 oil, hashish~~, salvia, a synthetic drug, or a controlled substance;

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

20 (4) manufacturing, compounding, converting, producing,
 21 processing, or preparing ~~marijuana, hash oil, hashish~~, salvia, a
 22 synthetic drug, or a controlled substance;

23 (5) diluting or adulterating ~~marijuana, hash oil, hashish~~, salvia, a
 24 synthetic drug, or a controlled substance by individuals; or

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

27 commits a Class A infraction for dealing in paraphernalia.

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

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

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

37 (2) Items marketed for or historically and customarily used in
 38 connection with the planting, propagating, cultivating, growing,
 39 harvesting, manufacturing, compounding, converting, producing,
 40 processing, preparing, testing, analyzing, packaging, repackaging,
 41 storing, containing, concealing, injecting, ingesting, or inhaling
 42 of tobacco or any other lawful substance.



1 (3) A qualified entity (as defined in IC 16-41-7.5-3) that provides
2 a syringe or needle as part of a program under IC 16-41-7.5.

3 (4) Any entity or person that provides funding to a qualified entity
4 (as defined in IC 16-41-7.5-3) to operate a program described in
5 IC 16-41-7.5.

6 SECTION 21. IC 35-48-4-10, AS AMENDED BY P.L.153-2018,
7 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 JULY 1, 2022]: Sec. 10. (a) A person who:

9 (1) knowingly or intentionally:

10 (A) manufactures;

11 (B) finances the manufacture of;

12 (C) delivers; or

13 (D) finances the delivery of;

14 ~~marijuana, hash oil, hashish, or~~ salvia, pure or adulterated; or

15 (2) possesses, with intent to:

16 (A) manufacture;

17 (B) finance the manufacture of;

18 (C) deliver; or

19 (D) finance the delivery of;

20 ~~marijuana, hash oil, hashish, or~~ salvia, pure or adulterated;

21 commits dealing in ~~marijuana, hash oil, hashish, or~~ salvia, a Class A
22 misdemeanor, except as provided in subsections (b) through (d).

23 (b) A person may be convicted of an offense under subsection (a)(2)
24 only if:

25 (1) there is evidence in addition to the weight of the drug that the
26 person intended to manufacture, finance the manufacture of,
27 deliver, or finance the delivery of the drug; or

28 (2) the amount of the drug involved is at least

29 ~~(A) ten (10) pounds, if the drug is marijuana; or~~

30 ~~(B) three hundred (300) grams, if the drug is hash oil, hashish,~~
31 ~~or salvia.~~

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

33 (1) the person has a prior conviction for a drug offense and the
34 amount of the drug involved is

35 ~~(A) less than thirty (30) grams of marijuana; or~~

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

37 (2) the amount of the drug involved is

38 ~~(A) at least thirty (30) grams but less than ten (10) pounds of~~
39 ~~marijuana; or~~

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

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



- 1 (1) the person has a prior conviction for a drug dealing offense
 2 and the amount of the drug involved is
 3 (A) at least thirty (30) grams but less than ten (10) pounds of
 4 marijuana; or
 5 (B) at least five (5) grams but less than three hundred (300)
 6 grams of hash oil, hashish, or salvia; or
 7 (2) the:
 8 (A) amount of the drug involved is
 9 (i) at least ten (10) pounds of marijuana; or
 10 (ii) at least three hundred (300) grams of hash oil, hashish,
 11 or salvia; or
 12 (B) offense involved a sale to a minor. or
 13 (3) the:
 14 (A) person is a retailer;
 15 (B) marijuana, hash oil, hashish, or salvia is packaged in a
 16 manner that appears to be low THC hemp extract; and
 17 (C) person knew or reasonably should have known that the
 18 product was marijuana, hash oil, hashish, or salvia.
 19 (e) A retailer who:
 20 (1) knowingly or intentionally:
 21 (A) manufactures;
 22 (B) finances the manufacture of;
 23 (C) delivers; or
 24 (D) finances the delivery of;
 25 marijuana, hash oil, hashish, or salvia, pure or adulterated,
 26 that is packaged in a manner that appears to be low THC
 27 hemp extract; or
 28 (2) possesses, with intent to:
 29 (A) manufacture;
 30 (B) finance the manufacture of;
 31 (C) deliver; or
 32 (D) finance the delivery of;
 33 marijuana, hash oil, hashish, or salvia, pure or adulterated,
 34 that is packaged in a manner that appears to be low THC
 35 hemp extract;
 36 commits dealing in mislabeled low THC hemp extract, a Level 5
 37 felony, if the person knew or reasonably should have known that
 38 the product was marijuana, hash oil, hashish, or salvia.
 39 SECTION 22. IC 35-48-4-11, AS AMENDED BY P.L.153-2018,
 40 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2022]: Sec. 11. (a) A person who
 42 (1) knowingly or intentionally possesses (pure or adulterated)



1 marijuana, hash oil, hashish, or salvia
 2 ~~(2) knowingly or intentionally grows or cultivates marijuana; or~~
 3 ~~(3) knowing that marijuana is growing on the person's premises;~~
 4 ~~fails to destroy the marijuana plants;~~
 5 commits possession of marijuana, hash oil, hashish, or salvia, a Class
 6 B misdemeanor, except as provided in subsections (b) through (c).

7 (b) The offense described in subsection (a) is a Class A
 8 misdemeanor if

9 ~~(1) the person has a prior conviction for a drug offense. or~~

10 ~~(2) the:~~

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

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

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

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

17 (2) the person possesses

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

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

20 **(d) A person who:**

21 **(1) knowingly or intentionally possesses (pure or adulterated)**
 22 **marijuana, hash oil, hashish, or salvia; and**

23 **(2) the:**

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

26 **(B) person knew or reasonably should have known that the**
 27 **product was marijuana, hash oil, hashish, or salvia;**

28 **commits possession of mislabeled low THC hemp extract, a Class**
 29 **A misdemeanor.**

30 SECTION 23. IC 35-50-5-3, AS AMENDED BY P.L.111-2018,
 31 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2022]: Sec. 3. (a) Except as provided in subsection (i), (j), **or**
 33 ~~(l), or (m)~~; in addition to any sentence imposed under this article for a
 34 felony or misdemeanor, the court may, as a condition of probation or
 35 without placing the person on probation, order the person to make
 36 restitution to the victim of the crime, the victim's estate, or the family
 37 of a victim who is deceased. The court shall base its restitution order
 38 upon a consideration of:

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

42 (2) medical and hospital costs incurred by the victim (before the



- 1 date of sentencing) as a result of the crime;
- 2 (3) the cost of medical laboratory tests to determine if the crime
- 3 has caused the victim to contract a disease or other medical
- 4 condition;
- 5 (4) earnings lost by the victim (before the date of sentencing) as
- 6 a result of the crime including earnings lost while the victim was
- 7 hospitalized or participating in the investigation or trial of the
- 8 crime; and
- 9 (5) funeral, burial, or cremation costs incurred by the family or
- 10 estate of a homicide victim as a result of the crime.
- 11 (b) A restitution order under subsection (a), (i), (j), **or** (l) ~~or (m)~~ is
- 12 a judgment lien that:
- 13 (1) attaches to the property of the person subject to the order;
- 14 (2) may be perfected;
- 15 (3) may be enforced to satisfy any payment that is delinquent
- 16 under the restitution order by the person in whose favor the order
- 17 is issued or the person's assignee; and
- 18 (4) expires;
- 19 in the same manner as a judgment lien created in a civil proceeding.
- 20 (c) When a restitution order is issued under subsection (a), the
- 21 issuing court may order the person to pay the restitution, or part of the
- 22 restitution, directly to:
- 23 (1) the victim services division of the Indiana criminal justice
- 24 institute in an amount not exceeding:
- 25 (A) the amount of the award, if any, paid to the victim under
- 26 IC 5-2-6.1; and
- 27 (B) the cost of the reimbursements, if any, for emergency
- 28 services provided to the victim under IC 16-10-1.5 (before its
- 29 repeal) or IC 16-21-8; or
- 30 (2) a probation department that shall forward restitution or part of
- 31 restitution to:
- 32 (A) a victim of a crime;
- 33 (B) a victim's estate; or
- 34 (C) the family of a victim who is deceased.
- 35 The victim services division of the Indiana criminal justice institute
- 36 shall deposit the restitution it receives under this subsection in the
- 37 violent crime victims compensation fund established by IC 5-2-6.1-40.
- 38 (d) When a restitution order is issued under subsection (a), (i), (j),
- 39 **or** (l) ~~or (m)~~, the issuing court shall send a certified copy of the order
- 40 to the clerk of the circuit court in the county where the felony or
- 41 misdemeanor charge was filed. The restitution order must include the
- 42 following information:



- 1 (1) The name and address of the person that is to receive the
 2 restitution.
 3 (2) The amount of restitution the person is to receive.
 4 Upon receiving the order, the clerk shall enter and index the order in
 5 the circuit court judgment docket in the manner prescribed by
 6 IC 33-32-3-2. The clerk shall also notify the department of insurance
 7 of an order of restitution under subsection (i).
 8 (e) An order of restitution under subsection (a), (i), (j), ~~or (l) or (m)~~
 9 does not bar a civil action for:
 10 (1) damages that the court did not require the person to pay to the
 11 victim under the restitution order but arise from an injury or
 12 property damage that is the basis of restitution ordered by the
 13 court; and
 14 (2) other damages suffered by the victim.
 15 (f) Regardless of whether restitution is required under subsection (a)
 16 as a condition of probation or other sentence, the restitution order is not
 17 discharged by the completion of any probationary period or other
 18 sentence imposed for a felony or misdemeanor.
 19 (g) A restitution order under subsection (a), (i), (j), ~~or (l) or (m)~~ is
 20 not discharged by the liquidation of a person's estate by a receiver
 21 under IC 32-30-5 (or IC 34-48-1, IC 34-48-4, IC 34-48-5, IC 34-48-6,
 22 IC 34-1-12, or IC 34-2-7 before their repeal).
 23 (h) The attorney general may pursue restitution ordered by the court
 24 under subsections (a) and (c) on behalf of the victim services division
 25 of the Indiana criminal justice institute established under IC 5-2-6-8.
 26 (i) The court may order the person convicted of an offense under
 27 IC 35-43-9 to make restitution to the victim of the crime. The court
 28 shall base its restitution order upon a consideration of the amount of
 29 money that the convicted person converted, misappropriated, or
 30 received, or for which the convicted person conspired. The restitution
 31 order issued for a violation of IC 35-43-9 must comply with
 32 subsections (b), (d), (e), and (g), and is not discharged by the
 33 completion of any probationary period or other sentence imposed for
 34 a violation of IC 35-43-9.
 35 (j) The court may order the person convicted of an offense under
 36 IC 35-43-5-3.5 to make restitution to the victim of the crime, the
 37 victim's estate, or the family of a victim who is deceased. The court
 38 shall base its restitution order upon a consideration of the amount of
 39 fraud or harm caused by the convicted person and any reasonable
 40 expenses (including lost wages) incurred by the victim in correcting the
 41 victim's credit report and addressing any other issues caused by the
 42 commission of the offense under IC 35-43-5-3.5. If, after a person is



1 sentenced for an offense under IC 35-43-5-3.5, a victim, a victim's
 2 estate, or the family of a victim discovers or incurs additional expenses
 3 that result from the convicted person's commission of the offense under
 4 IC 35-43-5-3.5, the court may issue one (1) or more restitution orders
 5 to require the convicted person to make restitution, even if the court
 6 issued a restitution order at the time of sentencing. For purposes of
 7 entering a restitution order after sentencing, a court has continuing
 8 jurisdiction over a person convicted of an offense under IC 35-43-5-3.5
 9 for five (5) years after the date of sentencing. Each restitution order
 10 issued for a violation of IC 35-43-5-3.5 must comply with subsections
 11 (b), (d), (e), and (g), and is not discharged by the completion of any
 12 probationary period or other sentence imposed for an offense under
 13 IC 35-43-5-3.5.

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

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

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

21 (A) the federal Fair Labor Standards Act of 1938, as amended
 22 (29 U.S.C. 201-209); or

23 (B) IC 22-2-2 (Minimum Wage);
 24 whichever is greater.

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

26 (1) is convicted of dealing in methamphetamine under
 27 IC 35-48-4-1.1 or manufacturing methamphetamine under
 28 IC 35-48-4-1.2; and

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

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

35 ~~(m) The court shall order a person who:~~

36 ~~(1) is convicted of dealing in marijuana under~~
 37 ~~IC 35-48-4-10(a)(1)(A); and~~

38 ~~(2) manufactured the marijuana on property owned by another~~
 39 ~~person, without the consent of the property owner;~~

40 ~~to pay liquidated damages to the property owner in the amount of two~~
 41 ~~thousand dollars (\$2,000).~~

42 SECTION 24. IC 35-52-7-97 IS ADDED TO THE INDIANA



1 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2022]: **Sec. 97. IC 7.1-8-12-13 defines a crime**
 3 **concerning cannabis.**

4 SECTION 25. IC 35-52-7-98 IS ADDED TO THE INDIANA
 5 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2022]: **Sec. 98. IC 7.1-8-14-8 defines a crime**
 7 **concerning cannabis.**

8 SECTION 26. IC 35-52-7-99 IS ADDED TO THE INDIANA
 9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2022]: **Sec. 99. IC 7.1-8-15-5 defines a crime**
 11 **concerning cannabis.**

12 SECTION 27. IC 35-52-7-100 IS ADDED TO THE INDIANA
 13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2022]: **Sec. 100. IC 7.1-8-19-3 defines a crime**
 15 **concerning cannabis.**

16 SECTION 28. IC 35-52-7-101 IS ADDED TO THE INDIANA
 17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2022]: **Sec. 101. IC 7.1-8-19-4 defines a crime**
 19 **concerning cannabis.**

20 SECTION 29. IC 35-52-7-102 IS ADDED TO THE INDIANA
 21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2022]: **Sec. 102. IC 7.1-8-19-6 defines a crime**
 23 **concerning cannabis.**

24 SECTION 30. IC 36-1-8.5-4, AS ADDED BY P.L.106-2013,
 25 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2022]: Sec. 4. As used in this chapter, "law enforcement
 27 officer" means an individual who is employed or was formerly
 28 employed as:

- 29 (1) a police officer (including a correctional police officer),
 30 sheriff, constable, marshal, prosecuting attorney, special
 31 prosecuting attorney, special deputy prosecuting attorney, the
 32 securities commissioner, or the inspector general;
 33 (2) a deputy of any of the persons specified in subdivision (1);
 34 (3) an investigator for a prosecuting attorney or for the inspector
 35 general;
 36 (4) a conservation officer;
 37 (5) an enforcement officer of the alcohol and tobacco commission
 38 **or of the cannabis commission;** or
 39 (6) an enforcement officer of the securities division of the office
 40 of the secretary of state.

