

# HOUSE BILL No. 1325

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 1-1-2-2.5; 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 35-31.5-2; IC 35-42-1; IC 35-45-6-1; IC 35-46-1-4; IC 35-47-4-5; IC 35-48.

**Synopsis:** Penalties for drug dealing. Provides that a person who manufactures or delivers certain controlled substances commits a Level 2 felony if use of the controlled substance causes serious bodily injury and that it is a Level 1 felony if use of the controlled substance causes catastrophic injury. Defines "fentanyl or a dangerous opiate containing substance" and enhances the penalty for dealing or possession of fentanyl or a dangerous opiate containing substance. Makes conforming changes.

**Effective:** July 1, 2023.

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## Haggard

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January 12, 2023, read first time and referred to Committee on Courts and Criminal Code.

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

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

## HOUSE BILL No. 1325

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

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

1 SECTION 1. IC 1-1-2-2.5, AS ADDED BY P.L.142-2020,  
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2023]: Sec. 2.5. (a) This section applies to every crime in  
4 which proof that a person has a prior conviction or judgment for an  
5 infraction increases:  
6 (1) the class or level of the crime;  
7 (2) the penalty for the crime from a misdemeanor to a felony; or  
8 (3) the penalty for an infraction to a misdemeanor or felony.  
9 (b) This section does not apply to a sentencing provision that  
10 increases the penalty that may be imposed for an infraction or crime  
11 but does not increase:  
12 (1) the class or level of the crime;  
13 (2) the penalty for the crime from a misdemeanor to a felony; or  
14 (3) the penalty for an infraction to a misdemeanor or felony;  
15 including IC 35-50-2-8 (habitual offenders), IC 35-50-2-9 (death  
16 penalty sentencing), IC 9-30-15.5 (habitual vehicular substance  
17 offender), and IC 35-50-2-14 (repeat sexual offender).



1 (c) This section does not apply to a crime that contains a specific  
2 lookback period for a prior conviction or judgment for an infraction.

3 (d) Subject to subsection (e), and except as provided in subsection  
4 (f), a prior conviction or a prior judgment for an infraction increases the  
5 class or level of the crime, the penalty for the crime from a  
6 misdemeanor to a felony, or the penalty for an infraction to a  
7 misdemeanor or felony only if the current crime was committed not  
8 later than twelve (12) years from the date the defendant was:

9 (1) convicted of the prior crime, if the defendant was not  
10 sentenced to a term of incarceration or probation;

11 (2) adjudicated to have committed the infraction; or

12 (3) released from a term of incarceration, probation, or parole  
13 (whichever occurs later) imposed for the prior conviction;

14 whichever occurred last.

15 (e) If a crime described in subsection (a) requires proof of more than  
16 one (1) criminal conviction or judgment for an infraction, the increased  
17 penalty applies only if the current crime was committed not later than  
18 twelve (12) years from the date the defendant was:

19 (1) convicted of one (1) of the prior crimes, if the person was not  
20 sentenced to a term of incarceration or probation;

21 (2) adjudicated to have committed one (1) of the infractions; or

22 (3) released from a term of incarceration, probation, or parole  
23 (whichever occurs later) imposed for one (1) of the prior  
24 convictions;

25 whichever occurred last.

26 (f) This section does not apply if the crime described in subsection  
27 (a) is one (1) or more of the following:

28 (1) A crime of violence (as defined by IC 35-50-1-2).

29 (2) A crime that results in bodily injury or death to a victim.

30 (3) A sex offense (as defined by IC 11-8-8-5.2).

31 (4) Domestic battery (IC 35-42-2-1.3).

32 (5) Strangulation (IC 35-42-2-9).

33 (6) Operating while intoxicated with a prior conviction for  
34 operating while intoxicated that resulted in death, serious bodily  
35 injury, or catastrophic injury (IC 9-30-5-3(b)).

36 (7) Dealing in cocaine or a narcotic drug (IC 35-48-4-1).

37 (8) Dealing in methamphetamine (IC 35-48-4-1.1).

38 (9) Manufacturing methamphetamine (IC 35-48-4-1.2).

39 (10) Dealing in a schedule I, II, or III controlled substance (IC  
40 35-48-4-2).

41 **(11) Dealing in fentanyl or a dangerous opiate containing**  
42 **substance (IC 35-48-4-1.3).**



1 (g) If there is a conflict between a provision in this section and  
2 another provision of the Indiana Code, this section controls.

3 SECTION 2. IC 11-12-3.7-3, AS AMENDED BY P.L.182-2011,  
4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5 JULY 1, 2023]: Sec. 3. As used in this chapter, "drug dealing offense"  
6 means one (1) or more of the following offenses:

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

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

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

16 (4) Dealing in marijuana, hash oil, hashish, ~~or salvia or a~~  
17 ~~synthetic cannabinoid~~ (IC 35-48-4-10), unless the person received  
18 only minimal consideration as a result of the drug transaction.

19 **(5) Dealing in fentanyl or a dangerous opiate containing**  
20 **substance (IC 35-48-4-1.3), unless the person received only**  
21 **minimal consideration as a result of the drug transaction.**

22 SECTION 3. IC 16-31-3-14, AS AMENDED BY P.L.170-2022,  
23 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2023]: Sec. 14. (a) A person holding a certificate or license  
25 issued under this article must comply with the applicable standards and  
26 rules established under this article. A certificate holder or license  
27 holder is subject to disciplinary sanctions under subsection (b) if the  
28 department of homeland security determines that the certificate holder  
29 or license holder:

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

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

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

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

40 (5) is convicted of a crime, if the act that resulted in the  
41 conviction has a direct bearing on determining if the certificate  
42 holder or license holder should be entrusted to provide emergency



- 1 medical services;
- 2 (6) is convicted of violating IC 9-19-14.5;
- 3 (7) fails to comply and maintain compliance with or violates any
- 4 applicable provision, standard, or other requirement of this article
- 5 or rules adopted under this article;
- 6 (8) continues to practice if the certificate holder or license holder
- 7 becomes unfit to practice due to:
- 8 (A) professional incompetence that includes the undertaking
- 9 of professional activities that the certificate holder or license
- 10 holder is not qualified by training or experience to undertake;
- 11 (B) failure to keep abreast of current professional theory or
- 12 practice;
- 13 (C) physical or mental disability; or
- 14 (D) addiction to, abuse of, or dependency on alcohol or other
- 15 drugs that endanger the public by impairing the certificate
- 16 holder's or license holder's ability to practice safely;
- 17 (9) engages in a course of lewd or immoral conduct in connection
- 18 with the delivery of services to the public;
- 19 (10) allows the certificate holder's or license holder's name or a
- 20 certificate or license issued under this article to be used in
- 21 connection with a person who renders services beyond the scope
- 22 of that person's training, experience, or competence;
- 23 (11) is subjected to disciplinary action in another state or
- 24 jurisdiction on grounds similar to those contained in this chapter.
- 25 For purposes of this subdivision, a certified copy of a record of
- 26 disciplinary action constitutes prima facie evidence of a
- 27 disciplinary action in another jurisdiction;
- 28 (12) assists another person in committing an act that would
- 29 constitute a ground for disciplinary sanction under this chapter;
- 30 (13) allows a certificate or license issued by the commission to
- 31 be:
- 32 (A) used by another person; or
- 33 (B) displayed to the public when the certificate or license is
- 34 expired, inactive, invalid, revoked, or suspended; or
- 35 (14) fails to notify the department in writing of any misdemeanor
- 36 or felony criminal conviction, except traffic related misdemeanors
- 37 other than operating a motor vehicle under the influence of a drug
- 38 or alcohol, within ninety (90) days after the entry of an order or
- 39 judgment. A certified copy of the order or judgment with a letter
- 40 of explanation must be submitted to the department along with the
- 41 written notice.
- 42 (b) The department of homeland security may issue an order under



1 IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if  
 2 the department of homeland security determines that a certificate  
 3 holder or license holder is subject to disciplinary sanctions under  
 4 subsection (a):

5 (1) Revocation of a certificate holder's certificate or license  
 6 holder's license for a period not to exceed seven (7) years.

7 (2) Suspension of a certificate holder's certificate or license  
 8 holder's license for a period not to exceed seven (7) years.

9 (3) Censure of a certificate holder or license holder.

10 (4) Issuance of a letter of reprimand.

11 (5) Assessment of a civil penalty against the certificate holder or  
 12 license holder in accordance with the following:

13 (A) The civil penalty may not exceed five hundred dollars  
 14 (\$500) per day per violation.

15 (B) If the certificate holder or license holder fails to pay the  
 16 civil penalty within the time specified by the department of  
 17 homeland security, the department of homeland security may  
 18 suspend the certificate holder's certificate or license holder's  
 19 license without additional proceedings.

20 (6) Placement of a certificate holder or license holder on  
 21 probation status and requirement of the certificate holder or  
 22 license holder to:

23 (A) report regularly to the department of homeland security  
 24 upon the matters that are the basis of probation;

25 (B) limit practice to those areas prescribed by the department  
 26 of homeland security;

27 (C) continue or renew professional education approved by the  
 28 department of homeland security until a satisfactory degree of  
 29 skill has been attained in those areas that are the basis of the  
 30 probation; or

31 (D) perform or refrain from performing any acts, including  
 32 community restitution or service without compensation, that  
 33 the department of homeland security considers appropriate to  
 34 the public interest or to the rehabilitation or treatment of the  
 35 certificate holder or license holder.

36 The department of homeland security may withdraw or modify  
 37 this probation if the department of homeland security finds after  
 38 a hearing that the deficiency that required disciplinary action is  
 39 remedied or that changed circumstances warrant a modification  
 40 of the order.

41 (c) If an applicant or a certificate holder or license holder has  
 42 engaged in or knowingly cooperated in fraud or material deception to



1 obtain a certificate or license, including cheating on the certification or  
 2 licensure examination, the department of homeland security may  
 3 rescind the certificate or license if it has been granted, void the  
 4 examination or other fraudulent or deceptive material, and prohibit the  
 5 applicant from reapplying for the certificate or license for a length of  
 6 time established by the department of homeland security.

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

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

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

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

- 35 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- 36 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 37 **(3) Possession of fentanyl or a dangerous opiate containing**  
 38 **substance under IC 35-48-4-6.3.**
- 39 ~~(3)~~ **(4)** Possession of a controlled substance under  
 40 IC 35-48-4-7(a).
- 41 ~~(4)~~ **(5)** Fraudulently obtaining a controlled substance under  
 42 IC 35-48-4-7(c).



- 1           ~~(5)~~ **(6)** Manufacture of paraphernalia as a Class D felony (for a  
 2 crime committed before July 1, 2014) or Level 6 felony (for a  
 3 crime committed after June 30, 2014) under IC 35-48-4-8.1(b).  
 4           ~~(6)~~ **(7)** Dealing in paraphernalia as a Class D felony (for a crime  
 5 committed before July 1, 2014) or Level 6 felony (for a crime  
 6 committed after June 30, 2014) under IC 35-48-4-8.5(b).  
 7           ~~(7)~~ **(8)** Possession of paraphernalia as a Class D felony (for a  
 8 crime committed before July 1, 2014) or Level 6 felony (for a  
 9 crime committed after June 30, 2014) under IC 35-48-4-8.3(b)  
 10 (before its amendment on July 1, 2015).  
 11           ~~(8)~~ **(9)** Possession of marijuana, hash oil, hashish, or salvia as a  
 12 Class D felony (for a crime committed before July 1, 2014) or  
 13 Level 6 felony (for a crime committed after June 30, 2014) under  
 14 IC 35-48-4-11.  
 15           ~~(9)~~ **(10)** A felony offense under IC 35-48-4 involving:  
 16           (A) possession of a synthetic drug (as defined in  
 17 IC 35-31.5-2-321);  
 18           (B) possession of a synthetic drug lookalike substance (as  
 19 defined in IC 35-31.5-2-321.5 (before its repeal on July 1,  
 20 2019)) as a:  
 21           (i) Class D felony (for a crime committed before July 1,  
 22 2014); or  
 23           (ii) Level 6 felony (for a crime committed after June 30,  
 24 2014);  
 25           under IC 35-48-4-11.5 (before its repeal on July 1, 2019); or  
 26           (C) possession of a controlled substance analog (as defined in  
 27 IC 35-48-1-9.3).  
 28           ~~(10)~~ **(11)** Maintaining a common nuisance under IC 35-48-4-13  
 29 (repealed) or IC 35-45-1-5, if the common nuisance involves a  
 30 controlled substance.  
 31           ~~(11)~~ **(12)** An offense relating to registration, labeling, and  
 32 prescription forms under IC 35-48-4-14.  
 33           (h) A decision of the department of homeland security under  
 34 subsections (b) through (g) may be appealed to the commission under  
 35 IC 4-21.5-3-7.  
 36           (i) The department of homeland security may temporarily suspend  
 37 a certificate holder's certificate or license holder's license under  
 38 IC 4-21.5-4 before a final adjudication or during the appeals process if  
 39 the department of homeland security finds that a certificate holder or  
 40 license holder would represent a clear and immediate danger to the  
 41 public's health, safety, or property if the certificate holder or license  
 42 holder were allowed to continue to practice.





1 (j) On receipt of a complaint or information alleging that a person  
 2 certified or licensed under this chapter or IC 16-31-3.5 has engaged in  
 3 or is engaging in a practice that is subject to disciplinary sanctions  
 4 under this chapter, the department of homeland security must initiate  
 5 an investigation against the person.

6 (k) The department of homeland security shall conduct a factfinding  
 7 investigation as the department of homeland security considers proper  
 8 in relation to the complaint.

9 (l) The department of homeland security may reinstate a certificate  
 10 or license that has been suspended under this section if the department  
 11 of homeland security is satisfied that the applicant is able to practice  
 12 with reasonable skill, competency, and safety to the public. As a  
 13 condition of reinstatement, the department of homeland security may  
 14 impose disciplinary or corrective measures authorized under this  
 15 chapter.

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

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

22 (o) A certificate holder may not surrender the certificate holder's  
 23 certificate, and a license holder may not surrender the license holder's  
 24 license, without the written approval of the department of homeland  
 25 security, and the department of homeland security may impose any  
 26 conditions appropriate to the surrender or reinstatement of a  
 27 surrendered certificate or license.

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

- 30 (1) an unlimited certificate;
- 31 (2) a limited or probationary certificate; or
- 32 (3) an inactive certificate.

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

- 35 (1) an unlimited license;
- 36 (2) a limited or probationary license; or
- 37 (3) an inactive license.

38 SECTION 4. IC 16-31-3-14.5, AS AMENDED BY P.L.142-2020,  
 39 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2023]: Sec. 14.5. The department of homeland security may  
 41 issue an order under IC 4-21.5-3-6 to deny an applicant's request for  
 42 certification or licensure or permanently revoke a certificate or license



1 under procedures provided by section 14 of this chapter if the  
 2 individual who holds the certificate or license issued under this title is  
 3 convicted of any of the following:

4 (1) Dealing in a controlled substance resulting in death or  
 5 catastrophic injury under IC 35-42-1-1.5.

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

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

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

10 (5) Dealing in fentanyl or a dangerous opiate containing  
 11 substance (IC 35-48-4-1.3).

12 ~~(5)~~ (6) Dealing in a schedule I, II, or III controlled substance  
 13 under IC 35-48-4-2.

14 ~~(6)~~ (7) Dealing in a schedule IV controlled substance under  
 15 IC 35-48-4-3.

16 ~~(7)~~ (8) Dealing in a schedule V controlled substance under  
 17 IC 35-48-4-4.

18 ~~(8)~~ (9) Dealing in a substance represented to be a controlled  
 19 substance under IC 35-48-4-4.5 (repealed).

20 ~~(9)~~ (10) Knowingly or intentionally manufacturing, advertising,  
 21 distributing, or possessing with intent to manufacture, advertise,  
 22 or distribute a substance represented to be a controlled substance  
 23 under IC 35-48-4-4.6.

24 ~~(10)~~ (11) Dealing in a counterfeit substance under IC 35-48-4-5.

25 ~~(11)~~ (12) Dealing in marijuana, hash oil, hashish, or salvia as a  
 26 felony under IC 35-48-4-10.

27 ~~(12)~~ (13) An offense under IC 35-48-4 involving the manufacture  
 28 or sale of a synthetic drug (as defined in IC 35-31.5-2-321), a  
 29 synthetic drug lookalike substance (as defined in  
 30 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under  
 31 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled  
 32 substance analog (as defined in IC 35-48-1-9.3), or a substance  
 33 represented to be a controlled substance (as described in  
 34 IC 35-48-4-4.6).

35 ~~(13)~~ (14) A crime of violence (as defined in IC 35-50-1-2(a)).

36 SECTION 5. IC 16-42-27-2, AS AMENDED BY P.L.80-2019,  
 37 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2023]: Sec. 2. (a) A prescriber may, directly or by standing  
 39 order, prescribe or dispense an overdose intervention drug without  
 40 examining the individual to whom it may be administered if all of the  
 41 following conditions are met:

42 (1) The overdose intervention drug is dispensed or prescribed to:



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



- 1 in a manner prescribed by the state department.
- 2 (2) Provide education and training on drug overdose response and  
3 treatment, including the administration of an overdose  
4 intervention drug.
- 5 (3) Provide drug addiction treatment information and referrals to  
6 drug treatment programs, including programs in the local area and  
7 programs that offer medication assisted treatment that includes a  
8 federal Food and Drug Administration approved long acting,  
9 nonaddictive medication for the treatment of opioid or alcohol  
10 dependence.
- 11 (4) Submit an annual report to the state department containing:  
12 (A) the number of sales of the overdose intervention drug  
13 dispensed;  
14 (B) the dates of sale of the overdose intervention drug  
15 dispensed; and  
16 (C) any additional information requested by the state  
17 department.
- 18 (f) The state department shall ensure that a statewide standing order  
19 for the dispensing of an overdose intervention drug in Indiana is issued  
20 under this section. The state health commissioner or a designated  
21 public health authority who is a licensed prescriber may, as part of the  
22 individual's official capacity, issue a statewide standing order that may  
23 be used for the dispensing of an overdose intervention drug under this  
24 section. The immunity provided in IC 34-13-3-3 applies to an  
25 individual described in this subsection.
- 26 (g) A law enforcement officer may not take an individual into  
27 custody based solely on the commission of an offense described in  
28 subsection (h), if the law enforcement officer, after making a  
29 reasonable determination and considering the facts and surrounding  
30 circumstances, reasonably believes that the individual:  
31 (1) obtained the overdose intervention drug as described in  
32 subsection (a)(1);  
33 (2) complied with the provisions in subsection (d);  
34 (3) administered an overdose intervention drug to an individual  
35 who appeared to be experiencing an opioid-related overdose;  
36 (4) provided:  
37 (A) the individual's full name; and  
38 (B) any other relevant information requested by the law  
39 enforcement officer;  
40 (5) remained at the scene with the individual who reasonably  
41 appeared to be in need of medical assistance until emergency  
42 medical assistance arrived;



- 1 (6) cooperated with emergency medical assistance personnel and  
 2 law enforcement officers at the scene; and  
 3 (7) came into contact with law enforcement because the  
 4 individual requested emergency medical assistance for another  
 5 individual who appeared to be experiencing an opioid-related  
 6 overdose.
- 7 (h) An individual who meets the criteria in subsection (g) is immune  
 8 from criminal prosecution for the following:
- 9 (1) IC 35-48-4-6 (possession of cocaine).  
 10 (2) IC 35-48-4-6.1 (possession of methamphetamine).  
 11 **(3) IC 35-48-4-6.3 (possession of fentanyl or a dangerous**  
 12 **opiate containing substance).**  
 13 ~~(3)~~ **(4)** IC 35-48-4-7 (possession of a controlled substance).  
 14 ~~(4)~~ **(5)** IC 35-48-4-8.3 (possession of paraphernalia).  
 15 ~~(5)~~ **(6)** IC 35-48-4-11 (possession of marijuana).  
 16 ~~(6)~~ **(7)** An offense under IC 35-48-4 involving possession of a  
 17 synthetic drug (as defined in IC 35-31.5-2-321), possession of a  
 18 controlled substance analog (as defined in IC 35-48-1-9.3), or  
 19 possession of a substance represented to be a controlled substance  
 20 (as described in IC 35-48-4-4.6).
- 21 SECTION 6. IC 20-28-5-8, AS AMENDED BY P.L.125-2022,  
 22 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2023]: Sec. 8. (a) This section applies when a prosecuting  
 24 attorney knows that a licensed employee of a public school or a  
 25 nonpublic school has been convicted of an offense listed in subsection  
 26 (c). The prosecuting attorney shall immediately give written notice of  
 27 the conviction to the following:
- 28 (1) The secretary of education.  
 29 (2) Except as provided in subdivision (3), the superintendent of  
 30 the school corporation that employs the licensed employee or the  
 31 equivalent authority if a nonpublic school employs the licensed  
 32 employee.  
 33 (3) The presiding officer of the governing body of the school  
 34 corporation that employs the licensed employee, if the convicted  
 35 licensed employee is the superintendent of the school corporation.
- 36 (b) The superintendent of a school corporation, presiding officer of  
 37 the governing body, or equivalent authority for a nonpublic school shall  
 38 immediately notify the secretary of education when the individual  
 39 knows that a current or former licensed employee of the public school  
 40 or nonpublic school has been convicted of an offense listed in  
 41 subsection (c), or when the governing body or equivalent authority for  
 42 a nonpublic school takes any final action in relation to an employee



1 who engaged in any offense listed in subsection (c).

2 (c) Except as provided in section 8.5 of this chapter, the department  
3 shall permanently revoke the license of a person who is known by the  
4 department to have been convicted of any of the following:

5 (1) The following felonies:

6 (A) A sex crime under IC 35-42-4 (including criminal deviate  
7 conduct (IC 35-42-4-2) (before its repeal)).

8 (B) Kidnapping (IC 35-42-3-2).

9 (C) Criminal confinement (IC 35-42-3-3).

10 (D) Incest (IC 35-46-1-3).

11 (E) Dealing in or manufacturing cocaine or a narcotic drug (IC  
12 35-48-4-1).

13 (F) Dealing in methamphetamine (IC 35-48-4-1.1).

14 (G) Manufacturing methamphetamine (IC 35-48-4-1.2).

15 (H) Dealing in a schedule I, II, or III controlled substance (IC  
16 35-48-4-2).

17 (I) Dealing in a schedule IV controlled substance (IC  
18 35-48-4-3).

19 (J) Dealing in a schedule V controlled substance (IC  
20 35-48-4-4).

21 (K) Dealing in a counterfeit substance (IC 35-48-4-5).

22 (L) Dealing in marijuana, hash oil, hashish, or salvia as a  
23 felony (IC 35-48-4-10).

24 (M) An offense under IC 35-48-4 involving the manufacture  
25 or sale of a synthetic drug (as defined in IC 35-31.5-2-321), a  
26 synthetic drug lookalike substance (as defined in  
27 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under  
28 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a  
29 controlled substance analog (as defined in IC 35-48-1-9.3), or  
30 a substance represented to be a controlled substance (as  
31 described in IC 35-48-4-4.6).

32 (N) Homicide (IC 35-42-1).

33 (O) Voluntary manslaughter (IC 35-42-1-3).

34 (P) Reckless homicide (IC 35-42-1-5).

35 (Q) Battery as any of the following:

36 (i) A Class A felony (for a crime committed before July 1,  
37 2014) or a Level 2 felony (for a crime committed after June  
38 30, 2014).

39 (ii) A Class B felony (for a crime committed before July 1,  
40 2014) or a Level 3 felony (for a crime committed after June  
41 30, 2014).

42 (iii) A Class C felony (for a crime committed before July 1,



- 1           2014) or a Level 5 felony (for a crime committed after June  
2           30, 2014).  
3           (R) Aggravated battery (IC 35-42-2-1.5).  
4           (S) Robbery (IC 35-42-5-1).  
5           (T) Carjacking (IC 35-42-5-2) (before its repeal).  
6           (U) Arson as a Class A felony or Class B felony (for a crime  
7           committed before July 1, 2014) or as a Level 2, Level 3, or  
8           Level 4 felony (for a crime committed after June 30, 2014) (IC  
9           35-43-1-1(a)).  
10          (V) Burglary as a Class A felony or Class B felony (for a crime  
11          committed before July 1, 2014) or as a Level 1, Level 2, Level  
12          3, or Level 4 felony (for a crime committed after June 30,  
13          2014) (IC 35-43-2-1).  
14          (W) Human trafficking (IC 35-42-3.5).  
15          (X) Dealing in a controlled substance resulting in death or  
16          **catastrophic injury** (IC 35-42-1-1.5).  
17          (Y) Attempt under IC 35-41-5-1 to commit an offense listed in  
18          this subsection.  
19          (Z) Conspiracy under IC 35-41-5-2 to commit an offense listed  
20          in this subsection.  
21          **(AA) Dealing in fentanyl or a dangerous opiate containing**  
22          **substance (IC 35-48-4-1.3).**  
23          (2) Public indecency (IC 35-45-4-1) committed:  
24              (A) after June 30, 2003; or  
25              (B) before July 1, 2003, if the person committed the offense  
26              by, in a public place:  
27                  (i) engaging in sexual intercourse or other sexual conduct  
28                  (as defined in IC 35-31.5-2-221.5);  
29                  (ii) appearing in a state of nudity with the intent to arouse  
30                  the sexual desires of the person or another person, or being  
31                  at least eighteen (18) years of age, with the intent to be seen  
32                  by a child less than sixteen (16) years of age; or  
33                  (iii) fondling the person's genitals or the genitals of another  
34                  person.  
35          (d) The department shall permanently revoke the license of a person  
36          who is known by the department to have been convicted of a federal  
37          offense or an offense in another state that is comparable to a felony or  
38          misdemeanor listed in subsection (c).  
39          (e) A license may be suspended by the secretary of education as  
40          specified in IC 20-28-7.5.  
41          (f) The department shall develop a data base of information on  
42          school corporation employees who have been reported to the



1 department under this section.

2 (g) Upon receipt of information from the office of judicial  
3 administration in accordance with IC 33-24-6-3 concerning persons  
4 convicted of an offense listed in subsection (c), the department shall:

5 (1) cross check the information received from the office of  
6 judicial administration with information concerning licensed  
7 teachers (as defined in IC 20-18-2-22(b)) maintained by the  
8 department; and

9 (2) if a licensed teacher (as defined in IC 20-18-2-22(b)) has been  
10 convicted of an offense described in subsection (c), revoke the  
11 licensed teacher's license.

12 SECTION 7. IC 22-15-5-16, AS AMENDED BY P.L.142-2020,  
13 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2023]: Sec. 16. (a) A practitioner shall comply with the  
15 standards established under this licensing program. A practitioner is  
16 subject to the exercise of the disciplinary sanctions under subsection  
17 (b) if the department finds that a practitioner has:

18 (1) engaged in or knowingly cooperated in fraud or material  
19 deception in order to obtain a license to practice, including  
20 cheating on a licensing examination;

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

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

24 (4) falsified or knowingly allowed another person to falsify  
25 attendance records or certificates of completion of continuing  
26 education courses provided under this chapter;

27 (5) been convicted of a crime that has a direct bearing on the  
28 practitioner's ability to continue to practice competently;

29 (6) knowingly violated a state statute or rule or federal statute or  
30 regulation regulating the profession for which the practitioner is  
31 licensed;

32 (7) continued to practice although the practitioner has become  
33 unfit to practice due to:

34 (A) professional incompetence;

35 (B) failure to keep abreast of current professional theory or  
36 practice;

37 (C) physical or mental disability; or

38 (D) addiction to, abuse of, or severe dependency on alcohol or  
39 other drugs that endanger the public by impairing a  
40 practitioner's ability to practice safely;

41 (8) engaged in a course of lewd or immoral conduct in connection  
42 with the delivery of services to the public;





- 1 (9) allowed the practitioner's name or a license issued under this  
 2 chapter to be used in connection with an individual or business  
 3 who renders services beyond the scope of that individual's or  
 4 business's training, experience, or competence;  
 5 (10) had disciplinary action taken against the practitioner or the  
 6 practitioner's license to practice in another state or jurisdiction on  
 7 grounds similar to those under this chapter;  
 8 (11) assisted another person in committing an act that would  
 9 constitute a ground for disciplinary sanction under this chapter;  
 10 or  
 11 (12) allowed a license issued by the department to be:  
 12 (A) used by another person; or  
 13 (B) displayed to the public when the license has expired, is  
 14 inactive, is invalid, or has been revoked or suspended.
- 15 For purposes of subdivision (10), a certified copy of a record of  
 16 disciplinary action constitutes prima facie evidence of a disciplinary  
 17 action in another jurisdiction.
- 18 (b) The department may impose one (1) or more of the following  
 19 sanctions if the department finds that a practitioner is subject to  
 20 disciplinary sanctions under subsection (a):  
 21 (1) Permanent revocation of a practitioner's license.  
 22 (2) Suspension of a practitioner's license.  
 23 (3) Censure of a practitioner.  
 24 (4) Issuance of a letter of reprimand.  
 25 (5) Assessment of a civil penalty against the practitioner in  
 26 accordance with the following:  
 27 (A) The civil penalty may not be more than one thousand  
 28 dollars (\$1,000) for each violation listed in subsection (a),  
 29 except for a finding of incompetency due to a physical or  
 30 mental disability.  
 31 (B) When imposing a civil penalty, the department shall  
 32 consider a practitioner's ability to pay the amount assessed. If  
 33 the practitioner fails to pay the civil penalty within the time  
 34 specified by the department, the department may suspend the  
 35 practitioner's license without additional proceedings. However,  
 36 a suspension may not be imposed if the sole basis for the  
 37 suspension is the practitioner's inability to pay a civil penalty.  
 38 (6) Placement of a practitioner on probation status and  
 39 requirement of the practitioner to:  
 40 (A) report regularly to the department upon the matters that  
 41 are the basis of probation;  
 42 (B) limit practice to those areas prescribed by the department;



1 (C) continue or renew professional education approved by the  
 2 department until a satisfactory degree of skill has been attained  
 3 in those areas that are the basis of the probation; or

4 (D) perform or refrain from performing any acts, including  
 5 community restitution or service without compensation, that  
 6 the department considers appropriate to the public interest or  
 7 to the rehabilitation or treatment of the practitioner.

8 The department may withdraw or modify this probation if the  
 9 department finds after a hearing that the deficiency that required  
 10 disciplinary action has been remedied or that changed  
 11 circumstances warrant a modification of the order.

12 (c) If an applicant or a practitioner has engaged in or knowingly  
 13 cooperated in fraud or material deception to obtain a license to  
 14 practice, including cheating on the licensing examination, the  
 15 department may rescind the license if it has been granted, void the  
 16 examination or other fraudulent or deceptive material, and prohibit the  
 17 applicant from reapplying for the license for a length of time  
 18 established by the department.

19 (d) The department may deny licensure to an applicant who has had  
 20 disciplinary action taken against the applicant or the applicant's license  
 21 to practice in another state or jurisdiction or who has practiced without  
 22 a license in violation of the law. A certified copy of the record of  
 23 disciplinary action is conclusive evidence of the other jurisdiction's  
 24 disciplinary action.

25 (e) The department may order a practitioner to submit to a  
 26 reasonable physical or mental examination if the practitioner's physical  
 27 or mental capacity to practice safely and competently is at issue in a  
 28 disciplinary proceeding. Failure to comply with a department order to  
 29 submit to a physical or mental examination makes a practitioner liable  
 30 to temporary suspension under subsection (j).

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

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

- 40 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.  
 41 (2) Possession of methamphetamine under IC 35-48-4-6.1.  
 42 (3) **Possession of fentanyl or a dangerous opiate containing**



- 1           **substance under IC 35-48-4-6.3.**  
 2           ~~(3)~~ **(4)** Possession of a controlled substance under  
 3           IC 35-48-4-7(a).  
 4           ~~(4)~~ **(5)** Fraudulently obtaining a controlled substance under  
 5           IC 35-48-4-7(b) (for a crime committed before July 1, 2014) or  
 6           IC 35-48-4-7(c) (for a crime committed after June 30, 2014).  
 7           ~~(5)~~ **(6)** Manufacture of paraphernalia as a Class D felony (for a  
 8           crime committed before July 1, 2014) or a Level 6 felony (for a  
 9           crime committed after June 30, 2014) under IC 35-48-4-8.1(b).  
 10          ~~(6)~~ **(7)** Dealing in paraphernalia as a Class D felony (for a crime  
 11          committed before July 1, 2014) or a Level 6 felony (for a crime  
 12          committed after June 30, 2014) under IC 35-48-4-8.5(b).  
 13          ~~(7)~~ **(8)** Possession of paraphernalia as a Class D felony (for a  
 14          crime committed before July 1, 2014) or a Level 6 felony (for a  
 15          crime committed after June 30, 2014) under IC 35-48-4-8.3(b)  
 16          (before its amendment on July 1, 2015).  
 17          ~~(8)~~ **(9)** Possession of marijuana, hash oil, hashish, or salvia as a  
 18          Class D felony (for a crime committed before July 1, 2014) or a  
 19          Level 6 felony (for a crime committed after June 30, 2014) under  
 20          IC 35-48-4-11.  
 21          ~~(9)~~ **(10)** A felony offense under IC 35-48-4 involving possession  
 22          of a synthetic drug (as defined in IC 35-31.5-2-321), possession  
 23          of a controlled substance analog (as defined in IC 35-48-1-9.3),  
 24          or possession of a synthetic drug lookalike substance (as defined  
 25          in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:  
 26                (A) Class D felony for a crime committed before July 1, 2014;  
 27                or  
 28                (B) Level 6 felony for a crime committed after June 30, 2014;  
 29          under IC 35-48-4-11.5 (before its repeal on July 1, 2019).  
 30          ~~(10)~~ **(11)** Maintaining a common nuisance under IC 35-48-4-13  
 31          (repealed) or IC 35-45-1-5, if the common nuisance involves a  
 32          controlled substance.  
 33          ~~(11)~~ **(12)** An offense relating to registration, labeling, and  
 34          prescription forms under IC 35-48-4-14.  
 35          (h) The department shall deny, revoke, or suspend a license issued  
 36          under this chapter if the individual who holds the license is convicted  
 37          of any of the following:  
 38                (1) Dealing in a controlled substance resulting in death **or**  
 39                **catastrophic injury** under IC 35-42-1-1.5.  
 40                (2) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.  
 41                (3) Dealing in methamphetamine under IC 35-48-4-1.1.  
 42                (4) Manufacturing methamphetamine under IC 35-48-4-1.2.



- 1           **(5) Dealing in fentanyl or a dangerous opiate containing**  
 2           **substance (IC 35-48-4-1.3).**  
 3           ~~(5)~~ **(6)** Dealing in a schedule I, II, or III controlled substance  
 4           under IC 35-48-4-2.  
 5           ~~(6)~~ **(7)** Dealing in a schedule IV controlled substance under  
 6           IC 35-48-4-3.  
 7           ~~(7)~~ **(8)** Dealing in a schedule V controlled substance under  
 8           IC 35-48-4-4.  
 9           ~~(8)~~ **(9)** Dealing in a substance represented to be a controlled  
 10          substance under IC 35-48-4-4.5 (repealed).  
 11          ~~(9)~~ **(10)** Knowingly or intentionally manufacturing, advertising,  
 12          distributing, or possessing with intent to manufacture, advertise,  
 13          or distribute a substance represented to be a controlled substance  
 14          under IC 35-48-4-4.6.  
 15          ~~(10)~~ **(11)** Dealing in a counterfeit substance under IC 35-48-4-5.  
 16          ~~(11)~~ **(12)** Dealing in marijuana, hash oil, hashish, or salvia as a  
 17          felony under IC 35-48-4-10.  
 18          ~~(12)~~ **(13)** An offense under IC 35-48-4 involving the manufacture  
 19          or 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)~~ **(14)** A violation of any federal or state drug law or rule  
 27          related to wholesale legend drug distributors licensed under  
 28          IC 25-26-14.  
 29          (i) A decision of the department under subsections (b) through (h)  
 30          may be appealed to the commission under IC 4-21.5-3-7.  
 31          (j) The department may temporarily suspend a practitioner's license  
 32          under IC 4-21.5-4 before a final adjudication or during the appeals  
 33          process if the department finds that a practitioner represents a clear and  
 34          immediate danger to the public's health, safety, or property if the  
 35          practitioner is allowed to continue to practice.  
 36          (k) On receipt of a complaint or an information alleging that a  
 37          person licensed under this chapter has engaged in or is engaging in a  
 38          practice that jeopardizes the public health, safety, or welfare, the  
 39          department shall initiate an investigation against the person.  
 40          (l) Any complaint filed with the office of the attorney general  
 41          alleging a violation of this licensing program shall be referred to the  
 42          department for summary review and for its general information and any



- 1 authorized action at the time of the filing.
- 2 (m) The department shall conduct a fact finding investigation as the  
3 department considers proper in relation to the complaint.
- 4 (n) The department may reinstate a license that has been suspended  
5 under this section if, after a hearing, the department is satisfied that the  
6 applicant is able to practice with reasonable skill, safety, and  
7 competency to the public. As a condition of reinstatement, the  
8 department may impose disciplinary or corrective measures authorized  
9 under this chapter.
- 10 (o) The department may not reinstate a license that has been  
11 revoked under this chapter. An individual whose license has been  
12 revoked under this chapter may not apply for a new license until seven  
13 (7) years after the date of revocation.
- 14 (p) The department shall seek to achieve consistency in the  
15 application of sanctions authorized in this chapter. Significant  
16 departures from prior decisions involving similar conduct must be  
17 explained in the department's findings or orders.
- 18 (q) A practitioner may petition the department to accept the  
19 surrender of the practitioner's license instead of having a hearing before  
20 the commission. The practitioner may not surrender the practitioner's  
21 license without the written approval of the department, and the  
22 department may impose any conditions appropriate to the surrender or  
23 reinstatement of a surrendered license.
- 24 (r) A practitioner who has been subjected to disciplinary sanctions  
25 may be required by the commission to pay the costs of the proceeding.  
26 The practitioner's ability to pay shall be considered when costs are  
27 assessed. If the practitioner fails to pay the costs, a suspension may not  
28 be imposed solely upon the practitioner's inability to pay the amount  
29 assessed. The costs are limited to costs for the following:
- 30 (1) Court reporters.
- 31 (2) Transcripts.
- 32 (3) Certification of documents.
- 33 (4) Photo duplication.
- 34 (5) Witness attendance and mileage fees.
- 35 (6) Postage.
- 36 (7) Expert witnesses.
- 37 (8) Depositions.
- 38 (9) Notarizations.
- 39 SECTION 8. IC 25-1-1.1-2, AS AMENDED BY P.L.142-2020,  
40 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2023]: Sec. 2. Notwithstanding IC 25-1-7, a board, a  
42 commission, or a committee may suspend, deny, or revoke a license or



1 certificate issued under this title by the board, the commission, or the  
 2 committee without an investigation by the office of the attorney general  
 3 if the individual who holds the license or certificate is convicted of any  
 4 of the following and the board, commission, or committee determines,  
 5 after the individual has appeared in person, that the offense affects the  
 6 individual's ability to perform the duties of the profession:

7 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.

8 (2) Possession of methamphetamine under IC 35-48-4-6.1.

9 **(3) Possession of fentanyl or a dangerous opiate containing**  
 10 **substance under IC 35-48-4-6.3.**

11 ~~(3)~~ **(4)** Possession of a controlled substance under  
 12 IC 35-48-4-7(a).

13 ~~(4)~~ **(5)** Fraudulently obtaining a controlled substance under  
 14 IC 35-48-4-7(c).

15 ~~(5)~~ **(6)** Manufacture of paraphernalia as a Class D felony (for a  
 16 crime committed before July 1, 2014) or a Level 6 felony (for a  
 17 crime committed after June 30, 2014) under IC 35-48-4-8.1(b).

18 ~~(6)~~ **(7)** Dealing in paraphernalia as a Class D felony (for a crime  
 19 committed before July 1, 2014) or a Level 6 felony (for a crime  
 20 committed after June 30, 2014) under IC 35-48-4-8.5(b).

21 ~~(7)~~ **(8)** Possession of paraphernalia as a Class D felony (for a  
 22 crime committed before July 1, 2014) or a Level 6 felony (for a  
 23 crime committed after June 30, 2014) under IC 35-48-4-8.3(b)  
 24 (before its amendment on July 1, 2015).

25 ~~(8)~~ **(9)** Possession of marijuana, hash oil, hashish, or salvia as a  
 26 Class D felony (for a crime committed before July 1, 2014) or a  
 27 Level 6 felony (for a crime committed after June 30, 2014) under  
 28 IC 35-48-4-11.

29 ~~(9)~~ **(10)** A felony offense under IC 35-48-4 involving possession  
 30 of a synthetic drug (as defined in IC 35-31.5-2-321), possession  
 31 of a controlled substance analog (as defined in IC 35-48-1-9.3),  
 32 or possession of a synthetic drug lookalike substance (as defined  
 33 in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:

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

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

38 ~~(10)~~ **(11)** Maintaining a common nuisance under IC 35-48-4-13  
 39 (repealed) or IC 35-45-1-5, if the common nuisance involves a  
 40 controlled substance.

41 ~~(11)~~ **(12)** An offense relating to registration, labeling, and  
 42 prescription forms under IC 35-48-4-14.



- 1           ~~(12)~~ **(13)** A sex crime under IC 35-42-4.  
 2           ~~(13)~~ **(14)** A felony that reflects adversely on the individual's  
 3           fitness to hold a professional license.  
 4           SECTION 9. IC 25-1-1.1-3, AS AMENDED BY P.L.142-2020,  
 5           SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6           JULY 1, 2023]: Sec. 3. A board, a commission, or a committee shall  
 7           revoke or suspend a license or certificate issued under this title by the  
 8           board, the commission, or the committee if the individual who holds  
 9           the license or certificate is convicted of any of the following:  
 10           (1) Dealing in a controlled substance resulting in death **or**  
 11           **catastrophic injury** under IC 35-42-1-1.5.  
 12           (2) Dealing in or manufacturing cocaine or a narcotic drug under  
 13           IC 35-48-4-1.  
 14           (3) Dealing in methamphetamine under IC 35-48-4-1.1.  
 15           (4) Manufacturing methamphetamine under IC 35-48-4-1.2.  
 16           **(5) Dealing in fentanyl or a dangerous opiate containing**  
 17           **substance under IC 35-48-4-1.3.**  
 18           ~~(5)~~ **(6)** Dealing in a schedule I, II, or III controlled substance  
 19           under IC 35-48-4-2.  
 20           ~~(6)~~ **(7)** Dealing in a schedule IV controlled substance under  
 21           IC 35-48-4-3.  
 22           ~~(7)~~ **(8)** Dealing in a schedule V controlled substance under  
 23           IC 35-48-4-4.  
 24           ~~(8)~~ **(9)** Dealing in a substance represented to be a controlled  
 25           substance under IC 35-48-4-4.5 (before its repeal on July 1,  
 26           2019).  
 27           ~~(9)~~ **(10)** Knowingly or intentionally manufacturing, advertising,  
 28           distributing, or possessing with intent to manufacture, advertise,  
 29           or distribute a substance represented to be a controlled substance  
 30           under IC 35-48-4-4.6.  
 31           ~~(10)~~ **(11)** Dealing in a counterfeit substance under IC 35-48-4-5.  
 32           ~~(11)~~ **(12)** Dealing in marijuana, hash oil, hashish, or salvia as a  
 33           felony under IC 35-48-4-10.  
 34           ~~(12)~~ **(13)** An offense under IC 35-48-4 involving the manufacture  
 35           or sale of a synthetic drug (as defined in IC 35-31.5-2-321), a  
 36           synthetic drug lookalike substance (as defined in  
 37           IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under  
 38           IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled  
 39           substance analog (as defined in IC 35-48-1-9.3), or a substance  
 40           represented to be a controlled substance (as described in  
 41           IC 35-48-4-4.6).  
 42           ~~(13)~~ **(14)** A violation of any federal or state drug law or rule



- 1 related to wholesale legend drug distributors licensed under  
 2 IC 25-26-14.
- 3 SECTION 10. IC 34-24-1-1, AS AMENDED BY P.L.174-2021,  
 4 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 JULY 1, 2023]: Sec. 1. (a) The following may be seized:
- 6 (1) All vehicles (as defined by IC 35-31.5-2-346), if they are used  
 7 or are intended for use by the person or persons in possession of  
 8 them to transport or in any manner to facilitate the transportation  
 9 of the following:
- 10 (A) A controlled substance for the purpose of committing,  
 11 attempting to commit, or conspiring to commit any of the  
 12 following:
- 13 (i) Dealing in or manufacturing cocaine or a narcotic drug  
 14 (IC 35-48-4-1).
- 15 (ii) Dealing in methamphetamine (IC 35-48-4-1.1).
- 16 (iii) Manufacturing methamphetamine (IC 35-48-4-1.2).
- 17 **(iv) Dealing in fentanyl or a dangerous opiate containing**  
 18 **substance (IC 35-48-4-1.3).**
- 19 ~~(iv)~~ (v) Dealing in a schedule I, II, or III controlled  
 20 substance (IC 35-48-4-2).
- 21 ~~(v)~~ (vi) Dealing in a schedule IV controlled substance (IC  
 22 35-48-4-3).
- 23 ~~(vi)~~ (vii) Dealing in a schedule V controlled substance (IC  
 24 35-48-4-4).
- 25 ~~(vii)~~ (viii) Dealing in a counterfeit substance (IC 35-48-4-5).
- 26 ~~(viii)~~ (ix) Possession of cocaine or a narcotic drug (IC  
 27 35-48-4-6).
- 28 ~~(ix)~~ (x) Possession of methamphetamine (IC 35-48-4-6.1).
- 29 **(xi) Possession of fentanyl or a dangerous opiate**  
 30 **containing substance (IC 35-48-4-6.3).**
- 31 ~~(x)~~ (xii) Dealing in paraphernalia (IC 35-48-4-8.5).
- 32 ~~(xi)~~ (xiii) Dealing in marijuana, hash oil, hashish, or salvia  
 33 (IC 35-48-4-10).
- 34 ~~(xii)~~ (xiv) An offense under IC 35-48-4 involving a synthetic  
 35 drug (as defined in IC 35-31.5-2-321), a synthetic drug  
 36 lookalike substance (as defined in IC 35-31.5-2-321.5  
 37 (before its repeal on July 1, 2019)) under IC 35-48-4-10.5  
 38 (before its repeal on July 1, 2019), a controlled substance  
 39 analog (as defined in IC 35-48-1-9.3), or a substance  
 40 represented to be a controlled substance (as described in  
 41 IC 35-48-4-4.6).
- 42 (B) Any stolen (IC 35-43-4-2) or converted property (IC





- 1 35-43-4-3) if the retail or repurchase value of that property is  
 2 one hundred dollars (\$100) or more.  
 3 (C) Any hazardous waste in violation of IC 13-30-10-1.5.  
 4 (D) A bomb (as defined in IC 35-31.5-2-31) or weapon of  
 5 mass destruction (as defined in IC 35-31.5-2-354) used to  
 6 commit, used in an attempt to commit, or used in a conspiracy  
 7 to commit a felony terrorist offense (as defined in  
 8 IC 35-50-2-18) or an offense under IC 35-47 as part of or in  
 9 furtherance of an act of terrorism (as defined by  
 10 IC 35-31.5-2-329).
- 11 (2) All money, negotiable instruments, securities, weapons,  
 12 communications devices, or any property used to commit, used in  
 13 an attempt to commit, or used in a conspiracy to commit a felony  
 14 terrorist offense (as defined in IC 35-50-2-18) or an offense under  
 15 IC 35-47 as part of or in furtherance of an act of terrorism or  
 16 commonly used as consideration for a violation of IC 35-48-4  
 17 (other than items subject to forfeiture under IC 16-42-20-5 or  
 18 IC 16-6-8.5-5.1, before its repeal):  
 19 (A) furnished or intended to be furnished by any person in  
 20 exchange for an act that is in violation of a criminal statute;  
 21 (B) used to facilitate any violation of a criminal statute; or  
 22 (C) traceable as proceeds of the violation of a criminal statute.
- 23 (3) Any portion of real or personal property purchased with  
 24 money that is traceable as a proceed of a violation of a criminal  
 25 statute.
- 26 (4) A vehicle that is used by a person to:  
 27 (A) commit, attempt to commit, or conspire to commit;  
 28 (B) facilitate the commission of; or  
 29 (C) escape from the commission of;  
 30 murder (IC 35-42-1-1), dealing in a controlled substance resulting  
 31 in death **or catastrophic injury** (IC 35-42-1-1.5), kidnapping (IC  
 32 35-42-3-2), criminal confinement (IC 35-42-3-3), rape (IC  
 33 35-42-4-1), child molesting (IC 35-42-4-3), or child exploitation  
 34 (IC 35-42-4-4), or an offense under IC 35-47 as part of or in  
 35 furtherance of an act of terrorism.
- 36 (5) Real property owned by a person who uses it to commit any of  
 37 the following as a Level 1, Level 2, Level 3, Level 4, or Level 5  
 38 felony:  
 39 (A) Dealing in or manufacturing cocaine or a narcotic drug (IC  
 40 35-48-4-1).  
 41 (B) Dealing in methamphetamine (IC 35-48-4-1.1).  
 42 (C) Manufacturing methamphetamine (IC 35-48-4-1.2).



- 1                   **(D) Dealing in fentanyl or a dangerous opiate containing**  
 2                   **substance (IC 35-48-4-1.3).**  
 3                   ~~(E)~~ **(E)** Dealing in a schedule I, II, or III controlled substance  
 4                   (IC 35-48-4-2).  
 5                   ~~(F)~~ **(F)** Dealing in a schedule IV controlled substance (IC  
 6                   35-48-4-3).  
 7                   ~~(G)~~ **(G)** Dealing in marijuana, hash oil, hashish, or salvia (IC  
 8                   35-48-4-10).  
 9                   ~~(H)~~ **(H)** Dealing in a synthetic drug (as defined in  
 10                   IC 35-31.5-2-321) or synthetic drug lookalike substance (as  
 11                   defined in IC 35-31.5-2-321.5 (before its repeal on July 1,  
 12                   2019)) under IC 35-48-4-10.5 (before its repeal on July 1,  
 13                   2019).  
 14                   ~~(I)~~ **(I)** Dealing in a controlled substance resulting in death or  
 15                   **catastrophic injury (IC 35-42-1-1.5).**  
 16                   (6) Equipment and recordings used by a person to commit fraud  
 17                   under IC 35-43-5.  
 18                   (7) Recordings sold, rented, transported, or possessed by a person  
 19                   in violation of IC 24-4-10.  
 20                   (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as  
 21                   defined by IC 35-45-6-1) that is the object of a corrupt business  
 22                   influence violation (IC 35-45-6-2).  
 23                   (9) Unlawful telecommunications devices (as defined in  
 24                   IC 35-45-13-6) and plans, instructions, or publications used to  
 25                   commit an offense under IC 35-45-13.  
 26                   (10) Any equipment, including computer equipment and cellular  
 27                   telephones, used for or intended for use in preparing,  
 28                   photographing, recording, videotaping, digitizing, printing,  
 29                   copying, or disseminating matter in violation of IC 35-42-4.  
 30                   (11) Destructive devices used, possessed, transported, or sold in  
 31                   violation of IC 35-47.5.  
 32                   (12) Tobacco products that are sold in violation of IC 24-3-5,  
 33                   tobacco products that a person attempts to sell in violation of  
 34                   IC 24-3-5, and other personal property owned and used by a  
 35                   person to facilitate a violation of IC 24-3-5.  
 36                   (13) Property used by a person to commit counterfeiting or  
 37                   forgery in violation of IC 35-43-5-2.  
 38                   (14) After December 31, 2005, if a person is convicted of an  
 39                   offense specified in IC 25-26-14-26(b) or IC 35-43-10, the  
 40                   following real or personal property:  
 41                   (A) Property used or intended to be used to commit, facilitate,  
 42                   or promote the commission of the offense.



- 1 (B) Property constituting, derived from, or traceable to the  
 2 gross proceeds that the person obtained directly or indirectly  
 3 as a result of the offense.
- 4 (15) Except as provided in subsection (e), a vehicle used by a  
 5 person who operates the vehicle:
- 6 (A) while intoxicated, in violation of IC 9-30-5-1 through  
 7 IC 9-30-5-5, if in the previous five (5) years the person has two  
 8 (2) or more prior unrelated convictions for operating a motor  
 9 vehicle while intoxicated in violation of IC 9-30-5-1 through  
 10 IC 9-30-5-5; or
- 11 (B) on a highway while the person's driving privileges are  
 12 suspended in violation of IC 9-24-19-2 through IC 9-24-19-3,  
 13 if in the previous five (5) years the person has two (2) or more  
 14 prior unrelated convictions for operating a vehicle while  
 15 intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5.
- 16 If a court orders the seizure of a vehicle under this subdivision,  
 17 the court shall transmit an order to the bureau of motor vehicles  
 18 recommending that the bureau not permit a vehicle to be  
 19 registered in the name of the person whose vehicle was seized  
 20 until the person possesses a current driving license (as defined in  
 21 IC 9-13-2-41).
- 22 (16) The following real or personal property:
- 23 (A) Property used or intended to be used to commit, facilitate,  
 24 or promote the commission of an offense specified in  
 25 IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or  
 26 IC 30-2-13-38(f).
- 27 (B) Property constituting, derived from, or traceable to the  
 28 gross proceeds that a person obtains directly or indirectly as a  
 29 result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b),  
 30 IC 30-2-10-9(b), or IC 30-2-13-38(f).
- 31 (17) Real or personal property, including a vehicle, that is used by  
 32 a person to:
- 33 (A) commit, attempt to commit, or conspire to commit;  
 34 (B) facilitate the commission of; or  
 35 (C) escape from the commission of;  
 36 a violation of IC 35-42-3.5-1 through IC 35-42-3.5-1.4 (human  
 37 trafficking) or IC 35-45-4-4 (promoting prostitution).
- 38 (b) A vehicle used by any person as a common or contract carrier in  
 39 the transaction of business as a common or contract carrier is not  
 40 subject to seizure under this section, unless it can be proven by a  
 41 preponderance of the evidence that the owner of the vehicle knowingly  
 42 permitted the vehicle to be used to engage in conduct that subjects it to



- 1 seizure under subsection (a).  
 2 (c) Equipment under subsection (a)(10) may not be seized unless it  
 3 can be proven by a preponderance of the evidence that the owner of the  
 4 equipment knowingly permitted the equipment to be used to engage in  
 5 conduct that subjects it to seizure under subsection (a)(10).  
 6 (d) Money, negotiable instruments, securities, weapons,  
 7 communications devices, or any property commonly used as  
 8 consideration for a violation of IC 35-48-4 found near or on a person  
 9 who is committing, attempting to commit, or conspiring to commit any  
 10 of the following offenses shall be admitted into evidence in an action  
 11 under this chapter as prima facie evidence that the money, negotiable  
 12 instrument, security, or other thing of value is property that has been  
 13 used or was to have been used to facilitate the violation of a criminal  
 14 statute or is the proceeds of the violation of a criminal statute:  
 15 (1) IC 35-42-1-1.5 (dealing in a controlled substance resulting in  
 16 death **or catastrophic injury**).  
 17 (2) IC 35-48-4-1 (dealing in or manufacturing cocaine or a  
 18 narcotic drug).  
 19 (3) IC 35-48-4-1.1 (dealing in methamphetamine).  
 20 (4) IC 35-48-4-1.2 (manufacturing methamphetamine).  
 21 **(5) IC 35-48-4-1.3 (dealing in fentanyl or a dangerous opiate**  
 22 **containing substance)**.  
 23 ~~(5)~~ **(6)** IC 35-48-4-2 (dealing in a schedule I, II, or III controlled  
 24 substance).  
 25 ~~(6)~~ **(7)** IC 35-48-4-3 (dealing in a schedule IV controlled  
 26 substance).  
 27 ~~(7)~~ **(8)** IC 35-48-4-4 (dealing in a schedule V controlled  
 28 substance) as a Level 4 felony.  
 29 ~~(8)~~ **(9)** IC 35-48-4-6 (possession of cocaine or a narcotic drug) as  
 30 a Level 3, Level 4, or Level 5 felony.  
 31 ~~(9)~~ **(10)** IC 35-48-4-6.1 (possession of methamphetamine) as a  
 32 Level 3, Level 4, or Level 5 felony.  
 33 **(11) IC 35-48-4-6.3 (possession of fentanyl or a dangerous**  
 34 **opiate containing substance) as a Level 2, Level 3, Level 4, or**  
 35 **Level 5 felony**.  
 36 ~~(10)~~ **(12)** IC 35-48-4-10 (dealing in marijuana, hash oil, hashish,  
 37 or salvia) as a Level 5 felony.  
 38 ~~(11)~~ **(13)** IC 35-48-4-10.5 (before its repeal on July 1, 2019)  
 39 (dealing in a synthetic drug or synthetic drug lookalike substance)  
 40 as a Level 5 felony or Level 6 felony (or as a Class C felony or  
 41 Class D felony under IC 35-48-4-10 before its amendment in  
 42 2013).



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

2 (1) an owner of the vehicle; or

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

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

8 SECTION 11. IC 35-31.5-2-130.6 IS ADDED TO THE INDIANA  
9 CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
10 [EFFECTIVE JULY 1, 2023]: **Sec. 130.6. "Fentanyl or a dangerous**  
11 **opiate containing substance", for purposes of IC 35-48, has the**  
12 **meaning set forth in IC 35-48-1-16.7.**

13 SECTION 12. IC 35-31.5-2-217, AS AMENDED BY P.L.198-2018,  
14 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2023]: Sec. 217. "Offense relating to controlled substances"  
16 means the following:

17 (1) Dealing in a controlled substance resulting in death **or**  
18 **catastrophic injury** (IC 35-42-1-1.5).

19 (2) Dealing in or manufacturing cocaine or a narcotic drug (IC  
20 35-48-4-1).

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

22 (4) Manufacturing methamphetamine (IC 35-48-4-1.2).

23 **(5) Dealing in fentanyl or a dangerous opiate containing**  
24 **substance (IC 35-48-4-1.3).**

25 ~~(5)~~ **(6)** Dealing in a schedule I, II, or III controlled substance (IC  
26 35-48-4-2).

27 ~~(6)~~ **(7)** Dealing in a schedule IV controlled substance (IC  
28 35-48-4-3).

29 ~~(7)~~ **(8)** Dealing in a schedule V controlled substance (IC  
30 35-48-4-4).

31 ~~(8)~~ **(9)** Possession of cocaine or a narcotic drug (IC 35-48-4-6).

32 ~~(9)~~ **(10)** Possession of methamphetamine (IC 35-48-4-6.1).

33 **(11) Possession of fentanyl or a dangerous opiate containing**  
34 **substance (IC 35-48-4-6.3).**

35 ~~(10)~~ **(12)** Possession of a controlled substance (IC 35-48-4-7).

36 ~~(11)~~ **(13)** Possession of paraphernalia (IC 35-48-4-8.3).

37 ~~(12)~~ **(14)** Dealing in paraphernalia (IC 35-48-4-8.5).

38 ~~(13)~~ **(15)** Offenses relating to registration (IC 35-48-4-14).

39 SECTION 13. IC 35-42-1-1, AS AMENDED BY P.L.215-2018(ss),  
40 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2023]: Sec. 1. A person who:

42 (1) knowingly or intentionally kills another human being;



1 (2) kills another human being while committing or attempting to  
 2 commit arson, burglary, child molesting, consumer product  
 3 tampering, criminal deviate conduct (under IC 35-42-4-2 before  
 4 its repeal), kidnapping, rape, robbery, human trafficking,  
 5 promotion of human labor trafficking, promotion of human sexual  
 6 trafficking, promotion of child sexual trafficking, promotion of  
 7 sexual trafficking of a younger child, child sexual trafficking, or  
 8 carjacking (before its repeal);

9 (3) kills another human being while committing or attempting to  
 10 commit:

11 (A) dealing in or manufacturing cocaine or a narcotic drug (IC  
 12 35-48-4-1);

13 (B) dealing in methamphetamine (IC 35-48-4-1.1);

14 (C) manufacturing methamphetamine (IC 35-48-4-1.2);

15 **(D) dealing in fentanyl or a dangerous opiate containing  
 16 substance (IC 35-48-4-1.3);**

17 ~~(D)~~ **(E)** dealing in a schedule I, II, or III controlled substance  
 18 (IC 35-48-4-2);

19 ~~(E)~~ **(F)** dealing in a schedule IV controlled substance (IC  
 20 35-48-4-3); or

21 ~~(F)~~ **(G)** dealing in a schedule V controlled substance; or

22 (4) except as provided in section 6.5 of this chapter, knowingly or  
 23 intentionally kills a fetus in any stage of development;

24 commits murder, a felony.

25 SECTION 14. IC 35-42-1-1.5, AS AMENDED BY P.L.80-2019,  
 26 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 JULY 1, 2023]: Sec. 1.5. (a) A person who knowingly or intentionally  
 28 manufactures or delivers a controlled substance or controlled substance  
 29 analog, in violation of:

30 (1) IC 35-48-4-1 (dealing in cocaine or a narcotic drug);

31 (2) IC 35-48-4-1.1 (dealing in methamphetamine);

32 (3) IC 35-48-4-1.2 (manufacturing methamphetamine); ~~or~~

33 **(4) IC 35-48-4-1.3 (dealing in fentanyl or a dangerous opiate  
 34 containing substance); or**

35 ~~(4)~~ **(5)** IC 35-48-4-2 (dealing in a schedule I, II, or III controlled  
 36 substance);

37 that, when the controlled substance is used, injected, inhaled, absorbed,  
 38 or ingested, results in the death **or catastrophic injury (as defined by**  
 39 **IC 35-31.5-2-34.5)** of a human being who used the controlled  
 40 substance, commits dealing in a controlled substance resulting in death  
 41 **or catastrophic injury**, a Level 1 felony.

42 **(b) A person who knowingly or intentionally manufactures or**



1 **delivers a controlled substance or controlled substance analog, in**  
 2 **violation of:**

- 3 (1) IC 35-48-4-1 (dealing in cocaine or a narcotic drug);  
 4 (2) IC 35-48-4-1.1 (dealing in methamphetamine);  
 5 (3) IC 35-48-4-1.2 (manufacturing methamphetamine);  
 6 (4) IC 35-48-4-1.3 (dealing in fentanyl or a dangerous opiate  
 7 containing substance); or  
 8 (5) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled  
 9 substance);

10 **that, when the controlled substance is used, injected, inhaled,**  
 11 **absorbed, or ingested, results in serious bodily injury (as defined**  
 12 **by IC 35-31.5-2-292) of a human being commits dealing in a**  
 13 **controlled substance resulting in serious bodily injury, a Level 2**  
 14 **felony.**

15 ~~(b)~~ (c) A person who knowingly or intentionally manufactures or  
 16 delivers a controlled substance, in violation of IC 35-48-4-3, that, when  
 17 the controlled substance is used, injected, inhaled, absorbed, or  
 18 ingested, results in the death of a human being who used the controlled  
 19 substance, commits dealing in a controlled substance resulting in death,  
 20 a Level 2 felony.

21 ~~(c)~~ (d) A person who knowingly or intentionally manufactures or  
 22 delivers a controlled substance, in violation of IC 35-48-4-4, an offense  
 23 under IC 35-48-4 involving a synthetic drug (as defined in  
 24 IC 35-31.5-2-321), a synthetic drug lookalike substance (as defined in  
 25 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under  
 26 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled  
 27 substance analog (as defined in IC 35-48-1-9.3), or a substance  
 28 represented to be a controlled substance (as described in  
 29 IC 35-48-4-4.6), that, when the controlled substance is used, injected,  
 30 inhaled, absorbed, or ingested, results in the death of a human being  
 31 who used the controlled substance, commits dealing in a controlled  
 32 substance resulting in death, a Level 3 felony.

33 ~~(d)~~ (e) It is not a defense to an offense described in this section that  
 34 the human being died:

- 35 (1) after voluntarily using, injecting, inhaling, absorbing, or  
 36 ingesting a controlled substance or controlled substance analog;  
 37 or  
 38 (2) as a result of using the controlled substance or controlled  
 39 substance analog in combination with alcohol or another  
 40 controlled substance or with any other compound, mixture,  
 41 diluent, or substance.

42 SECTION 15. IC 35-45-6-1, AS AMENDED BY P.L.25-2022,



1 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2023]: Sec. 1. (a) The definitions in this section apply  
3 throughout this chapter.

4 (b) "Documentary material" means any document, drawing,  
5 photograph, recording, or other tangible item containing compiled data  
6 from which information can be either obtained or translated into a  
7 usable form.

8 (c) "Enterprise" means:

9 (1) a sole proprietorship, corporation, limited liability company,  
10 partnership, business trust, or governmental entity; or

11 (2) a union, an association, or a group, whether a legal entity or  
12 merely associated in fact.

13 (d) "Pattern of racketeering activity" means engaging in at least two  
14 (2) incidents of racketeering activity that have the same or similar  
15 intent, result, accomplice, victim, or method of commission, or that are  
16 otherwise interrelated by distinguishing characteristics that are not  
17 isolated incidents. However, the incidents are a pattern of racketeering  
18 activity only if at least one (1) of the incidents occurred after August  
19 31, 1980, and if the last of the incidents occurred within five (5) years  
20 after a prior incident of racketeering activity.

21 (e) "Racketeering activity" means to commit, to attempt to commit,  
22 to conspire to commit a violation of, or aiding and abetting in a  
23 violation of any of the following:

24 (1) A provision of IC 23-19, or of a rule or order issued under  
25 IC 23-19.

26 (2) A violation of IC 35-45-9.

27 (3) A violation of IC 35-47.

28 (4) A violation of IC 35-49-3.

29 (5) Murder (IC 35-42-1-1).

30 (6) Battery as a Class C felony before July 1, 2014, or a Level 5  
31 felony after June 30, 2014 (IC 35-42-2-1).

32 (7) Kidnapping (IC 35-42-3-2).

33 (8) Human and sexual trafficking crimes (IC 35-42-3.5).

34 (9) Child exploitation (IC 35-42-4-4).

35 (10) Robbery (IC 35-42-5-1).

36 (11) Carjacking (IC 35-42-5-2) (before its repeal).

37 (12) Arson (IC 35-43-1-1).

38 (13) Burglary (IC 35-43-2-1).

39 (14) Theft (IC 35-43-4-2).

40 (15) Receiving stolen property (IC 35-43-4-2) (before its  
41 amendment on July 1, 2018).

42 (16) Forgery (IC 35-43-5-2).





- 1 (17) An offense under IC 35-43-5.  
 2 (18) Bribery (IC 35-44.1-1-2).  
 3 (19) Official misconduct (IC 35-44.1-1-1).  
 4 (20) Conflict of interest (IC 35-44.1-1-4).  
 5 (21) Perjury (IC 35-44.1-2-1).  
 6 (22) Obstruction of justice (IC 35-44.1-2-2).  
 7 (23) Intimidation (IC 35-45-2-1).  
 8 (24) Promoting prostitution (IC 35-45-4-4).  
 9 (25) Professional gambling (IC 35-45-5-3).  
 10 (26) Maintaining a professional gambling site (IC  
 11 35-45-5-3.5(b)).  
 12 (27) Promoting professional gambling (IC 35-45-5-4).  
 13 (28) Dealing in or manufacturing cocaine or a narcotic drug (IC  
 14 35-48-4-1).  
 15 (29) Dealing in methamphetamine (IC 35-48-4-1.1).  
 16 (30) Manufacturing methamphetamine (IC 35-48-4-1.2).  
 17 **(31) Dealing in fentanyl or a dangerous opiate containing**  
 18 **substance (IC 35-48-4-1.3).**  
 19 ~~(31)~~ **(32)** Dealing in a schedule I, II, or III controlled substance  
 20 (IC 35-48-4-2).  
 21 ~~(32)~~ **(33)** Dealing in a schedule IV controlled substance (IC  
 22 35-48-4-3).  
 23 ~~(33)~~ **(34)** Dealing in a schedule V controlled substance (IC  
 24 35-48-4-4).  
 25 ~~(34)~~ **(35)** Dealing in marijuana, hash oil, hashish, or salvia (IC  
 26 35-48-4-10).  
 27 ~~(35)~~ **(36)** Money laundering (IC 35-45-15-5).  
 28 ~~(36)~~ **(37)** A violation of IC 35-47.5-5.  
 29 ~~(37)~~ **(38)** A violation of any of the following:  
 30 (A) IC 23-14-48-9.  
 31 (B) IC 30-2-9-7(b).  
 32 (C) IC 30-2-10-9(b).  
 33 (D) IC 30-2-13-38(f).  
 34 ~~(38)~~ **(39)** Practice of law by a person who is not an attorney (IC  
 35 33-43-2-1).  
 36 ~~(39)~~ **(40)** An offense listed in IC 35-48-4 involving the  
 37 manufacture or sale of a synthetic drug (as defined in  
 38 IC 35-31.5-2-321), a synthetic drug lookalike substance (as  
 39 defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019))  
 40 under IC 35-48-4-10.5 (before its repeal on July 1, 2019), a  
 41 controlled substance analog (as defined in IC 35-48-1-9.3), or a  
 42 substance represented to be a controlled substance (as described



1 in IC 35-48-4-4.6).

2 ~~(40)~~ **(41)** Dealing in a controlled substance resulting in death or  
 3 **catastrophic injury** (IC 35-42-1-1.5).

4 SECTION 16. IC 35-46-1-4, AS AMENDED BY P.L.170-2021,  
 5 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2023]: Sec. 4. (a) A person having the care of a dependent,  
 7 whether assumed voluntarily or because of a legal obligation, who  
 8 knowingly or intentionally:

9 (1) places the dependent in a situation that endangers the  
 10 dependent's life or health;

11 (2) abandons or cruelly confines the dependent;

12 (3) deprives the dependent of necessary support; or

13 (4) deprives the dependent of education as required by law;

14 commits neglect of a dependent, a Level 6 felony.

15 (b) However, the offense is:

16 (1) a Level 5 felony if it is committed under subsection (a)(1),  
 17 (a)(2), or (a)(3) and:

18 (A) results in bodily injury; or

19 (B) is:

20 (i) committed in a location where a person is violating  
 21 IC 35-48-4-1 (dealing in cocaine or a narcotic drug),  
 22 IC 35-48-4-1.1 (dealing in methamphetamine), ~~or~~  
 23 IC 35-48-4-1.2 (manufacturing methamphetamine), ~~or~~  
 24 **IC 35-48-4-1.3 (dealing in fentanyl or a dangerous opiate**  
 25 **containing substance);** or

26 (ii) the result of a violation of IC 35-48-4-1 (dealing in  
 27 cocaine or a narcotic drug), IC 35-48-4-1.1 (dealing in  
 28 methamphetamine), ~~or~~ IC 35-48-4-1.2 (manufacturing  
 29 methamphetamine), ~~or~~ **IC 35-48-4-1.3 (dealing in fentanyl**  
 30 **or a dangerous opiate containing substance);**

31 (2) a Level 3 felony if it is committed under subsection (a)(1),  
 32 (a)(2), or (a)(3) and results in serious bodily injury;

33 (3) a Level 1 felony if it is committed under subsection (a)(1),  
 34 (a)(2), or (a)(3) by a person at least eighteen (18) years of age and  
 35 results in the death or catastrophic injury of a dependent who is  
 36 less than fourteen (14) years of age or in the death or catastrophic  
 37 injury of a dependent of any age who has a mental or physical  
 38 disability; and

39 (4) a Level 5 felony if it is committed under subsection (a)(2) and  
 40 consists of cruel confinement or abandonment that:

41 (A) deprives a dependent of necessary food, water, or sanitary  
 42 facilities;



- 1 (B) consists of confinement in an area not intended for human  
 2 habitation; or  
 3 (C) involves the unlawful use of handcuffs, a rope, a cord,  
 4 tape, or a similar device to physically restrain a dependent.  
 5 (c) It is a defense to a prosecution based on an alleged act under this  
 6 section that:  
 7 (1) the accused person left a dependent child who was, at the time  
 8 the alleged act occurred, not more than thirty (30) days of age:  
 9 (A) in a newborn safety device described in  
 10 IC 31-34-2.5-1(a)(2), IC 31-34-2.5-1(a)(3),  
 11 IC 31-34-2.5-1(a)(4), or IC 31-34-2.5-1(a)(5); or  
 12 (B) with a person who is an emergency medical services  
 13 provider (as defined in IC 16-41-10-1) who took custody of the  
 14 child under IC 31-34-2.5;  
 15 when the prosecution is based solely on the alleged act of leaving  
 16 the child in the newborn safety device or with the emergency  
 17 medical services provider and the alleged act did not result in  
 18 bodily injury or serious bodily injury to the child; or  
 19 (2) the accused person, in the legitimate practice of the accused  
 20 person's religious belief, provided treatment by spiritual means  
 21 through prayer, in lieu of medical care, to the accused person's  
 22 dependent.  
 23 (d) Except for property transferred or received:  
 24 (1) under a court order made in connection with a proceeding  
 25 under IC 31-15, IC 31-16, IC 31-17, or IC 31-35 (or IC 31-1-11.5  
 26 or IC 31-6-5 before their repeal); or  
 27 (2) under section 9(d) of this chapter;  
 28 a person who transfers or receives any property in consideration for the  
 29 termination of the care, custody, or control of a person's dependent  
 30 child commits child selling, a Level 6 felony.  
 31 SECTION 17. IC 35-47-4-5, AS AMENDED BY P.L.142-2020,  
 32 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2023]: Sec. 5. (a) As used in this section, "serious violent  
 34 felon" means a person who has been convicted of committing a serious  
 35 violent felony.  
 36 (b) As used in this section, "serious violent felony" means:  
 37 (1) murder (IC 35-42-1-1);  
 38 (2) voluntary manslaughter (IC 35-42-1-3);  
 39 (3) reckless homicide not committed by means of a vehicle (IC  
 40 35-42-1-5);  
 41 (4) battery (IC 35-42-2-1) as a:  
 42 (A) Class A felony, Class B felony, or Class C felony, for a



- 1 crime committed before July 1, 2014; or  
 2 (B) Level 2 felony, Level 3 felony, Level 4 felony, or Level 5  
 3 felony, for a crime committed after June 30, 2014;  
 4 (5) domestic battery (IC 35-42-2-1.3) as a Level 2 felony, Level  
 5 3 felony, Level 4 felony, or Level 5 felony;  
 6 (6) aggravated battery (IC 35-42-2-1.5);  
 7 (7) kidnapping (IC 35-42-3-2);  
 8 (8) criminal confinement (IC 35-42-3-3);  
 9 (9) rape (IC 35-42-4-1);  
 10 (10) criminal deviate conduct (IC 35-42-4-2) (before its repeal);  
 11 (11) child molesting (IC 35-42-4-3);  
 12 (12) sexual battery (IC 35-42-4-8) as a:  
 13 (A) Class C felony, for a crime committed before July 1, 2014;  
 14 or  
 15 (B) Level 5 felony, for a crime committed after June 30, 2014;  
 16 (13) robbery (IC 35-42-5-1);  
 17 (14) carjacking (IC 35-42-5-2) (before its repeal);  
 18 (15) arson (IC 35-43-1-1(a)) as a:  
 19 (A) Class A felony or Class B felony, for a crime committed  
 20 before July 1, 2014; or  
 21 (B) Level 2 felony, Level 3 felony, or Level 4 felony, for a  
 22 crime committed after June 30, 2014;  
 23 (16) burglary (IC 35-43-2-1) as a:  
 24 (A) Class A felony or Class B felony, for a crime committed  
 25 before July 1, 2014; or  
 26 (B) Level 1 felony, Level 2 felony, Level 3 felony, or Level 4  
 27 felony, for a crime committed after June 30, 2014;  
 28 (17) assisting a criminal (IC 35-44.1-2-5) as a:  
 29 (A) Class C felony, for a crime committed before July 1, 2014;  
 30 or  
 31 (B) Level 5 felony, for a crime committed after June 30, 2014;  
 32 (18) resisting law enforcement (IC 35-44.1-3-1) as a:  
 33 (A) Class B felony or Class C felony, for a crime committed  
 34 before July 1, 2014; or  
 35 (B) Level 2 felony, Level 3 felony, or Level 5 felony, for a  
 36 crime committed after June 30, 2014;  
 37 (19) escape (IC 35-44.1-3-4) as a:  
 38 (A) Class B felony or Class C felony, for a crime committed  
 39 before July 1, 2014; or  
 40 (B) Level 4 felony or Level 5 felony, for a crime committed  
 41 after June 30, 2014;  
 42 (20) trafficking with an inmate (IC 35-44.1-3-5) as a:



- 1 (A) Class C felony, for a crime committed before July 1, 2014;  
 2 or  
 3 (B) Level 5 felony, for a crime committed after June 30, 2014;  
 4 (21) criminal organization intimidation (IC 35-45-9-4);  
 5 (22) stalking (IC 35-45-10-5) as a:  
 6 (A) Class B felony or Class C felony, for a crime committed  
 7 before July 1, 2014; or  
 8 (B) Level 4 felony or Level 5 felony, for a crime committed  
 9 after June 30, 2014;  
 10 (23) incest (IC 35-46-1-3);  
 11 (24) dealing in or manufacturing cocaine or a narcotic drug (IC  
 12 35-48-4-1);  
 13 (25) dealing in methamphetamine (IC 35-48-4-1.1) or  
 14 manufacturing methamphetamine (IC 35-48-4-1.2);  
 15 **(26) dealing in fentanyl or a dangerous opiate containing**  
 16 **substance (IC 35-48-4-1.3).**  
 17 ~~(26)~~ (27) dealing in a schedule I, II, or III controlled substance (IC  
 18 35-48-4-2);  
 19 ~~(27)~~ (28) dealing in a schedule IV controlled substance (IC  
 20 35-48-4-3);  
 21 ~~(28)~~ (29) dealing in a schedule V controlled substance (IC  
 22 35-48-4-4); or  
 23 ~~(29)~~ (30) dealing in a controlled substance resulting in death or  
 24 **catastrophic injury (IC 35-42-1-1.5).**  
 25 (c) A serious violent felon who knowingly or intentionally possesses  
 26 a firearm commits unlawful possession of a firearm by a serious violent  
 27 felon, a Level 4 felony.  
 28 SECTION 18. IC 35-48-1-16.7 IS ADDED TO THE INDIANA  
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 30 [EFFECTIVE JULY 1, 2023]: **Sec. 16.7. "Fentanyl or a dangerous**  
 31 **opiate containing substance" means a substance, including the**  
 32 **isomers, esters, ethers, salts, and salts of isomers, esters, and ethers**  
 33 **as defined in:**  
 34 **(1) IC 35-48-2-4(b) and IC 35-48-2-4(c) (schedule I); or**  
 35 **(2) IC 35-48-2-6(b) and IC 35-48-2-6(c) (schedule II).**  
 36 SECTION 19. IC 35-48-4-1.3 IS ADDED TO THE INDIANA  
 37 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 38 [EFFECTIVE JULY 1, 2023]: **Sec. 1.3. (a) A person who:**  
 39 **(1) knowingly or intentionally:**  
 40 **(A) delivers; or**  
 41 **(B) finances the delivery of;**  
 42 **fentanyl or a dangerous opiate containing substance, pure or**



- 1           adulterated; or  
 2           (2) possesses, with intent to:  
 3                (A) deliver; or  
 4                (B) finance the delivery of;  
 5           fentanyl or a dangerous opiate containing substance, pure or  
 6           adulterated;  
 7   commits dealing in fentanyl or a dangerous opiate containing  
 8   substance, a Level 4 felony, except as provided in subsections (b)  
 9   through (d).  
 10          (b) A person may be convicted of an offense under subsection  
 11       (a)(2) only if:  
 12               (1) there is evidence in addition to the weight of the drug that  
 13               the person intended to deliver or finance the delivery of the  
 14               drug; or  
 15               (2) the amount of the drug involved is at least twenty-eight  
 16               (28) grams.  
 17       (c) The offense is a Level 3 felony if:  
 18               (1) the amount of the drug involved is at least one (1) gram  
 19               but less than five (5) grams; or  
 20               (2) the amount of the drug involved is less than one (1) gram  
 21               and an enhancing circumstance applies.  
 22       (d) The offense is a Level 2 felony if:  
 23               (1) the amount of the drug involved is at least five (5) grams;  
 24               or  
 25               (2) the amount of the drug involved is at least one (1) gram  
 26               and an enhancing circumstance applies.  
 27   SECTION 20. IC 35-48-4-6.3 IS ADDED TO THE INDIANA  
 28   CODE AS A NEW SECTION TO READ AS FOLLOWS  
 29   [EFFECTIVE JULY 1, 2023]: **Sec. 6.3. (a) A person who, without a**  
 30   **valid prescription or order of a practitioner acting in the course of**  
 31   **the practitioner's professional practice, knowingly or intentionally**  
 32   **possesses fentanyl or a dangerous opiate containing substance**  
 33   **(pure or adulterated) commits possession of fentanyl or a**  
 34   **dangerous opiate containing substance, a Level 5 felony, except as**  
 35   **provided in subsections (b) through (d).**  
 36       (b) The offense is a Level 4 felony if:  
 37               (1) the amount of the drug involved is at least five (5) but less  
 38               than ten (10) grams; or  
 39               (2) the amount of the drug involved is less than five (5) grams  
 40               and an enhancing circumstance applies.  
 41       (c) The offense is a Level 3 felony if:  
 42               (1) the amount of the drug involved is at least ten (10) but less



- 1           **than twenty-eight (28) grams; or**  
2           **(2) the amount of the drug involved is at least five (5) but less**  
3           **than ten (10) grams and an enhancing circumstance applies.**  
4       **(d) The offense is a Level 2 felony if:**  
5           **(1) the amount of the drug involved is at least twenty-eight**  
6           **(28) grams; or**  
7           **(2) the amount of the drug involved is at least ten (10) but less**  
8           **than twenty-eight (28) grams and an enhancing circumstance**  
9           **applies.**

