

HOUSE BILL No. 1356

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-7-3; IC 9-30; IC 11-12-3.7-3; IC 15-16-7-8; IC 16-31-3; IC 16-42; IC 20-28-5-8; IC 22-15-5-16; IC 24-4-21-1; IC 25-1-1.1; IC 33-37; IC 34-24-1-1; IC 35-31.5-2; IC 35-45; IC 35-46-9-6; IC 35-48; IC 35-50.

Synopsis: Cannabis. Decriminalizes the possession of: (1) two ounces or less of cannabis; or (2) five grams or less of hash oil or hashish. Establishes a per se intoxication level of 10 nanograms of THC per milliliter of whole blood for purposes of operating while intoxicated laws, and requires that the analysis of controlled substances in a person's blood measure only the controlled substance and not the metabolites of the controlled substance. Repeals the term "marijuana" and replaces with the term "cannabis". Makes conforming changes.

Effective: July 1, 2023.

Lucas, Ledbetter, Teshka, Payne

January 17, 2023, read first time and referred to Committee on Courts and Criminal Code.



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. 1356

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 6-7-3-0.5 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2023]: **Sec. 0.5. As used in this chapter, "cannabis" has the**
- 4 **meaning set forth in IC 35-48-1-19.**
- 5 SECTION 2. IC 6-7-3-4.1 IS REPEALED [EFFECTIVE JULY 1,
- 6 2023]. ~~Sec. 4.1. As used in this chapter, "marijuana" has the meaning~~
- 7 ~~set forth in IC 35-48-1-19.~~
- 8 SECTION 3. IC 6-7-3-6 IS AMENDED TO READ AS FOLLOWS
- 9 [EFFECTIVE JULY 1, 2023]: Sec. 6. (a) The amount of the controlled
- 10 substance excise tax is determined by:
- 11 (1) the weight of the controlled substance; or
- 12 (2) the pill, capsule, hit, rock, or dosage when a controlled
- 13 substance is delivered, possessed, or manufactured in that form.
- 14 (b) The amount of controlled substance excise tax is as follows:
- 15 (1) On each gram of a schedule I, II, or III controlled substance,
- 16 except ~~marijuana~~, **cannabis**, forty dollars (\$40) for each gram and
- 17 a proportionate amount for each fraction of a gram.



- 1 (2) On each gram of ~~marijuana~~, **cannabis**, three dollars and fifty
 2 cents (\$3.50) for each gram and a proportionate amount for each
 3 fraction of a gram.
- 4 (3) On each pill, capsule, hit, rock, or dosage of a schedule I, II,
 5 or III controlled substance, forty dollars (\$40).
- 6 (4) On each gram of a schedule IV controlled substance, twenty
 7 dollars (\$20) for each gram and a proportionate amount for each
 8 fraction of a gram.
- 9 (5) On each pill, capsule, hit, rock, or dosage of a schedule IV
 10 controlled substance, twenty dollars (\$20).
- 11 (6) On each gram of a schedule V controlled substance, ten
 12 dollars (\$10) for each gram and a proportionate amount for each
 13 fraction of a gram.
- 14 (7) On each pill, capsule, hit, rock, or dosage of a schedule V
 15 controlled substance, ten dollars (\$10).
- 16 (c) A gram of a controlled substance is measured by the weight of
 17 the substance in possession whether pure, impure, or diluted. A
 18 quantity of a controlled substance is diluted if the substance consists of
 19 a detectable quantity of pure controlled substance and any excipient,
 20 fillers, or waste.
- 21 SECTION 4. IC 9-30-5-1, AS AMENDED BY P.L.49-2021,
 22 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2023]: Sec. 1. (a) A person who operates a vehicle with an
 24 alcohol concentration equivalent to at least eight-hundredths (0.08)
 25 gram of alcohol but less than fifteen-hundredths (0.15) gram of alcohol
 26 per:
- 27 (1) one hundred (100) milliliters of the person's blood; or
 28 (2) two hundred ten (210) liters of the person's breath;
 29 commits a Class C misdemeanor.
- 30 (b) A person who operates a vehicle with an alcohol concentration
 31 equivalent to at least fifteen-hundredths (0.15) gram of alcohol per:
- 32 (1) one hundred (100) milliliters of the person's blood; or
 33 (2) two hundred ten (210) liters of the person's breath;
 34 commits a Class A misdemeanor.
- 35 (c) A person who operates a vehicle with:
- 36 (1) a controlled substance, **other than tetrahydrocannabinol**,
 37 listed in schedule I or II of IC 35-48-2 or its metabolite in the
 38 person's blood; or
 39 (2) **ten (10) or more nanograms of tetrahydrocannabinol per**
 40 **milliliter of the person's whole blood**;
 41 commits a Class C misdemeanor.
- 42 (d) It is a defense to subsection (c) that:



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

5 (2) the:

6 (A) controlled substance is ~~marijuana~~ **cannabis** or a
 7 metabolite of ~~marijuana~~; **cannabis**;

8 (B) person was not intoxicated;

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

10 (D) substance was identified by means of a chemical test taken
 11 pursuant to IC 9-30-7.

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

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

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

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

20 (2) with:

21 (A) a controlled substance, **other than**
 22 **tetrahydrocannabinol**, listed in schedule I or II of IC 35-48-2
 23 **or its metabolite** in the person's blood; or

24 (B) **ten (10) or more nanograms of tetrahydrocannabinol**
 25 **per milliliter of the person's whole blood; or**

26 (3) while intoxicated;

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

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

33 (c) It is a defense under subsection (a)(2) that the accused person
 34 consumed the controlled substance in accordance with a valid
 35 prescription or order of a practitioner (as defined in IC 35-48-1) who
 36 acted in the course of the practitioner's professional practice.

37 SECTION 6. IC 9-30-5-5, AS AMENDED BY P.L.184-2019,
 38 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2023]: Sec. 5. (a) A person who causes the death or
 40 catastrophic injury of another person when operating a vehicle:

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



- 1 (A) one hundred (100) milliliters of the person's blood; or
 2 (B) two hundred ten (210) liters of the person's breath;
 3 (2) with:
 4 (A) a controlled substance, **other than**
 5 **tetrahydrocannabinol**, listed in schedule I or II of IC 35-48-2
 6 ~~or its metabolite~~ in the person's blood; or
 7 **(B) ten (10) or more nanograms of tetrahydrocannabinol**
 8 **per milliliter of the person's whole blood; or**
 9 (3) while intoxicated;
 10 commits a Level 4 felony.
- 11 (b) A person who causes the death of a law enforcement animal (as
 12 defined in IC 35-46-3-4.5) when operating a vehicle:
 13 (1) with an alcohol concentration equivalent to at least
 14 eight-hundredths (0.08) gram of alcohol per:
 15 (A) one hundred (100) milliliters of the person's blood; or
 16 (B) two hundred ten (210) liters of the person's breath; or
 17 (2) with:
 18 (A) a controlled substance, **other than**
 19 **tetrahydrocannabinol**, listed in schedule I or II of IC 35-48-2
 20 ~~or its metabolite~~ in the person's blood; **or**
 21 **(B) ten (10) or more nanograms of tetrahydrocannabinol**
 22 **per milliliter of the person's whole blood;**
 23 commits a Level 6 felony.
- 24 (c) A person who commits an offense under subsection (a) or (b)
 25 commits a separate offense for each person or law enforcement animal
 26 whose death (or catastrophic injury, in the case of a person) is caused
 27 by the violation of subsection (a) or (b).
- 28 (d) It is a defense under subsection (a) or (b) that the person accused
 29 of causing the death or catastrophic injury of another person or the
 30 death of a law enforcement animal when operating a vehicle with a
 31 controlled substance listed in schedule I or II of IC 35-48-2 ~~or its~~
 32 ~~metabolite~~ in the person's blood consumed the controlled substance in
 33 accordance with a valid prescription or order of a practitioner (as
 34 defined in IC 35-48-1) who acted in the course of the practitioner's
 35 professional practice.
- 36 SECTION 7. IC 9-30-15.5-1, AS AMENDED BY P.L.198-2016,
 37 SECTION 606, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2023]: Sec. 1. As used in this chapter,
 39 "vehicular substance offense" means any misdemeanor or felony in
 40 which operation of a vehicle while intoxicated, operation of a vehicle
 41 in excess of the statutory limit for alcohol, or operation of a vehicle
 42 with a controlled substance or **(before July 1, 2023)** its metabolite in



1 the person's body, is a material element. The term includes an offense
 2 under IC 9-30-5, IC 9-24-6-15 (before its repeal), IC 9-24-6.1-7, and
 3 IC 9-11-2 (before its repeal).

4 SECTION 8. IC 11-12-3.7-3, AS AMENDED BY P.L.182-2011,
 5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2023]: Sec. 3. As used in this chapter, "drug dealing offense"
 7 means one (1) or more of the following offenses:

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

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

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

17 (4) Dealing in:

18 (A) marijuana (**before July 1, 2023**);

19 (B) **cannabis (after June 30, 2023)**; or

20 (C) hash oil, hashish, salvia, or a synthetic cannabinoid (IC
 21 35-48-4-10);

22 unless the person received only minimal consideration as a result
 23 of the drug transaction.

24 SECTION 9. IC 15-16-7-8, AS ADDED BY P.L.2-2008, SECTION
 25 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 26 2023]: Sec. 8. In addition to the weed control board's powers and duties
 27 under section 7 of this chapter, the weed control board may establish
 28 a ~~marijuana~~ **cannabis** eradication program to eliminate and destroy
 29 wild ~~marijuana~~ **cannabis** plants within the county. The program is
 30 funded by amounts appropriated by the county:

31 (1) under IC 33-37-8; and

32 (2) from the county general fund.

33 SECTION 10. IC 16-31-3-14, AS AMENDED BY P.L.170-2022,
 34 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 JULY 1, 2023]: Sec. 14. (a) A person holding a certificate or license
 36 issued under this article must comply with the applicable standards and
 37 rules established under this article. A certificate holder or license
 38 holder is subject to disciplinary sanctions under subsection (b) if the
 39 department of homeland security determines that the certificate holder
 40 or license holder:

41 (1) engaged in or knowingly cooperated in fraud or material
 42 deception in order to obtain a certificate or license, including



- 1 cheating on a certification or licensure examination;
- 2 (2) engaged in fraud or material deception in the course of
- 3 professional services or activities;
- 4 (3) advertised services or goods in a false or misleading manner;
- 5 (4) falsified or knowingly allowed another person to falsify
- 6 attendance records or certificates of completion of continuing
- 7 education courses required under this article or rules adopted
- 8 under this article;
- 9 (5) is convicted of a crime, if the act that resulted in the
- 10 conviction has a direct bearing on determining if the certificate
- 11 holder or license holder should be entrusted to provide emergency
- 12 medical services;
- 13 (6) is convicted of violating IC 9-19-14.5;
- 14 (7) fails to comply and maintain compliance with or violates any
- 15 applicable provision, standard, or other requirement of this article
- 16 or rules adopted under this article;
- 17 (8) continues to practice if the certificate holder or license holder
- 18 becomes unfit to practice due to:
 - 19 (A) professional incompetence that includes the undertaking
 - 20 of professional activities that the certificate holder or license
 - 21 holder is not qualified by training or experience to undertake;
 - 22 (B) failure to keep abreast of current professional theory or
 - 23 practice;
 - 24 (C) physical or mental disability; or
 - 25 (D) addiction to, abuse of, or dependency on alcohol or other
 - 26 drugs that endanger the public by impairing the certificate
 - 27 holder's or license holder's ability to practice safely;
- 28 (9) engages in a course of lewd or immoral conduct in connection
- 29 with the delivery of services to the public;
- 30 (10) allows the certificate holder's or license holder's name or a
- 31 certificate or license issued under this article to be used in
- 32 connection with a person who renders services beyond the scope
- 33 of that person's training, experience, or competence;
- 34 (11) is subjected to disciplinary action in another state or
- 35 jurisdiction on grounds similar to those contained in this chapter.
- 36 For purposes of this subdivision, a certified copy of a record of
- 37 disciplinary action constitutes prima facie evidence of a
- 38 disciplinary action in another jurisdiction;
- 39 (12) assists another person in committing an act that would
- 40 constitute a ground for disciplinary sanction under this chapter;
- 41 (13) allows a certificate or license issued by the commission to
- 42 be:



- 1 (A) used by another person; or
2 (B) displayed to the public when the certificate or license is
3 expired, inactive, invalid, revoked, or suspended; or
4 (14) fails to notify the department in writing of any misdemeanor
5 or felony criminal conviction, except traffic related misdemeanors
6 other than operating a motor vehicle under the influence of a drug
7 or alcohol, within ninety (90) days after the entry of an order or
8 judgment. A certified copy of the order or judgment with a letter
9 of explanation must be submitted to the department along with the
10 written notice.
- 11 (b) The department of homeland security may issue an order under
12 IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if
13 the department of homeland security determines that a certificate
14 holder or license holder is subject to disciplinary sanctions under
15 subsection (a):
- 16 (1) Revocation of a certificate holder's certificate or license
17 holder's license for a period not to exceed seven (7) years.
18 (2) Suspension of a certificate holder's certificate or license
19 holder's license for a period not to exceed seven (7) years.
20 (3) Censure of a certificate holder or license holder.
21 (4) Issuance of a letter of reprimand.
22 (5) Assessment of a civil penalty against the certificate holder or
23 license holder in accordance with the following:
- 24 (A) The civil penalty may not exceed five hundred dollars
25 (\$500) per day per violation.
26 (B) If the certificate holder or license holder fails to pay the
27 civil penalty within the time specified by the department of
28 homeland security, the department of homeland security may
29 suspend the certificate holder's certificate or license holder's
30 license without additional proceedings.
- 31 (6) Placement of a certificate holder or license holder on
32 probation status and requirement of the certificate holder or
33 license holder to:
- 34 (A) report regularly to the department of homeland security
35 upon the matters that are the basis of probation;
36 (B) limit practice to those areas prescribed by the department
37 of homeland security;
38 (C) continue or renew professional education approved by the
39 department of homeland security until a satisfactory degree of
40 skill has been attained in those areas that are the basis of the
41 probation; or
42 (D) perform or refrain from performing any acts, including



- 1 community restitution or service without compensation, that
2 the department of homeland security considers appropriate to
3 the public interest or to the rehabilitation or treatment of the
4 certificate holder or license holder.
- 5 The department of homeland security may withdraw or modify
6 this probation if the department of homeland security finds after
7 a hearing that the deficiency that required disciplinary action is
8 remedied or that changed circumstances warrant a modification
9 of the order.
- 10 (c) If an applicant or a certificate holder or license holder has
11 engaged in or knowingly cooperated in fraud or material deception to
12 obtain a certificate or license, including cheating on the certification or
13 licensure examination, the department of homeland security may
14 rescind the certificate or license if it has been granted, void the
15 examination or other fraudulent or deceptive material, and prohibit the
16 applicant from reapplying for the certificate or license for a length of
17 time established by the department of homeland security.
- 18 (d) The department of homeland security may deny certification or
19 licensure to an applicant who would be subject to disciplinary sanctions
20 under subsection (b) if that person were a certificate holder or license
21 holder, has had disciplinary action taken against the applicant or the
22 applicant's certificate or license to practice in another state or
23 jurisdiction, or has practiced without a certificate or license in violation
24 of the law. A certified copy of the record of disciplinary action is
25 conclusive evidence of the other jurisdiction's disciplinary action.
- 26 (e) The department of homeland security may order a certificate
27 holder or license holder to submit to a reasonable physical or mental
28 examination if the certificate holder's or license holder's physical or
29 mental capacity to practice safely and competently is at issue in a
30 disciplinary proceeding. Failure to comply with a department of
31 homeland security order to submit to a physical or mental examination
32 makes a certificate holder or license holder liable to temporary
33 suspension under subsection (i).
- 34 (f) Except as provided under subsection (a), subsection (g), and
35 section 14.5 of this chapter, a certificate or license may not be denied,
36 revoked, or suspended because the applicant, certificate holder, or
37 license holder has been convicted of an offense. The acts from which
38 the applicant's, certificate holder's, or license holder's conviction
39 resulted may be considered as to whether the applicant or certificate
40 holder or license holder should be entrusted to serve the public in a
41 specific capacity.
- 42 (g) The department of homeland security may deny, suspend, or



1 revoke a certificate or license issued under this article if the individual
 2 who holds or is applying for the certificate or license is convicted of
 3 any of the following:

- 4 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
 5 (2) Possession of methamphetamine under IC 35-48-4-6.1.
 6 (3) Possession of a controlled substance under IC 35-48-4-7(a).
 7 (4) Fraudulently obtaining a controlled substance under
 8 IC 35-48-4-7(c).
 9 (5) Manufacture of paraphernalia as a Class D felony (for a crime
 10 committed before July 1, 2014) or Level 6 felony (for a crime
 11 committed after June 30, 2014) under IC 35-48-4-8.1(b).
 12 (6) Dealing in paraphernalia as a Class D felony (for a crime
 13 committed before July 1, 2014) or Level 6 felony (for a crime
 14 committed after June 30, 2014) under IC 35-48-4-8.5(b).
 15 (7) Possession of paraphernalia as a Class D felony (for a crime
 16 committed before July 1, 2014) or Level 6 felony (for a crime
 17 committed after June 30, 2014) under IC 35-48-4-8.3(b) (before
 18 its amendment on July 1, 2015).
 19 (8) Possession of:
 20 (A) marijuana (**before July 1, 2023**);
 21 (B) cannabis (**after June 30, 2023**); or
 22 (C) hash oil, hashish, or salvia;
 23 as a Class D felony (for a crime committed before July 1, 2014)
 24 or Level 6 felony (for a crime committed after June 30, 2014)
 25 under IC 35-48-4-11.
 26 (9) A felony offense under IC 35-48-4 involving:
 27 (A) possession of a synthetic drug (as defined in
 28 IC 35-31.5-2-321);
 29 (B) possession of a synthetic drug lookalike substance (as
 30 defined in IC 35-31.5-2-321.5 (before its repeal on July 1,
 31 2019)) as a:
 32 (i) Class D felony (for a crime committed before July 1,
 33 2014); or
 34 (ii) Level 6 felony (for a crime committed after June 30,
 35 2014);
 36 under IC 35-48-4-11.5 (before its repeal on July 1, 2019); or
 37 (C) possession of a controlled substance analog (as defined in
 38 IC 35-48-1-9.3).
 39 (10) Maintaining a common nuisance under IC 35-48-4-13
 40 (repealed) or IC 35-45-1-5, if the common nuisance involves a
 41 controlled substance.
 42 (11) An offense relating to registration, labeling, and prescription



- 1 forms under IC 35-48-4-14.
- 2 (h) A decision of the department of homeland security under
3 subsections (b) through (g) may be appealed to the commission under
4 IC 4-21.5-3-7.
- 5 (i) The department of homeland security may temporarily suspend
6 a certificate holder's certificate or license holder's license under
7 IC 4-21.5-4 before a final adjudication or during the appeals process if
8 the department of homeland security finds that a certificate holder or
9 license holder would represent a clear and immediate danger to the
10 public's health, safety, or property if the certificate holder or license
11 holder were allowed to continue to practice.
- 12 (j) On receipt of a complaint or information alleging that a person
13 certified or licensed under this chapter or IC 16-31-3.5 has engaged in
14 or is engaging in a practice that is subject to disciplinary sanctions
15 under this chapter, the department of homeland security must initiate
16 an investigation against the person.
- 17 (k) The department of homeland security shall conduct a factfinding
18 investigation as the department of homeland security considers proper
19 in relation to the complaint.
- 20 (l) The department of homeland security may reinstate a certificate
21 or license that has been suspended under this section if the department
22 of homeland security is satisfied that the applicant is able to practice
23 with reasonable skill, competency, and safety to the public. As a
24 condition of reinstatement, the department of homeland security may
25 impose disciplinary or corrective measures authorized under this
26 chapter.
- 27 (m) The department of homeland security may not reinstate a
28 certificate or license that has been revoked under this chapter.
- 29 (n) The department of homeland security must be consistent in the
30 application of sanctions authorized in this chapter. Significant
31 departures from prior decisions involving similar conduct must be
32 explained in the department of homeland security's findings or orders.
- 33 (o) A certificate holder may not surrender the certificate holder's
34 certificate, and a license holder may not surrender the license holder's
35 license, without the written approval of the department of homeland
36 security, and the department of homeland security may impose any
37 conditions appropriate to the surrender or reinstatement of a
38 surrendered certificate or license.
- 39 (p) For purposes of this section, "certificate holder" means a person
40 who holds:
- 41 (1) an unlimited certificate;
- 42 (2) a limited or probationary certificate; or



- 1 (3) an inactive certificate.
- 2 (q) For purposes of this section, "license holder" means a person
3 who holds:
- 4 (1) an unlimited license;
- 5 (2) a limited or probationary license; or
- 6 (3) an inactive license.
- 7 SECTION 11. IC 16-31-3-14.5, AS AMENDED BY P.L.142-2020,
8 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2023]: Sec. 14.5. The department of homeland security may
10 issue an order under IC 4-21.5-3-6 to deny an applicant's request for
11 certification or licensure or permanently revoke a certificate or license
12 under procedures provided by section 14 of this chapter if the
13 individual who holds the certificate or license issued under this title is
14 convicted of any of the following:
- 15 (1) Dealing in a controlled substance resulting in death under
16 IC 35-42-1-1.5.
- 17 (2) Dealing in or manufacturing cocaine or a narcotic drug under
18 IC 35-48-4-1.
- 19 (3) Dealing in methamphetamine under IC 35-48-4-1.1.
- 20 (4) Manufacturing methamphetamine under IC 35-48-4-1.2.
- 21 (5) Dealing in a schedule I, II, or III controlled substance under
22 IC 35-48-4-2.
- 23 (6) Dealing in a schedule IV controlled substance under
24 IC 35-48-4-3.
- 25 (7) Dealing in a schedule V controlled substance under
26 IC 35-48-4-4.
- 27 (8) Dealing in a substance represented to be a controlled
28 substance under IC 35-48-4-4.5 (repealed).
- 29 (9) Knowingly or intentionally manufacturing, advertising,
30 distributing, or possessing with intent to manufacture, advertise,
31 or distribute a substance represented to be a controlled substance
32 under IC 35-48-4-4.6.
- 33 (10) Dealing in a counterfeit substance under IC 35-48-4-5.
- 34 (11) Dealing in:
- 35 (A) marijuana (**before July 1, 2023**);
- 36 (B) cannabis (**after June 30, 2023**); or
- 37 (C) hash oil, hashish, or salvia;
- 38 as a felony under IC 35-48-4-10.
- 39 (12) An offense under IC 35-48-4 involving the manufacture or
40 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
41 synthetic drug lookalike substance (as defined in
42 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under



1 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
 2 substance analog (as defined in IC 35-48-1-9.3), or a substance
 3 represented to be a controlled substance (as described in
 4 IC 35-48-4-4.6).

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

6 SECTION 12. IC 16-42-3-4 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 4. A drug or device is
 8 considered to be misbranded under any of the following conditions:

9 (1) If the labeling of the drug or device is false or misleading in
 10 any way.

11 (2) If the drug or device is in package form unless the drug or
 12 device bears a label containing:

13 (A) the name and place of business of the manufacturer,
 14 packer, or distributor; and

15 (B) an accurate statement of the quantity of the contents in
 16 terms of weight, measure, or numerical count.

17 However, under clause (B) reasonable variations shall be
 18 permitted and exemptions as to small packages shall be
 19 established by rules adopted by the state department.

20 (3) If any word, statement, or other information required to appear
 21 on the label or labeling, under this chapter or a rule adopted under
 22 IC 16-42-1-2 is not prominently placed on the drug or device with
 23 conspicuousness (as compared with other words, statements,
 24 designs, or devices in the labeling) and in such terms that make
 25 the label likely to be read and understood by the ordinary
 26 individual under customary conditions of purchase and use.

27 (4) If the drug or device:

28 (A) is for use by humans; and

29 (B) contains any quantity of the narcotic or hypnotic substance
 30 alpha-eucaine, barbituric acid, beta-eucaine, bromal, cannabis,
 31 carbromal, chloral, coca, cocaine, codeine, heroin, ~~marijuana~~,
 32 morphine, opium, paraldehyde, peyote, methamphetamine, or
 33 sulphonmethane, or any chemical derivative of such substance,
 34 which derivative after investigation has been found to be and
 35 is designated as habit forming, by rules adopted by the state
 36 department under IC 16-42-1 through IC 16-42-4 or by
 37 regulations issued under 21 U.S.C. 352(d);

38 unless the label on the drug or device bears the name and quantity
 39 or proportion of that substance or derivative and the statement
 40 "Warning – May Be Habit Forming".

41 (5) If a drug, unless the following conditions are met:

42 (A) The label on the drug bears, to the exclusion of any other



1 nonproprietary name except the applicable systematic
 2 chemical name or the chemical formula, the following:

3 (i) The established name of the drug, if any.

4 (ii) If the drug is fabricated from at least two (2) ingredients,
 5 the established name and quantity of each active ingredient,
 6 including the kind and quantity or proportion of any alcohol
 7 and, whether active or not, the established name and
 8 quantity or proportion of any bromides, ether, chloroform,
 9 acetanilid, acetphenetidin, amidopyrine, antipyrine, atropine,
 10 hyoscine, hyoscyamine, arsenic, digitalis, digitalis
 11 glucosides, mercury, ouabain, strophanthin, strychnine,
 12 thyroid, or any derivative or preparation of those substances
 13 contained in the drug. However, the requirement for stating
 14 the quantity of the active ingredients, other than the quantity
 15 of those specifically named in this subdivision, applies only
 16 to prescription drugs.

17 (B) If a prescription drug, the established name of the drug or
 18 ingredient on the label (and on any labeling on which a name
 19 for the drug or ingredient is used) is printed prominently and
 20 in type at least half as large as that used for any proprietary
 21 name or designation for the drug or ingredient.

22 However, to the extent that compliance with the requirements of
 23 clause (A)(ii) or clause (B) is impracticable, exemptions shall be
 24 allowed under rules adopted by the state department or by
 25 regulations promulgated under the Federal Act.

26 (6) Unless the drug's or device's labeling bears:

27 (A) adequate directions for use; and

28 (B) adequate warnings against use in those pathological
 29 conditions or by children where the drug's or device's use may
 30 be dangerous to health or against unsafe dosage or methods or
 31 duration of administration or application in the manner and
 32 form that is necessary for the protection of users.

33 However, if any requirement of clause (A) as applied to any drug
 34 or device is not necessary for the protection of the public health,
 35 the state department shall adopt rules exempting the drug or
 36 device from that requirement.

37 (7) If a drug purports to be a drug the name of which is
 38 recognized in an official compendium, unless the drug is
 39 packaged and labeled as prescribed in the compendium. However,
 40 the method of packing may be modified with the consent of the
 41 state department in accordance with regulations promulgated by
 42 the federal security administrator under the Federal Act.



1 Whenever a drug is recognized in both the United States
 2 Pharmacopoeia and the Homeopathic Pharmacopoeia of the
 3 United States, the drug is subject to the requirements of the
 4 United States Pharmacopoeia with respect to packaging and
 5 labeling unless the drug is labeled and offered for sale as a
 6 homeopathic drug. In that case the drug is subject to the
 7 Homeopathic Pharmacopoeia of the United States and not to the
 8 United States Pharmacopoeia.

9 (8) If a drug or device has been found by the federal security
 10 administrator or the state department to be a drug liable to
 11 deterioration, unless the drug or device is packaged in a form and
 12 manner and the drug's or device's label bears a statement of such
 13 precautions as the federal security administrator or the state
 14 department requires by rule or regulation as necessary for the
 15 protection of the public health. A rule or regulation may not be
 16 established for any drug recognized in an official compendium
 17 until the federal security administrator or the state department
 18 informs the appropriate body charged with the revision of the
 19 compendium of the need for the packaging or labeling
 20 requirements and that body fails within a reasonable time to
 21 prescribe requirements.

22 (9) If a drug's container is made, formed, or filled as to be
 23 misleading.

24 (10) If a drug is an imitation of another drug.

25 (11) If a drug is offered for sale under the name of another drug.

26 (12) If a drug is or purports to be or is represented to be a drug
 27 composed wholly or partly of insulin, unless:

28 (A) the drug is from a batch with respect to which a certificate
 29 or release has been issued under Section 506 of the Federal
 30 Act; and

31 (B) the certificate or release is in effect with respect to the
 32 drug.

33 (13) If a drug is or purports to be or is represented to be a drug
 34 composed wholly or partly of any kind of penicillin, streptomycin,
 35 chlortetracycline, chloramphenicol, bacitracin, or any other
 36 antibiotic drug, or any derivative of those drugs, unless:

37 (A) the drug is from a batch with respect to which a certificate
 38 or release has been issued under Section 507 of the Federal
 39 Act; and

40 (B) the certificate or release is in effect with respect to that
 41 drug.

42 However, this subdivision does not apply to any drug or class of



1 drugs exempted by regulations promulgated under Section 507(c)
2 or 507(d) of the Federal Act.

3 (14) If a drug or device is dangerous to health when used in the
4 dosage, or with the frequency or duration prescribed,
5 recommended, or suggested in the labeling of the drug or device.

6 (15) Under the conditions described in section 6 of this chapter.

7 SECTION 13. IC 16-42-3-6, AS AMENDED BY P.L.204-2005,
8 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2023]: Sec. 6. (a) This section applies to a drug intended for
10 use by humans that:

11 (1) is a habit forming drug to which section 4(4) of this chapter
12 applies;

13 (2) because of:

14 (A) the drug's toxicity or other potential for harmful effect;

15 (B) the method of the drug's use; or

16 (C) the collateral measures necessary to the drug's use;

17 is not safe for use except under the supervision of a practitioner
18 licensed by law to administer the drug; or

19 (3) is limited by an approved application under Section 505 of the
20 Federal Act or section 7 or 8 of this chapter to use under the
21 professional supervision of a practitioner licensed by law to
22 administer the drug.

23 (b) A drug described in subsection (a) may be dispensed only:

24 (1) upon a written or an electronically transmitted prescription of
25 a practitioner licensed by law to administer the drug;

26 (2) upon an oral prescription of the practitioner that is reduced
27 promptly to writing and filed by the pharmacist or pharmacist
28 intern (as defined in IC 25-26-13-2); or

29 (3) by refilling a prescription if the refilling is authorized by the
30 prescriber either in the original prescription, by an electronically
31 transmitted order that is recorded in an electronic format, or by
32 oral order that is reduced promptly to writing or is entered into an
33 electronic format and filed by the pharmacist or pharmacist intern
34 (as defined in IC 25-26-13-2).

35 (c) If a prescription for a drug described in subsection (a) does not
36 indicate how many times the prescription may be refilled, if any, the
37 prescription may not be refilled unless the pharmacist is subsequently
38 authorized to do so by the practitioner.

39 (d) The act of dispensing a drug contrary to subsection (a), (b), or
40 (c) is considered to be an act that results in a drug being misbranded
41 while held for sale.

42 (e) A drug dispensed by filling or refilling a prescription of a



1 practitioner licensed by law to administer the drug is exempt from the
 2 requirements of section 4(2), 4(3), 4(4), 4(5), 4(6), 4(7), 4(8), and 4(9)
 3 of this chapter if the drug bears a label containing the following:

- 4 (1) The name and address of the dispenser.
 5 (2) The serial number and date of the prescription or of the
 6 prescription's filling.
 7 (3) The name of the drug's prescriber and, if stated in the
 8 prescription, the name of the patient.
 9 (4) The directions for use and cautionary statements, if any,
 10 contained in the prescription.

11 This exemption does not apply to any drugs dispensed in the course of
 12 the conduct of a business of dispensing drugs pursuant to diagnosis by
 13 mail or to a drug dispensed in violation of subsection (a), (b), (c), or
 14 (d).

15 (f) The state department may adopt rules to remove drugs subject to
 16 section 4(4) of this chapter, section 7 of this chapter, or section 8 of this
 17 chapter from the requirements of subsections (a) through (d) when the
 18 requirements are not necessary for the protection of public health.
 19 Drugs removed from the prescription requirements of the Federal Act
 20 by regulations issued under the Federal Act may also, by rules adopted
 21 by the state department, be removed from the requirement of
 22 subsections (a) through (d).

23 (g) A drug that is subject to subsections (a) through (d) is
 24 considered to be misbranded if at any time before dispensing the drug's
 25 label fails to bear the statement "Caution: Federal Law Prohibits
 26 Dispensing Without Prescription" or "Caution: State Law Prohibits
 27 Dispensing Without Prescription". A drug to which subsections (a)
 28 through (d) do not apply is considered to be misbranded if, at any time
 29 before dispensing, the drug's label bears the caution statement
 30 described in this subsection.

31 (h) This section does not relieve a person from a requirement
 32 prescribed by or under authority of law with respect to drugs included
 33 within the classifications of narcotic drugs or ~~marijuana~~ **cannabis** as
 34 defined in the applicable federal and state laws relating to narcotic
 35 drugs and ~~marijuana~~ **cannabis**.

36 (i) A drug may be dispensed under subsection (b) upon an
 37 electronically transmitted prescription only to the extent permitted by
 38 federal law.

39 SECTION 14. IC 16-42-27-2, AS AMENDED BY P.L.80-2019,
 40 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2023]: Sec. 2. (a) A prescriber may, directly or by standing
 42 order, prescribe or dispense an overdose intervention drug without



1 examining the individual to whom it may be administered if all of the
2 following conditions are met:

- 3 (1) The overdose intervention drug is dispensed or prescribed to:
4 (A) a person at risk of experiencing an opioid-related
5 overdose; or
6 (B) a family member, a friend, or any other individual or entity
7 in a position to assist an individual who, there is reason to
8 believe, is at risk of experiencing an opioid-related overdose.
9 (2) The prescriber instructs the individual receiving the overdose
10 intervention drug or prescription to summon emergency services
11 either immediately before or immediately after administering the
12 overdose intervention drug to an individual experiencing an
13 opioid-related overdose.
14 (3) The prescriber provides education and training on drug
15 overdose response and treatment, including the administration of
16 an overdose intervention drug.
17 (4) The prescriber provides drug addiction treatment information
18 and referrals to drug treatment programs, including programs in
19 the local area and programs that offer medication assisted
20 treatment that includes a federal Food and Drug Administration
21 approved long acting, nonaddictive medication for the treatment
22 of opioid or alcohol dependence.

23 (b) A prescriber may provide a prescription of an overdose
24 intervention drug to an individual as a part of the individual's addiction
25 treatment plan.

26 (c) An individual described in subsection (a)(1) may administer an
27 overdose intervention drug to an individual who is suffering from an
28 overdose.

29 (d) An individual described in subsection (a)(1) may not be
30 considered to be practicing medicine without a license in violation of
31 IC 25-22.5-8-2, if the individual, acting in good faith, does the
32 following:

- 33 (1) Obtains the overdose intervention drug from a prescriber or
34 entity acting under a standing order issued by a prescriber.
35 (2) Administers the overdose intervention drug to an individual
36 who is experiencing an apparent opioid-related overdose.
37 (3) Attempts to summon emergency services either immediately
38 before or immediately after administering the overdose
39 intervention drug.

40 (e) An entity acting under a standing order issued by a prescriber
41 must do the following:

- 42 (1) Annually register with either the:



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



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



1 subsection (c), or when the governing body or equivalent authority for
 2 a nonpublic school takes any final action in relation to an employee
 3 who engaged in any offense listed in subsection (c).

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

7 (1) The following felonies:

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

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

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

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

13 (E) Dealing in or manufacturing cocaine or a narcotic drug (IC
 14 35-48-4-1).

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

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

17 (H) Dealing in a schedule I, II, or III controlled substance (IC
 18 35-48-4-2).

19 (I) Dealing in a schedule IV controlled substance (IC
 20 35-48-4-3).

21 (J) Dealing in a schedule V controlled substance (IC
 22 35-48-4-4).

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

24 (L) Dealing in:

25 (i) marijuana (**before July 1, 2023**);

26 (ii) **cannabis (after June 30, 2023)**; or

27 (iii) hash oil, hashish, or salvia;

28 as a felony (IC 35-48-4-10).

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

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

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

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

40 (Q) Battery as any of the following:

41 (i) A Class A felony (for a crime committed before July 1,
 42 2014) or a Level 2 felony (for a crime committed after June



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



1 specified in IC 20-28-7.5.

2 (f) The department shall develop a data base of information on
3 school corporation employees who have been reported to the
4 department under this section.

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

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

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

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

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

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

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

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

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

32 (6) knowingly violated a state statute or rule or federal statute or
33 regulation regulating the profession for which the practitioner is
34 licensed;

35 (7) continued to practice although the practitioner has become
36 unfit to practice due to:

37 (A) professional incompetence;

38 (B) failure to keep abreast of current professional theory or
39 practice;

40 (C) physical or mental disability; or

41 (D) addiction to, abuse of, or severe dependency on alcohol or
42 other drugs that endanger the public by impairing a



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



- 1 (A) report regularly to the department upon the matters that
 2 are the basis of probation;
 3 (B) limit practice to those areas prescribed by the department;
 4 (C) continue or renew professional education approved by the
 5 department until a satisfactory degree of skill has been attained
 6 in those areas that are the basis of the probation; or
 7 (D) perform or refrain from performing any acts, including
 8 community restitution or service without compensation, that
 9 the department considers appropriate to the public interest or
 10 to the rehabilitation or treatment of the practitioner.

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

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

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

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

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

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



- 1 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
 2 (2) Possession of methamphetamine under IC 35-48-4-6.1.
 3 (3) Possession of a controlled substance under IC 35-48-4-7(a).
 4 (4) 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) Manufacture of paraphernalia as a Class D felony (for a crime
 8 committed before July 1, 2014) or a Level 6 felony (for a crime
 9 committed after June 30, 2014) under IC 35-48-4-8.1(b).
 10 (6) 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) Possession of paraphernalia as a Class D felony (for a crime
 14 committed before July 1, 2014) or a Level 6 felony (for a crime
 15 committed after June 30, 2014) under IC 35-48-4-8.3(b) (before
 16 its amendment on July 1, 2015).
 17 (8) Possession of:
 18 (A) marijuana (**before July 1, 2023**);
 19 (B) cannabis (**after June 30, 2023**); or
 20 (C) hash oil, hashish, or salvia;
 21 as a Class D felony (for a crime committed before July 1, 2014)
 22 or a Level 6 felony (for a crime committed after June 30, 2014)
 23 under IC 35-48-4-11.
 24 (9) A felony offense under IC 35-48-4 involving possession of a
 25 synthetic drug (as defined in IC 35-31.5-2-321), possession of a
 26 controlled substance analog (as defined in IC 35-48-1-9.3), or
 27 possession of a synthetic drug lookalike substance (as defined in
 28 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:
 29 (A) Class D felony for a crime committed before July 1, 2014;
 30 or
 31 (B) Level 6 felony for a crime committed after June 30, 2014;
 32 under IC 35-48-4-11.5 (before its repeal on July 1, 2019).
 33 (10) Maintaining a common nuisance under IC 35-48-4-13
 34 (repealed) or IC 35-45-1-5, if the common nuisance involves a
 35 controlled substance.
 36 (11) An offense relating to registration, labeling, and prescription
 37 forms under IC 35-48-4-14.
 38 (h) The department shall deny, revoke, or suspend a license issued
 39 under this chapter if the individual who holds the license is convicted
 40 of any of the following:
 41 (1) Dealing in a controlled substance resulting in death under
 42 IC 35-42-1-1.5.



- 1 (2) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.
 2 (3) Dealing in methamphetamine under IC 35-48-4-1.1.
 3 (4) Manufacturing methamphetamine under IC 35-48-4-1.2.
 4 (5) Dealing in a schedule I, II, or III controlled substance under
 5 IC 35-48-4-2.
 6 (6) Dealing in a schedule IV controlled substance under
 7 IC 35-48-4-3.
 8 (7) Dealing in a schedule V controlled substance under
 9 IC 35-48-4-4.
 10 (8) Dealing in a substance represented to be a controlled
 11 substance under IC 35-48-4-4.5 (repealed).
 12 (9) Knowingly or intentionally manufacturing, advertising,
 13 distributing, or possessing with intent to manufacture, advertise,
 14 or distribute a substance represented to be a controlled substance
 15 under IC 35-48-4-4.6.
 16 (10) Dealing in a counterfeit substance under IC 35-48-4-5.
 17 (11) Dealing in:
 18 (A) marijuana (**before July 1, 2023**);
 19 (B) cannabis (**after June 30, 2023**); or
 20 (C) hash oil, hashish, or salvia;
 21 as a felony under IC 35-48-4-10.
 22 (12) An offense under IC 35-48-4 involving the manufacture or
 23 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
 24 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).
 30 (13) A violation of any federal or state drug law or rule related to
 31 wholesale legend drug distributors licensed under IC 25-26-14.
 32 (i) A decision of the department under subsections (b) through (h)
 33 may be appealed to the commission under IC 4-21.5-3-7.
 34 (j) The department may temporarily suspend a practitioner's license
 35 under IC 4-21.5-4 before a final adjudication or during the appeals
 36 process if the department finds that a practitioner represents a clear and
 37 immediate danger to the public's health, safety, or property if the
 38 practitioner is allowed to continue to practice.
 39 (k) On receipt of a complaint or an information alleging that a
 40 person licensed under this chapter has engaged in or is engaging in a
 41 practice that jeopardizes the public health, safety, or welfare, the
 42 department shall initiate an investigation against the person.



1 (l) Any complaint filed with the office of the attorney general
 2 alleging a violation of this licensing program shall be referred to the
 3 department for summary review and for its general information and any
 4 authorized action at the time of the filing.

5 (m) The department shall conduct a fact finding investigation as the
 6 department considers proper in relation to the complaint.

7 (n) The department may reinstate a license that has been suspended
 8 under this section if, after a hearing, the department is satisfied that the
 9 applicant is able to practice with reasonable skill, safety, and
 10 competency to the public. As a condition of reinstatement, the
 11 department may impose disciplinary or corrective measures authorized
 12 under this chapter.

13 (o) The department may not reinstate a license that has been
 14 revoked under this chapter. An individual whose license has been
 15 revoked under this chapter may not apply for a new license until seven
 16 (7) years after the date of revocation.

17 (p) The department shall seek to achieve consistency in the
 18 application of sanctions authorized in this chapter. Significant
 19 departures from prior decisions involving similar conduct must be
 20 explained in the department's findings or orders.

21 (q) A practitioner may petition the department to accept the
 22 surrender of the practitioner's license instead of having a hearing before
 23 the commission. The practitioner may not surrender the practitioner's
 24 license without the written approval of the department, and the
 25 department may impose any conditions appropriate to the surrender or
 26 reinstatement of a surrendered license.

27 (r) A practitioner who has been subjected to disciplinary sanctions
 28 may be required by the commission to pay the costs of the proceeding.
 29 The practitioner's ability to pay shall be considered when costs are
 30 assessed. If the practitioner fails to pay the costs, a suspension may not
 31 be imposed solely upon the practitioner's inability to pay the amount
 32 assessed. The costs are limited to costs for the following:

- 33 (1) Court reporters.
- 34 (2) Transcripts.
- 35 (3) Certification of documents.
- 36 (4) Photo duplication.
- 37 (5) Witness attendance and mileage fees.
- 38 (6) Postage.
- 39 (7) Expert witnesses.
- 40 (8) Depositions.
- 41 (9) Notarizations.

42 SECTION 17. IC 24-4-21-1, AS AMENDED BY P.L.190-2019,



1 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2023]: Sec. 1. The following definitions apply throughout this
3 chapter:

4 (1) "Certificate of analysis" means a certificate from an
5 independent testing laboratory describing the results of the
6 laboratory's testing of a sample.

7 (2) "Independent testing laboratory" means a laboratory:

8 (A) with respect to which no person having a direct or indirect
9 interest in the laboratory also has a direct or indirect interest
10 in a facility that:

11 (i) processes, distributes, or sells low THC hemp extract, or
12 a substantially similar substance in another jurisdiction;

13 (ii) cultivates, processes, distributes, dispenses, or sells
14 ~~marijuana~~; **cannabis**; or

15 (iii) cultivates, processes, or distributes hemp; and

16 (B) that is accredited as a testing laboratory to International
17 Organization for Standardization (ISO) 17025 by a third party
18 accrediting body such as the American Association for
19 Laboratory Accreditation (A2LA) or Assured Calibration and
20 Laboratory Accreditation Select Services (ACLASS).

21 (3) "Low THC hemp extract" has the meaning set forth in
22 IC 35-48-1-17.5.

23 SECTION 18. IC 25-1-1.1-2, AS AMENDED BY P.L.142-2020,
24 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2023]: Sec. 2. Notwithstanding IC 25-1-7, a board, a
26 commission, or a committee may suspend, deny, or revoke a license or
27 certificate issued under this title by the board, the commission, or the
28 committee without an investigation by the office of the attorney general
29 if the individual who holds the license or certificate is convicted of any
30 of the following and the board, commission, or committee determines,
31 after the individual has appeared in person, that the offense affects the
32 individual's ability to perform the duties of the profession:

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

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

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

36 (4) Fraudulently obtaining a controlled substance under
37 IC 35-48-4-7(c).

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

41 (6) Dealing in paraphernalia as a Class D felony (for a crime
42 committed before July 1, 2014) or a Level 6 felony (for a crime



1 committed after June 30, 2014) under IC 35-48-4-8.5(b).

2 (7) Possession of paraphernalia as a Class D felony (for a crime
3 committed before July 1, 2014) or a Level 6 felony (for a crime
4 committed after June 30, 2014) under IC 35-48-4-8.3(b) (before
5 its amendment on July 1, 2015).

6 (8) Possession of:

7 (A) marijuana (**before July 1, 2023**);

8 (B) **cannabis (after June 30, 2023)**; or

9 (C) hash oil, hashish, or salvia;

10 as a Class D felony (for a crime committed before July 1, 2014)
11 or a Level 6 felony (for a crime committed after June 30, 2014)
12 under IC 35-48-4-11.

13 (9) A felony offense under IC 35-48-4 involving possession of a
14 synthetic drug (as defined in IC 35-31.5-2-321), possession of a
15 controlled substance analog (as defined in IC 35-48-1-9.3), or
16 possession of a synthetic drug lookalike substance (as defined in
17 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:

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

19 or

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

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

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

27 (12) A sex crime under IC 35-42-4.

28 (13) A felony that reflects adversely on the individual's fitness to
29 hold a professional license.

30 SECTION 19. IC 25-1-1.1-3, AS AMENDED BY P.L.142-2020,
31 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2023]: Sec. 3. A board, a commission, or a committee shall
33 revoke or suspend a license or certificate issued under this title by the
34 board, the commission, or the committee if the individual who holds
35 the license or certificate is convicted of any of the following:

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

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

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

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

42 (5) Dealing in a schedule I, II, or III controlled substance under



- 1 IC 35-48-4-2.
 2 (6) Dealing in a schedule IV controlled substance under
 3 IC 35-48-4-3.
 4 (7) Dealing in a schedule V controlled substance under
 5 IC 35-48-4-4.
 6 (8) Dealing in a substance represented to be a controlled
 7 substance under IC 35-48-4-4.5 (before its repeal on July 1,
 8 2019).
 9 (9) Knowingly or intentionally manufacturing, advertising,
 10 distributing, or possessing with intent to manufacture, advertise,
 11 or distribute a substance represented to be a controlled substance
 12 under IC 35-48-4-4.6.
 13 (10) Dealing in a counterfeit substance under IC 35-48-4-5.
 14 (11) Dealing in:
 15 (A) marijuana (**before July 1, 2023**);
 16 (B) **cannabis (after June 30, 2023)**; or
 17 (C) hash oil, hashish, or salvia;
 18 as a felony under IC 35-48-4-10.
 19 (12) An offense under IC 35-48-4 involving the manufacture or
 20 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
 21 synthetic drug lookalike substance (as defined in
 22 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
 23 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
 24 substance analog (as defined in IC 35-48-1-9.3), or a substance
 25 represented to be a controlled substance (as described in
 26 IC 35-48-4-4.6).
 27 (13) A violation of any federal or state drug law or rule related to
 28 wholesale legend drug distributors licensed under IC 25-26-14.
 29 SECTION 20. IC 33-37-4-1, AS AMENDED BY P.L.24-2018,
 30 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2023]: Sec. 1. (a) For each action that results in a felony
 32 conviction under IC 35-50-2 or a misdemeanor conviction under
 33 IC 35-50-3, the clerk shall collect from the defendant a criminal costs
 34 fee of one hundred twenty dollars (\$120).
 35 (b) In addition to the criminal costs fee collected under this section,
 36 the clerk shall collect from the defendant the following fees if they are
 37 required under IC 33-37-5:
 38 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
 39 IC 33-37-5-4).
 40 (2) A ~~marijuana~~ **cannabis** eradication program fee (IC
 41 33-37-5-7).
 42 (3) An alcohol and drug services program fee (IC 33-37-5-8(b)).



- 1 (4) A law enforcement continuing education program fee (IC
2 33-37-5-8(c)).
- 3 (5) A drug abuse, prosecution, interdiction, and correction fee (IC
4 33-37-5-9).
- 5 (6) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- 6 (7) A child abuse prevention fee (IC 33-37-5-12).
- 7 (8) A domestic violence prevention and treatment fee (IC
8 33-37-5-13).
- 9 (9) A highway worksite zone fee (IC 33-37-5-14).
- 10 (10) A deferred prosecution fee (IC 33-37-5-17).
- 11 (11) A document storage fee (IC 33-37-5-20).
- 12 (12) An automated record keeping fee (IC 33-37-5-21).
- 13 (13) A late payment fee (IC 33-37-5-22).
- 14 (14) A sexual assault victims assistance fee (IC 33-37-5-23).
- 15 (15) A public defense administration fee (IC 33-37-5-21.2).
- 16 (16) A judicial insurance adjustment fee (IC 33-37-5-25).
- 17 (17) A judicial salaries fee (IC 33-37-5-26).
- 18 (18) A court administration fee (IC 33-37-5-27).
- 19 (19) A DNA sample processing fee (IC 33-37-5-26.2).
- 20 (c) Instead of the criminal costs fee prescribed by this section,
21 except for the automated record keeping fee (IC 33-37-5-21), the clerk
22 shall collect a pretrial diversion program fee if an agreement between
23 the prosecuting attorney and the accused person entered into under
24 IC 33-39-1-8 requires payment of those fees by the accused person.
25 The pretrial diversion program fee is:
- 26 (1) an initial user's fee of fifty dollars (\$50) for a misdemeanor
27 offense;
- 28 (2) an initial user's fee of seventy-five dollars (\$75) for a felony
29 offense;
- 30 (3) a monthly user's fee of twenty dollars (\$20) for each month
31 that the person remains in the pretrial diversion program; and
- 32 (4) any additional program fee or cost that is:
- 33 (A) reasonably related to the person's rehabilitation; and
- 34 (B) approved by the court.
- 35 A monthly user fee may not be collected beyond the maximum length
36 of the possible sentence.
- 37 (d) The clerk shall transfer to the county auditor or city or town
38 fiscal officer the following fees, not later than thirty (30) days after the
39 fees are collected:
- 40 (1) The pretrial diversion fee.
- 41 (2) The ~~marijuana~~ **cannabis** eradication program fee.
- 42 (3) The alcohol and drug services program fee.



1 (4) The law enforcement continuing education program fee.
 2 The auditor or fiscal officer shall deposit fees transferred under this
 3 subsection in the appropriate user fee fund established under
 4 IC 33-37-8.

5 (e) Unless otherwise directed by a court, if a clerk collects only part
 6 of a criminal costs fee from a defendant under this section, the clerk
 7 shall distribute the partial payment of the criminal costs fee as follows:

8 (1) The clerk shall apply the partial payment to general court
 9 costs.

10 (2) If there is money remaining after the partial payment is
 11 applied to general court costs under subdivision (1), the clerk
 12 shall distribute the remainder of the partial payment for deposit in
 13 the appropriate county user fee fund.

14 (3) If there is money remaining after distribution under
 15 subdivision (2), the clerk shall distribute the remainder of the
 16 partial payment for deposit in the state user fee fund.

17 (4) If there is money remaining after distribution under
 18 subdivision (3), the clerk shall distribute the remainder of the
 19 partial payment to any other applicable user fee fund.

20 (5) If there is money remaining after distribution under
 21 subdivision (4), the clerk shall apply the remainder of the partial
 22 payment to any outstanding fines owed by the defendant.

23 SECTION 21. IC 33-37-4-3, AS AMENDED BY P.L.85-2017,
 24 SECTION 110, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) The clerk shall collect a
 26 juvenile costs fee of one hundred twenty dollars (\$120) for each action
 27 filed under any of the following:

28 (1) IC 31-34 (children in need of services).

29 (2) IC 31-37 (delinquent children).

30 (3) IC 31-14 (paternity).

31 (b) In addition to the juvenile costs fee collected under this section,
 32 the clerk shall collect the following fees, if they are required under
 33 IC 33-37-5:

34 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
 35 IC 33-37-5-4).

36 (2) A ~~marijuana~~ **cannabis** eradication program fee (IC
 37 33-37-5-7).

38 (3) An alcohol and drug services program fee (IC 33-37-5-8(b)).

39 (4) A law enforcement continuing education program fee (IC
 40 33-37-5-8(c)).

41 (5) An alcohol and drug countermeasures fee (IC 33-37-5-10).

42 (6) A document storage fee (IC 33-37-5-20).



- 1 (7) An automated record keeping fee (IC 33-37-5-21).
 2 (8) A late payment fee (IC 33-37-5-22).
 3 (9) A public defense administration fee (IC 33-37-5-21.2).
 4 (10) A judicial insurance adjustment fee (IC 33-37-5-25).
 5 (11) A judicial salaries fee (IC 33-37-5-26).
 6 (12) A court administration fee (IC 33-37-5-27).
 7 (13) A DNA sample processing fee (IC 33-37-5-26.2).
 8 (c) The clerk shall transfer to the county auditor or city or town
 9 fiscal officer the following fees not later than thirty (30) days after they
 10 are collected:
 11 (1) The ~~marijuana~~ **cannabis** eradication program fee (IC
 12 33-37-5-7).
 13 (2) The alcohol and drug services program fee (IC 33-37-5-8(b)).
 14 (3) The law enforcement continuing education program fee (IC
 15 33-37-5-8(c)).
 16 The auditor or fiscal officer shall deposit the fees in the appropriate
 17 user fee fund established under IC 33-37-8.
 18 SECTION 22. IC 33-37-5-7, AS AMENDED BY P.L.2-2008,
 19 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2023]: Sec. 7. (a) This section applies to criminal actions.
 21 (b) The clerk shall collect the ~~marijuana~~ **cannabis** eradication
 22 program fee set by the court under IC 15-16-7-8, if:
 23 (1) a weed control board has been established in the county under
 24 IC 15-16-7-3; and
 25 (2) the person has been convicted of an offense under IC 35-48-4
 26 in a case prosecuted in that county.
 27 (c) The court may set a fee under this section of not more than three
 28 hundred dollars (\$300).
 29 SECTION 23. IC 33-37-8-5, AS AMENDED BY P.L.101-2022,
 30 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2023]: Sec. 5. (a) A county user fee fund is established in each
 32 county to finance various program services. The county fund is
 33 administered by the county auditor.
 34 (b) The county fund consists of the following fees collected by a
 35 clerk under this article:
 36 (1) The pretrial diversion program fee.
 37 (2) The ~~marijuana~~ **cannabis** eradication program fee.
 38 (3) The alcohol and drug services program fee.
 39 (4) The law enforcement continuing education program fee.
 40 (5) The deferral program fee.
 41 (6) The jury fee.
 42 (7) The problem solving court fee.



1 (c) All of the jury fee and two dollars (\$2) of a deferral program fee
 2 collected under IC 33-37-4-2(e) shall be deposited by the county
 3 auditor in the jury pay fund established under IC 33-37-11.

4 SECTION 24. IC 34-24-1-1, AS AMENDED BY P.L.174-2021,
 5 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2023]: Sec. 1. (a) The following may be seized:

7 (1) All vehicles (as defined by IC 35-31.5-2-346), if they are used
 8 or are intended for use by the person or persons in possession of
 9 them to transport or in any manner to facilitate the transportation
 10 of the following:

11 (A) A controlled substance for the purpose of committing,
 12 attempting to commit, or conspiring to commit any of the
 13 following:

14 (i) Dealing in or manufacturing cocaine or a narcotic drug
 15 (IC 35-48-4-1).

16 (ii) Dealing in methamphetamine (IC 35-48-4-1.1).

17 (iii) Manufacturing methamphetamine (IC 35-48-4-1.2).

18 (iv) Dealing in a schedule I, II, or III controlled substance
 19 (IC 35-48-4-2).

20 (v) Dealing in a schedule IV controlled substance (IC
 21 35-48-4-3).

22 (vi) Dealing in a schedule V controlled substance (IC
 23 35-48-4-4).

24 (vii) Dealing in a counterfeit substance (IC 35-48-4-5).

25 (viii) Possession of cocaine or a narcotic drug (IC
 26 35-48-4-6).

27 (ix) Possession of methamphetamine (IC 35-48-4-6.1).

28 (x) Dealing in paraphernalia (IC 35-48-4-8.5).

29 (xi) Dealing in marijuana (**before July 1, 2023**), **cannabis**
 30 (**after June 30, 2023**), hash oil, hashish, or salvia (IC
 31 35-48-4-10).

32 (xii) An offense under IC 35-48-4 involving a synthetic drug
 33 (as defined in IC 35-31.5-2-321), a synthetic drug lookalike
 34 substance (as defined in IC 35-31.5-2-321.5 (before its
 35 repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its
 36 repeal on July 1, 2019), a controlled substance analog (as
 37 defined in IC 35-48-1-9.3), or a substance represented to be
 38 a controlled substance (as described in IC 35-48-4-4.6).

39 (B) Any stolen (IC 35-43-4-2) or converted property (IC
 40 35-43-4-3) if the retail or repurchase value of that property is
 41 one hundred dollars (\$100) or more.

42 (C) Any hazardous waste in violation of IC 13-30-10-1.5.



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



- 1 (F) Dealing in marijuana (**before July 1, 2023**), **cannabis**
 2 (**after June 30, 2023**), hash oil, hashish, or salvia (IC
 3 35-48-4-10).
- 4 (G) Dealing in a synthetic drug (as defined in
 5 IC 35-31.5-2-321) or synthetic drug lookalike substance (as
 6 defined in IC 35-31.5-2-321.5 (before its repeal on July 1,
 7 2019)) under IC 35-48-4-10.5 (before its repeal on July 1,
 8 2019).
- 9 (H) Dealing in a controlled substance resulting in death (IC
 10 35-42-1-1.5).
- 11 (6) Equipment and recordings used by a person to commit fraud
 12 under IC 35-43-5.
- 13 (7) Recordings sold, rented, transported, or possessed by a person
 14 in violation of IC 24-4-10.
- 15 (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as
 16 defined by IC 35-45-6-1) that is the object of a corrupt business
 17 influence violation (IC 35-45-6-2).
- 18 (9) Unlawful telecommunications devices (as defined in
 19 IC 35-45-13-6) and plans, instructions, or publications used to
 20 commit an offense under IC 35-45-13.
- 21 (10) Any equipment, including computer equipment and cellular
 22 telephones, used for or intended for use in preparing,
 23 photographing, recording, videotaping, digitizing, printing,
 24 copying, or disseminating matter in violation of IC 35-42-4.
- 25 (11) Destructive devices used, possessed, transported, or sold in
 26 violation of IC 35-47.5.
- 27 (12) Tobacco products that are sold in violation of IC 24-3-5,
 28 tobacco products that a person attempts to sell in violation of
 29 IC 24-3-5, and other personal property owned and used by a
 30 person to facilitate a violation of IC 24-3-5.
- 31 (13) Property used by a person to commit counterfeiting or
 32 forgery in violation of IC 35-43-5-2.
- 33 (14) After December 31, 2005, if a person is convicted of an
 34 offense specified in IC 25-26-14-26(b) or IC 35-43-10, the
 35 following real or personal property:
- 36 (A) Property used or intended to be used to commit, facilitate,
 37 or promote the commission of the offense.
- 38 (B) Property constituting, derived from, or traceable to the
 39 gross proceeds that the person obtained directly or indirectly
 40 as a result of the offense.
- 41 (15) Except as provided in subsection (e), a vehicle used by a
 42 person who operates the vehicle:



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



1 (d) Money, negotiable instruments, securities, weapons,
 2 communications devices, or any property commonly used as
 3 consideration for a violation of IC 35-48-4 found near or on a person
 4 who is committing, attempting to commit, or conspiring to commit any
 5 of the following offenses shall be admitted into evidence in an action
 6 under this chapter as prima facie evidence that the money, negotiable
 7 instrument, security, or other thing of value is property that has been
 8 used or was to have been used to facilitate the violation of a criminal
 9 statute or is the proceeds of the violation of a criminal statute:

10 (1) IC 35-42-1-1.5 (dealing in a controlled substance resulting in
 11 death).

12 (2) IC 35-48-4-1 (dealing in or manufacturing cocaine or a
 13 narcotic drug).

14 (3) IC 35-48-4-1.1 (dealing in methamphetamine).

15 (4) IC 35-48-4-1.2 (manufacturing methamphetamine).

16 (5) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled
 17 substance).

18 (6) IC 35-48-4-3 (dealing in a schedule IV controlled substance).

19 (7) IC 35-48-4-4 (dealing in a schedule V controlled substance)
 20 as a Level 4 felony.

21 (8) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a
 22 Level 3, Level 4, or Level 5 felony.

23 (9) IC 35-48-4-6.1 (possession of methamphetamine) as a Level
 24 3, Level 4, or Level 5 felony.

25 (10) IC 35-48-4-10 (dealing in marijuana (**before July 1, 2023**),
 26 **cannabis (after June 30, 2023)**, hash oil, hashish, or salvia) as a
 27 Level 5 felony.

28 (11) IC 35-48-4-10.5 (before its repeal on July 1, 2019) (dealing
 29 in a synthetic drug or synthetic drug lookalike substance) as a
 30 Level 5 felony or Level 6 felony (or as a Class C felony or Class
 31 D felony under IC 35-48-4-10 before its amendment in 2013).

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

33 (1) an owner of the vehicle; or

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

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

39 SECTION 25. IC 35-31.5-2-33.2 IS ADDED TO THE INDIANA
 40 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2023]: **Sec. 33.2. "Cannabis", for purposes**
 42 **of IC 35-48, has the meaning set forth in IC 35-48-1-19.**



1 SECTION 26. IC 35-31.5-2-195 IS REPEALED [EFFECTIVE
2 JULY 1, 2023]. ~~Sec. 195. "Marijuana", for purposes of IC 35-48, has~~
3 ~~the meaning set forth in IC 35-48-1-19.~~

4 SECTION 27. IC 35-45-1-5, AS AMENDED BY P.L.144-2018,
5 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2023]: Sec. 5. (a) As used in this section, "common nuisance"
7 means a building, structure, vehicle, or other place that is used for **one**
8 (1) or more of the following purposes:

9 (1) To buy an alcoholic beverage in violation of IC 7.1-5-10-5.

10 (2) To unlawfully use, keep, or sell a legend drug.

11 (3) To unlawfully:

12 (A) use;

13 (B) manufacture;

14 (C) keep;

15 (D) offer for sale;

16 (E) sell;

17 (F) deliver; or

18 (G) finance the delivery of;

19 a controlled substance or an item of drug paraphernalia (as
20 described in IC 35-48-4-8.5).

21 (4) To provide a location for a person to pay, offer to pay, or agree
22 to pay money or other property to another person for a human
23 trafficking victim or an act performed by a human trafficking
24 victim.

25 (5) To provide a location for a person to commit a violation of
26 IC 35-42-3.5-1 through IC 35-42-3.5-1.4 (human trafficking).

27 (b) A person who knowingly or intentionally visits a common
28 nuisance described in subsections (a)(1) through (a)(4) commits
29 visiting a common nuisance. The offense is a:

30 (1) Class B misdemeanor if the common nuisance is used for the
31 unlawful:

32 (A) sale of an alcoholic beverage as set forth in subsection
33 (a)(1);

34 (B) use, keeping, or sale of a legend drug as set forth in
35 subsection (a)(2); or

36 (C) use, manufacture, keeping, offer for sale, sale, delivery, or
37 financing the delivery of a controlled substance or item of drug
38 paraphernalia (as described in IC 35-48-4-8.5), as set forth in
39 subsection (a)(3);

40 (2) Class A misdemeanor if:

41 (A) the common nuisance is used as a location for a person to
42 pay, offer to pay, or agree to pay for a human trafficking victim



- 1 or an act performed by a human trafficking victim as set forth
 2 in subsection (a)(4); or
 3 (B) the person knowingly, intentionally, or recklessly takes a
 4 person less than eighteen (18) years of age or an endangered
 5 adult (as defined in IC 12-10-3-2) into a common nuisance
 6 used to unlawfully:
 7 (i) use;
 8 (ii) manufacture;
 9 (iii) keep;
 10 (iv) offer for sale;
 11 (v) sell;
 12 (vi) deliver; or
 13 (vii) finance the delivery of;
 14 a controlled substance or an item of drug paraphernalia, as set
 15 forth in subsection (a)(3); and
 16 (3) Level 6 felony if the person:
 17 (A) knowingly, intentionally, or recklessly takes a person less
 18 than eighteen (18) years of age or an endangered adult (as
 19 defined in IC 12-10-3-2) into a common nuisance used to
 20 unlawfully:
 21 (i) use;
 22 (ii) manufacture;
 23 (iii) keep;
 24 (iv) offer for sale;
 25 (v) sell;
 26 (vi) deliver; or
 27 (vii) finance the delivery of;
 28 a controlled substance or an item of drug paraphernalia, as set
 29 forth in subsection (a)(3); and
 30 (B) has a prior unrelated conviction for a violation of this
 31 section involving a controlled substance or drug paraphernalia.
 32 (c) A person who knowingly or intentionally maintains a common
 33 nuisance commits maintaining a common nuisance, a Level 6 felony.
 34 (d) It is a defense to a prosecution under subsection (c) that:
 35 (1) the offense involves only the unlawful use or keeping of:
 36 (A) less than:
 37 (i) thirty (30) grams of ~~marijuana~~; **cannabis**; or
 38 (ii) five (5) grams of hash oil, hashish, or salvia; or
 39 (B) an item of drug paraphernalia (as described in
 40 IC 35-48-4-8.5) that is designed for use with, or intended to be
 41 used for, ~~marijuana~~; **cannabis**, hash oil, hashish, or salvia; and
 42 (2) the person does not have a prior unrelated conviction for a



- 1 violation of subsection (c).
 2 SECTION 28. IC 35-45-6-1, AS AMENDED BY P.L.25-2022,
 3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2023]: Sec. 1. (a) The definitions in this section apply
 5 throughout this chapter.
 6 (b) "Documentary material" means any document, drawing,
 7 photograph, recording, or other tangible item containing compiled data
 8 from which information can be either obtained or translated into a
 9 usable form.
 10 (c) "Enterprise" means:
 11 (1) a sole proprietorship, corporation, limited liability company,
 12 partnership, business trust, or governmental entity; or
 13 (2) a union, an association, or a group, whether a legal entity or
 14 merely associated in fact.
 15 (d) "Pattern of racketeering activity" means engaging in at least two
 16 (2) incidents of racketeering activity that have the same or similar
 17 intent, result, accomplice, victim, or method of commission, or that are
 18 otherwise interrelated by distinguishing characteristics that are not
 19 isolated incidents. However, the incidents are a pattern of racketeering
 20 activity only if at least one (1) of the incidents occurred after August
 21 31, 1980, and if the last of the incidents occurred within five (5) years
 22 after a prior incident of racketeering activity.
 23 (e) "Racketeering activity" means to commit, to attempt to commit,
 24 to conspire to commit a violation of, or aiding and abetting in a
 25 violation of any of the following:
 26 (1) A provision of IC 23-19, or of a rule or order issued under
 27 IC 23-19.
 28 (2) A violation of IC 35-45-9.
 29 (3) A violation of IC 35-47.
 30 (4) A violation of IC 35-49-3.
 31 (5) Murder (IC 35-42-1-1).
 32 (6) Battery as a Class C felony before July 1, 2014, or a Level 5
 33 felony after June 30, 2014 (IC 35-42-2-1).
 34 (7) Kidnapping (IC 35-42-3-2).
 35 (8) Human and sexual trafficking crimes (IC 35-42-3.5).
 36 (9) Child exploitation (IC 35-42-4-4).
 37 (10) Robbery (IC 35-42-5-1).
 38 (11) Carjacking (IC 35-42-5-2) (before its repeal).
 39 (12) Arson (IC 35-43-1-1).
 40 (13) Burglary (IC 35-43-2-1).
 41 (14) Theft (IC 35-43-4-2).
 42 (15) Receiving stolen property (IC 35-43-4-2) (before its



- 1 amendment on July 1, 2018).
 2 (16) Forgery (IC 35-43-5-2).
 3 (17) An offense under IC 35-43-5.
 4 (18) Bribery (IC 35-44.1-1-2).
 5 (19) Official misconduct (IC 35-44.1-1-1).
 6 (20) Conflict of interest (IC 35-44.1-1-4).
 7 (21) Perjury (IC 35-44.1-2-1).
 8 (22) Obstruction of justice (IC 35-44.1-2-2).
 9 (23) Intimidation (IC 35-45-2-1).
 10 (24) Promoting prostitution (IC 35-45-4-4).
 11 (25) Professional gambling (IC 35-45-5-3).
 12 (26) Maintaining a professional gambling site (IC
 13 35-45-5-3.5(b)).
 14 (27) Promoting professional gambling (IC 35-45-5-4).
 15 (28) Dealing in or manufacturing cocaine or a narcotic drug (IC
 16 35-48-4-1).
 17 (29) Dealing in methamphetamine (IC 35-48-4-1.1).
 18 (30) Manufacturing methamphetamine (IC 35-48-4-1.2).
 19 (31) Dealing in a schedule I, II, or III controlled substance (IC
 20 35-48-4-2).
 21 (32) Dealing in a schedule IV controlled substance (IC
 22 35-48-4-3).
 23 (33) Dealing in a schedule V controlled substance (IC 35-48-4-4).
 24 (34) Dealing in marijuana (**before July 1, 2023**), **cannabis (after**
 25 **June 30, 2023)**, hash oil, hashish, or salvia (IC 35-48-4-10).
 26 (35) Money laundering (IC 35-45-15-5).
 27 (36) A violation of IC 35-47.5-5.
 28 (37) A violation of any of the following:
 29 (A) IC 23-14-48-9.
 30 (B) IC 30-2-9-7(b).
 31 (C) IC 30-2-10-9(b).
 32 (D) IC 30-2-13-38(f).
 33 (38) Practice of law by a person who is not an attorney (IC
 34 33-43-2-1).
 35 (39) An offense listed in IC 35-48-4 involving the manufacture or
 36 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
 37 synthetic drug lookalike substance (as defined in
 38 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
 39 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
 40 substance analog (as defined in IC 35-48-1-9.3), or a substance
 41 represented to be a controlled substance (as described in
 42 IC 35-48-4-4.6).



- 1 (40) Dealing in a controlled substance resulting in death (IC
2 35-42-1-1.5).
- 3 SECTION 29. IC 35-46-9-6, AS AMENDED BY P.L.184-2019,
4 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2023]: Sec. 6. (a) Except as provided in subsections (b) and
6 (c), a person who operates a motorboat while:
7 (1) having an alcohol concentration equivalent (as defined in
8 IC 9-13-2-2.4) to at least eight-hundredths (0.08) gram of alcohol
9 per:
10 (A) one hundred (100) milliliters of the person's blood; or
11 (B) two hundred ten (210) liters of the person's breath;
12 (2) having:
13 (A) a controlled substance, **other than**
14 **tetrahydrocannabinol**, listed in schedule I or II of IC 35-48-2
15 **or its metabolite** in the person's ~~body~~; **blood; or**
16 **(B) ten (10) or more nanograms of tetrahydrocannabinol**
17 **per milliliter of the person's whole blood; or**
18 (3) intoxicated;
19 commits a Class C misdemeanor.
- 20 (b) The offense is a Level 6 felony if:
21 (1) the person has a previous conviction under:
22 (A) IC 14-1-5 (repealed);
23 (B) IC 14-15-8-8 (repealed); or
24 (C) this chapter; or
25 (2) the offense results in serious bodily injury to another person.
- 26 (c) The offense is a Level 5 felony if the offense results in the death
27 or catastrophic injury of another person.
- 28 (d) It is a defense to a prosecution under subsection (a)(2) that the
29 accused person consumed the controlled substance in accordance with
30 a valid prescription or order of a practitioner (as defined in
31 IC 35-48-1-24) who acted in the course of the practitioner's
32 professional practice.
- 33 SECTION 30. IC 35-48-1-0.2 IS ADDED TO THE INDIANA
34 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 2023]: **Sec. 0.2. A reference to marijuana in**
36 **a statute, rule, or other document related to marijuana is**
37 **considered a reference to cannabis. The change in the reference**
38 **does not change the crime itself.**
- 39 SECTION 31. IC 35-48-1-16.5, AS AMENDED BY P.L.142-2020,
40 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 JULY 1, 2023]: Sec. 16.5. "Enhancing circumstance" means one (1) or
42 more of the following:



- 1 (1) The person has a prior conviction, **in any jurisdiction**, for
 2 dealing in a controlled substance that is not marijuana (**before**
 3 **July 1, 2023**), **cannabis (after June 30, 2023)**, hashish, hash oil,
 4 or salvia divinorum.
- 5 (2) The person committed the offense while in possession of a
 6 firearm.
- 7 (3) The person committed the offense:
 8 (A) on a school bus; or
 9 (B) in, on, or within five hundred (500) feet of:
 10 (i) school property while a person under eighteen (18) years
 11 of age was reasonably expected to be present; or
 12 (ii) a public park while a person under eighteen (18) years
 13 of age was reasonably expected to be present.
- 14 (4) The person delivered or financed the delivery of the drug to a
 15 person under eighteen (18) years of age at least three (3) years
 16 junior to the person.
- 17 (5) The person manufactured or financed the manufacture of the
 18 drug.
- 19 (6) The person committed the offense in the physical presence of
 20 a child less than eighteen (18) years of age, knowing that the child
 21 was present and might be able to see or hear the offense.
- 22 (7) The person committed the offense on the property of a:
 23 (A) penal facility; or
 24 (B) juvenile facility (as defined in IC 35-44.1-3-5).
- 25 (8) The person knowingly committed the offense in, on, or within
 26 one hundred (100) feet of a facility. For purposes of this
 27 subdivision, "facility" means a place that is:
 28 (A) created and funded under IC 12-23-14 or IC 33-23-16;
 29 (B) certified under IC 12-23-1-6; or
 30 (C) used for the purpose of conducting a recovery or support
 31 group meeting;
 32 and at which a drug abuser (as defined in IC 12-7-2-73) may be
 33 provided with treatment, care, or rehabilitation.
- 34 SECTION 32. IC 35-48-1-18, AS AMENDED BY P.L.158-2013,
 35 SECTION 620, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE JULY 1, 2023]: Sec. 18. "Manufacture" means the
 37 following:
 38 (1) For offenses not involving ~~marijuana~~, **cannabis**, hashish, or
 39 hash oil:
 40 (A) the production, preparation, propagation, compounding,
 41 conversion, or processing of a controlled substance, either
 42 directly or indirectly by extraction from substances of natural



1 origin, independently by means of chemical synthesis, or by a
 2 combination of extraction and chemical synthesis, and
 3 includes any packaging or repackaging of the substance or
 4 labeling or relabeling of its container. It does not include the
 5 preparation, compounding, packaging, or labeling of a
 6 controlled substance:

7 (i) by a practitioner as an incident to administering or
 8 dispensing of a controlled substance in the course of a
 9 professional practice; or

10 (ii) by a practitioner, or by the practitioner's authorized agent
 11 under the practitioner's supervision, for the purpose of, or as
 12 an incident to, research, teaching, or chemical analysis and
 13 not for sale; or

14 (B) the organizing or supervising of an activity described in
 15 clause (A).

16 (2) For offenses involving ~~marijuana~~, **cannabis**, hashish, or hash
 17 oil:

18 (A) the preparation, compounding, conversion, or processing
 19 of ~~marijuana~~, **cannabis**, hashish, or hash oil, either directly or
 20 indirectly by extraction from substances of natural origin,
 21 independently by means of chemical synthesis, or by a
 22 combination of extraction and chemical synthesis, and
 23 includes any packaging or repackaging of the ~~marijuana~~;
 24 **cannabis**, hashish, or hash oil, or labeling or relabeling of its
 25 container. It does not include planting, growing, cultivating, or
 26 harvesting a plant, or the preparation, compounding,
 27 packaging, or labeling of ~~marijuana~~, **cannabis**, hashish, or
 28 hash oil:

29 (i) by a practitioner as an incident to lawfully administering
 30 or dispensing of ~~marijuana~~, **cannabis**, hashish, or hash oil in
 31 the course of a professional practice; or

32 (ii) by a practitioner, or by the practitioner's authorized agent
 33 under the practitioner's supervision, for the purpose of, or as
 34 an incident to, research, teaching, or chemical analysis and
 35 not for sale; or

36 (B) the organizing or supervising of an activity described in
 37 clause (A).

38 SECTION 33. IC 35-48-1-19, AS AMENDED BY P.L.190-2019,
 39 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2023]: Sec. 19. (a) "~~Marijuana~~" "**Cannabis**" means any part
 41 of the plant genus Cannabis whether growing or not; the seeds thereof;
 42 the resin extracted from any part of the plant, including hashish and



1 hash oil; any compound, manufacture, salt, derivative, mixture, or
2 preparation of the plant, its seeds or resin.

3 (b) The term does not include:

- 4 (1) the mature stalks of the plant;
5 (2) fiber produced from the stalks;
6 (3) oil or cake made from the seeds of the plant;
7 (4) any other compound, manufacture, salt, derivative, mixture,
8 or preparation of the mature stalks (except the resin extracted
9 therefrom);
10 (5) the sterilized seed of the plant which is incapable of
11 germination;
12 (6) hemp (as defined by IC 15-15-13-6);
13 (7) low THC hemp extract; or
14 (8) smokable hemp.

15 SECTION 34. IC 35-48-2-4, AS AMENDED BY P.L.10-2021,
16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2023]: Sec. 4. (a) The controlled substances listed in this
18 section are included in schedule I.

19 (b) Opiates. Any of the following opiates, including their isomers,
20 esters, ethers, salts, and salts of isomers, esters, and ethers, unless
21 specifically excepted by rule of the board or unless listed in another
22 schedule, whenever the existence of these isomers, esters, ethers, and
23 salts is possible within the specific chemical designation:

- 24 4-fluoroisobutyryl fentanyl
25 Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-
26 piperidinyl]-N-phenylacetamide) (9815)
27 Acetyl fentanyl (Other names include:
28 N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)
29 Acetylmethadol (9601)
30 Acrylfentanyl. Other name: N-(1-phenethylpiperidin-4-yl)-
31 N-phenylacrylamide
32 Allylprodine (9602)
33 Alpha-methylthiofentanyl (N-[1-methyl-2-(2-
34 thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide) (9832)
35 Alphacetylmethadol (9603)
36 Alphameprodine (9604)
37 Alphamethadol (9605)
38 Alphamethylfentanyl (9814)
39 Benzethidine (9606)
40 Beta-hydroxy-3-methylfentanyl (9831). Other name:
41 N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl
42]-N-phenylpropanamide



1	Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-
2	phenethyl)-4-piperidinyl]-N-phenylpropanamide) (9830)
3	Betacetylmethadol (9607)
4	Betameprodine (9608)
5	Betamethadol (9609)
6	Betaprodine (9611)
7	Clonitazene (9612)
8	Cyclopentyl fentanyl. Other name:
9	N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide
10	Dextromoramide (9613)
11	Diampromide (9615)
12	Diethylthiambutene (9616)
13	Difenoxin (9168)
14	Dimenoxadol (9617)
15	Dimepheptanol (9618)
16	Dimethylthiambutene (9619)
17	Dioxaphetyl butyrate (9621)
18	Dipipanone (9622)
19	Ethylmethylthiambutene (9623)
20	Etonitazene (9624)
21	Etoxidine (9625)
22	Fentanyl related substances.
23	Furanyl fentanyl.
24	Furethidine (9626)
25	Hydroxypethidine (9627)
26	Isobutyryl fentanyl. Other name:
27	N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide
28	Isotonitazene. Other name: N,N-diethyl-2-
29	(2-(4 isopropoxybenzyl)-5-nitro-1H-benzimidazol-
30	1-yl)ethan-1-amine)
31	Ketobemidone (9628)
32	Levomoramide (9629)
33	Levophenacetylmorphan (9631)
34	Methoxyacetyl fentanyl. Other name:
35	2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide
36	3-Methylfentanyl [N-[3-methyl-1-(2-phenylethyl)-4-
37	piperidyl]-N-phenyl-propanamide](9813)
38	3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-
39	piperidinyl]-N-phenylpropanamide) (9833)
40	MDMB-4en-PINACA
41	4F-MDMB-BICA; 4-fluoro MDMB-BICA; 4F-MDMB-BUTICA;
42	Methyl 2-[[1-(4-fluorobutyl)indole-3-carbonyl]amino]-3,



1 3-dimethyl-butanoate
 2 MPPP (1-methyl-4-phenyl-4-propionoxypiperidine) (9961)
 3 Morpheridine (9632)
 4 N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl),
 5 including any isomers, salts, or salts of isomers (9818)
 6 N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl] 25 piperidin-4-yl]-
 7 N-phenylpropionamide, also known as N-[1-[2-hydroxy-2-
 8 (2-thienyl)ethyl] -4- piperidiny]- N-phenylpropanamide,
 9 (beta-hydroxythiofentanyl)
 10 N-(4-chlorophenyl)- N-(1-phenethylpiperidin-4-yl) isobutyramide
 11 (para-chloroisobutyryl fentanyl)
 12 N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)
 13 acetamide (ocfentanil)
 14 N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4 -yl) butyramide
 15 (para-fluorobutyryl fentanyl)
 16 N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide, also known
 17 as N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide, (butyryl
 18 fentanyl)
 19 N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide (valeryl
 20 fentanyl)
 21 N-(4-methoxyphenyl)-N-(1-phenethylpiperidin -4-yl) butyramide
 22 (para-methoxybutyryl fentanyl)
 23 N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide
 24 (thenylfentanyl), including any isomers, salts, or salts of isomers
 25 (9834)
 26 N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide (isobutyryl
 27 fentanyl)
 28 N-(1-phenethylpiperidin-4-yl)- Nphenylcyclopentanecarboxamide
 29 (cyclopentyl fentanyl)
 30 Noracymethadol (9633)
 31 Norlevorphanol (9634)
 32 Normethadone (9635)
 33 Norpipanone (9636)
 34 O c f e n t a n i l . O t h e r n a m e :
 35 N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)
 36 acetamide
 37 Ortho-fluorofentanyl or 2-fluorofentanyl. Other name:
 38 N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide
 39 Para-chloroisobutyryl fentanyl. Other name:
 40 N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide
 41 Para-fluorobutyryl fentanyl. Other name:
 42 N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide



- 1 Para-fluorofentanyl (N-(4-fluorophenyl)-N-
2 [1-(2-phenethyl)-4-piperidinyl] propanamide (9812)
3 Para-methoxybutyryl fentanyl. Other name:
4 N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide
5 Phenadoxone (9637)
6 Phenampromide (9638)
7 Phenomorphan (9647)
8 Phenoperidine (9641)
9 PEPAP [1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine] (9663)
10 Piritramide (9642)
11 Proheptazine (9643)
12 Properidine (9644)
13 Propiram (9649)
14 Racemoramide (9645)
15 Tetrahydrofuran fentanyl. Other name:
16 N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carb
17 oxamide
18 Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-
19 piperidinyl]-propanamide) (9835)
20 Tilidine (9750)
21 Trimeperidine (9646)
22 U47700 (3,4-dichloro- N- [2-dimethylamino)cyclohexyl]-
23 N-methyl- benzamide)
24 Valeryl fentanyl. Other name:
25 N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide
26 (c) Opium derivatives. Any of the following opium derivatives, their
27 salts, isomers, and salts of isomers, unless specifically excepted by rule
28 of the board or unless listed in another schedule, whenever the
29 existence of these salts, isomers, and salts of isomers is possible within
30 the specific chemical designation:
31 Acetorphine (9319)
32 Acetyldihydrocodeine (9051)
33 Benzylmorphine (9052)
34 Codeine methylbromide (9070)
35 Codeine-N-Oxide (9053)
36 Cyprenorphine (9054)
37 Desomorphine (9055)
38 Dihydromorphine (9145)
39 Drotebanol (9335)
40 Etorphine (except hydrochloride salt) (9056)
41 Heroin (9200)
42 Hydromorphanol (9301)



- 1 Methyl-desorphone (9302)
 2 Methyl-dihydromorphine (9304)
 3 Morphine methylbromide (9305)
 4 Morphine methylsulfonate (9306)
 5 Morphine-N-Oxide (9307)
 6 Myrophine (9308)
 7 Nicocodeine (9309)
 8 Nicomorphine (9312)
 9 Normorphine (9313)
 10 Pholcodine (9314)
 11 Thebacon (9315)
- 12 (d) Hallucinogenic substances. Unless specifically excepted or
 13 unless listed in another schedule, any material, compound, mixture, or
 14 preparation which contains any quantity of the following
 15 hallucinogenic, psychedelic, or psychogenic substances, their salts,
 16 isomers, and salts of isomers whenever the existence of these salts,
 17 isomers, and salts of isomers is possible within the specific chemical
 18 designation (for purposes of this subsection only, the term "isomer"
 19 includes the optical, position, and geometric isomers):
- 20 (1) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (7473). Other name:
 21 TCPy.
 22 (2) 4-Bromo-2, 5-Dimethoxyamphetamine (7391). Some trade or
 23 other names: 4-Bromo-2, 5-Dimethoxy-a-methylphenethylamine;
 24 4-Bromo-2, 5-DMA.
 25 (3) 4-Bromo-2, 5-dimethoxyphenethylamine (7392). Some trade
 26 or other names:
 27 2-[4-bromo-2, 5-dimethoxyphenyl]-1-aminoethane;
 28 alpha-desmethyl DOB; 2C-B, Nexus.
 29 (4) 2, 5-Dimethoxy-4-ethylamphet-amine (7399). Other name:
 30 DOET.
 31 (5) 2, 5-Dimethoxy-4-(n)-propylthiophenethylamine (7348).
 32 Other name: 2C-T-7.
 33 (6) 2, 5-Dimethoxyamphetamine (7396). Some trade or other
 34 names: 2, 5-Dimethoxy-a-methylphenethylamine; 2, 5-DMA.
 35 (7) 4-Methoxyamphetamine (7411). Some trade or other names:
 36 4-Methoxy-a-methylphenethylamine; Paramethoxyamphetamine;
 37 PMA.
 38 (8) 5-Methoxy-3, 4-methylenedioxy amphetamine (7401). Other
 39 Name: MMDA.
 40 (9) 5-Methoxy-N, N-diisopropyltryptamine, including any
 41 isomers, salts, or salts of isomers (7439). Other name:
 42 5-MeO-DIPT.



- 1 (10) 4-methyl-2, 5-dimethoxyamphetamine (7395). Some trade
 2 and other names: 4-methyl-2,
 3 5-dimethoxy- α -methylphenethylamine; DOM; and STP.
 4 (11) 3, 4-methylenedioxy amphetamine (7400). Other name:
 5 MDA.
 6 (12) 3,4-methylenedioxy-N-ethylamphetamine (7404). Other
 7 names: N-ethyl- α -methyl-3,4(methylenedioxy)
 8 phenethylamine; N-ethyl MDA; MDE; and MDEA.
 9 (13) 3, 4-methylenedioxymethamphetamine (MDMA) (7405).
 10 (14) 3, 4, 5-trimethoxy amphetamine (7390). Other name: TMA.
 11 (15) Alpha-ethyltryptamine (7249). Some trade and other names:
 12 Etryptamine; Monase; [alpha]-ethyl-1H-indole-3-ethanamine;
 13 3-(2-aminobutyl) indole; [alpha]-ET; and AET.
 14 (16) Alpha-methyltryptamine (7432). Other name: AMT.
 15 (17) Bufotenine (7433). Some trade and other names:
 16 3-(B-Dimethylaminoethyl)-5-hydroxyindole;
 17 3-(2-dimethylaminonethyl)-5-indolol; N, N-dimethylserotonin;
 18 5-hydroxy-N, N-dimethyltryptamine; mappine.
 19 (18) Diethyltryptamine (7434). Some trade or other names: N,
 20 N-Diethyltryptamine; DET.
 21 (19) Dimethyltryptamine (7435). Some trade or other names:
 22 DMT.
 23 (20) Ibogaine (7260). Some trade and other names: 7-Ethyl-6, 6b,
 24 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-pyrido
 25 (1', 2': 1, 2, azepino 4, 5-b) indole; tabernanthe iboga.
 26 (21) Lysergic acid diethylamide (7315). Other name: LSD.
 27 (22) ~~Marijuana~~ **Cannabis** (7360).
 28 (23) Mescaline (7381).
 29 (24) Parahexyl (7374). Some trade or other names:
 30 3-Hexyl-1-hydroxy-7, 8, 9, 10-Tetrahydro-6, 6,
 31 9-trimethyl-6H-dibenzo (b,d) pyran; Snyhexyl.
 32 (25) Peyote (7415), including:
 33 (A) all parts of the plant that are classified botanically as
 34 lophophora williamsii lemaire, whether growing or not;
 35 (B) the seeds thereof;
 36 (C) any extract from any part of the plant; and
 37 (D) every compound, manufacture, salt, derivative, mixture, or
 38 preparation of the plant, its seeds, or extracts.
 39 (26) N-ethyl-3-piperidyl benzilate (7482). Other name: DMZ.
 40 (27) N-hydroxy-3,4-methylenedioxyamphetamine (7402). Other
 41 names: N-hydroxy- α -methyl-3,4
 42 (methylenedioxy)phenethylamine; and N-hydroxy MDA.



- 1 (28) N-methyl-3-piperidyl benzilate (7484). Other name: LBJ.
 2 (29) Psilocybin (7437).
 3 (30) Psilocyn (7438).
 4 (31) Tetrahydrocannabinols (7370), including synthetic
 5 equivalents of the substances contained in the plant, or in the
 6 resinous extractives of Cannabis, sp. and synthetic substances,
 7 derivatives, and their isomers with similar chemical structure and
 8 pharmacological activity such as:
 9 (A) π^1 cis or trans tetrahydrocannabinol, and their optical
 10 isomers;
 11 (B) π^6 cis or trans tetrahydrocannabinol, and their optical
 12 isomers; and
 13 (C) $\pi^{3,4}$ cis or trans tetrahydrocannabinol, and their optical
 14 isomers.
 15 Since nomenclature of these substances is not internationally
 16 standardized, compounds of these structures, regardless of
 17 numerical designation of atomic positions are covered. Other
 18 name: THC.
 19 (32) Ethylamine analog of phencyclidine (7455). Some trade or
 20 other names: N-Ethyl-1-phenylcyclohexylamine;
 21 (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl)
 22 ethylamine; cyclohexamine; PCE.
 23 (33) Pyrrolidine analog of phencyclidine (7458). Some trade or
 24 other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCP_y; PHP.
 25 (34) Thiophene analog of phencyclidine (7470). Some trade or
 26 other names: 1-(1-(2-thienyl) cyclohexyl) piperidine; 2-Thienyl
 27 Analog of Phencyclidine; TPCP.
 28 (35) Salvia divinorum or salvinorin A, including:
 29 (A) all parts of the plant that are classified botanically as salvia
 30 divinorum, whether growing or not;
 31 (B) the seeds of the plant;
 32 (C) any extract from any part of the plant; and
 33 (D) every compound, manufacture, salt, derivative, mixture, or
 34 preparation of the plant, its seeds, or extracts.
 35 (36) 5-Methoxy-N,N-Dimethyltryptamine. Some trade or other
 36 names: 5-methoxy-3-[2- (dimethylamino)ethyl]indole;
 37 5-MeO-DMT.
 38 (37) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).
 39 (38) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).
 40 (39) 2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine (2C-C).
 41 (40) 2-(4-Iodo-2,5-dimethoxyphenyl) ethanamine (2C-I).
 42 (41) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl] ethanamine (2C-T-2).



- 1 (42) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl] ethanamine
 2 (2C-T-4).
 3 (43) 2-(2,5-Dimethoxyphenyl) ethanamine (2C-H).
 4 (44) 2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine (2C-N).
 5 (45) 2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine (2C-P).
 6 (46) Deschloroketamine (2-Phenyl-2-
 7 (methylamino)cyclohexanone).
 8 (47) 4-Hydroxy-MET (4-Hydroxy-N-methyl-N-
 9 ethyltryptamine).
 10 (48) N-methyltryptamine (1H-Indole-3-ethanamine, N-methyl-).
 11 (e) Depressants. Unless specifically excepted in a rule adopted by
 12 the board or unless listed in another schedule, any material, compound,
 13 mixture, or preparation which contains any quantity of the following
 14 substances having a depressant effect on the central nervous system,
 15 including its salts, isomers, and salts of isomers whenever the existence
 16 of such salts, isomers, and salts of isomers is possible within the
 17 specific chemical designation:
 18 Etizolam (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-
 19 thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine) (other names
 20 include: Etilaam, Etizest, Depas, Etizola, Sedekopan, and
 21 Pasaden)
 22 Flubromazolam (8-bromo-6-(2-fluorophenyl)-1-methyl-
 23 4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine)
 24 Gamma-hydroxybutyric acid (other names include GHB;
 25 gamma-hydroxybutyrate; 4-hydroxybutanoic acid; sodium
 26 oxybate; sodium oxybutyrate) (2010)
 27 Mecloqualone (2572)
 28 Methaqualone (2565)
 29 (f) Stimulants. Unless specifically excepted or unless listed in
 30 another schedule, any material, compound, mixture, or preparation that
 31 contains any quantity of the following substances having a stimulant
 32 effect on the central nervous system, including its salts, isomers, and
 33 salts of isomers:
 34 ([+/-] cis-4-methylaminorex (([+/-]cis-4,5-
 35 dihydro-4-methyl-5-phenyl-2-oxazolamine) (1590)
 36 Aminorex (1585). Other names: aminoxaphen;
 37 2-amino-5-phenyl-2-oxazoline; or
 38 4,5-dihydro-5-phenyl-2-oxazolamine.
 39 Benzylone, 1-(1,3-benzodioxol-5-yl)-2-(benzylamino)propan-
 40 -1-one. Synonyms: BMDP, N-benzyl methylone,
 41 3,4-Methylenedioxy-Nbenzylcathinone,
 42 N-benzyl-3,4-methylenedioxcathinone.



- 1 Cathinone (1235). Some trade or other names:
 2 2-amino-1-phenyl-1-propanone; alpha-aminopropiophenone;
 3 2-aminopropiophenone; and norephedrone.
 4 Fenethylamine (1503).
 5 N-Benzylpiperazine (7493). Other names: BZP; and
 6 1-benzylpiperazine.
 7 N-ethylamphetamine (1475).
 8 Methcathinone (1237). Some other trade names:
 9 2-Methylamino-1-Phenylpropan-1-one; Ephedrone;
 10 Monomethylpropion; UR 1431.
 11 N, N-dimethylamphetamine (1480). Other names: N,
 12 N-alpha-trimethyl-benzeneethanamine; and N,
 13 N-alpha-trimethylphenethylamine.
- 14 (g) Synthetic drugs as defined in IC 35-31.5-2-321.
- 15 SECTION 35. IC 35-48-4-2, AS AMENDED BY P.L.61-2020,
 16 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2023]: Sec. 2. (a) A person who:
- 18 (1) knowingly or intentionally:
- 19 (A) manufactures;
- 20 (B) finances the manufacture of;
- 21 (C) delivers; or
- 22 (D) finances the delivery of;
- 23 a controlled substance or controlled substance analog, pure or
 24 adulterated, classified in schedule I, except ~~marijuana, cannabis,~~
 25 hash oil, hashish, or salvia, or a controlled substance, or
 26 controlled substance analog, pure or adulterated, classified in
 27 schedule II or III; or
- 28 (2) possesses, with intent to:
- 29 (A) manufacture;
- 30 (B) finance the manufacture of;
- 31 (C) deliver; or
- 32 (D) finance the delivery of;
- 33 a controlled substance or controlled substance analog, pure or
 34 adulterated, classified in schedule I, except ~~marijuana, cannabis,~~
 35 hash oil, hashish, or salvia, or a controlled substance, or
 36 controlled substance analog, pure or adulterated, classified in
 37 schedule II or III;
- 38 commits dealing in a schedule I, II, or III controlled substance, a Level
 39 6 felony, except as provided in subsections (b) through (f).
- 40 (b) A person may be convicted of an offense under subsection (a)(2)
 41 only if:
- 42 (1) there is evidence in addition to the weight of the drug that the



- 1 person intended to manufacture, finance the manufacture of,
 2 deliver, or finance the delivery of the drug; or
 3 (2) the amount of the drug involved is at least twenty-eight (28)
 4 grams.
- 5 (c) The offense is a Level 5 felony if:
 6 (1) the amount of the drug involved is at least one (1) gram but
 7 less than five (5) grams; or
 8 (2) the amount of the drug involved is less than one (1) gram and
 9 an enhancing circumstance applies.
- 10 (d) The offense is a Level 4 felony if:
 11 (1) the amount of the drug involved is at least five (5) grams but
 12 less than ten (10) grams; or
 13 (2) the amount of the drug involved is at least one (1) gram but
 14 less than five (5) grams and an enhancing circumstance applies.
- 15 (e) The offense is a Level 3 felony if:
 16 (1) the amount of the drug involved is at least ten (10) grams but
 17 less than twenty-eight (28) grams; or
 18 (2) the amount of the drug involved is at least five (5) grams but
 19 less than ten (10) grams and an enhancing circumstance applies.
- 20 (f) The offense is a Level 2 felony if:
 21 (1) the amount of the drug involved is at least twenty-eight (28)
 22 grams; or
 23 (2) the amount of the drug involved is at least ten (10) grams but
 24 less than twenty-eight (28) grams and an enhancing circumstance
 25 applies.
- 26 SECTION 36. IC 35-48-4-7, AS AMENDED BY P.L.61-2020,
 27 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2023]: Sec. 7. (a) A person who, without a valid prescription
 29 or order of a practitioner acting in the course of the practitioner's
 30 professional practice, knowingly or intentionally possesses a:
 31 (1) controlled substance or controlled substance analog (pure or
 32 adulterated), classified in schedule I, except ~~marijuana~~, **cannabis**,
 33 hashish, or salvia; or
 34 (2) controlled substance or controlled substance analog (pure or
 35 adulterated), classified in schedule II, III, or IV;
 36 commits possession of a controlled substance, a Class A misdemeanor,
 37 except as provided in subsection (b).
- 38 (b) The offense is a Level 6 felony if the person commits the offense
 39 and an enhancing circumstance applies.
- 40 (c) A person who, without a valid prescription or order of a
 41 practitioner acting in the course of the practitioner's professional
 42 practice, knowingly or intentionally obtains:



1 (1) more than four (4) ounces of schedule V controlled substances
 2 containing codeine in any given forty-eight (48) hour period
 3 unless pursuant to a prescription;

4 (2) a schedule V controlled substance pursuant to written or
 5 verbal misrepresentation; or

6 (3) possession of a schedule V controlled substance other than by
 7 means of a prescription or by means of signing an exempt
 8 narcotic register maintained by a pharmacy licensed by the
 9 Indiana state board of pharmacy;

10 commits a Class A misdemeanor.

11 SECTION 37. IC 35-48-4-8.3, AS AMENDED BY P.L.187-2015,
 12 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2023]: Sec. 8.3. (a) This section does not apply to a rolling
 14 paper.

15 (b) A person who knowingly or intentionally possesses an
 16 instrument, a device, or another object that the person intends to use
 17 for:

18 (1) introducing into the person's body a controlled substance,
 19 **unless the substance is cannabis;**

20 (2) testing the strength, effectiveness, or purity of a controlled
 21 substance; or

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

23 commits a Class C misdemeanor. However, the offense is a Class A
 24 misdemeanor if the person has a prior unrelated judgment or conviction
 25 under this section.

26 SECTION 38. IC 35-48-4-8.5, AS AMENDED BY P.L.153-2018,
 27 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2023]: Sec. 8.5. (a) A person who keeps for sale, offers for
 29 sale, delivers, or finances the delivery of a raw material, an instrument,
 30 a device, or other object that is intended to be or that is designed or
 31 marketed to be used primarily for:

32 (1) ingesting, inhaling, or otherwise introducing into the human
 33 body ~~marijuana~~; **cannabis**, hash oil, hashish, salvia, a synthetic
 34 drug, or a controlled substance;

35 (2) testing the strength, effectiveness, or purity of ~~marijuana~~;
 36 **cannabis**, hash oil, hashish, salvia, a synthetic drug, or a
 37 controlled substance;

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

39 (4) manufacturing, compounding, converting, producing,
 40 processing, or preparing ~~marijuana~~; **cannabis**, hash oil, hashish,
 41 salvia, a synthetic drug, or a controlled substance;

42 (5) diluting or adulterating ~~marijuana~~; **cannabis**, hash oil,



- 1 hashish, salvia, a synthetic drug, or a controlled substance by
 2 individuals; or
 3 (6) any purpose announced or described by the seller that is in
 4 violation of this chapter;
 5 commits a Class A infraction for dealing in paraphernalia.
- 6 (b) A person who knowingly or intentionally violates subsection (a)
 7 commits a Class A misdemeanor. However, the offense is a Level 6
 8 felony if the person has a prior unrelated judgment or conviction under
 9 this section.
- 10 (c) This section does not apply to the following:
- 11 (1) Items marketed for use in the preparation, compounding,
 12 packaging, labeling, or other use of ~~marijuana~~, **cannabis**, hash oil,
 13 hashish, salvia, a synthetic drug, or a controlled substance as an
 14 incident to lawful research, teaching, or chemical analysis and not
 15 for sale.
- 16 (2) Items marketed for or historically and customarily used in
 17 connection with the planting, propagating, cultivating, growing,
 18 harvesting, manufacturing, compounding, converting, producing,
 19 processing, preparing, testing, analyzing, packaging, repackaging,
 20 storing, containing, concealing, injecting, ingesting, or inhaling
 21 of tobacco or any other lawful substance.
- 22 (3) A qualified entity (as defined in IC 16-41-7.5-3) that provides
 23 a syringe or needle as part of a program under IC 16-41-7.5.
- 24 (4) Any entity or person that provides funding to a qualified entity
 25 (as defined in IC 16-41-7.5-3) to operate a program described in
 26 IC 16-41-7.5.
- 27 SECTION 39. IC 35-48-4-10, AS AMENDED BY P.L.153-2018,
 28 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2023]: Sec. 10. (a) A person who:
- 30 (1) knowingly or intentionally:
- 31 (A) manufactures;
 32 (B) finances the manufacture of;
 33 (C) delivers; or
 34 (D) finances the delivery of;
 35 ~~marijuana~~, **cannabis**, hash oil, hashish, or salvia, pure or
 36 adulterated; or
- 37 (2) possesses, with intent to:
- 38 (A) manufacture;
 39 (B) finance the manufacture of;
 40 (C) deliver; or
 41 (D) finance the delivery of;
 42 ~~marijuana~~, **cannabis**, hash oil, hashish, or salvia, pure or



- 1 adulterated;
 2 commits dealing in ~~marijuana~~, **cannabis**, hash oil, hashish, or salvia,
 3 a Class A misdemeanor, except as provided in subsections (b) through
 4 (d).
 5 (b) A person may be convicted of an offense under subsection (a)(2)
 6 only if:
 7 (1) there is evidence in addition to the weight of the drug that the
 8 person intended to manufacture, finance the manufacture of,
 9 deliver, or finance the delivery of the drug; or
 10 (2) the amount of the drug involved is at least:
 11 (A) ten (10) pounds, if the drug is ~~marijuana~~, **cannabis**; or
 12 (B) three hundred (300) grams, if the drug is hash oil, hashish,
 13 or salvia.
 14 (c) The offense is a Level 6 felony if:
 15 (1) the person has a prior conviction for a drug offense and the
 16 amount of the drug involved is:
 17 (A) less than thirty (30) grams of ~~marijuana~~, **cannabis**; or
 18 (B) less than five (5) grams of hash oil, hashish, or salvia; or
 19 (2) the amount of the drug involved is:
 20 (A) at least thirty (30) grams but less than ten (10) pounds of
 21 ~~marijuana~~, **cannabis**; or
 22 (B) at least five (5) grams but less than three hundred (300)
 23 grams of hash oil, hashish, or salvia.
 24 (d) The offense is a Level 5 felony if:
 25 (1) the person has a prior conviction for a drug dealing offense
 26 and the amount of the drug involved is:
 27 (A) at least thirty (30) grams but less than ten (10) pounds of
 28 ~~marijuana~~, **cannabis**; or
 29 (B) at least five (5) grams but less than three hundred (300)
 30 grams of hash oil, hashish, or salvia;
 31 (2) the:
 32 (A) amount of the drug involved is:
 33 (i) at least ten (10) pounds of ~~marijuana~~, **cannabis**; or
 34 (ii) at least three hundred (300) grams of hash oil, hashish,
 35 or salvia; or
 36 (B) offense involved a sale to a minor; or
 37 (3) the:
 38 (A) person is a retailer;
 39 (B) ~~marijuana~~, **cannabis**, hash oil, hashish, or salvia is
 40 packaged in a manner that appears to be low THC hemp
 41 extract; and
 42 (C) person knew or reasonably should have known that the



1 product was ~~marijuana; cannabis~~, hash oil, hashish, or salvia.
 2 SECTION 40. IC 35-48-4-11, AS AMENDED BY P.L.153-2018,
 3 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2023]: Sec. 11. (a) A person who:
 5 (1) knowingly or intentionally possesses (pure or adulterated):
 6 (A) **more than two (2) ounces of marijuana; cannabis;**
 7 (B) **more than five (5) grams of** hash oil;
 8 (C) **more than five (5) grams of** hashish; or
 9 (D) salvia;
 10 (2) knowingly or intentionally grows or cultivates ~~marijuana;~~
 11 **cannabis;** or
 12 (3) knowing that ~~marijuana~~ **cannabis** is growing on the person's
 13 premises, fails to destroy the ~~marijuana~~ **cannabis** plants;
 14 commits possession of ~~marijuana; cannabis~~, hash oil, hashish, or
 15 salvia, a Class B misdemeanor, except as provided in subsections (b)
 16 through (c).
 17 (b) The offense described in subsection (a) is a Class A
 18 misdemeanor if:
 19 (1) the person has a prior conviction for a drug offense; or
 20 (2) the:
 21 (A) ~~marijuana; cannabis~~, hash oil, hashish, or salvia is
 22 packaged in a manner that appears to be low THC hemp
 23 extract; and
 24 (B) person knew or reasonably should have known that the
 25 product was ~~marijuana; cannabis~~, hash oil, hashish, or salvia.
 26 (c) The offense described in subsection (a) is a Level 6 felony if:
 27 (1) the person has a prior conviction for a drug offense; and
 28 (2) the person possesses:
 29 (A) at least ~~thirty (30) grams~~ **two (2) ounces** of ~~marijuana;~~
 30 **cannabis; or**
 31 (B) at least ~~five (5)~~ **ten (10)** grams of hash oil, hashish; or
 32 (C) **at least five (5) grams** of salvia.
 33 SECTION 41. IC 35-48-4-12, AS AMENDED BY P.L.156-2020,
 34 SECTION 134, IS AMENDED TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2023]: Sec. 12. If a person who has no prior
 36 conviction of an offense under this article relating to controlled
 37 substances pleads guilty to possession of ~~marijuana; cannabis~~, hashish,
 38 salvia, or smokable hemp as a misdemeanor, the court, without entering
 39 a judgment of conviction and with the consent of the person, may defer
 40 further proceedings and place the person in the custody of the court
 41 under conditions determined by the court. Upon violation of a
 42 condition of the custody, the court may enter a judgment of conviction.



1 However, if the person fulfills the conditions of the custody, the court
 2 shall dismiss the charges against the person. There may be only one (1)
 3 dismissal under this section with respect to a person.

4 SECTION 42. IC 35-50-2-2.2, AS AMENDED BY P.L.119-2021,
 5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2023]: Sec. 2.2. (a) Except as provided in subsection (b) or
 7 (c), the court may suspend any part of a sentence for a felony.

8 (b) If a person is convicted of a Level 2 felony or a Level 3 felony
 9 and has any prior unrelated felony conviction, other than a conviction
 10 for a felony involving marijuana (**before July 1, 2023**), **cannabis**
 11 (**after June 30, 2023**), hashish, hash oil, or salvia divinorum, the court
 12 may suspend only that part of a sentence that is in excess of the
 13 minimum sentence for the:

14 (1) Level 2 felony; or

15 (2) Level 3 felony.

16 (c) The court may suspend only that part of a sentence for murder
 17 or a Level 1 felony conviction that is in excess of the minimum
 18 sentence for murder or the Level 1 felony conviction.

19 SECTION 43. IC 35-50-5-3, AS AMENDED BY P.L.111-2018,
 20 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2023]: Sec. 3. (a) Except as provided in subsection (i), (j), (l),
 22 or (m), in addition to any sentence imposed under this article for a
 23 felony or misdemeanor, the court may, as a condition of probation or
 24 without placing the person on probation, order the person to make
 25 restitution to the victim of the crime, the victim's estate, or the family
 26 of a victim who is deceased. The court shall base its restitution order
 27 upon a consideration of:

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

31 (2) medical and hospital costs incurred by the victim (before the
 32 date of sentencing) as a result of the crime;

33 (3) the cost of medical laboratory tests to determine if the crime
 34 has caused the victim to contract a disease or other medical
 35 condition;

36 (4) earnings lost by the victim (before the date of sentencing) as
 37 a result of the crime including earnings lost while the victim was
 38 hospitalized or participating in the investigation or trial of the
 39 crime; and

40 (5) funeral, burial, or cremation costs incurred by the family or
 41 estate of a homicide victim as a result of the crime.

42 (b) A restitution order under subsection (a), (i), (j), (l), or (m) is a



- 1 judgment lien that:
- 2 (1) attaches to the property of the person subject to the order;
- 3 (2) may be perfected;
- 4 (3) may be enforced to satisfy any payment that is delinquent
- 5 under the restitution order by the person in whose favor the order
- 6 is issued or the person's assignee; and
- 7 (4) expires;
- 8 in the same manner as a judgment lien created in a civil proceeding.
- 9 (c) When a restitution order is issued under subsection (a), the
- 10 issuing court may order the person to pay the restitution, or part of the
- 11 restitution, directly to:
- 12 (1) the victim services division of the Indiana criminal justice
- 13 institute in an amount not exceeding:
- 14 (A) the amount of the award, if any, paid to the victim under
- 15 IC 5-2-6.1; and
- 16 (B) the cost of the reimbursements, if any, for emergency
- 17 services provided to the victim under IC 16-10-1.5 (before its
- 18 repeal) or IC 16-21-8; or
- 19 (2) a probation department that shall forward restitution or part of
- 20 restitution to:
- 21 (A) a victim of a crime;
- 22 (B) a victim's estate; or
- 23 (C) the family of a victim who is deceased.
- 24 The victim services division of the Indiana criminal justice institute
- 25 shall deposit the restitution it receives under this subsection in the
- 26 violent crime victims compensation fund established by IC 5-2-6.1-40.
- 27 (d) When a restitution order is issued under subsection (a), (i), (j),
- 28 (l), or (m), the issuing court shall send a certified copy of the order to
- 29 the clerk of the circuit court in the county where the felony or
- 30 misdemeanor charge was filed. The restitution order must include the
- 31 following information:
- 32 (1) The name and address of the person that is to receive the
- 33 restitution.
- 34 (2) The amount of restitution the person is to receive.
- 35 Upon receiving the order, the clerk shall enter and index the order in
- 36 the circuit court judgment docket in the manner prescribed by
- 37 IC 33-32-3-2. The clerk shall also notify the department of insurance
- 38 of an order of restitution under subsection (i).
- 39 (e) An order of restitution under subsection (a), (i), (j), (l), or (m)
- 40 does not bar a civil action for:
- 41 (1) damages that the court did not require the person to pay to the
- 42 victim under the restitution order but arise from an injury or



1 property damage that is the basis of restitution ordered by the
2 court; and
3 (2) other damages suffered by the victim.
4 (f) Regardless of whether restitution is required under subsection (a)
5 as a condition of probation or other sentence, the restitution order is not
6 discharged by the completion of any probationary period or other
7 sentence imposed for a felony or misdemeanor.
8 (g) A restitution order under subsection (a), (i), (j), (l), or (m) is not
9 discharged by the liquidation of a person's estate by a receiver under
10 IC 32-30-5 (or IC 34-48-1, IC 34-48-4, IC 34-48-5, IC 34-48-6,
11 IC 34-1-12, or IC 34-2-7 before their repeal).
12 (h) The attorney general may pursue restitution ordered by the court
13 under subsections (a) and (c) on behalf of the victim services division
14 of the Indiana criminal justice institute established under IC 5-2-6-8.
15 (i) The court may order the person convicted of an offense under
16 IC 35-43-9 to make restitution to the victim of the crime. The court
17 shall base its restitution order upon a consideration of the amount of
18 money that the convicted person converted, misappropriated, or
19 received, or for which the convicted person conspired. The restitution
20 order issued for a violation of IC 35-43-9 must comply with
21 subsections (b), (d), (e), and (g), and is not discharged by the
22 completion of any probationary period or other sentence imposed for
23 a violation of IC 35-43-9.
24 (j) The court may order the person convicted of an offense under
25 IC 35-43-5-3.5 to make restitution to the victim of the crime, the
26 victim's estate, or the family of a victim who is deceased. The court
27 shall base its restitution order upon a consideration of the amount of
28 fraud or harm caused by the convicted person and any reasonable
29 expenses (including lost wages) incurred by the victim in correcting the
30 victim's credit report and addressing any other issues caused by the
31 commission of the offense under IC 35-43-5-3.5. If, after a person is
32 sentenced for an offense under IC 35-43-5-3.5, a victim, a victim's
33 estate, or the family of a victim discovers or incurs additional expenses
34 that result from the convicted person's commission of the offense under
35 IC 35-43-5-3.5, the court may issue one (1) or more restitution orders
36 to require the convicted person to make restitution, even if the court
37 issued a restitution order at the time of sentencing. For purposes of
38 entering a restitution order after sentencing, a court has continuing
39 jurisdiction over a person convicted of an offense under IC 35-43-5-3.5
40 for five (5) years after the date of sentencing. Each restitution order
41 issued for a violation of IC 35-43-5-3.5 must comply with subsections
42 (b), (d), (e), and (g), and is not discharged by the completion of any



1 probationary period or other sentence imposed for an offense under
2 IC 35-43-5-3.5.

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

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

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

10 (A) the federal Fair Labor Standards Act of 1938, as amended

11 (29 U.S.C. 201-209); or

12 (B) IC 22-2-2 (Minimum Wage);

13 whichever is greater.

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

15 (1) is convicted of dealing in methamphetamine under
16 IC 35-48-4-1.1 or manufacturing methamphetamine under
17 IC 35-48-4-1.2; and

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

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

24 (m) The court shall order a person who:

25 (1) is convicted of dealing in marijuana (**before July 1, 2023**) or
26 **dealing in cannabis (after June 30, 2023)** under
27 IC 35-48-4-10(a)(1)(A); and

28 (2) manufactured the marijuana (**before July 1, 2023**) or
29 **cannabis (after June 30, 2023)** on property owned by another
30 person, without the consent of the property owner;

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

