

# HOUSE BILL No. 1359

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-8.1-1-1; IC 6-11; IC 16-18-2; IC 16-51; IC 34-30-2; IC 35-48-0.5; IC 35-52-16.

**Synopsis:** Medical cannabis pilot program. Establishes a five year medical cannabis pilot program, administered by the state department of health, to permit the use of medical cannabis in Indiana. Imposes a medical cannabis cultivation tax.

**Effective:** July 1, 2020.

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## Hatcher

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January 15, 2020, read first time and referred to Committee on Public Health.

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Second Regular Session of the 121st General Assembly (2020)

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 *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2019 Regular Session of the General Assembly.

## HOUSE BILL No. 1359

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

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

1 SECTION 1. IC 6-8.1-1-1, AS AMENDED BY P.L.285-2019,  
2 SECTION 1, AND AS AMENDED BY P.L.108-2019, SECTION 132,  
3 AND AS AMENDED BY THE TECHNICAL CORRECTIONS BILL  
4 OF THE 2020 GENERAL ASSEMBLY, IS CORRECTED AND  
5 AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]:  
6 Sec. 1. "Listed taxes" or "taxes" includes only the pari-mutuel taxes  
7 (IC 4-31-9-3 through IC 4-31-9-5); the supplemental wagering tax  
8 (IC 4-33-12); the riverboat wagering tax (IC 4-33-13); the slot machine  
9 wagering tax (IC 4-35-8); the type II gambling game excise tax  
10 (IC 4-36-9); the gross income tax (IC 6-2.1) (repealed); the utility  
11 receipts and utility services use taxes (IC 6-2.3); the state gross retail  
12 and use taxes (IC 6-2.5); the adjusted gross income tax (IC 6-3); the  
13 supplemental net income tax (IC 6-3-8) (repealed); the county adjusted  
14 gross income tax (IC 6-3.5-1.1) (repealed); the county option income  
15 tax (IC 6-3.5-6) (repealed); the county economic development income  
16 tax (IC 6-3.5-7) (repealed); the local income tax (IC 6-3.6); the auto  
17 rental excise tax (IC 6-6-9); the financial institutions tax (IC 6-5.5); the



1 gasoline tax (IC 6-6-1.1); the special fuel tax (IC 6-6-2.5); the motor  
 2 carrier fuel tax (IC 6-6-4.1); a motor fuel tax collected under a  
 3 reciprocal agreement under IC 6-8.1-3; the vehicle excise tax  
 4 (IC 6-6-5); the aviation fuel excise tax (IC 6-6-13); the commercial  
 5 vehicle excise tax (IC 6-6-5.5); the excise tax imposed on recreational  
 6 vehicles and truck campers (IC 6-6-5.1); the hazardous waste disposal  
 7 tax (IC 6-6-6.6) (repealed); the heavy equipment rental excise tax  
 8 (IC 6-6-15); *the vehicle sharing excise tax (IC 6-6-16)*; the cigarette tax  
 9 (IC 6-7-1); **the medical cannabis cultivation tax (IC 6-11)**; the beer  
 10 excise tax (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the wine  
 11 excise tax (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5); *the*  
 12 *malt excise tax (IC 7.1-4-5)*; the petroleum severance tax (IC 6-8-1);  
 13 the various innkeeper's taxes (IC 6-9); the various food and beverage  
 14 taxes (IC 6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28);  
 15 the oil inspection fee (IC 16-44-2); the penalties assessed for oversize  
 16 vehicles (IC 9-20-3 and IC 9-20-18); the fees and penalties assessed for  
 17 overweight vehicles (IC 9-20-4 and IC 9-20-18); and any other tax or  
 18 fee that the department is required to collect or administer.

19 SECTION 2. IC 6-11 IS ADDED TO THE INDIANA CODE AS A  
 20 NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 21 2020]:

22 **ARTICLE 11. MEDICAL CANNABIS CULTIVATION TAX**

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

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

- 25 (1) "Cultivation center" has the meaning set forth in  
 26 IC 16-51-1.  
 27 (2) "Department" refers to the department of state revenue.  
 28 (3) "Dispensing organization" has the meaning set forth in  
 29 IC 16-51-1.  
 30 (4) "Person" has the meaning set forth in IC 6-2.5-1-3.  
 31 (5) "Qualifying patient" has the meaning set forth in  
 32 IC 16-51-1.

33 **Sec. 2. A tax is imposed upon the privilege of cultivating medical**  
 34 **cannabis at a rate of seven percent (7%) of the sales price per**  
 35 **ounce of cannabis. This tax shall be paid to the department by a**  
 36 **cultivation center and is not the responsibility of a dispensing**  
 37 **organization or a qualifying patient.**

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

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



1           **Sec. 4. The amounts received from the tax imposed by this**  
 2 **article shall be transferred by the auditor of state to the medical**  
 3 **cannabis fund established by IC 16-51-3-1.**

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

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

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

14           **Sec. 8. This article expires June 30, 2025.**

15           SECTION 3. IC 16-18-2-1.9 IS ADDED TO THE INDIANA CODE  
 16 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 17 1, 2020]: **Sec. 1.9. "Adequate supply", for purposes of IC 16-51, has**  
 18 **the meaning set forth in IC 16-51-1-1.**

19           SECTION 4. IC 16-18-2-37.9 IS ADDED TO THE INDIANA  
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 21 [EFFECTIVE JULY 1, 2020]: **Sec. 37.9. "Bona fide medical**  
 22 **physician-patient relationship", for purposes of IC 16-51, has the**  
 23 **meaning set forth in IC 16-51-1-1.**

24           SECTION 5. IC 16-18-2-48.1 IS ADDED TO THE INDIANA  
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 26 [EFFECTIVE JULY 1, 2020]: **Sec. 48.1. "Cannabis", for purposes**  
 27 **of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

28           SECTION 6. IC 16-18-2-48.2 IS ADDED TO THE INDIANA  
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 30 [EFFECTIVE JULY 1, 2020]: **Sec. 48.2. "Cannabis plant monitoring**  
 31 **system", for purposes of IC 16-51, has the meaning set forth in**  
 32 **IC 16-51-1-1.**

33           SECTION 7. IC 16-18-2-48.4 IS ADDED TO THE INDIANA  
 34 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 35 [EFFECTIVE JULY 1, 2020]: **Sec. 48.4. "Cardholder", for purposes**  
 36 **of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

37           SECTION 8. IC 16-18-2-88.6 IS ADDED TO THE INDIANA  
 38 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 39 [EFFECTIVE JULY 1, 2020]: **Sec. 88.6. "Cultivation center", for**  
 40 **purposes of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

41           SECTION 9. IC 16-18-2-88.7 IS ADDED TO THE INDIANA  
 42 CODE AS A NEW SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2020]: **Sec. 88.7. "Cultivation center agent",**  
 2 **for purposes of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

3 SECTION 10. IC 16-18-2-88.8 IS ADDED TO THE INDIANA  
 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 5 [EFFECTIVE JULY 1, 2020]: **Sec. 88.8. "Cultivation center agent**  
 6 **identification card", for purposes of IC 16-51, has the meaning set**  
 7 **forth in IC 16-51-1-1.**

8 SECTION 11. IC 16-18-2-92.2 IS ADDED TO THE INDIANA  
 9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 10 [EFFECTIVE JULY 1, 2020]: **Sec. 92.2. "Debilitating medical**  
 11 **condition", for purposes of IC 16-51, has the meaning set forth in**  
 12 **IC 16-51-1-1.**

13 SECTION 12. IC 16-18-2-96.6 IS ADDED TO THE INDIANA  
 14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 15 [EFFECTIVE JULY 1, 2020]: **Sec. 96.6. "Dispensing organization",**  
 16 **for purposes of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

17 SECTION 13. IC 16-18-2-96.7 IS ADDED TO THE INDIANA  
 18 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 19 [EFFECTIVE JULY 1, 2020]: **Sec. 96.7. "Dispensing organization**  
 20 **agent identification card", for purposes of IC 16-51, has the**  
 21 **meaning set forth in IC 16-51-1-1.**

22 SECTION 14. IC 16-18-2-114.8 IS ADDED TO THE INDIANA  
 23 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 24 [EFFECTIVE JULY 1, 2020]: **Sec. 114.8. "Enclosed, locked facility",**  
 25 **for purposes of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

26 SECTION 15. IC 16-18-2-118.5 IS ADDED TO THE INDIANA  
 27 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 28 [EFFECTIVE JULY 1, 2020]: **Sec. 118.5. "Excluded offense", for**  
 29 **purposes of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

30 SECTION 16. IC 16-18-2-223.1 IS ADDED TO THE INDIANA  
 31 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 32 [EFFECTIVE JULY 1, 2020]: **Sec. 223.1. "Medical cannabis infused**  
 33 **product", for purposes of IC 16-51, has the meaning set forth in**  
 34 **IC 16-51-1-1.**

35 SECTION 17. IC 16-18-2-223.2 IS ADDED TO THE INDIANA  
 36 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 37 [EFFECTIVE JULY 1, 2020]: **Sec. 223.2. "Medical cannabis use**  
 38 **license", for purposes of IC 16-51, has the meaning set forth in**  
 39 **IC 16-51-1-1.**

40 SECTION 18. IC 16-18-2-223.8 IS ADDED TO THE INDIANA  
 41 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 42 [EFFECTIVE JULY 1, 2020]: **Sec. 223.8. "Medical use of cannabis",**



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

2 SECTION 19. IC 16-18-2-277.4 IS ADDED TO THE INDIANA  
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2020]: **Sec. 277.4. "Personal caregiver", for**  
5 **purposes of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

6 SECTION 20. IC 16-18-2-282, AS AMENDED BY P.L.153-2018,  
7 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2020]: Sec. 282. (a) "Physician", except as provided in  
9 subsections (b) and (c), means a licensed physician (as defined in  
10 section 202 of this chapter).

11 (b) "Physician", for purposes of IC 16-41-12, has the meaning set  
12 forth in IC 16-41-12-7.

13 (c) "Physician", for purposes of IC 16-37-1-3.1 and IC 16-37-3-5,  
14 means an individual who:

15 (1) was the physician last in attendance (as defined in section  
16 282.2 of this chapter); or

17 (2) is licensed under IC 25-22.5.

18 (d) "Physician", for purposes of IC 16-48-1, is subject to  
19 IC 16-48-1-2.

20 **(e) "Physician", for purposes of IC 16-51, has the meaning set**  
21 **forth in IC 16-51-1-1.**

22 SECTION 21. IC 16-18-2-302.7 IS ADDED TO THE INDIANA  
23 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
24 [EFFECTIVE JULY 1, 2020]: **Sec. 302.7. "Qualifying patient", for**  
25 **purposes of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

26 SECTION 22. IC 16-18-2-318.2 IS ADDED TO THE INDIANA  
27 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
28 [EFFECTIVE JULY 1, 2020]: **Sec. 318.2. "Restricted access area",**  
29 **for purposes of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

30 SECTION 23. IC 16-18-2-361.6 IS ADDED TO THE INDIANA  
31 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
32 [EFFECTIVE JULY 1, 2020]: **Sec. 361.6. "Usable cannabis", for**  
33 **purposes of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

34 SECTION 24. IC 16-18-2-363.4 IS ADDED TO THE INDIANA  
35 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
36 [EFFECTIVE JULY 1, 2020]: **Sec. 363.4. "Verification system", for**  
37 **purposes of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

38 SECTION 25. IC 16-18-2-378.5 IS ADDED TO THE INDIANA  
39 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
40 [EFFECTIVE JULY 1, 2020]: **Sec. 378.5. "Written**  
41 **recommendation", for purposes of IC 16-51, has the meaning set**  
42 **forth in IC 16-51-1-1.**



1 SECTION 26. IC 16-51 IS ADDED TO THE INDIANA CODE AS  
 2 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 3 2020]:

4 **ARTICLE 51. MEDICAL CANNABIS PILOT PROGRAM**

5 **Chapter 1. Definitions**

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

7 (1) "Adequate supply" means two and one-half (2 1/2) ounces  
 8 of usable cannabis, derived solely from an intrastate source,  
 9 during a period of fourteen (14) days, unless a physician has  
 10 authorized a larger amount in accordance with rules adopted  
 11 by the state department. The term includes the premixed  
 12 weight of medical cannabis used in making a cannabis infused  
 13 product.

14 (2) "Bona fide medical physician-patient relationship" means  
 15 a relationship between a physician and a patient that includes:

16 (A) a physical examination and review of medical history,  
 17 or a referral from a primary care practitioner;

18 (B) an explanation of the benefits and risks of medical use  
 19 of cannabis; and

20 (C) an ongoing expectation of care.

21 (3) "Cannabis" means any part of the plant genus *Cannabis*,  
 22 including the seeds, the resin extracted from any part of the  
 23 plant, and any compound, manufacture, salt, derivative,  
 24 mixture, or preparation of the plant, its seeds, or its resin.

25 (4) "Cannabis plant monitoring system" means a system that  
 26 includes testing and data collection established and  
 27 maintained by a cultivation center and available to the state  
 28 department for the purposes of documenting each cannabis  
 29 plant and for monitoring plant development throughout the  
 30 life cycle of a cannabis plant cultivated for the intended use by  
 31 a qualifying patient from seed planting to final packaging.

32 (5) "Cardholder" means a qualifying patient or personal  
 33 caregiver holding a valid registry identification card  
 34 authorizing the purchase of medical cannabis.

35 (6) "Cultivation center" means a facility operated by a person  
 36 that is registered with and authorized by the state department  
 37 to perform necessary activities to provide usable medical  
 38 cannabis to only medical cannabis dispensing organizations.

39 (7) "Cultivation center agent" means a principal officer,  
 40 board member, employee, or agent of a cultivation center.

41 (8) "Cultivation center agent identification card" means a  
 42 document issued by the state department that identifies a



- 1 person as a cultivation center agent.  
 2 (9) "Debilitating medical condition" means:  
 3 (A) cancer;  
 4 (B) glaucoma;  
 5 (C) positive status for human immunodeficiency virus;  
 6 (D) acquired immune deficiency syndrome;  
 7 (E) hepatitis C;  
 8 (F) amyotrophic lateral sclerosis;  
 9 (G) Crohn's disease;  
 10 (H) Alzheimer's disease;  
 11 (I) nail patella syndrome;  
 12 (J) multiple sclerosis;  
 13 (K) injury or disease to the spinal cord, spinal column, or  
 14 vertebra, including arachnoiditis, Tarlov cysts,  
 15 hydromyelia, rheumatoid arthritis, fibrous dysplasia,  
 16 spinal cord injury, traumatic brain injury, and  
 17 postconcussion syndrome;  
 18 (L) myelomalacia;  
 19 (M) celiac disease;  
 20 (N) sickle cell disease;  
 21 (O) muscular dystrophy;  
 22 (P) severe fibromyalgia;  
 23 (Q) Arnold-Chiari malformation;  
 24 (R) syringomyelia;  
 25 (S) spinocerebellar ataxia (SCA);  
 26 (T) Parkinson's disease;  
 27 (U) Tourette syndrome;  
 28 (V) myoclonus;  
 29 (W) dystonia;  
 30 (X) reflex sympathetic dystrophy (RSD);  
 31 (Y) complex regional pain syndrome (CRPS) type I and II;  
 32 (Z) causalgia;  
 33 (AA) neurofibromatosis;  
 34 (BB) chronic inflammatory demyelinating polyneuropathy;  
 35 (CC) Sjogren's syndrome;  
 36 (DD) lupus;  
 37 (EE) interstitial cystitis;  
 38 (FF) myasthenia gravis;  
 39 (GG) hydrocephalus;  
 40 (HH) residual limb pain;  
 41 (II) posttraumatic stress disorder (PTSD);  
 42 (JJ) a chronic or debilitating disease or medical condition





1 or the treatment for a chronic or debilitating disease or  
 2 medical condition that produces:

- 3 (i) cachexia or wasting syndrome;  
 4 (ii) severe or chronic pain;  
 5 (iii) severe or chronic nausea;  
 6 (iv) seizures, including seizures that are characteristic of  
 7 epilepsy; or  
 8 (v) severe or persistent muscle spasms;

9 (KK) a condition that is, or would otherwise be, treated by  
 10 prescribing opioids for more than fourteen (14) days; and  
 11 (LL) any other disease, condition, or symptom that the  
 12 state department determines by its rulemaking authority  
 13 under IC 4-22-2 to be a debilitating medical condition.

14 (10) "Dispensing organization" means a facility operated by  
 15 a person that is registered by the state department to acquire  
 16 medical cannabis from a cultivation center for the purpose of  
 17 dispensing cannabis, paraphernalia, or related supplies and  
 18 educational materials to qualifying patients and personal  
 19 caregivers.

20 (11) "Dispensing organization agent identification card"  
 21 means a document issued by the state department that  
 22 identifies a person as a medical cannabis dispensing  
 23 organization agent.

24 (12) "Enclosed, locked facility" means a room, greenhouse,  
 25 building, or other enclosed area equipped with locks or other  
 26 security devices that permit access only by a cultivation  
 27 center's agents or a dispensing organization's agent working  
 28 for the cultivation center or the registered dispensing  
 29 organization to cultivate, store, and distribute cannabis for  
 30 qualifying patients.

31 (13) "Excluded offense" for cultivation center agents and  
 32 dispensing organizations means:

- 33 (A) a crime of violence (as defined by IC 35-50-1-2) or a  
 34 substantially similar offense in another jurisdiction;  
 35 (B) a violation of IC 35-48 involving the possession or  
 36 delivery of a controlled substance; or  
 37 (C) a violation of the controlled substances law of another  
 38 state that is a felony, unless the state department finds that  
 39 the conviction was for the possession, cultivation, transfer,  
 40 or delivery of a reasonable amount of cannabis intended  
 41 for medical use.

42 (14) "Medical cannabis infused product" means food, oils,



- 1 ointments, or other products containing usable cannabis that  
2 are not smoked.
- 3 (15) "Medical cannabis use license" means a license issued by  
4 the state department authorizing a qualifying patient or a  
5 personal caregiver to acquire, possess, use, and deliver  
6 cannabis for the medical benefit of a qualifying patient.
- 7 (16) "Medical use of cannabis" means the acquisition,  
8 cultivation, possession, processing, manufacturing, transfer,  
9 transportation, sale, distribution, dispensing, or  
10 administration of cannabis or cannabis infused products for  
11 the benefit of qualifying patients.
- 12 (17) "Personal caregiver" means a person who has agreed to  
13 assist with a qualifying patient's medical use of cannabis.
- 14 (18) "Physician" means a person having an unlimited license  
15 to practice medicine under IC 25-22.5.
- 16 (19) "Qualifying patient" means a person who has a written  
17 recommendation from a physician for the medical use of  
18 cannabis.
- 19 (20) "Restricted access area" means a location, not visible  
20 from a public right-of-way, where cannabis is cultivated. The  
21 term includes an open field, a greenhouse, in row cover, or in  
22 any other structure that secures the cannabis from access by  
23 unauthorized persons.
- 24 (21) "Usable cannabis" means the seeds, leaves, buds, and  
25 flowers of the cannabis plant and any mixture or preparation  
26 thereof, but does not include the stalks and roots of the plant.  
27 It does not include the weight of any noncannabis ingredients  
28 combined with cannabis, such as ingredients added to prepare  
29 a topical administration, food, or drink.
- 30 (22) "Verification system" means an Internet based system  
31 established and maintained by the state department that is  
32 available to the department of agriculture, law enforcement  
33 officers, and registered medical cannabis dispensing  
34 organization agents for the verification of registry  
35 identification cards, the tracking of delivery of medical  
36 cannabis to medical cannabis dispensing organizations, and  
37 the tracking of the date of sale, amount, and price of medical  
38 cannabis purchased by a qualifying patient.
- 39 (23) "Written recommendation" means a document  
40 authorizing a qualifying patient's medical use of cannabis that  
41 is:
- 42 (A) written on tamper resistant paper;



1                   **(B) signed by a physician; and**  
 2                   **(C) made only in the course of a bona fide medical**  
 3                   **physician-patient relationship.**  
 4                   **The written recommendation must include a description of**  
 5                   **the debilitating medical condition.**  
 6                   **Chapter 2. Medical Cannabis Pilot Program**  
 7                   **Sec. 1. (a) The Indiana medical cannabis pilot program is**  
 8                   **established to permit the use of medical cannabis in Indiana for a**  
 9                   **limited period of time. The state department shall administer and**  
 10                   **enforce the provisions of this article.**  
 11                   **(b) The Indiana medical cannabis pilot program expires on June**  
 12                   **30, 2025.**  
 13                   **Sec. 2. (a) A physician is immune from civil and criminal**  
 14                   **liability for:**  
 15                   **(1) advising a qualifying patient about the risks and benefits**  
 16                   **of the medical use of cannabis; or**  
 17                   **(2) providing a qualifying patient with a written**  
 18                   **recommendation based upon a full assessment of the**  
 19                   **qualifying patient's medical history and condition.**  
 20                   **However, the immunity described in this subsection does not apply**  
 21                   **to a physician who commits gross negligence or engages in willful**  
 22                   **or wanton misconduct.**  
 23                   **(b) The medical licensing board may not take any action against**  
 24                   **a physician who is immune under subsection (a) for performing an**  
 25                   **act described in subsection (a)(1) or (a)(2).**  
 26                   **(c) Unless required by federal law or to obtain federal funding,**  
 27                   **a person may not discriminate in employment or housing based**  
 28                   **solely on a person's:**  
 29                   **(1) status as a cardholder; or**  
 30                   **(2) positive test for use of cannabis if the person is a**  
 31                   **cardholder.**  
 32                   **However, this subsection does not prevent an employer from**  
 33                   **taking an adverse employment action against an employee who is**  
 34                   **impaired by the use of cannabis while on the employer's premises**  
 35                   **or while carrying out the employee's duties.**  
 36                   **Chapter 3. Medical Cannabis Fund**  
 37                   **Sec. 1. (a) The medical cannabis fund is established for the**  
 38                   **purpose of defraying the expenses of the medical cannabis pilot**  
 39                   **program. The fund shall be administered by the state department.**  
 40                   **(b) The fund consists of fees collected under this article and**  
 41                   **revenue from the medical cannabis cultivation tax collected under**  
 42                   **IC 6-11.**



1 (c) The expenses of administering the fund shall be paid from  
2 money in the fund.

3 (d) The treasurer of state shall invest the money in the fund not  
4 currently needed to meet the obligations of the fund in the same  
5 manner as other public money may be invested. Interest that  
6 accrues from these investments shall be deposited in the fund.

7 (e) Money in the fund at the end of a state fiscal year does not  
8 revert to the state general fund.

9 Chapter 4. Immunities and Privileges

10 Sec. 1. Except as otherwise provided in this article, a qualifying  
11 patient is not subject to arrest, prosecution, or denial of any right  
12 or privilege, including imposition of a civil penalty or a disciplinary  
13 action by an occupational or professional licensing board, for the  
14 medical use of cannabis in accordance with this article, if the  
15 qualifying patient:

16 (1) possesses an amount of cannabis that does not exceed an  
17 adequate supply; and

18 (2) is a licensed professional, and the use of cannabis does not  
19 impair the licensed professional while the licensed  
20 professional is engaged in the practice of the licensed  
21 profession.

22 Sec. 2. Except as otherwise provided in this article, a personal  
23 caregiver is not subject to arrest, prosecution, or denial of any  
24 right or privilege, including imposition of a civil penalty or a  
25 disciplinary action by an occupational or professional licensing  
26 board, for acting in accordance with this article to assist a  
27 qualifying patient to whom the personal caregiver is connected  
28 through the registration process with the medical use of cannabis,  
29 if the caregiver possesses an amount of cannabis that does not  
30 exceed an adequate supply. The total amount possessed between  
31 the qualifying patient and caregiver may not exceed the patient's  
32 adequate supply.

33 Sec. 3. Except as otherwise provided in this article, a qualifying  
34 patient or personal caregiver is not subject to arrest, prosecution,  
35 or denial of any right or privilege, including imposition of a civil  
36 penalty or a disciplinary action by an occupational or professional  
37 licensing board for possession of cannabis that is incidental to  
38 medical use, but is not usable cannabis.

39 Sec. 4. (a) There is a rebuttable presumption that a qualifying  
40 patient is engaged in, or a personal caregiver is assisting with, the  
41 medical use of cannabis in accordance with this article if the  
42 qualifying patient or designated caregiver is in possession of:



1           (1) a valid registry identification card; and

2           (2) not more than an adequate supply of cannabis.

3           (b) The presumption under subsection (a) may be rebutted by  
4 evidence that conduct related to cannabis was not for the purpose  
5 of treating or alleviating the qualifying patient's debilitating  
6 medical condition or symptoms associated with the debilitating  
7 medical condition in compliance with this article.

8           Sec. 5. (a) Except as otherwise provided in this article, a  
9 physician is not subject to arrest, prosecution, or denial of any  
10 right or privilege, including imposition of a civil penalty or a  
11 disciplinary action by the Indiana medical licensing board, or by  
12 any other occupational or professional licensing board, solely for  
13 providing written certifications or for otherwise stating that, in the  
14 physician's professional opinion, a patient is likely to receive  
15 therapeutic or palliative benefit from the medical use of cannabis  
16 to treat or alleviate the patient's debilitating medical condition or  
17 symptoms associated with the debilitating medical condition.

18           (b) This section does not prevent the Indiana medical licensing  
19 board or another disciplinary board from sanctioning a physician  
20 for:

21           (1) issuing a written certification to a patient who is not under  
22 the physician's care for a debilitating medical condition; or

23           (2) failing to properly evaluate a patient's medical condition  
24 or otherwise violating the standard of care for evaluating  
25 medical conditions.

26           Sec. 6. Except as otherwise provided in this article, no person  
27 may be subject to arrest, prosecution, or denial of any right or  
28 privilege, including imposition of a civil penalty or a disciplinary  
29 action by an occupational or professional licensing board, solely  
30 for:

31           (1) selling cannabis paraphernalia to a cardholder upon  
32 presentation of an unexpired registry identification card in  
33 the recipient's name, if employed and registered as a  
34 dispensing organization agent by a registered dispensing  
35 organization;

36           (2) being in the presence or vicinity of the medical use of  
37 cannabis as allowed under this article; or

38           (3) assisting a qualifying patient with the act of administering  
39 cannabis.

40           Sec. 7. Except as otherwise provided by this article, a cultivation  
41 center is not subject to:

42           (1) prosecution;



1           (2) search or inspection;  
 2           (3) seizure;  
 3           (4) penalty in any manner; or  
 4           (5) denial of any right or privilege, including imposition of a  
 5           civil penalty or a disciplinary action, by a business licensing  
 6           board or entity;  
 7           for acting under this article to acquire, possess, cultivate,  
 8           manufacture, deliver, transfer, transport, supply, or sell cannabis  
 9           to registered dispensing organizations.

10           Sec. 8. Except as otherwise provided by this article, a cultivation  
 11           center agent is not subject to:

12           (1) prosecution;  
 13           (2) search or inspection;  
 14           (3) seizure;  
 15           (4) penalty in any manner; or  
 16           (5) denial of any right or privilege, including imposition of a  
 17           civil penalty or a disciplinary action, by a business licensing  
 18           board or entity;  
 19           for working or volunteering for a registered cannabis cultivation  
 20           center under this article, including for performing the actions  
 21           listed under section 7 of this chapter.

22           Sec. 9. Except as otherwise provided by this article, a dispensing  
 23           organization is not subject to:

24           (1) prosecution;  
 25           (2) search or inspection;  
 26           (3) seizure;  
 27           (4) penalty in any manner; or  
 28           (5) denial of any right or privilege, including imposition of a  
 29           civil penalty or a disciplinary action, by a business licensing  
 30           board or entity;  
 31           for acting under this article to acquire, possess, or dispense  
 32           cannabis, or related supplies and educational materials, to or for  
 33           qualifying patients or personal caregivers on behalf of qualifying  
 34           patients.

35           Sec. 10. Except as otherwise provided by this article, a  
 36           dispensing organization agent is not subject to:

37           (1) prosecution;  
 38           (2) search or inspection;  
 39           (3) seizure;  
 40           (4) penalty in any manner; or  
 41           (5) denial of any right or privilege, including imposition of a  
 42           civil penalty or a disciplinary action, by a business licensing



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**board or entity;  
for acting under this article to work or volunteer for a dispensing  
organization under this article, including performing the actions  
listed under section 9 of this chapter.**

**Sec. 11. Except as otherwise provided by this article, any  
cannabis, cannabis paraphernalia, legal property, or interest in  
legal property that is possessed, owned, or used in connection with  
the medical use of cannabis as allowed under this article, or acts  
incidental to that use, may not be seized or forfeited. This article  
does not prevent the seizure or forfeiture of cannabis exceeding the  
amounts allowed under this article, nor does it prevent seizure or  
forfeiture if the basis for the action is unrelated to the cannabis  
that is possessed, manufactured, transferred, or used under this  
article.**

**Sec. 12. Mere possession of, or application for, a registry  
identification card or registration certificate does not constitute  
probable cause or reasonable suspicion, nor shall it be used as the  
sole basis to support the search of the person, property, or home of  
the person possessing or applying for the registry identification  
card. The possession of, or application for, a registry identification  
card does not preclude the existence of probable cause if probable  
cause exists on other grounds.**

**Sec. 13. Nothing in this article precludes a law enforcement  
agency from searching a cultivation center where there is probable  
cause to believe that a criminal law has been violated.**

**Sec. 14. Nothing in this article precludes a law enforcement  
agency from searching a dispensing organization where there is  
probable cause to believe that a criminal law has been violated.**

**Sec. 15. No individual employed by the state may be subject to  
criminal or civil penalties for taking any action in accordance with  
the provisions of this article if the action is within the scope of  
employment.**

**Sec. 16. No law enforcement or correctional agency and no  
person employed by a law enforcement or correctional agency is  
subject to criminal or civil liability, except for willful and wanton  
misconduct, as a result of taking any action within the scope of the  
official duties of the agency or individual to prohibit or prevent the  
possession or use of cannabis by a cardholder incarcerated at a  
correctional facility, jail, on probation, parole, or other supervised  
release, or otherwise under the lawful jurisdiction of the agency or  
individual.**

**Chapter 5. Prohibited Activities**



1           **Sec. 1. This article does not permit a person to engage in any one**  
 2 **(1) or more of the following activities:**

3           **(1) Undertaking any task under the influence of cannabis,**  
 4 **when doing so would constitute negligence, professional**  
 5 **malpractice, operating while intoxicated, or professional**  
 6 **misconduct.**

7           **(2) Possessing cannabis:**

8           **(A) in a school bus;**

9           **(B) on school property;**

10           **(C) in a penal facility;**

11           **(D) in a motor vehicle, including a common carrier, unless**  
 12 **the medical cannabis is in a reasonably secured, sealed,**  
 13 **tamper evident container and reasonably inaccessible**  
 14 **while the vehicle is moving; or**

15           **(E) in a private residence that is used at any time to**  
 16 **provide licensed child care, foster care, or other similar**  
 17 **social service care on the premises.**

18           **(3) Using cannabis in any place where an individual could**  
 19 **reasonably be expected to be observed by others, including all**  
 20 **parts of buildings owned in whole or in part, or leased, by the**  
 21 **state or a local unit of government. However, this subdivision**  
 22 **does not apply to a:**

23           **(A) private residence unless the private residence is used to**  
 24 **provide licensed child care, foster care, or other similar**  
 25 **social service care on the premises; or**

26           **(B) health care facility, including a hospital, nursing home,**  
 27 **hospice care center, and long term care facility.**

28           **(4) Knowingly using cannabis in close physical proximity to a**  
 29 **child.**

30           **(5) Smoking medical cannabis in any place where smoking is**  
 31 **prohibited.**

32           **(6) Operating, navigating, or being in actual physical control**  
 33 **of any motor vehicle, aircraft, or motorboat while using or**  
 34 **under the influence of cannabis.**

35           **(7) Allowing any person who is not allowed to use cannabis**  
 36 **under this article to use cannabis that a cardholder is allowed**  
 37 **to possess under this article.**

38           **(8) The use of medical cannabis by an active duty law**  
 39 **enforcement officer, correctional officer, correctional**  
 40 **probation officer, or firefighter.**

41           **(9) The use of medical cannabis by a person who has a**  
 42 **commercial driver's license.**





1           **Sec. 2.** A person who knowingly or intentionally makes a  
2 material misrepresentation of a medical condition to a physician to  
3 obtain a written certification commits a Class B misdemeanor.

4           **Sec. 3.** The state department shall revoke the registry  
5 identification card of a cardholder or personal caregiver who  
6 unlawfully sells cannabis.

7           **Sec. 4.** The state department shall revoke the registry  
8 identification card of a qualified patient who refuses a chemical  
9 test under IC 9-30-6-2.

10           **Sec. 5.** No qualifying patient or personal caregiver may  
11 knowingly obtain, seek to obtain, or possess, individually or  
12 collectively, an amount of usable cannabis from a registered  
13 medical cannabis dispensing organization that exceeds an adequate  
14 supply.

15           **Sec. 6.** Nothing in this article prevents a private business from  
16 restricting or prohibiting the medical use of cannabis on its  
17 property.

18           **Sec. 7.** Nothing in this article prevents a postsecondary  
19 educational institution from restricting or prohibiting the use of  
20 medical cannabis on its property.

21           **Chapter 6. Physician Requirements**

22           **Sec. 1.** A physician who certifies a debilitating medical condition  
23 for a qualifying patient shall comply with all of the following  
24 requirements:

- 25           (1) The physician shall comply with generally accepted  
26 standards of medical practice.  
27           (2) The physical examination required by this article may not  
28 be performed by remote means, including telemedicine.  
29           (3) The physician shall maintain a record keeping system for  
30 all patients for whom the physician has certified a patient's  
31 medical condition. These records shall be accessible to and  
32 subject to review by the state department.

33           **Sec. 2.** A physician may not:

- 34           (1) accept, solicit, or offer any form of remuneration from or  
35 to a qualifying patient, personal caregiver, cultivation center,  
36 or dispensing organization, including each principal officer,  
37 board member, agent, and employee, to certify a patient,  
38 other than accepting payment from a patient for the fee  
39 associated with the required examination;  
40           (2) offer a discount of any other item of value to a qualifying  
41 patient who uses or agrees to use a particular primary  
42 caregiver or dispensing organization to obtain medical



1           cannabis;

2           (3) conduct a personal physical examination of a patient for  
3           purposes of diagnosing a debilitating medical condition at a  
4           location where medical cannabis is sold or distributed or at  
5           the address of a principal officer, agent, or employee of a  
6           medical cannabis organization;

7           (4) hold a direct or indirect economic interest in a cultivation  
8           center or dispensing organization if the physician  
9           recommends the use of medical cannabis to qualified patients  
10          or is in a partnership or other fee or profit sharing  
11          relationship with a physician who recommends medical  
12          cannabis, except for the limited purpose of performing a  
13          medical cannabis related research study;

14          (5) serve on the board of directors or as an employee of a  
15          cultivation center or dispensing organization;

16          (6) refer patients to a cultivation center, a dispensing  
17          organization, or a personal caregiver; or

18          (7) advertise in a cultivation center or a dispensing  
19          organization.

20          **Sec. 3.** If the state department believes that a physician has  
21          improperly certified a patient as having a debilitating condition,  
22          the state department shall refer the physician to the medical  
23          licensing board.

24          **Sec. 4.** A physician who violates this article is subject to  
25          disciplinary sanctions by the medical licensing board.

26          **Sec. 5.** A physician who certifies a debilitating medical condition  
27          for a qualifying patient must notify the state department in  
28          writing:

29               (1) if the physician has reason to believe that the qualifying  
30               patient has ceased to suffer from a debilitating medical  
31               condition;

32               (2) that the bona fide medical physician-patient relationship  
33               has ended; or

34               (3) that continued use of medical cannabis would result in  
35               contraindication with the patient's other medication.

36          The state department shall revoke the qualifying patient's registry  
37          identification card upon receipt of the physician's notification.

38          **Chapter 7. Written Certification**

39          **Sec. 1.** A certification confirming a patient's debilitating medical  
40          condition shall be written on a form provided by the state  
41          department and shall include at least the following:

42               (1) The qualifying patient's name, date of birth, home address,



1 and primary telephone number.

2 (2) The physician's name, business address, business telephone  
3 number, electronic mail address, medical license number, and  
4 any other information required by the state department.

5 (3) A description of the qualifying patient's debilitating  
6 medical condition.

7 (4) A statement that the physician:

8 (A) has confirmed a diagnosis of a debilitating condition;

9 (B) is treating or managing treatment of the patient's  
10 debilitating condition;

11 (C) has a bona fide medical physician-patient relationship  
12 with the patient;

13 (D) has conducted an in person physical examination; and

14 (E) has conducted a review of the patient's medical history,  
15 including reviewing medical records from other treating  
16 physicians, if any, from the previous twelve (12) months.

17 (5) The physician's signature and date of certification.

18 (6) A statement that a participant in possession of a written  
19 certification indicating a debilitating medical condition is not  
20 an unlawful user or addicted to narcotics solely as a result of  
21 the person's pending application to or participation in the  
22 medical cannabis pilot program.

23 **Sec. 2. A written certification does not constitute a prescription  
24 for medical cannabis.**

25 **Sec. 3. An application for a qualifying patient who is less than  
26 eighteen (18) years of age requires a written certification from a  
27 physician and a reviewing physician.**

28 **Sec. 4. A person who knowingly submits a false or fraudulent  
29 certification to be a qualifying patient shall be permanently banned  
30 from participating in the medical cannabis pilot program.**

31 **Chapter 8. Discrimination Prohibited**

32 **Sec. 1. A school, landlord, or employer may not refuse to enroll,  
33 lease to, or employ, or otherwise penalize, a person solely for the  
34 person's status as a qualifying patient or a personal caregiver,  
35 unless it is necessary to avoid:**

36 (1) violating federal law; or

37 (2) loss of a monetary or licensing related benefit under  
38 federal law or federal regulations.

39 **However, this section does not prevent a landlord from prohibiting  
40 the smoking of cannabis on the premises.**

41 **Sec. 2. For the purposes of medical care, including organ  
42 transplants, a qualifying patient's authorized use of cannabis in**



1 accordance with this article:

- 2 (1) is considered the equivalent of the authorized use of any  
 3 other medication used at the direction of a physician; and  
 4 (2) does not constitute the use of an illicit substance or  
 5 otherwise disqualify a qualifying patient from needed medical  
 6 care.

7 Sec. 3. A person otherwise entitled to custody of or visitation or  
 8 parenting time with a minor may not be denied that right, and  
 9 there is no presumption of neglect or child endangerment for  
 10 conduct allowed under this article unless the person's actions in  
 11 relation to cannabis created an unreasonable danger to the safety  
 12 of the minor as established by clear and convincing evidence.

13 Sec. 4. No school, landlord, or employer may be penalized or  
 14 denied any benefit under state law for enrolling, leasing to, or  
 15 employing a cardholder.

16 Sec. 5. Nothing in this article may be construed to require a  
 17 government medical assistance program, employer, property and  
 18 casualty insurer, or private health insurer to reimburse a person  
 19 for costs associated with the medical use of cannabis.

20 Sec. 6. Nothing in this article may be construed to require any  
 21 person or establishment in lawful possession of property to allow  
 22 a guest, client, customer, or visitor who is a qualifying patient to  
 23 use cannabis on or in that property.

24 Sec. 7. Nothing in this article prohibits an employer from  
 25 adopting reasonable regulations concerning the consumption,  
 26 storage, or timekeeping requirements for qualifying patients  
 27 related to the use of medical cannabis.

28 Sec. 8. Nothing in this article prohibits an employer from  
 29 enforcing a policy concerning drug testing, zero tolerance, or a  
 30 drug free workplace provided the policy is applied in a  
 31 nondiscriminatory manner.

32 Sec. 9. Nothing in this article limits an employer from  
 33 disciplining a qualifying patient for violating a workplace drug  
 34 policy.

35 Sec. 10. Nothing in this article limits an employer's ability to  
 36 discipline an employee for failing a drug test if failing to discipline  
 37 the employee would put the employer in violation of federal law or  
 38 cause the employer to lose a federal contract or funding.

39 Sec. 11. Nothing in this article shall be construed to create a  
 40 defense for a third party who fails a drug test.

41 Sec. 12. An employer may consider a qualifying patient to be  
 42 impaired when the patient manifests specific, articulable symptoms



1 while working that decrease or lessen the patient's performance of  
 2 the duties or tasks of the employee's job position, including  
 3 symptoms of the employee's speech, physical dexterity, agility,  
 4 coordination, demeanor, irrational or unusual behavior, negligence  
 5 or carelessness in operating equipment or machinery, disregard for  
 6 the safety of the employee or others, or involvement in an accident  
 7 that results in serious damage to equipment or property, disruption  
 8 of a production or manufacturing process, or carelessness that  
 9 results in any injury to the employee or others. If an employer  
 10 elects to discipline a qualifying patient under this section, the  
 11 employer must afford the employee a reasonable opportunity to  
 12 contest the basis of the determination.

13 **Sec. 13.** Nothing in this article may be construed to create a  
 14 cause of action for any person against an employer for:

- 15 (1) an action based on the employer's good faith belief that a  
 16 qualifying patient used or possessed cannabis while on the  
 17 employer's premises or during the hours of employment;  
 18 (2) an action based on the employer's good faith belief that a  
 19 qualifying patient was impaired while working on the  
 20 employer's premises during the hours of employment; or  
 21 (3) injury or loss to a third party if the employer did not know  
 22 or have reason to know that the employee was impaired.

23 **Sec. 14.** Nothing in this article may be construed to interfere  
 24 with any federal restrictions on employment, including United  
 25 States Department of Transportation regulation 49 CFR 40.151(e).

26 **Chapter 9. Addition of Medical Conditions**

27 **Sec. 1.** Any resident of Indiana may petition the state  
 28 department to add debilitating conditions, diseases, or treatments  
 29 to the list of debilitating medical conditions under this article. The  
 30 state department shall approve or deny a petition within one  
 31 hundred eighty (180) days of its submission, and, upon approval,  
 32 shall proceed to add that condition by rule. The approval or denial  
 33 of any petition is a final order.

34 **Sec. 2.** The state department shall accept petitions once annually  
 35 during a one (1) month period determined by the state department.  
 36 During this open period, the state department shall accept petitions  
 37 from any resident of Indiana requesting the addition of a new  
 38 debilitating medical condition, disease, or treatment to the list of  
 39 approved debilitating medical conditions for which the use of  
 40 cannabis has been shown to have a therapeutic or palliative effect.  
 41 The state department shall provide public notice at least thirty (30)  
 42 days before the open period for accepting petitions, which shall



1 describe the time period for submission, the required format of the  
2 submission, and the address to which the submission may be sent.

3 **Sec. 3. Each petition shall be limited to one (1) proposed**  
4 **debilitating medical condition, disease, or treatment.**

5 **Sec. 4. A petitioner shall file one (1) original petition in the**  
6 **format provided by the state department and in the manner**  
7 **specified by the state department. For a petition to be processed**  
8 **and reviewed, all information required by the state department**  
9 **shall be included.**

10 **Sec. 5. Upon receipt of a petition, the state department shall**  
11 **evaluate the petition for completeness and determine whether it**  
12 **meets the requirements established by the state department.**

13 **Sec. 6. (a) If the petition is complete and compliant, the state**  
14 **department shall accept the petition for further review.**

15 **(b) If the petition does not meet the required standards, the state**  
16 **department shall summarily deny the petition. A petition denied**  
17 **under this subsection may be resubmitted, with deficiencies**  
18 **corrected, during the next open period.**

19 **Sec. 7. The state department shall review all accepted petitions**  
20 **and issue a determination on the merits.**

21 **Sec. 8. (a) The state department shall convene a medical**  
22 **cannabis advisory board composed of the following sixteen (16)**  
23 **members:**

24 **(1) A medical cannabis patient advocate or personal**  
25 **caregiver.**

26 **(2) A parent or personal caregiver of a child who is a qualified**  
27 **medical cannabis patient.**

28 **(3) Two (2) registered nurses or nurse practitioners.**

29 **(4) Three (3) qualifying patients, including one (1) veteran of**  
30 **the armed forces of the United States.**

31 **(5) Nine (9) physicians.**

32 **(b) To the extent possible, the health care providers appointed**  
33 **to the advisory board shall practice in one (1) or more of the**  
34 **following areas:**

35 **(1) Neurology.**

36 **(2) Pain management.**

37 **(3) Medical oncology.**

38 **(4) Psychiatry or mental health.**

39 **(5) Infectious disease.**

40 **(6) Family medicine.**

41 **(7) General primary care.**

42 **(8) Medical ethics.**



1           **(9) Pharmacy.**

2           **(10) Pediatrics.**

3           **(11) Psychiatry or mental health for children or adolescents.**

4           **At least one (1) appointed health care practitioner shall have direct**  
 5           **experience related to the health care needs of veterans, and at least**  
 6           **one (1) individual shall have pediatric experience.**

7           **Sec. 9. (a) The governor shall appoint the members of the**  
 8           **advisory board.**

9           **(b) A member shall serve a term of four (4) years, or until a**  
 10           **successor is appointed and qualified. A member serves at the**  
 11           **pleasure of the governor.**

12           **(c) If a vacancy occurs, the governor shall appoint a**  
 13           **replacement to complete the original term created by the vacancy.**

14           **(d) The governor shall select a chairperson.**

15           **(e) A member may serve multiple terms.**

16           **(f) No member may be affiliated with, serve on the board of, or**  
 17           **have a business relationship with a cultivation center or a**  
 18           **registered medical cannabis dispensing organization.**

19           **(g) A member shall disclose any real or apparent conflicts of**  
 20           **interest that may have a direct bearing on the subject matter, such**  
 21           **as relationships with pharmaceutical companies, biomedical device**  
 22           **manufacturers, or corporations whose products or services are**  
 23           **related to the medical condition, disease, or treatment to be**  
 24           **reviewed.**

25           **(h) A member who is not a state employee is not entitled to a**  
 26           **minimum salary per diem provided by IC 4-10-11-2.1(b). The**  
 27           **member is, however, entitled to reimbursement for traveling**  
 28           **expenses as provided under IC 4-13-1-4 and other expenses**  
 29           **actually incurred in connection with the member's duties as**  
 30           **provided in the state policies and procedures established by the**  
 31           **Indiana department of administration and approved by the budget**  
 32           **agency.**

33           **Sec. 10. The advisory board shall convene at the call of the**  
 34           **chairperson;**

35           **(1) to examine debilitating conditions or diseases that would**  
 36           **benefit from the medical use of cannabis; and**

37           **(2) to review new medical and scientific evidence related to**  
 38           **currently approved conditions.**

39           **Sec. 11. The advisory board shall issue an annual report of its**  
 40           **activities before November 1 of each year.**

41           **Sec. 12. The advisory board shall receive administrative support**  
 42           **from the state department.**



1           **Chapter 10. Registration of Qualifying Patients and Personal**  
2 **Caregivers**

3           **Sec. 1. The state department shall issue registry identification**  
4 **cards to qualifying patients and personal caregivers who submit a**  
5 **completed application, and at minimum, the following, in**  
6 **accordance with state department rules:**

7           **(1) A written certification from a physician, completed not**  
8 **more than ninety (90) days immediately preceding the**  
9 **application date.**

10           **(2) Upon the execution of applicable privacy waivers, medical**  
11 **documentation related to the qualifying patient's debilitating**  
12 **condition, and any other information that may be reasonably**  
13 **required by the state department to confirm that the**  
14 **physician and patient have a bona fide medical**  
15 **physician-patient relationship, that the qualifying patient is in**  
16 **the physician's care for the patient's debilitating medical**  
17 **condition, and to substantiate the patient's diagnosis.**

18           **(3) The application or renewal fee as set by rule. The fee shall**  
19 **be deposited in the medical cannabis fund.**

20           **(4) The name, address, date of birth, driver's license number,**  
21 **and Social Security number of the qualifying patient, except**  
22 **that if the applicant is homeless, no address is required.**

23           **(5) The name, business address, driver's license number, and**  
24 **business telephone number of the qualifying patient's**  
25 **physician.**

26           **(6) The name, address, and date of birth of the personal**  
27 **caregiver, if any, chosen by the qualifying patient.**

28           **(7) The name of the registered medical cannabis dispensing**  
29 **organization the qualifying patient designates.**

30           **(8) Signed statements from the qualifying patient and**  
31 **designated personal caregiver affirming that they will not**  
32 **divert medical cannabis.**

33           **Sec. 2. (a) Notwithstanding any other provision of this article, a**  
34 **person provided a written certification for a debilitating medical**  
35 **condition who has submitted a completed electronic application to**  
36 **the state department shall receive a provisional registration and be**  
37 **entitled to purchase medical cannabis from a specified licensed**  
38 **dispensing organization for a period of ninety (90) days, or until**  
39 **the application has been denied or until the patient receives a**  
40 **registry identification card, whichever is earlier. However, a**  
41 **person may obtain an additional provisional registration after the**  
42 **expiration of ninety (90) days from the date of application if the**





1 state department does not provide the person with a registry  
 2 identification card or deny the person's application within those  
 3 ninety (90) days.

4 (b) The provisional registration may not be extended if the  
 5 person does not respond to the state department's request for  
 6 additional information or corrections to required application  
 7 documentation.

8 (c) In order for a person to receive medical cannabis under this  
 9 article, a person must present the person's provisional registration  
 10 along with a valid driver's license or state identification card to the  
 11 licensed dispensing organization specified in the application. The  
 12 dispensing organization shall verify the person's provisional  
 13 registration through the state department's online verification  
 14 system.

15 (d) Upon verification of the provided documents, the dispensing  
 16 organization shall dispense not more than an adequate supply of  
 17 medical cannabis during a fourteen (14) day period to the person  
 18 for a period of ninety (90) days, until the application has been  
 19 denied, or until the person receives a registry identification card  
 20 from the state department, whichever is earlier. A person with a  
 21 provisional registration must keep the provisional registration in  
 22 the person's possession at all times when transporting or engaging  
 23 in the medical use of cannabis.

24 **Sec. 3. (a) A person may not charge a fee for assistance in the**  
 25 **preparation, compilation, or submission of an application to the**  
 26 **medical cannabis pilot program.**

27 (b) A person who knowingly or intentionally violates this section  
 28 commits a Class C misdemeanor.

29 (c) All application forms issued by the state department must  
 30 state that no person or business may charge a fee for assistance in  
 31 the preparation, compilation, or submission of an application.

32 **Sec. 4. (a) This section applies to a qualifying patient who is less**  
 33 **than eighteen (18) years of age.**

34 (b) A qualifying patient who is less than eighteen (18) years of  
 35 age may have two (2) personal caregivers in accordance with this  
 36 section.

37 (c) If both parents, or two (2) legal guardians of a qualifying  
 38 patient who is less than eighteen (18) years of age, each have  
 39 significant decision making responsibilities over the qualifying  
 40 patient, both may serve as a designated personal caregiver if they  
 41 otherwise qualify under this article.

42 (d) If only one (1) parent or legal guardian has significant



1 decision making responsibilities for the qualifying patient who is  
 2 less than eighteen (18) years of age, the parent or legal guardian  
 3 may appoint a second personal caregiver who is qualified under  
 4 this article.

5 **Chapter 11. Issuance of Registry Identification Cards**

6 **Sec. 1. Except as provided in section 2 of this chapter, the state**  
 7 **department shall:**

8 **(1) verify the information contained in an application or**  
 9 **renewal for a registry identification card submitted under this**  
 10 **article, and approve or deny an application or renewal, within**  
 11 **ninety (90) days of receiving a completed application or**  
 12 **renewal application and all supporting documentation;**

13 **(2) issue a registry identification card to a qualifying patient**  
 14 **and the patient's personal caregiver, if any, within fifteen (15)**  
 15 **business days of approving the application or renewal;**

16 **(3) enter into the verification system the registry identification**  
 17 **number of the dispensing organization the qualifying patient**  
 18 **designates; and**

19 **(4) allow for an electronic application process, and provide a**  
 20 **confirmation by electronic or other methods that an**  
 21 **application has been submitted.**

22 **Sec. 2. The state department may not issue a registry**  
 23 **identification card to a qualifying patient who is less than eighteen**  
 24 **(18) years of age unless that patient suffers from seizures, including**  
 25 **those characteristic of epilepsy, or unless the state department has**  
 26 **adopted a rule expressly permitting the use of medical cannabis by**  
 27 **a person less than eighteen (18) years of age. The state department**  
 28 **shall adopt rules for the issuance of a registry identification card**  
 29 **for qualifying patients who are less than eighteen (18) years of age**  
 30 **and suffering from seizures. The state department may adopt rules**  
 31 **to allow other individuals less than eighteen (18) years of age to**  
 32 **become qualifying patients under this article with the consent of a**  
 33 **parent or legal guardian. Qualifying patients less than eighteen**  
 34 **(18) years of age may not consume any form of cannabis other than**  
 35 **medical cannabis infused products or purchase usable cannabis.**

36 **Sec. 3. For purposes of this article, a veteran who has received**  
 37 **treatment at a Veterans Administration hospital has a bona fide**  
 38 **medical physician-patient relationship with a Veterans**  
 39 **Administration physician if the patient has been examined for the**  
 40 **veteran's debilitating medical condition at the Veterans**  
 41 **Administration hospital in accordance with Veterans**  
 42 **Administration hospital protocols. All reasonable inferences**



1 regarding the existence of a bona fide medical physician-patient  
 2 relationship shall be drawn in favor of an applicant who is a  
 3 veteran and has undergone treatment at a Veterans  
 4 Administration hospital.

5 **Sec. 4.** An individual who submits an application as someone  
 6 who is terminally ill shall have all fees waived. The state  
 7 department shall adopt emergency rules in the manner provided  
 8 under IC 4-22-2-37.1 to expedite approval for terminally ill  
 9 individuals. These rules shall require that an application by an  
 10 individual with a terminal illness shall be approved or denied  
 11 within fourteen (14) days of submission.

12 **Sec. 5.** Upon the approval of the registration and issuance of a  
 13 registry card, the state department shall forward the personal  
 14 caregiver's and qualified patient's driver's license number to the  
 15 bureau of motor vehicles and certify that the individual is  
 16 permitted to engage in the medical use of cannabis. For the  
 17 purposes of law enforcement, the bureau shall make a notation on  
 18 the person's driving record stating the person is a qualifying  
 19 patient or a personal caregiver who is entitled to the lawful medical  
 20 use of cannabis. If the person no longer holds a valid registry card,  
 21 the state department shall notify the bureau of motor vehicles and  
 22 the bureau shall remove the notation from the person's driving  
 23 record. The state department and the bureau of motor vehicles  
 24 may establish a system by which the information may be shared  
 25 electronically.

26 **Sec. 6.** Upon the approval of the registration and issuance of a  
 27 registry card, the state department shall electronically forward the  
 28 qualifying patient's and personal caregiver's identification card  
 29 information to INSPECT (as defined in IC 25-1-13-3) and certify  
 30 that the individual is permitted to engage in the medical use of  
 31 cannabis. For the purposes of patient care, INSPECT shall make  
 32 a notation on the person's prescription record stating that the  
 33 person is a qualifying patient who is entitled to the lawful medical  
 34 use of cannabis. If the person no longer holds a valid registry card,  
 35 the state department shall notify INSPECT to remove the notation  
 36 from the person's record.

37 **Chapter 12. Denial of a Registry Identification Card**

38 **Sec. 1.** The state department may deny an application or  
 39 renewal of a qualifying patient's registry identification card only  
 40 if the applicant:

- 41 (1) does not provide the required information and materials;  
 42 (2) previously had a registry identification card revoked;



1           (3) does not meet the requirements of this article;

2           (4) provided false or falsified information; or

3           (5) violated any requirement of this article.

4           **Sec. 2. The state department may deny an application or**  
 5 **renewal for a personal caregiver chosen by a qualifying patient**  
 6 **whose registry identification card was granted only if:**

7           (1) the personal caregiver does not meet the requirements of  
 8 this article;

9           (2) the applicant did not provide the information required;

10          (3) the prospective patient's application was denied;

11          (4) the personal caregiver previously had a registry  
 12 identification card revoked;

13          (5) the applicant or the personal caregiver provided false or  
 14 falsified information; or

15          (6) the applicant or the personal caregiver violated any  
 16 requirement of this article.

17          **Sec. 3. The state department shall notify the qualifying patient**  
 18 **who has designated a personal caregiver if a registry identification**  
 19 **card will not be issued to the personal caregiver.**

20          **Sec. 4. Denial of an application or renewal is a final order.**

21          **Chapter 13. Registry Identification Cards**

22          **Sec. 1. A qualifying patient or personal caregiver shall keep the**  
 23 **registry identification card in the patient's or caregiver's**  
 24 **possession at all times when engaging in the medical use of**  
 25 **cannabis.**

26          **Sec. 2. A registry identification card shall contain the following:**

27          (1) The name of the cardholder.

28          (2) A designation of whether the cardholder is a personal  
 29 caregiver or qualifying patient.

30          (3) The date of issuance and expiration date of the registry  
 31 identification card.

32          (4) A random alphanumeric identification number that is  
 33 unique to the cardholder.

34          (5) If the cardholder is a personal caregiver, the random  
 35 alphanumeric identification number of the qualifying patient  
 36 the personal caregiver is receiving the registry identification  
 37 card to assist.

38          (6) A photograph of the cardholder, if required by state  
 39 department rules.

40          **Sec. 3. To maintain a valid registry identification card, a**  
 41 **qualifying patient or personal caregiver must annually submit, at**  
 42 **least forty-five (45) days before the expiration date stated on the**



1 registry identification card, a completed renewal application,  
 2 renewal fee, and accompanying documentation as described in  
 3 state department rules. The state department shall send a  
 4 notification to a qualifying patient or personal caregiver ninety  
 5 (90) days before the expiration of the registry identification card.  
 6 If the state department fails to grant or deny a renewal application  
 7 received in accordance with this chapter, the renewal shall be  
 8 conditionally granted and the qualifying patient or personal  
 9 caregiver may continue to use the expired registry identification  
 10 card until the state department denies the renewal or issues a new  
 11 registry identification card.

12 Sec. 4. Except as otherwise provided in this chapter, the  
 13 expiration date of a registry identification card is three (3) years  
 14 from the date of issuance of the card.

15 Sec. 5. The state department may electronically store on the  
 16 card any or all of the information listed in this chapter, along with  
 17 the address and date of birth of the cardholder and the qualifying  
 18 patient's designated dispensing organization, to allow the  
 19 information to be read by law enforcement agents.

20 Sec. 6. The renewal fee shall be deposited in the medical  
 21 cannabis fund.

22 Chapter 14. Notification to the Indiana State Department of  
 23 Health

24 Sec. 1. The following notifications and state department  
 25 responses are required:

26 (1) A qualifying patient shall notify the state department of  
 27 any change in the patient's name or address, or if the  
 28 qualifying patient ceases to have the debilitating medical  
 29 condition, within ten (10) days of the change.

30 (2) A personal caregiver shall notify the state department of  
 31 any change in the personal caregiver's name or address, or if  
 32 the caregiver becomes aware that the qualifying patient has  
 33 died, within ten (10) days of the change.

34 (3) Before a qualifying patient changes a personal caregiver,  
 35 the qualifying patient must notify the state department.

36 (4) If a cardholder loses the cardholder's registry  
 37 identification card, the cardholder shall notify the state  
 38 department within ten (10) days of becoming aware the card  
 39 has been lost.

40 Sec. 2. If a cardholder notifies the state department under this  
 41 chapter, but remains eligible under this article, the state  
 42 department shall issue the cardholder a new registry identification



1 card with a new random alphanumeric identification number  
 2 within fifteen (15) business days of receiving the updated  
 3 information and a fee as specified in state department rules. The  
 4 fee shall be deposited in the medical cannabis fund. If the person  
 5 notifying the state department is a qualifying patient, the state  
 6 department shall also issue the patient's personal caregiver, if any,  
 7 a new registry identification card within fifteen (15) business days  
 8 of receiving the updated information.

9 **Sec. 3.** If a qualifying patient ceases to be a qualifying patient or  
 10 changes the personal caregiver, the state department shall  
 11 promptly notify the personal caregiver. The former personal  
 12 caregiver's protections under this article as to that qualifying  
 13 patient expire fifteen (15) days after notification by the state  
 14 department.

15 **Sec. 4.** A cardholder who fails to notify the state department as  
 16 required by this chapter commits a Class C infraction.

17 **Sec. 5.** A qualifying patient shall notify the state department of  
 18 any change in the designated dispensing organization.

19 **Sec. 6.** If a qualifying patient's certifying physician notifies the  
 20 state department in writing that the qualifying patient has ceased  
 21 to suffer from a debilitating medical condition, the bona fide  
 22 medical physician-patient relationship has ended, or the continued  
 23 use of medical cannabis would result in contraindication with the  
 24 patient's other medications, the qualifying patient's registry  
 25 identification card shall become null and void. However, the  
 26 qualifying patient has fifteen (15) days after the notice to destroy  
 27 the patient's remaining medical cannabis and related  
 28 paraphernalia.

#### 29 **Chapter 15. Cannabis Infused Products**

30 **Sec. 1.** Notwithstanding any other provision of law, neither the  
 31 state department nor a local health department may regulate the  
 32 service of food by a cultivation center or dispensing organization  
 33 if all of the following conditions are met:

34 (1) No cannabis infused products requiring refrigeration or  
 35 hot-holding are manufactured at a cultivation center for sale  
 36 or distribution at a dispensing organization.

37 (2) The products are allowable for sale only at dispensing  
 38 organizations.

39 (3) All items shall be individually wrapped at the original  
 40 point of preparation. The packaging of the medical cannabis  
 41 infused product must contain a label displaying all of the  
 42 following:



- 1 (A) The name and address of the cultivation center where  
 2 the item was manufactured.  
 3 (B) The common or usual name of the item.  
 4 (C) All ingredients of the item, including any colors,  
 5 artificial flavors, and preservatives, listed in descending  
 6 order by predominance of weight and shown with common  
 7 or usual names.  
 8 (D) A notice stating "This product was produced in a  
 9 medical cannabis cultivation center not subject to public  
 10 health inspection that may also process common food  
 11 allergens."  
 12 (E) Allergen labeling as required by federal law.  
 13 (F) The total weight of usable cannabis in the package.  
 14 (G) A warning that the item:  
 15 (i) is a medical cannabis infused product and not a food;  
 16 and  
 17 (ii) contains medical cannabis and is intended for  
 18 consumption by qualifying patients only.  
 19 (H) The date of manufacture and the "use by" date.  
 20 (4) The dispensing organization that sells edible cannabis  
 21 displays a placard stating "Edible cannabis infused products  
 22 were produced in a kitchen not subject to public health  
 23 inspections that may also process common food allergens."  
 24 The placard may not be smaller than twenty-four (24) inches  
 25 tall by thirty-six (36) inches wide, with typed letters not  
 26 smaller than two (2) inches. The placard must be clearly  
 27 visible, readable by customers, and written in English.  
 28 (5) Cannabis infused products for sale or distribution at a  
 29 dispensing organization must be prepared by an approved  
 30 staff member of a cultivation center.  
 31 (6) A cultivation center that prepares cannabis infused  
 32 products for sale or distribution at a dispensing organization  
 33 shall be under the operational supervision of a state  
 34 department certified food service sanitation manager.  
 35 Sec. 2. The state department shall adopt rules for the  
 36 manufacture of medical cannabis infused products and shall  
 37 enforce these provisions, and for that purpose, the state  
 38 department may at all times enter every building, room, basement,  
 39 enclosure, or premises occupied or used or suspected of being  
 40 occupied or used for the production, preparation, manufacture for  
 41 sale, storage, sale, distribution, or transportation of edible medical  
 42 infused cannabis products, and to inspect the premises and all



1 utensils, fixtures, furniture, and machinery used for the  
2 preparation of these products.

3 **Sec. 3.** If a local health department has a reasonable belief that  
4 a cultivation center's cannabis infused product poses a public  
5 health hazard, it may refer the cultivation center to the state  
6 department. If the state department finds that a cannabis infused  
7 product poses a health hazard, it may bring an action for  
8 immediate injunctive relief.

9 **Chapter 16. Cannabis Cultivation Permits**

10 **Sec. 1.** The state department may register up to thirteen (13)  
11 cultivation centers for operation. The state department may not  
12 issue more than one (1) registration per each Indiana state police  
13 district (as specified on July 1, 2020). The state department may  
14 not issue less than the thirteen (13) registrations if there are  
15 qualified applicants that have applied with the state department.

16 **Sec. 2.** The registrations shall be issued and renewed annually  
17 as determined by rule.

18 **Sec. 3.** The state department shall establish a registration fee by  
19 rule. The registration fee shall be deposited in the medical cannabis  
20 fund.

21 **Sec. 4.** A cultivation center may operate only if the cultivation  
22 center has been issued a valid registration from the state  
23 department. When applying for a cultivation center registration,  
24 the applicant shall submit the following in accordance with state  
25 department rules:

- 26 (1) The proposed legal name of the cultivation center.  
27 (2) The proposed physical address of the cultivation center  
28 and description of the enclosed, locked facility as it applies to  
29 cultivation centers where medical cannabis will be grown,  
30 harvested, manufactured, packaged, or otherwise prepared  
31 for distribution to a dispensing organization.  
32 (3) The name, address, and date of birth of each principal  
33 officer and board member of the cultivation center, each of  
34 whom must be at least twenty-one (21) years of age.  
35 (4) Any instance in which a business that any of the  
36 prospective board members of the cultivation center managed  
37 or for which he or she served on the board and was convicted,  
38 fined, censured, or had a registration or license suspended or  
39 revoked in any administrative or judicial proceeding.  
40 (5) Cultivation, inventory, and packaging plans.  
41 (6) Proposed operating bylaws that include procedures for the  
42 oversight of the cultivation center, development and





1 implementation of a cannabis plant monitoring system,  
 2 medical cannabis container tracking system, accurate record  
 3 keeping, staffing plan, and security plan reviewed by the state  
 4 police department that are in accordance with the rules issued  
 5 by the state department under this article. A physical  
 6 inventory must be performed of all plants and medical  
 7 cannabis containers on a weekly basis.

8 (7) Experience with agricultural cultivation techniques and  
 9 industry standards.

10 (8) Any academic degrees, certifications, or relevant  
 11 experience with related businesses.

12 (9) The identity of every person, association, trust, or  
 13 corporation having any direct or indirect pecuniary interest  
 14 in the cultivation center operation with respect to which the  
 15 registration is sought. If the disclosed entity is:

16 (A) a trust, the application shall disclose the names and  
 17 addresses of the beneficiaries;

18 (B) a corporation, the names and addresses of all  
 19 stockholders and directors; or

20 (C) a partnership, the names and addresses of all partners,  
 21 both general and limited.

22 (10) Verification from the state police department that all  
 23 background checks of the principal officer, board members,  
 24 and registered agents have been conducted and those  
 25 individuals have not been convicted of an excluded offense.

26 (11) A copy of any current local zoning ordinance to the state  
 27 department and verification that the proposed cultivation  
 28 center is in compliance with the local zoning rules.

29 (12) An application fee set by the state department by rule.  
 30 The application fee shall be deposited in the medical cannabis  
 31 fund.

32 (13) Any other information required by state department  
 33 rules, including a cultivation center applicant's experience  
 34 with the cultivation of agricultural or horticultural products,  
 35 operating an agriculturally related business, or operating a  
 36 horticultural business.

37 **Sec. 5.** The state department shall deny an application for a  
 38 cultivation center permit if any of the following conditions are met:

39 (1) The applicant failed to submit the materials required by  
 40 this chapter, or the applicant's plans do not satisfy the  
 41 security, oversight, inventory, or record keeping rules issued  
 42 by the state department.



- 1           (2) The applicant would not be in compliance with local
- 2           zoning requirements.
- 3           (3) One (1) or more of the prospective principal officers or
- 4           board members has been convicted of an excluded offense.
- 5           (4) One (1) or more of the prospective principal officers or
- 6           board members has served as a principal officer or board
- 7           member for a dispensing organization or cultivation center
- 8           that has had its registration revoked.
- 9           (5) One or more of the prospective principal officers or board
- 10          members is less than twenty-one (21) years of age.
- 11          (6) A prospective principal officer or board member has been
- 12          convicted of a felony under the laws of this state, the United
- 13          States, or any other state.
- 14          (7) The person has submitted an application for a certificate
- 15          under this article that contains false information.

**Chapter 17. Renewal of Cultivation Center Permits**

**Sec. 1. (a) A cultivation center permit must be renewed annually.**

**(b) The state department shall notify the cultivation center in writing, at least ninety (90) days before the expiration of its current registration, that the current registration will expire.**

**Sec. 2. The state department shall grant a renewal application within forty-five (45) days of its submission if:**

- 24           (1) the cultivation center submits a complete renewal
- 25           application and the required renewal fee established by the
- 26           state department by rule; and
- 27           (2) the state department has not suspended or revoked the
- 28           registration of the cultivation center for a violation of this
- 29           article.

**The renewal fee shall be deposited in the medical cannabis fund.**

**Chapter 18. Background Checks**

**Sec. 1. Before granting the initial permit, the state department shall require each prospective:**

- 34           (1) principal officer;
- 35           (2) board member; and
- 36           (3) registered agent;

**to submit the necessary information, forms, or consents for the state department to obtain a national criminal history background check or, as allowed by the state department, a fingerprint based criminal history check, through a contractor under IC 12-15-30 or the state police department under IC 10-13-3-39.**

**Sec. 2. The state department shall require each person applying**



1 as a cultivation center agent to submit the necessary information,  
 2 forms, or consents for the state department, to obtain a national  
 3 criminal history background check or, as allowed by the state  
 4 department, a fingerprint based criminal history check, through a  
 5 contractor under IC 12-15-30 or the state police department under  
 6 IC 10-13-3-39.

7 **Sec. 3.** Each principal officer, board member, registered agent,  
 8 and applicant is responsible for the cost of the national criminal  
 9 history background check.

10 **Chapter 19. Cultivation Center Agent Identification Card**

11 **Sec. 1.** The state department shall:

12 (1) verify the information contained in an application or  
 13 renewal for a cultivation center agent identification card  
 14 submitted under this article, and approve or deny an  
 15 application or renewal, within thirty (30) days of receiving a  
 16 completed application or renewal application and all  
 17 supporting documentation required by rule;

18 (2) issue a cultivation center agent identification card to a  
 19 qualifying agent within fifteen (15) business days of approving  
 20 the application or renewal;

21 (3) enter the registry identification number of the cultivation  
 22 center where the agent works; and

23 (4) allow for an electronic application process, and provide a  
 24 confirmation by electronic or other methods that an  
 25 application has been submitted.

26 **Sec. 2.** A cultivation center agent must keep the agent's  
 27 identification card visible at all times when on the property of a  
 28 cultivation center and during the transportation of medical  
 29 cannabis to a dispensing organization.

30 **Sec. 3.** A cultivation center agent identification card must  
 31 contain:

32 (1) the name of the cardholder;

33 (2) the date of issuance and expiration date of the cultivation  
 34 center agent identification card;

35 (3) a random ten (10) digit alphanumeric identification  
 36 number, unique to the cardholder, containing at least four (4)  
 37 numbers and at least four (4) letters; and

38 (4) a photograph of the cardholder.

39 **Sec. 4.** A cultivation center agent must immediately return the  
 40 identification card to the cultivation center upon termination of  
 41 employment.

42 **Sec. 5.** Any identification card lost by a cultivation center agent



1 shall be reported to the state police department and the state  
2 department immediately upon discovery of the loss.

3 **Sec. 6. A cultivation center agent must be at least twenty-one**  
4 **(21) years of age.**

5 **Sec. 7. The state department shall deny a cultivation center**  
6 **agent an identification card if the person has been convicted of an**  
7 **excluded offense.**

8 **Chapter 20. Cultivation Center Operations**

9 **Sec. 1. The operating documents of a cultivation center must**  
10 **include procedures for the oversight of the cultivation center, a**  
11 **cannabis plant monitoring system including a physical inventory**  
12 **recorded weekly, a cannabis container system including a physical**  
13 **inventory recorded weekly, accurate record keeping, and a staffing**  
14 **plan.**

15 **Sec. 2. A cultivation center shall implement a security plan**  
16 **reviewed by the state police department. The plan must include**  
17 **facility access controls, perimeter intrusion detection systems,**  
18 **personnel identification systems, and a twenty-four (24) hour**  
19 **surveillance system to monitor the interior and exterior of the**  
20 **cultivation center facility. The surveillance system must be**  
21 **accessible to authorized law enforcement agencies and the state**  
22 **department in real time.**

23 **Sec. 3. A cultivation center may not be located within two**  
24 **thousand five hundred (2,500) feet of school property or be located**  
25 **in an area zoned for residential use.**

26 **Sec. 4. All cultivation of cannabis for distribution to a**  
27 **dispensing organization must take place in an enclosed, locked**  
28 **facility as it applies to cultivation centers at the physical address**  
29 **provided to the state department during the registration process.**  
30 **The cultivation center location must be restricted to the cultivation**  
31 **center agents working for the cultivation center, state department**  
32 **staff performing inspections, law enforcement or other emergency**  
33 **personnel, and contractors working on jobs unrelated to medical**  
34 **cannabis, such as installing or maintaining security devices or**  
35 **performing electrical wiring.**

36 **Sec. 5. A cultivation center may not sell or distribute any**  
37 **cannabis to any individual or entity other than a dispensing**  
38 **organization registered under this article.**

39 **Sec. 6. All harvested cannabis intended for distribution to a**  
40 **dispensing organization must be packaged in a labeled medical**  
41 **cannabis container and entered into a data collection system.**

42 **Sec. 7. A person who has been convicted of an excluded offense**



1 may not be a cultivation center agent.

2 **Sec. 8. Cultivation centers are subject to random inspection by**  
3 **the state police department.**

4 **Sec. 9. Cultivation centers are subject to random inspections by**  
5 **the state department.**

6 **Sec. 10. A cultivation center agent shall notify local law**  
7 **enforcement, state law enforcement, and the state department**  
8 **within twenty-four (24) hours of the discovery of any loss or theft**  
9 **from the cultivation center. Notification shall be made by telephone**  
10 **or in person, or by written or electronic communication.**

11 **Sec. 11. A cultivation center must comply with all state and**  
12 **federal laws regarding the use of pesticides.**

13 **Chapter 21. Penalties for Cultivation Centers and Agents**

14 **Sec. 1. Notwithstanding any other criminal penalties related to**  
15 **the unlawful possession of cannabis, the state department may**  
16 **revoke, suspend, place on probation, reprimand, issue cease and**  
17 **desist orders, refuse to issue or renew a registration, or take any**  
18 **other disciplinary or other action as the state department finds**  
19 **appropriate with regard to a cultivation center or cultivation**  
20 **center agent, including imposing a civil penalty not to exceed fifty**  
21 **thousand dollars (\$50,000) for each violation, for any violations of**  
22 **this article and for a violation of rules adopted under this article.**  
23 **The procedures for disciplining a cultivation center or cultivation**  
24 **center agent and for administrative hearings shall be determined**  
25 **by rule.**

26 **Chapter 22. Registration of Dispensing Organizations**

27 **Sec. 1. The state department may issue up to forty (40)**  
28 **dispensing organization registrations for operation. The state**  
29 **department may not issue less than the forty (40) registrations if**  
30 **there are qualified applicants that have applied with the state**  
31 **department. The organizations must be geographically dispersed**  
32 **throughout Indiana to allow all qualifying patients reasonable**  
33 **proximity and access to a dispensing organization.**

34 **Sec. 2. A dispensing organization may operate only if it has been**  
35 **issued a registration from the state department. The state**  
36 **department shall adopt rules establishing the procedures for**  
37 **applicants for dispensing organizations.**

38 **Sec. 3. When applying for a dispensing organization**  
39 **registration, the applicant shall submit, in accordance with state**  
40 **department rules:**

- 41 (1) a nonrefundable application fee established by rule, which  
42 shall be deposited in the medical cannabis fund;



- 1           (2) the legal name of the dispensing organization;
- 2           (3) the proposed physical address of the dispensing
- 3           organization;
- 4           (4) the name, address, and date of birth of each prospective
- 5           principal officer and board member of the dispensing
- 6           organization, all of whom must be at least twenty-one (21)
- 7           years of age;
- 8           (5) information, in writing, regarding any instances in which
- 9           a business or not-for-profit that any of the prospective board
- 10          members managed or for which he or she served on the board
- 11          was convicted, fined, censured, or had a registration
- 12          suspended or revoked in any administrative or judicial
- 13          proceeding;
- 14          (6) proposed operating bylaws that include procedures for the
- 15          oversight of the medical cannabis dispensing organization and
- 16          procedures to ensure accurate record keeping and security
- 17          measures that are in accordance with the rules applied by the
- 18          state department under this article and that include a
- 19          description of the enclosed, locked facility where medical
- 20          cannabis will be stored by the dispensing organization; and
- 21          (7) signed statements from each dispensing organization agent
- 22          stating that the agent will not divert medical cannabis.
- 23          **Sec. 4.** The state department shall require each person applying
- 24          as a dispensing organization agent to submit the necessary
- 25          information, forms, or consents for the state department to obtain
- 26          a national criminal history background check or, as allowed by the
- 27          state department, a fingerprint based criminal history check,
- 28          through a contractor under IC 12-15-30 or the state police
- 29          department under IC 10-13-3-39.
- 30          **Sec. 5.** A dispensing organization must pay a registration fee set
- 31          by the state department. The fee shall be deposited in the medical
- 32          cannabis fund.
- 33          **Sec. 6.** The state department shall deny an application for a
- 34          medical cannabis dispensing organization registration if:
- 35               (1) the applicant failed to submit the materials required by
- 36               this chapter, or the applicant's plans do not satisfy the
- 37               security, oversight, or record keeping rules issued by the state
- 38               department;
- 39               (2) the applicant would not be in compliance with local zoning
- 40               rules;
- 41               (3) the applicant does not meet other requirements of this
- 42               article;



- 1           **(4) one (1) or more of the prospective principal officers or**
- 2           **board members has been convicted of an excluded offense;**
- 3           **(5) one (1) or more of the prospective principal officers or**
- 4           **board members has served as a principal officer or board**
- 5           **member for a registered medical cannabis dispensing**
- 6           **organization that has had its registration revoked;**
- 7           **(6) one (1) or more of the prospective principal officers or**
- 8           **board members is less than twenty-one (21) years of age; or**
- 9           **(7) one (1) or more of the prospective principal officers or**
- 10          **board members is a registered qualified patient or a personal**
- 11          **caregiver.**

12           **Chapter 23. Dispensing Organization Agent Identification Card**

13           **Sec. 1. The state department shall:**

- 14           **(1) verify the information contained in an application or**
- 15           **renewal for a dispensing organization agent identification**
- 16           **card submitted under this article, and approve or deny an**
- 17           **application or renewal within thirty (30) days of receiving a**
- 18           **completed application or renewal application and all**
- 19           **supporting documentation required by rule;**
- 20           **(2) issue a dispensing organization agent identification card to**
- 21           **a qualifying agent within fifteen (15) business days of**
- 22           **approving the application or renewal;**
- 23           **(3) enter the registry identification number of the dispensing**
- 24           **organization where the agent works; and**
- 25           **(4) allow for an electronic application process and provide a**
- 26           **confirmation by electronic or other methods that an**
- 27           **application has been submitted.**

28           **Sec. 2. A dispensing organization agent must keep the agent's**  
29           **identification card visible at all times when on the property of a**  
30           **dispensing organization.**

31           **Sec. 3. A dispensing organization agent identification card must**  
32           **contain:**

- 33           **(1) the name of the cardholder;**
- 34           **(2) the date of issuance and expiration date of the dispensing**
- 35           **organization agent identification card;**
- 36           **(3) a random ten (10) digit alphanumeric identification**
- 37           **number, unique to the cardholder, containing at least four (4)**
- 38           **numbers and at least four (4) letters; and**
- 39           **(4) a photograph of the cardholder.**

40           **Sec. 4. A dispensing organization agent must immediately**  
41           **return the identification card to the dispensing organization upon**  
42           **termination of employment.**



1           **Sec. 5.** Any identification card lost by a dispensing organization  
 2 agent shall be reported to the state police department and the state  
 3 department immediately upon discovery of the loss.

4           **Sec. 6.** The state department shall deny a dispensing  
 5 organization agent an identification card if the person has been  
 6 convicted of an excluded offense.

7           **Chapter 24. Renewal of Dispensing Organization Permits**

8           **Sec. 1. (a)** A dispensing organization permit must be renewed  
 9 annually.

10           **(b)** The state department shall notify the dispensing  
 11 organization in writing, at least ninety (90) days before the  
 12 expiration of its current registration, that the current registration  
 13 will expire.

14           **Sec. 2.** The state department shall grant a renewal application  
 15 within forty-five (45) days of its submission if:

16           (1) the dispensing organization submits a renewal application  
 17 and the required renewal fee established by the state  
 18 department by rule; and

19           (2) the state department has not suspended or revoked the  
 20 registration of the dispensing organization for a violation of  
 21 this article.

22           The fee shall be deposited in the medical cannabis fund.

23           **Chapter 25. Dispensing Organization Operations**

24           **Sec. 1.** The operating documents of a dispensing organization  
 25 must include procedures for the oversight of the dispensing  
 26 organization, a cannabis inventory monitoring system including a  
 27 physical inventory recorded weekly, a cannabis container system  
 28 including a physical inventory recorded weekly, accurate record  
 29 keeping, and a staffing plan.

30           **Sec. 2.** A dispensing organization shall implement appropriate  
 31 security measures.

32           **Sec. 3.** A dispensing organization may not be located within one  
 33 thousand (1,000) feet of school property or be located in an area  
 34 zoned for residential use.

35           **Sec. 4.** All cultivation of cannabis for distribution to a  
 36 dispensing organization must take place in an enclosed, locked  
 37 facility as it applies to cultivation centers at the physical address  
 38 provided to the state department during the registration process.  
 39 The cultivation center location must be restricted to the cultivation  
 40 center agents working for the cultivation center, state department  
 41 staff performing inspections, law enforcement or other emergency  
 42 personnel, and contractors working on jobs unrelated to medical





1 cannabis, such as installing or maintaining security devices or  
2 performing electrical wiring.

3 **Sec. 5. A dispensing organization is prohibited from acquiring**  
4 **cannabis from anyone other than a cultivation center. A dispensing**  
5 **organization is prohibited from obtaining cannabis from outside**  
6 **Indiana.**

7 **Sec. 6. A dispensing organization is prohibited from dispensing**  
8 **cannabis for any purpose except to assist qualifying patients with**  
9 **the medical use of cannabis directly or through the qualifying**  
10 **patients' designated caregivers.**

11 **Sec. 7. The dispensing organization must restrict access to the**  
12 **area where medical cannabis is stored to dispensing organization**  
13 **agents working for the dispensing organization, state department**  
14 **staff performing inspections, law enforcement or other emergency**  
15 **personnel, and contractors working on jobs unrelated to medical**  
16 **cannabis, such as installing or maintaining security devices or**  
17 **performing electrical wiring.**

18 **Sec. 8. A dispensing organization may not dispense more than**  
19 **an adequate supply of cannabis to a qualifying patient.**

20 **Sec. 9. Before medical cannabis may be dispensed to a personal**  
21 **caregiver or a qualifying patient, a dispensing organization agent**  
22 **must determine that the individual is a current cardholder in the**  
23 **verification system and must verify:**

24 (1) that the registry identification card presented to the  
25 dispensing organization is valid;

26 (2) that the person presenting the card is the person identified  
27 on the registry identification card presented to the dispensing  
28 organization agent;

29 (3) that the dispensing organization is the designated  
30 dispensing organization for the qualifying patient who is  
31 obtaining the cannabis directly or via personal caregiver; and

32 (4) that the qualifying patient has not exceeded the patient's  
33 adequate supply.

34 **Sec. 10. Dispensing organizations shall ensure compliance with**  
35 **dispensing limits by maintaining internal, confidential records that**  
36 **include records specifying how much medical cannabis is dispensed**  
37 **to each qualifying patient and whether it was dispensed directly to**  
38 **the patient or to the personal caregiver. Each entry must include**  
39 **the date and time the medical cannabis was dispensed. Additional**  
40 **record keeping requirements may be set by rule.**

41 **Sec. 11. A person may not consume cannabis on the property of**  
42 **the dispensing organization.**



1           **Sec. 12.** A dispensing organization may not share office space  
2 with or refer patients to a physician.

3           **Sec. 13.** Notwithstanding any other criminal penalties related to  
4 the unlawful possession of cannabis, the state department may  
5 revoke, suspend, place on probation, reprimand, issue cease and  
6 desist orders, refuse to issue or renew a registration, or take any  
7 other disciplinary or other action as the state department finds  
8 appropriate with regard to a dispensing organization or dispensing  
9 organization agent, including imposing a civil penalty not to exceed  
10 ten thousand dollars (\$10,000) for each violation, for any violations  
11 of this article, and for a violation of rules adopted under this  
12 article. The procedures for disciplining a cultivation center or  
13 cultivation center agent and for administrative hearings shall be  
14 determined by rule.

15           **Sec. 14.** A dispensing organization is subject to random  
16 inspection and cannabis testing by the state department and state  
17 police department as provided by rule.

18           **Chapter 26. Transfer of Designated Dispensing Organization**

19           **Sec. 1.** A qualifying patient may obtain medical cannabis only  
20 at the dispensing organization designated by the qualifying patient  
21 during registration, unless the qualifying patient transfers the  
22 designation.

23           **Sec. 2.** A qualifying patient may transfer the designation to a  
24 new dispensing organization electronically under rules adopted by  
25 the state department.

26           **Chapter 27. Zoning**

27           **Sec. 1.** A unit of local government may adopt a reasonable  
28 zoning ordinance concerning medical cannabis cultivation centers  
29 and medical cannabis dispensing organizations. However, a unit  
30 may not:

- 31           (1) unreasonably prohibit the cultivation, dispensing, or use  
32 of medical cannabis authorized by this article; or  
33           (2) otherwise regulate medical cannabis except as provided in  
34 this article.

35           **Chapter 28. Confidentiality**

36           **Sec. 1.** Except as otherwise provided in this article, or as  
37 provided in section 2 of this chapter, for purposes of  
38 IC 5-14-3-4(a)(1), the following information is confidential, may  
39 not be published, and is not open to public inspection:

- 40           (1) Information submitted by a patient or caregiver to obtain  
41 a registry identification card.  
42           (2) Information obtained by a federal, state, or local



1 government entity in the course of an investigation concerning  
 2 a patient or caregiver who applies to obtain a registry  
 3 identification card.

4 (3) The name and address of the patient or caregiver, and any  
 5 other information that may be used to identify an individual  
 6 who holds a registry identification card.

7 **Sec. 2. Notwithstanding section 1 of this chapter:**

8 (1) any information concerning a patient or caregiver who  
 9 applies for, or a patient or caregiver who holds, a registry  
 10 identification card may be released to a federal, state, or local  
 11 government entity:

12 (A) for law enforcement purposes; or

13 (B) to determine the validity of a registry identification  
 14 card; and

15 (2) general information concerning the issuance of a registry  
 16 identification card in Indiana may be released to a person  
 17 conducting journalistic or academic research, but only if all  
 18 personal information that may be used to identify any patient  
 19 or caregiver has been removed from the general information.

20 **Sec. 3. A person who knowingly or intentionally violates this**  
 21 **chapter by releasing confidential information commits a disclosure**  
 22 **of confidential medical information, a Class B misdemeanor.**

23 **Chapter 29. Registry Identification and Registration Certificate**  
 24 **Verification**

25 **Sec. 1. The state department shall maintain a confidential list of**  
 26 **the persons to whom the state department has issued registry**  
 27 **identification cards and their addresses, telephone numbers, and**  
 28 **registry identification numbers. This confidential list may not be**  
 29 **combined or linked in any manner with any other list or data base**  
 30 **except as provided in this chapter.**

31 **Sec. 2. Before January 1, 2021, the state department shall**  
 32 **establish a computerized data base or verification system. The data**  
 33 **base or verification system must allow law enforcement personnel**  
 34 **and medical cannabis dispensing organization agents to determine**  
 35 **whether or not the identification number corresponds with a**  
 36 **current, valid registry identification card. The system may disclose**  
 37 **only whether the identification card is valid, whether the**  
 38 **cardholder is a qualifying patient or a personal caregiver, the**  
 39 **registry identification number of the medical cannabis dispensing**  
 40 **organization designated to serve the qualifying patient who holds**  
 41 **the card, and the registry identification number of the patient who**  
 42 **is assisted by a personal caregiver who holds the card.**



1           **Sec. 3.** The state department may issue registry cards during the  
2 period in which the data base is being established to:

- 3           (1) qualifying patients and their designated personal  
4 caregivers;  
5           (2) medical cannabis dispensing organizations; and  
6           (3) medical cannabis cultivation organizations;

7 who meet the requirements of this article.

8           **Chapter 30. Annual Reports**

9           **Sec. 1.** Before November 1, 2021, and November 1 of each year  
10 thereafter, the state department shall submit an annual report to  
11 the legislative council. The report must contain:

- 12           (1) the number of applications and renewals filed for registry  
13 identification cards or registrations;  
14           (2) the number of qualifying patients and personal caregivers  
15 served by each dispensing organization during the report  
16 year;  
17           (3) the nature of the debilitating medical conditions of the  
18 qualifying patients;  
19           (4) the number of registry identification cards or registrations  
20 revoked for misconduct;  
21           (5) the number of physicians providing written certifications  
22 for qualifying patients; and  
23           (6) the number of registered medical cannabis cultivation  
24 centers or dispensing organizations.

25           **Sec. 2.** The report required under this chapter must be in an  
26 electronic format under IC 5-14-6.

27           **Chapter 31. Rulemaking**

28           **Sec. 1.** As soon as practicable after June 30, 2020, the state  
29 department shall adopt rules under IC 4-22-2, including emergency  
30 rules adopted in the manner provided under IC 4-22-2-37.1, to  
31 implement, administer, and enforce this article.

32           **Sec. 2.** If the state department does not make a good faith effort  
33 to adopt rules as required by section 1 of this chapter, any person  
34 may bring an action, including an original action, to enforce  
35 section 1 of this chapter.

36           **Chapter 32. Destruction of Medical Cannabis**

37           **Sec. 1.** A cultivation center shall destroy and dispose of all  
38 cannabis byproduct, cannabis scrap, and harvested cannabis not  
39 intended for distribution to a medical cannabis organization. The  
40 cultivation center shall retain, at the cultivation center,  
41 documentation of the destruction and disposal for a period of not  
42 less than five (5) years, including the date of destruction and



1 amount destroyed.

2 **Sec. 2. A cultivation center shall notify the state department and**  
3 **the state police department before destroying the cannabis.**

4 **Sec. 3. A dispensing organization shall destroy all cannabis,**  
5 **including medical cannabis infused products, that is not sold to**  
6 **qualifying patients. Documentation of destruction and disposal**  
7 **shall be retained at the dispensing organization for a period of not**  
8 **less than five (5) years.**

9 **Sec. 4. A dispensing organization shall notify the state**  
10 **department and the state police department before destroying the**  
11 **cannabis.**

12 **Chapter 33. Expiration**

13 **Sec. 1. This article expires June 30, 2025.**

14 SECTION 27. IC 34-30-2-60.5 IS ADDED TO THE INDIANA  
15 CODE AS A NEW SECTION TO READ AS FOLLOWS  
16 [EFFECTIVE JULY 1, 2020]: **Sec. 60.5. IC 16-51-2-2 (Concerning**  
17 **a physician and medical cannabis).**

18 SECTION 28. IC 34-30-2-60.6 IS ADDED TO THE INDIANA  
19 CODE AS A NEW SECTION TO READ AS FOLLOWS  
20 [EFFECTIVE JULY 1, 2020]: **Sec. 60.6. IC 16-51-4-16 (Concerning**  
21 **medical cannabis).**

22 SECTION 29. IC 35-48-0.5 IS ADDED TO THE INDIANA CODE  
23 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2020]:

25 **Chapter 0.5. Defense to a Prosecution**

26 **Sec. 1. (a) It is a defense to a prosecution for an offense under**  
27 **this article that:**

28 **(1) the acts constituting the offense are authorized under**  
29 **IC 16-51 (medical cannabis); and**

30 **(2) the person substantially complied with the requirements**  
31 **of IC 16-51 (medical cannabis).**

32 **(b) This section expires June 30, 2025.**

33 SECTION 30. IC 35-52-16-94 IS ADDED TO THE INDIANA  
34 CODE AS A NEW SECTION TO READ AS FOLLOWS  
35 [EFFECTIVE JULY 1, 2020]: **Sec. 94. IC 16-51-5-2 defines a crime**  
36 **concerning medical cannabis.**

37 SECTION 31. IC 35-52-16-95 IS ADDED TO THE INDIANA  
38 CODE AS A NEW SECTION TO READ AS FOLLOWS  
39 [EFFECTIVE JULY 1, 2020]: **Sec. 95. IC 16-51-10-3 defines a crime**  
40 **concerning medical cannabis.**

41 SECTION 32. IC 35-52-16-96 IS ADDED TO THE INDIANA  
42 CODE AS A NEW SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2020]: **Sec. 96. IC 16-51-28-3 defines a crime**  
2 **concerning medical cannabis.**

