

HOUSE BILL No. 1384

DIGEST OF INTRODUCED BILL

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

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

Effective: July 1, 2019.

Lucas

January 14, 2019, read first time and referred to Committee on Public Health.



First Regular Session of the 121st General Assembly (2019)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

HOUSE BILL No. 1384

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

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

- 1 SECTION 1. IC 9-30-5-1, AS AMENDED BY P.L.63-2018,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 1. (a) A person who operates a vehicle with an
4 alcohol concentration equivalent to at least eight-hundredths (0.08)
5 gram of alcohol but less than fifteen-hundredths (0.15) gram of alcohol
6 per:
7 (1) one hundred (100) milliliters of the person's blood; or
8 (2) two hundred ten (210) liters of the person's breath;
9 commits a Class C misdemeanor.
10 (b) A person who operates a vehicle with an alcohol concentration
11 equivalent to at least fifteen-hundredths (0.15) gram of alcohol per:
12 (1) one hundred (100) milliliters of the person's blood; or
13 (2) two hundred ten (210) liters of the person's breath;
14 commits a Class A misdemeanor.
15 (c) A person who operates a vehicle with:
16 (1) a controlled substance, **other than tetrahydrocannabinol**,
17 listed in schedule I or II of IC 35-48-2 ~~or its metabolite~~ in the



1 person's ~~body~~ **blood; or**

2 **(2) ten (10) or more nanograms of tetrahydrocannabinol per**
 3 **milliliter of the person's whole blood;**

4 commits a Class C misdemeanor.

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

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

10 **(2) controlled substance is marijuana, the accused person is a**
 11 **person authorized to use medical marijuana under IC 16-51,**
 12 **and the accused person used the medical marijuana in**
 13 **substantial compliance with the requirements of IC 16-51.**

14 SECTION 2. IC 9-30-5-4, AS AMENDED BY P.L.63-2018,
 15 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2019]: Sec. 4. (a) A person who causes serious bodily injury
 17 to another person when operating a vehicle:

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

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

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

22 (2) with:

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

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

28 (3) while intoxicated;

29 commits a Level 6 felony. However, the offense is a Level 5 felony if
 30 the person has a previous conviction of operating while intoxicated
 31 within the five (5) years preceding the commission of the offense.

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

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

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

40 **(2) controlled substance is marijuana, the accused person is a**
 41 **person authorized to use medical marijuana under IC 16-51,**
 42 **and the accused person used the medical marijuana in**



1 **substantial compliance with the requirements of IC 16-51.**

2 SECTION 3. IC 9-30-5-5, AS AMENDED BY P.L.63-2018,
3 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2019]: Sec. 5. (a) A person who causes the death of another
5 person when operating a vehicle:

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

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

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

10 (2) with:

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

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

16 (3) while intoxicated;

17 commits a Level 5 felony, except as provided in subsection (b).

18 (b) A person who causes the death of another person when operating
19 a vehicle under the conditions set forth in subsection (a)(1), (a)(2), or
20 (a)(3) commits a Level 4 felony if:

21 (1) the person operating the vehicle has a previous conviction of
22 operating while intoxicated within the ten (10) years preceding
23 the commission of the offense;

24 (2) the person operating the vehicle knows that the person's
25 driver's license, driving privilege, or permit is suspended or
26 revoked for a previous conviction for operating a vehicle while
27 intoxicated; or

28 (3) the driving privileges of the person operating the vehicle are
29 suspended under IC 9-30-10 because the person is a habitual
30 traffic violator.

31 (c) A person who causes the death of another person when operating
32 a vehicle:

33 (1) with an alcohol concentration equivalent to at least
34 fifteen-hundredths (0.15) gram of alcohol per:

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

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

37 (2) with a ~~controlled substance~~ **cocaine or a narcotic drug, pure**
38 **or adulterated**, listed in schedule I or II of IC 35-48-2 ~~or its~~
39 **metabolite** in the person's blood;

40 commits a Level 4 felony.

41 (d) A person who causes the death of a law enforcement animal (as
42 defined in IC 35-46-3-4.5) when operating a vehicle:



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

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

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

5 (2) with:

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

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

11 commits a Level 6 felony.

12 (e) A person who commits an offense under subsection (a), (b), (c),
13 or (d) commits a separate offense for each person or law enforcement
14 animal whose death is caused by the violation of subsection (a), (b),
15 (c), or (d).

16 (f) It is a defense under subsection (a), (b), (c), or (d) that the person
17 accused of causing the death of another person or a law enforcement
18 animal when operating a vehicle with a controlled substance listed in
19 schedule I or II of IC 35-48-2 **or its metabolite** in the person's blood
20 consumed:

21 (1) the controlled substance in accordance with a valid
22 prescription or order of a practitioner (as defined in IC 35-48-1)
23 who acted in the course of the practitioner's professional practice;
24 **or**

25 (2) **marijuana, if the accused person is a person authorized to**
26 **use medical marijuana under IC 16-51, and the accused**
27 **person used the medical marijuana in substantial compliance**
28 **with the requirements of IC 16-51.**

29 SECTION 4. IC 16-18-2-48.8 IS ADDED TO THE INDIANA
30 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
31 [EFFECTIVE JULY 1, 2019]: **Sec. 48.8. "Caregiver", for purposes**
32 **of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

33 SECTION 5. IC 16-18-2-92.6, AS AMENDED BY P.L.101-2006,
34 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2019]: Sec. 92.6. (a) "Department", for purposes of
36 IC 16-31-8.5, has the meaning set forth in IC 16-31-8.5-1.

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

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

41 SECTION 6. IC 16-18-2-96.4 IS ADDED TO THE INDIANA
42 CODE AS A **NEW** SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2019]: **Sec. 96.4. "Dispensary", for purposes**
 2 **of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

3 SECTION 7. IC 16-18-2-122.6 IS ADDED TO THE INDIANA
 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2019]: **Sec. 122.6. "Family or household**
 6 **member", for purposes of IC 16-51, has the meaning set forth in**
 7 **IC 16-51-1-1.**

8 SECTION 8. IC 16-18-2-139.6 IS ADDED TO THE INDIANA
 9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2019]: **Sec. 139.6. "Form of medical**
 11 **marijuana", for purposes of IC 16-51, has the meaning set forth in**
 12 **IC 16-51-1-1.**

13 SECTION 9. IC 16-18-2-154.5 IS ADDED TO THE INDIANA
 14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2019]: **Sec. 154.5. "Grower", for purposes of**
 16 **IC 16-51, has the meaning set forth in IC 16-51-1-1.**

17 SECTION 10. IC 16-18-2-187.4 IS ADDED TO THE INDIANA
 18 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2019]: **Sec. 187.4. "Identification card", for**
 20 **purposes of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

21 SECTION 11. IC 16-18-2-190.8 IS ADDED TO THE INDIANA
 22 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2019]: **Sec. 190.8. "INSPECT", for purposes**
 24 **of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

25 SECTION 12. IC 16-18-2-216.5 IS ADDED TO THE INDIANA
 26 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2019]: **Sec. 216.5. "Marijuana", for purposes**
 28 **of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

29 SECTION 13. IC 16-18-2-223.8 IS ADDED TO THE INDIANA
 30 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2019]: **Sec. 223.8. "Medical marijuana", for**
 32 **purposes of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

33 SECTION 14. IC 16-18-2-223.9 IS ADDED TO THE INDIANA
 34 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2019]: **Sec. 223.9. "Medical marijuana**
 36 **organization", for purposes of IC 16-51, has the meaning set forth**
 37 **in IC 16-51-1-1.**

38 SECTION 15. IC 16-18-2-272, AS AMENDED BY P.L.153-2018,
 39 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2019]: **Sec. 272. (a) "Patient", for purposes of IC 16-27-1, has**
 41 **the meaning set forth in IC 16-27-1-6.**

42 (b) "Patient", for purposes of IC 16-28 and IC 16-29, means an



1 individual who has been accepted and assured care by a health facility.

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

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

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

9 SECTION 16. IC 16-18-2-273.7 IS ADDED TO THE INDIANA
10 CODE AS A NEW SECTION TO READ AS FOLLOWS
11 [EFFECTIVE JULY 1, 2019]: **Sec. 273.7. "Permit", for purposes of
12 IC 16-51, has the meaning set forth in IC 16-51-1-1.**

13 SECTION 17. IC 16-18-2-293.7 IS ADDED TO THE INDIANA
14 CODE AS A NEW SECTION TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2019]: **Sec. 293.7. "Processor", for purposes
16 of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

17 SECTION 18. IC 16-18-2-328.7 IS ADDED TO THE INDIANA
18 CODE AS A NEW SECTION TO READ AS FOLLOWS
19 [EFFECTIVE JULY 1, 2019]: **Sec. 328.7. "Serious medical
20 condition", for purposes of IC 16-51, has the meaning set forth in
21 IC 16-51-1-1.**

22 SECTION 19. IC 16-18-2-351.7 IS ADDED TO THE INDIANA
23 CODE AS A NEW SECTION TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2019]: **Sec. 351.7. "Testing laboratory", for
25 purposes of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

26 SECTION 20. IC 16-18-2-354.2 IS ADDED TO THE INDIANA
27 CODE AS A NEW SECTION TO READ AS FOLLOWS
28 [EFFECTIVE JULY 1, 2019]: **Sec. 354.2. "Transporter", for
29 purposes of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

30 SECTION 21. IC 16-51 IS ADDED TO THE INDIANA CODE AS
31 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
32 2019]:

33 **ARTICLE 51. MEDICAL MARIJUANA**

34 **Chapter 1. Definitions**

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

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

39 (2) **"Department" means the state department of health.**

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

42 (4) **"Family or household member" means a person described**



1 in IC 35-31.5-2-128.

2 (5) "Form of medical marijuana" means the characteristics
3 of the medical marijuana recommended for a particular
4 patient, including the method of consumption, and any
5 particular dosage, strain, variety, quantity, or percentage of
6 medical marijuana or of a particular active ingredient.

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

9 (7) "Identification card" means a document issued to a
10 patient or caregiver by the department authorizing access to
11 marijuana.

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

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

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

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

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

20 (A) has a serious medical condition; and

21 (B) meets the requirements for certification under this
22 article.

23 (13) "Permit" means an authorization issued by the
24 department to a medical marijuana organization to conduct
25 activities under this article.

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

29 (15) "Serious medical condition" means a medical condition
30 for which, in the professional opinion of a physician, the
31 benefits of treatment with medical marijuana are greater than
32 the risks of treatment with medical marijuana.

33 (16) "Testing laboratory" means a laboratory that analyzes
34 medical marijuana.

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

38 **Chapter 2. Medical Marijuana Program**

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

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

42 **(c) The department has regulatory and enforcement authority**



1 over the growing, processing, sale, dispensing, transporting, and
 2 use of medical marijuana.

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

4 (1) Issue a permit to a qualifying medical marijuana
 5 organization authorizing it to grow, process, dispense, or test
 6 medical marijuana.

7 (2) Establish and maintain an electronic data base to store
 8 and track information relating to the medical marijuana
 9 program. The data base must:

10 (A) have the ability to authenticate in real time an
 11 identification card presented to a dispensary;

12 (B) track in real time the amount of marijuana provided to
 13 a patient or caregiver at a dispensary, and share this
 14 information in real time with other dispensaries to prevent
 15 diversion;

16 (C) store records relating to a physician's certification,
 17 including, if applicable, the recommended form of
 18 marijuana and any early expiration date recommended by
 19 the physician; and

20 (D) track the cultivation, processing, transport, storage,
 21 and dispensing of medical marijuana.

22 (3) Maintain within the department's data base an electronic
 23 directory of patients and caregivers approved to use or assist
 24 in the administration of medical marijuana.

25 (4) Develop enforcement procedures, including announced
 26 and unannounced inspections of:

27 (A) a dispensary;

28 (B) a grower facility;

29 (C) a processor facility; and

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

31 (5) Establish a program to authorize the use of medical
 32 marijuana for medical research purposes, and issue
 33 documents to permit a researcher to obtain medical
 34 marijuana for research purposes.

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

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

40 (B) a publicly accessible Internet web site with similar
 41 information.

42 (7) Collaborate as necessary with other state agencies, and



1 contract with third parties as necessary to carry out the
2 medical marijuana program.

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

8 (9) Restrict the advertising and marketing of medical
9 marijuana, which must be consistent with the federal
10 regulations governing prescription drug advertising and
11 marketing.

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

14 (b) The department may adopt emergency rules in the manner
15 provided under IC 4-22-2-37.1 to implement this article.
16 Emergency rules adopted under this subsection expire on the later
17 of:

18 (1) the date permanent rules are adopted to replace the
19 emergency rules; or

20 (2) July 1, 2020.

21 Sec. 4. (a) The department shall maintain a confidential list of
22 patients and caregivers to whom it has issued identification cards.
23 Except as provided in subsection (b), all information obtained by
24 the department relating to patients, caregivers, and other
25 applicants is confidential.

26 (b) The following records are public:

27 (1) An application for a permit submitted by a medical
28 marijuana organization.

29 (2) Information relating to penalties or other disciplinary
30 actions taken against a medical marijuana organization for
31 violation of this article.

32 Chapter 3. Use of Medical Marijuana

33 Sec. 1. Notwithstanding any law to the contrary, the use,
34 possession, delivery, distribution, transport, cultivation, or
35 manufacture of:

36 (1) medical marijuana; or

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

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



- 1 **(1) Medical marijuana may be dispensed only to:**
 2 **(A) a patient who receives a certification from a physician**
 3 **and is in possession of a valid identification card issued by**
 4 **the department that authorizes dispensing marijuana to**
 5 **the patient;**
 6 **(B) a caregiver who possesses a valid identification card**
 7 **issued by the department; or**
 8 **(C) a research facility authorized by the department, under**
 9 **terms and conditions established by the department.**
 10 **(2) If a physician has ordered that marijuana be dispensed in**
 11 **a specific form, marijuana may be dispensed only in that**
 12 **form.**
 13 **(3) An individual may not act as a caregiver for more than ten**
 14 **(10) patients.**
 15 **(4) A patient may designate up to two (2) caregivers at any**
 16 **one (1) time.**
 17 **(5) Medical marijuana that has not been used by the patient**
 18 **shall be kept in the original package in which it was**
 19 **dispensed.**
 20 **(6) A patient or caregiver shall possess an identification card**
 21 **whenever the patient or caregiver is in possession of medical**
 22 **marijuana.**
 23 **(7) A product packaged by a medical marijuana organization**
 24 **may be identified only by:**
 25 **(A) the name of the grower or processor;**
 26 **(B) the name of the dispensary;**
 27 **(C) the form and species of medical marijuana;**
 28 **(D) the percentage of tetrahydrocannabinol and**
 29 **cannabinol contained in the product; and**
 30 **(E) any other labeling required by the department.**
 31 **Sec. 3. (a) Except as expressly otherwise provided in this article,**
 32 **the possession or use of medical marijuana is unlawful.**
 33 **(b) In addition to any other penalty provided by law, the**
 34 **unlawful possession or use of medical marijuana may be a crime**
 35 **under IC 35-48-4.**
 36 **Sec. 4. The following acts are unlawful:**
 37 **(1) To grow medical marijuana unless the person:**
 38 **(A) is a grower that has received a permit from the**
 39 **department;**
 40 **(B) is a patient with a valid identification card who is**
 41 **authorized to cultivate marijuana for personal use under**
 42 **this article; or**



1 (C) is a research facility authorized by the department.
2 (2) To dispense medical marijuana unless the dispensary has
3 received a permit from the department.
4 **Chapter 4. Physicians**
5 **Sec. 1. (a) A physician who issues a patient certification under**
6 **this article may not have an ownership interest in a medical**
7 **marijuana organization.**
8 **(b) A physician may issue a certification to a patient only if the**
9 **physician:**
10 **(1) establishes and intends to maintain a bona fide physician**
11 **patient relationship with the patient for the provision of**
12 **medical services that is established by an in person visit and**
13 **for which there is an expectation that the physician will**
14 **provide care to the patient on an ongoing basis; or**
15 **(2) establishes coordination with the patient's existing**
16 **primary physician for treatment of the patient's serious**
17 **medical condition.**
18 **(c) A physician who violates this section may be subject to**
19 **professional discipline.**
20 **Sec. 2. A physician may issue a certification to use medical**
21 **marijuana to a patient if the following requirements are met:**
22 **(1) The physician has determined that the patient has a**
23 **serious medical condition and has included the condition in**
24 **the patient's health care record.**
25 **(2) The patient is under the physician's continuing care for the**
26 **serious medical condition, except as provided in section**
27 **1(b)(2) of this chapter.**
28 **(3) The physician has determined the patient is likely to**
29 **receive therapeutic or palliative benefit from the use of**
30 **medical marijuana.**
31 **Sec. 3. A physician issuing a certification under section 1(b)(2)**
32 **of this chapter may not issue a certification unless the physician**
33 **has contacted the patient's existing primary physician to discuss**
34 **the patient's serious medical condition and which form of medical**
35 **marijuana the patient is likely to benefit from.**
36 **Sec. 4. A certification must include the following information:**
37 **(1) The patient's name, date of birth, and address.**
38 **(2) The specific serious medical condition of the patient.**
39 **(3) A statement by the physician that the patient has a serious**
40 **medical condition and the patient is under continuing care for**
41 **the serious medical condition that is provided by:**
42 **(A) the physician; or**



- 1 **(B) the patient's primary physician (as described under**
 2 **section 1(b)(2) of this chapter).**
 3 **(4) The date of issuance.**
 4 **(5) The name, address, telephone number, and signature of**
 5 **the physician.**
 6 **(6) Any requirement or limitation concerning the appropriate**
 7 **form of medical marijuana, and any limitation on the**
 8 **duration of use, if applicable.**
- 9 **Sec. 5. (a) A physician shall review INSPECT:**
 10 **(1) to determine the controlled substance history of a patient,**
 11 **before issuing a certification; and**
 12 **(2) before recommending a change of amount or form of**
 13 **medical marijuana.**
- 14 **(b) A physician may access INSPECT to do any of the following:**
 15 **(1) To determine whether a patient is under treatment with a**
 16 **controlled substance by another physician or other person.**
 17 **(2) To allow the physician to review the patient's controlled**
 18 **substance history as considered necessary by the physician.**
 19 **(3) To provide to the patient, or caregiver on behalf of the**
 20 **patient if authorized by the patient, a copy of the patient's**
 21 **controlled substance history.**
- 22 **Sec. 6. A physician shall do the following:**
 23 **(1) Provide the certification to the patient.**
 24 **(2) Provide a copy of the certification to the department,**
 25 **which shall place the information in the patient directory**
 26 **within the department's electronic data base. The certification**
 27 **may be transmitted to the department electronically.**
 28 **(3) File a copy of the certification in the patient's health care**
 29 **record.**
- 30 **Sec. 7. A physician may not issue a certification for the**
 31 **physician's own use or for the use of a family or household member**
 32 **of the physician.**
- 33 **Chapter 5. Certification Form**
 34 **Sec. 1. The department shall develop a standard certification**
 35 **form, which it shall provide to a physician upon request. The form**
 36 **must be available electronically. The form must include a**
 37 **statement that a false statement made by a physician is punishable**
 38 **under the penalties of perjury.**
- 39 **Chapter 6. Patients**
 40 **Sec. 1. The department shall issue an identification card to a**
 41 **patient who has a valid certification and who otherwise meets the**
 42 **requirements of this article.**



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

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

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

12 (1) The patient notifies the department on or before the date
13 that the patient begins cultivation and informs the department
14 of the number of plants the patient intends to cultivate and the
15 location of cultivation.

16 (2) The patient cultivates not more than six (6) plants.

17 (3) Not more than three (3) of the plants may be mature at
18 any one (1) time.

19 (4) Marijuana from the plant is used only for the patient's
20 personal use.

21 (5) Not later than thirty (30) days before the expected date
22 that the plants become mature, the patient notifies the
23 department of the anticipated maturity date.

24 **(b)** If the mature plants of a patient cultivating marijuana for
25 the patient's own use die, become damaged, or are otherwise
26 unable to produce marijuana for medical use, the patient shall
27 notify the department, which shall reinstate the person's
28 authorization to obtain marijuana from a dispensary not later than
29 fifteen (15) days after receipt of the notice.

30 **Chapter 7. Identification Cards**

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

32 (1) Review an application for an identification card.

33 (2) Review the certification submitted by the physician.

34 (3) Issue identification cards to patients and caregivers.

35 (4) Note in the electronic data base if a patient or caregiver
36 identification card may not be used to obtain marijuana from
37 a dispensary because the patient is cultivating the patient's
38 own marijuana.

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



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

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

11 Sec. 4. The department shall make application and renewal
12 forms available on the department's Internet web site.

13 Sec. 5. (a) The identification card of a patient or caregiver
14 expires one (1) year after the date of issuance, unless a physician
15 has specified that a patient should use medical marijuana for less
16 than one (1) year.

17 (b) If a physician has specified that a patient's use of medical
18 marijuana should be limited to certain forms of medical
19 marijuana, the types of medical marijuana must be listed on the
20 identification card.

21 Sec. 6. (a) The department shall issue separate identification
22 cards for a patient and a caregiver as soon as reasonably
23 practicable after receiving a properly completed application.

24 (b) If the department determines that an application is
25 incomplete or factually inaccurate, the department shall promptly
26 notify the applicant.

27 (c) If a patient application designates an individual as a
28 caregiver who is not authorized to be a caregiver, the department
29 shall deny that portion of the application, but may approve the
30 balance of the application.

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

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

37 Sec. 8. (a) If the identification card of a patient or caregiver is
38 lost, stolen, destroyed, or made illegible, the patient or caregiver
39 shall apply to the department for a replacement card not later than
40 ten (10) days after discovery of the loss or defacement. The
41 application for a replacement card shall be on a form furnished by
42 the department and accompanied by a twenty-five dollar (\$25) fee.



1 **The department may establish higher fees for issuance of second**
 2 **and subsequent replacement identification cards.**

3 **(b) The department may waive or reduce the fee in cases of**
 4 **demonstrated financial hardship.**

5 **(c) The department shall issue a replacement identification card**
 6 **as soon as practicable.**

7 **(d) A patient or caregiver may not obtain medical marijuana**
 8 **from a dispensary until the department issues the replacement**
 9 **card.**

10 **Sec. 9. The identification card must contain the following**
 11 **information:**

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

13 **The identification card must also state whether the individual**
 14 **is designated as a patient or as a caregiver.**

15 **(2) The date of issuance and expiration date.**

16 **(3) A unique identification number for the patient or**
 17 **caregiver, as applicable.**

18 **(4) A photograph of the individual to whom the identification**
 19 **card is issued.**

20 **(5) Any requirement or limitation set by the physician as to**
 21 **the form of medical marijuana.**

22 **(6) Any other requirements as determined by the department.**
 23 **However, the department may not require that an**
 24 **identification card disclose the patient's serious medical**
 25 **condition.**

26 **The department shall establish guidelines specifying an acceptable**
 27 **photograph under subdivision (4) and shall provide a reasonable**
 28 **accommodation for a patient who is confined to the patient's home**
 29 **or is in inpatient care.**

30 **Sec. 10. The department shall monthly transmit fees received**
 31 **under this chapter to the auditor of state for deposit in the state**
 32 **general fund.**

33 **Chapter 8. Caregivers**

34 **Sec. 1. (a) A caregiver must be at least eighteen (18) years of**
 35 **age.**

36 **(b) A caregiver may be less than twenty-one (21) years of age**
 37 **only if the department determines that it is in the best interests of**
 38 **the patient that a specific person less than twenty-one (21) years of**
 39 **age serves as a caregiver.**

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

42 **(b) The patient shall notify the department that the patient has**



1 terminated the person's caregiver designation as soon as
2 reasonably practicable after the termination.

3 (c) Upon learning that a patient has terminated a person's
4 caregiver designation, the department shall cancel the caregiver's
5 identification card and notify the caregiver to return the physical
6 copy of the card.

7 **Sec. 3.** If a patient designates a caregiver, the caregiver may
8 submit an application for an identification card as a caregiver. The
9 caregiver application must include:

- 10 (1) the name, address, and date of birth of the caregiver;
11 (2) if the caregiver has an identification card for the caregiver
12 (as a patient) or another patient (as caregiver), the expiration
13 date of each identification card; and
14 (3) any other information required by the department.

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

17 **Sec. 4.** (a) Except as provided in subsection (c), before the
18 caregiver application is approved, the caregiver must authorize the
19 department to perform a national criminal history background
20 check of the caregiver.

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

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

25 **Sec. 5.** The caregiver shall pay an application fee of fifty dollars
26 (\$50). The department may waive or reduce the fee in cases of
27 demonstrated financial hardship.

28 **Sec. 6.** (a) After receiving the caregiver application, the fee, and
29 the results of the national criminal history background check, the
30 department shall:

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

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

- 35 (1) been convicted of a criminal offense within the previous
36 five (5) years relating to the sale or possession of a controlled
37 substance; or
38 (2) a history of drug abuse.

39 **Sec. 7.** The department shall monthly transmit fees received
40 under this chapter to the auditor of state for deposit in the state
41 general fund.

42 **Chapter 9. Minor Patients**



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

3 **(1) The patient must have a caregiver.**

4 **(2) The caregiver must be:**

5 **(A) the patient's parent or legal guardian;**

6 **(B) an individual designated by a parent or legal guardian;**

7 **or**

8 **(C) an appropriate individual approved by the department**

9 **on a sufficient showing that no parent or legal guardian is**

10 **appropriate or available.**

11 **Chapter 10. Suspension**

12 **Sec. 1. If a patient or caregiver knowingly, intentionally, or**
 13 **recklessly:**

14 **(1) violates any provision of this article; or**

15 **(2) transfers or sells medical marijuana to a person not**
 16 **qualified as a patient under this article;**

17 **the department may suspend or revoke the patient's or caregiver's**
 18 **identification card. The suspension or revocation is in addition to**
 19 **any criminal or other penalty.**

20 **Chapter 11. General Prohibitions**

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

23 **Sec. 2. A patient may not perform any employment duties in**
 24 **exposed high places or in confined spaces while under the influence**
 25 **of medical marijuana.**

26 **Sec. 3. A patient's employer may prohibit a patient from**
 27 **performing any task while under the influence of medical**
 28 **marijuana. The prohibition is not an adverse employment decision**
 29 **or unlawful discrimination even if the prohibition results in**
 30 **financial harm for the patient.**

31 **Chapter 12. Medical Marijuana Organizations**

32 **Sec. 1. The following entities may receive a permit to operate as**
 33 **a medical marijuana organization to grow, process, or dispense**
 34 **medical marijuana:**

35 **(1) A grower.**

36 **(2) A processor.**

37 **(3) A dispensary.**

38 **Sec. 2. A medical marijuana organization may not receive a**
 39 **permit if a person having an ownership interest in the medical**
 40 **marijuana organization has a felony conviction that has not been**
 41 **expunged.**

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



- 1 (1) grower permit allowing the grower to grow medical
- 2 marijuana;
- 3 (2) dispensary permit allowing a dispensary to dispense
- 4 medical marijuana;
- 5 (3) processor permit allowing a processor to process medical
- 6 marijuana; and
- 7 (4) testing laboratory permit allowing a testing laboratory to
- 8 test medical marijuana.

9 (b) The following information must be included on the permit
10 application:

- 11 (1) The name, address, telephone number, and other contact
- 12 information for every person having an ownership interest in
- 13 the medical marijuana organization.
- 14 (2) Information relating to a similar permit, license, or other
- 15 authorization granted in another jurisdiction, including any
- 16 suspensions, revocations, or discipline in that jurisdiction.
- 17 (3) A release authorizing the department to conduct a
- 18 background check of the persons having an ownership
- 19 interest in the medical marijuana organization.
- 20 (4) A statement as to whether the applicant intends to operate
- 21 as a grower, a processor, or a dispensary, and a concise
- 22 description of the business activities in which the medical
- 23 marijuana organization intends to engage.
- 24 (5) The address or other location where the medical
- 25 marijuana organization intends to operate.
- 26 (6) A statement that no person having an ownership interest
- 27 in the medical marijuana organization has a felony conviction
- 28 that has not been expunged.

29 (7) Any other information required by the department.
30 (c) A permit application described in this section shall be
31 verified and completed subject to the penalties of perjury.

32 (d) An applicant shall submit the appropriate application and
33 permit fees at the time the applicant submits the application.

34 **Chapter 13. Medical Marijuana Organization Permits**

35 **Sec. 1. The department shall grant a medical marijuana**
36 **organization permit if the department makes the following**
37 **findings:**

- 38 (1) The applicant will maintain effective control of medical
- 39 marijuana in the custody of the applicant.
- 40 (2) The applicant will comply with all state statutes, all rules
- 41 adopted by the department, and any ordinances adopted by a
- 42 unit.



- 1 (3) The applicant has the ability to properly carry out the
- 2 activity for which the permit is sought.
- 3 (4) The applicant has sufficient financial means to acquire all
- 4 property, equipment, and permits required to properly grow,
- 5 process, or dispense medical marijuana.
- 6 (5) The applicant is able to implement and maintain
- 7 appropriate security, tracking, record keeping, and
- 8 surveillance systems relating to the acquisition, possession,
- 9 growth, manufacture, sale, delivery, transportation,
- 10 distribution, or dispensing of medical marijuana.
- 11 (6) The applicant satisfies any other conditions required
- 12 under rules adopted by the department.
- 13 (7) Granting a permit to the applicant serves the public
- 14 interest.

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

20 **Sec. 3. (a)** Except as provided under subsection (b), a permit
 21 granted under this chapter is nontransferable.

22 **(b)** A permit holder may transfer a permit to a person
 23 authorized to hold a permit in accordance with rules adopted by
 24 the department if:

- 25 (1) the permit holder has held the permit for at least
- 26 twenty-four (24) months; or
- 27 (2) the transfer is necessary due to the death or disability of
- 28 the permit holder or a similar severe hardship. For purposes
- 29 of this subdivision, financial hardship is not a severe hardship.

30 **Sec. 4.** A permit granted under this application is valid for one
 31 (1) year after the date of issuance.

32 **Sec. 5. (a)** A permit may be renewed for one (1) or more
 33 additional one (1) year periods.

34 **(b)** The department shall establish deadlines for filing a renewal
 35 application that provide the department with sufficient time to
 36 review the application without causing an interruption in the
 37 medical marijuana organization's activities.

38 **(c)** The same standards that apply for granting an initial
 39 application apply to an application for renewal. In determining
 40 whether the renewal of a permit serves the public interest, the
 41 department shall consider the manner in which the renewal
 42 applicant has operated the medical marijuana organization and



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complied with all relevant laws.

Sec. 6. A permit issued by the department to a medical marijuana organization must include the following information:

- (1) The name and address of the medical marijuana organization.**
- (2) The type of permit.**
- (3) What activities are permitted under the permit.**
- (4) A description of the property and facilities authorized to be used by the medical marijuana organization.**
- (5) Any other information required by the department.**

Sec. 7. The department may suspend or revoke all or part of a permit granted under this section if, following a hearing, the department finds the following:

- (1) That one (1) or more of the determinations made under section 1 of this chapter are no longer valid.**
- (2) That the medical marijuana organization knowingly or intentionally sold or distributed medical marijuana to a person not qualified as a patient under this article.**
- (3) That the medical marijuana organization has failed to maintain effective control against diversion of medical marijuana.**
- (4) That the medical marijuana organization has violated a provision of this article or a rule adopted by the department.**
- (5) That the medical marijuana organization has failed to comply with another law regulating controlled substances.**

Sec. 8. (a) An applicant for a medical marijuana organization permit has a continuing duty to notify the department of any material change in facts or circumstances relating to the applicant's application, including a change in ownership.

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

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

- (1) move the permit holder's operations from one (1) location to another; or**
- (2) perform additional activities, or cease the performance of certain activities now performed, at the permit holder's facility;**

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

Chapter 14. General Duties of a Permit Holder



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

3 **(1) Report the loss, theft, or unexplained disappearance of**
4 **medical marijuana to a law enforcement agency not later than**
5 **twenty-four (24) hours after the loss, theft, or disappearance**
6 **is discovered.**

7 **(2) Permit announced or unannounced inspections by the**
8 **department of all medical marijuana organization facilities**
9 **and records.**

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

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

12 **(1) A nonrefundable grower permit application fee of ten**
13 **thousand dollars (\$10,000).**

14 **(2) A refundable grower permit fee of fifty thousand dollars**
15 **(\$50,000).**

16 **(3) A refundable grower permit renewal fee of ten thousand**
17 **dollars (\$10,000).**

18 **(4) A nonrefundable permit amendment fee of two hundred**
19 **fifty dollars (\$250).**

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

21 **(1) A nonrefundable processor permit application fee of ten**
22 **thousand dollars (\$10,000).**

23 **(2) A refundable processor permit fee of fifty thousand dollars**
24 **(\$50,000).**

25 **(3) A refundable processor permit renewal fee of ten thousand**
26 **dollars (\$10,000).**

27 **(4) A nonrefundable permit amendment fee of two hundred**
28 **fifty dollars (\$250).**

29 **Sec. 3. The following fees apply to a dispensary:**

30 **(1) A nonrefundable dispensary permit application fee of five**
31 **thousand dollars (\$5,000).**

32 **(2) A refundable dispensary permit fee of twenty thousand**
33 **dollars (\$20,000) for each dispensary location.**

34 **(3) A refundable dispensary permit renewal fee of five**
35 **thousand dollars (\$5,000) for each dispensary location.**

36 **(4) A nonrefundable permit amendment fee of two hundred**
37 **fifty dollars (\$250).**

38 **Sec. 4. The following fees apply to a testing laboratory:**

39 **(1) A nonrefundable testing laboratory permit application fee**
40 **of two thousand dollars (\$2,000).**

41 **(2) A refundable testing laboratory permit fee of ten thousand**
42 **dollars (\$10,000) for each testing laboratory location.**



1 **(3) A refundable testing laboratory permit renewal fee of two**
 2 **thousand dollars (\$2,000) for each testing laboratory location.**

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

5 **Sec. 5. An applicant must submit the application fee and permit**
 6 **fee at the time the applicant submits the application.**

7 **Sec. 6. (a) The department shall retain the application fee even**
 8 **if the application is not approved.**

9 **(b) The department shall refund the permit fee and renewal fee**
 10 **if the permit or renewal is not approved. However, the permit fee**
 11 **and renewal fee are not refundable if the permit is initially granted**
 12 **but later suspended or revoked.**

13 **(c) The department shall retain the amendment fee even if the**
 14 **application for amendment is not approved.**

15 **Sec. 7. The department shall transfer all fees to the state auditor**
 16 **for deposit in the state general fund.**

17 **Chapter 16. Tracking and Recordkeeping**

18 **Sec. 1. (a) A medical marijuana organization must implement an**
 19 **electronic inventory tracking system, which must be directly**
 20 **accessible to the department through an electronic data base that**
 21 **is updated at least one (1) time each day.**

22 **(b) The electronic inventory tracking system must include the**
 23 **following:**

24 **(1) For a grower, a seed to sale tracking system that tracks the**
 25 **medical marijuana from seed to plant until the medical**
 26 **marijuana is sold or transferred to its final destination.**

27 **(2) For a processor, a system that tracks medical marijuana**
 28 **from its purchase from a grower to its transfer to a**
 29 **dispensary, testing laboratory, or research facility as**
 30 **authorized by this article.**

31 **(3) For a dispensary, a system that tracks medical marijuana**
 32 **from its purchase from a grower or processor to its sale to a**
 33 **patient or caregiver or transfer to a testing laboratory,**
 34 **research facility, grower, or processor as authorized by this**
 35 **article.**

36 **(4) For a dispensary, a system to verify that an identification**
 37 **card presented by a patient or caregiver:**

38 **(A) is valid; and**

39 **(B) authorizes the patient or caregiver to receive**
 40 **marijuana from a dispensary.**

41 **(5) For a medical marijuana organization, a:**

42 **(A) daily log of each day's beginning inventory,**



1 acquisitions, amounts purchased and sold, disbursements,
 2 disposals, and ending inventory, including prices paid and
 3 amounts collected from patients and caregivers;
 4 (B) system to recall defective medical marijuana; and
 5 (C) system to track the waste resulting from the growth of
 6 medical marijuana, including the name and address of a
 7 disposal service.

8 **Sec. 2. A medical marijuana organization must implement a**
 9 **plan for:**

- 10 (1) security and surveillance; and
 11 (2) record keeping and record retention.

12 **Sec. 3. The department:**

- 13 (1) shall require a medical marijuana organization to make an
 14 annual report to the department; and
 15 (2) may require a medical marijuana organization to make a
 16 quarterly report to the department.

17 The department shall determine the form and contents of the
 18 report and may make all or part of the report available to the
 19 public.

20 **Chapter 17. Grower Operations**

21 **Sec. 1. A person holding a grower permit may do all the**
 22 **following in accordance with rules adopted by the department:**

- 23 (1) Obtain seed and plant material from another grower.
 24 (2) Sell and transport seed and plant material to another
 25 grower or processor.
 26 (3) Sell and transport medical marijuana to a processor,
 27 dispensary, testing laboratory, or research facility authorized
 28 by the department.

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

32 **Sec. 3. The department shall determine the manner in which**
 33 **transportation of medical marijuana shall be conducted between**
 34 **or among growers, processors, testing laboratories, research**
 35 **facilities, and dispensaries. Rules adopted by the department must**
 36 **include the following:**

- 37 (1) Requirements relating to shipping containers and
 38 packaging.
 39 (2) The manner in which trucks, vans, trailers, or other
 40 carriers will be secured.
 41 (3) Obtaining copies of driver's licenses and registrations and
 42 other information related to security and tracking.



1 (4) The use of a GPS tracking system.
2 (5) Record keeping requirements for delivery and receipt of
3 medical marijuana products.
4 Sec. 4. A grower shall contract with an independent testing
5 laboratory to test the medical marijuana produced by the grower.
6 The department shall approve the testing laboratory and require
7 that the laboratory report testing results in the manner determined
8 by the department. If a grower learns that the grower's sample has
9 failed required testing, the grower must take steps to remediate the
10 harvest to allowable levels under IC 16-51-20-3, or immediately
11 dispose of the harvest.
12 Chapter 18. Processor Operations
13 Sec. 1. A person holding a processor permit may do all the
14 following in accordance with rules adopted by the department:
15 (1) Obtain plant material from a grower.
16 (2) Sell and transport processed medical marijuana to another
17 grower or processor.
18 (3) Sell and transport medical marijuana to a processor,
19 dispensary, testing laboratory, or research facility authorized
20 by the department.
21 Sec. 2. The department shall determine the manner in which
22 medical marijuana may be processed or stored at the processor
23 facility.
24 Sec. 3. The department shall determine the manner in which
25 transportation of medical marijuana shall be conducted between
26 or among medical marijuana organizations and research facilities.
27 Rules adopted by the department must include the following:
28 (1) Requirements relating to shipping containers and
29 packaging.
30 (2) The manner in which trucks, vans, trailers, or other
31 carriers will be secured.
32 (3) Obtaining copies of driver's licenses and registrations and
33 other information related to security and tracking.
34 (4) The use of a GPS tracking system.
35 (5) Record keeping requirements for delivery and receipt of
36 medical marijuana products.
37 Sec. 4. A processor shall develop a plan to ensure that medical
38 marijuana products are properly labeled, are not packaged in a
39 manner that is appealing to children, and are placed in child
40 resistant packaging.
41 Sec. 5. A processor shall include on its labeling of medical
42 marijuana products the following:



1 (1) The number of doses contained within the package, the
 2 species, and the percentage of tetrahydrocannabinol and
 3 cannabitol.

4 (2) A warning that the medical marijuana must be kept in the
 5 original container in which it was dispensed.

6 (3) A warning that unauthorized use is unlawful and will
 7 subject the person to criminal penalties.

8 (4) A list of ingredients.

9 (5) Any other information required by the department.

10 Sec. 6. A processor shall contract with an independent testing
 11 laboratory to test the medical marijuana product produced by the
 12 processor. The testing laboratory must be approved by the
 13 department, and the department shall require that the laboratory
 14 report testing results in the manner determined by the department.
 15 If a processor learns that a sample submitted by the processor has
 16 failed required testing, the processor must take steps to remediate
 17 the product to allowable levels under IC 16-51-20-3, or
 18 immediately dispose of the batch.

19 Chapter 19. Dispensary Operations

20 Sec. 1. A dispensary holding a valid permit under this article
 21 may dispense medical marijuana to a patient or caregiver upon
 22 presentation of a valid identification card for that patient or
 23 caregiver and electronic verification that the identification card is
 24 valid and authorizes the patient or caregiver to receive medical
 25 marijuana from a dispensary.

26 Sec. 2. The dispensary shall provide to the patient or caregiver
 27 a receipt including all of the following:

28 (1) The name and address of the dispensary.

29 (2) The name and address of the patient and caregiver (if
 30 applicable).

31 (3) The date the medical marijuana was dispensed.

32 (4) Any requirement or limitation by the physician as to the
 33 form of medical marijuana for the patient.

34 (5) The form and the quantity of medical marijuana
 35 dispensed.

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

37 (1) eight (8) grams of concentrated marijuana; or

38 (2) eighty (80) ten (10) milligram doses of
 39 tetrahydrocannabinol;

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

41 (b) A dispensary may not dispense:

42 (1) more than one (1) ounce of medical marijuana to a patient



- 1 (or caregiver on behalf of a specific patient) per day;
- 2 (2) a form of medical marijuana that the patient is not
- 3 permitted to possess; or
- 4 (3) medical marijuana to a patient who is cultivating mature
- 5 marijuana plants for the patient's own use.

6 **Sec. 4. The medical marijuana packaging must include the**
 7 **following information:**

- 8 (1) The number of doses contained within the package, the
- 9 species, and the percentage of tetrahydrocannabinol and
- 10 cannabitol.
- 11 (2) A warning that the medical marijuana must be kept in the
- 12 original container in which it was dispensed.
- 13 (3) A warning that unauthorized use is unlawful and will
- 14 subject the person to criminal penalties.
- 15 (4) Any other information required by the department.

16 **Sec. 5. A dispensary:**

- 17 (1) may dispense medical marijuana only in an indoor,
- 18 enclosed, secure facility located in Indiana;
- 19 (2) may sell medical devices and instruments that are needed
- 20 to administer medical marijuana; and
- 21 (3) may sell services approved by the department related to
- 22 the use of medical marijuana.

23 **Sec. 6. A dispensary shall post a copy of its permit in a location**
 24 **within its facility in a manner that is easily observable by the**
 25 **public.**

26 **Sec. 7. A dispensary shall establish a plan to:**

- 27 (1) prevent diversion of medical marijuana and medical
- 28 marijuana products; and
- 29 (2) ensure a patient is not dispensed more than one (1) ounce
- 30 of medical marijuana per day.

31 **Chapter 20. Testing Laboratory Operations**

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

- 35 (1) it holds a valid permit issued under this article; or
- 36 (2) it is already accredited as a testing laboratory to
- 37 International Organization for Standardization (ISO) 17025
- 38 by a third party accrediting body such as the American
- 39 Association for Laboratory Accreditation (A2LA) or Assured
- 40 Calibration and Laboratory Accreditation Select Services
- 41 (ACCLASS).

42 **Sec. 2. A testing laboratory shall maintain policies and**



1 procedures for the secure and proper analytical testing of medical
2 marijuana, which must include:

3 (1) laboratory analysis techniques, including specific
4 instrumentation and protocols necessary to perform the tests
5 required by the department;

6 (2) the implementation of standards and methods for
7 conducting analysis of forms of medical marijuana in
8 accordance with the requirements of ISO/IEC 17025
9 "General Requirements for the Competence of Testing and
10 Calibration Laboratories"; and

11 (3) methods of testing to detect:

12 (A) potency levels of tetrahydrocannabinol and
13 cannabidiol;

14 (B) microbials;

15 (C) mycotoxins;

16 (D) pesticides;

17 (E) residual solvents; and

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

19 Sec. 3. The department shall establish the allowable level of
20 microbials, mycotoxins, pesticides, residual solvents, and other
21 matter determined by the department. If a sample received from
22 a grower or processor exceeds allowable levels, the testing
23 laboratory must immediately notify the grower or processor from
24 whom they received the sample.

25 Sec 4. A person holding an ownership interest in a dispensary,
26 grower, or processor permit may not have an ownership interest
27 in a testing laboratory permit.

28 Chapter 21. Transportation

29 Sec. 1. A transporter may transport medical marijuana or
30 paraphernalia from a:

31 (1) grower or processor to a dispensary;

32 (2) grower or processor to a testing laboratory or research
33 facility authorized by the department;

34 (3) dispensary to a grower or processor;

35 (4) dispensary to a testing laboratory or research facility
36 authorized by the department;

37 (5) medical marijuana organization to another medical
38 marijuana organization; or

39 (6) medical marijuana organization to another person if
40 authorized to do so by the department;

41 if the transporter complies with this chapter.

42 Sec. 2. A transporter under this chapter may not have a felony



1 conviction that has not been expunged.

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

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

7 **Sec. 4. The transporter shall proceed as directly and**
8 **expeditiously as practicable from the shipping location to the**
9 **receiving location.**

10 **Sec. 5. The person who ships the medical marijuana or**
11 **paraphernalia shall provide the transporter with a shipping**
12 **manifest clearly stating the:**

- 13 (1) exact quantity of medical marijuana or paraphernalia that
14 is being transported;
15 (2) address of the shipping location;
16 (3) address of the receiving location;
17 (4) identification of the person transporting the material; and
18 (5) time the person transporting the material left the shipping
19 location.

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

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

24 **Chapter 22. Reports**

25 **Sec. 1. The department shall, not later than December 31 of**
26 **each year, submit a report concerning the medical marijuana**
27 **program to the legislative council, the governor, and the chief**
28 **justice of the supreme court. The report to the legislative council**
29 **must be in an electronic format under IC 5-14-6.**

30 **Chapter 23. Civil Penalties**

31 **Sec. 1. The department may assess a penalty of not more than**
32 **ten thousand dollars (\$10,000) for each violation of this article or**
33 **a rule adopted under this article. In addition, the department may**
34 **impose an additional penalty of not more than one thousand**
35 **dollars (\$1,000) for each day of a continuing violation.**

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

- 38 (1) The seriousness of the violation.
39 (2) The potential harm resulting from the violation to
40 patients, caregivers, or the general public.
41 (3) The willfulness of the violation.
42 (4) Any previous violations.



1 (5) The economic benefit that accrued to the person who
2 committed the violation.

3 (b) If the department finds that the:

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

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

8 the department may issue a written warning instead of assessing a
9 civil penalty.

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

13 Chapter 24. Research

14 Sec. 1. (a) The department may provide assistance to
15 universities, research facilities, pharmaceutical companies, state
16 agencies, and similar entities that wish to conduct research
17 concerning medical marijuana.

18 (b) The department may conduct research concerning medical
19 marijuana.

20 Sec. 2. The department may authorize persons conducting
21 research on medical marijuana to obtain, possess, transport, and
22 use medical marijuana for research purposes, under terms and
23 conditions established by the department. The department shall
24 issue appropriate documentation to allow persons to obtain
25 marijuana for research purposes.

26 Chapter 25. Discrimination Prohibited

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

28 (1) suspend;

29 (2) expel;

30 (3) refuse to employ;

31 (4) refuse to admit;

32 (5) refuse to grant or renew a license, permit, or certificate
33 necessary to engage in any activity, occupation, or profession;

34 or

35 (6) otherwise discriminate against;

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

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

42 (c) In addition to any other penalty prescribed by this section,



1 a person who is the victim of unlawful discrimination may obtain
2 injunctive relief.

3 **Sec. 2. A person's lawful certification, use, possession, delivery,**
4 **distribution, transport, cultivation, or manufacture of marijuana**
5 **or paraphernalia under this article is not admissible as evidence in**
6 **an action for negligent hiring, admission, or licensure against a**
7 **person or entity hired, admitted, or licensed by the person or entity**
8 **that lawfully used marijuana.**

9 **Sec. 3. A law enforcement officer who knowingly or**
10 **intentionally performs a search or seizure of a patient or caregiver**
11 **holding a valid identification card:**

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

13 (2) without:

14 (A) reasonable suspicion;

15 (B) probable cause; or

16 (C) a warrant;

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

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

23 **(b) A law enforcement officer or employee of the state, a**
24 **political subdivision of the state, or of a unit may not aid or assist**
25 **a federal law enforcement officer in the enforcement of a federal**
26 **law:**

27 (1) criminalizing; or

28 (2) authorizing civil forfeiture with respect to;

29 **any activity permitted under this article.**

30 **(c) A person who knowingly or intentionally violates this section**
31 **commits a Level 6 felony.**

32 SECTION 22. IC 35-46-9-6, AS AMENDED BY P.L.63-2018,
33 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2019]: Sec. 6. (a) Except as provided in subsections (b) and
35 (c), a person who operates a motorboat while:

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

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

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

41 (2) having:

42 (A) a controlled substance, **other than**



- 1 **tetrahydrocannabinol**, listed in schedule I or II of IC 35-48-2
 2 **or its metabolite** in the person's **body blood**; **or**
 3 **(B) ten (10) or more nanograms of tetrahydrocannabinol**
 4 **per milliliter of the person's whole blood**; **or**
 5 (3) intoxicated;
 6 commits a Class C misdemeanor.
 7 (b) The offense is a Level 6 felony if:
 8 (1) the person has a previous conviction under:
 9 (A) IC 14-1-5 (repealed);
 10 (B) IC 14-15-8-8 (repealed); or
 11 (C) this chapter; or
 12 (2) the offense results in serious bodily injury to another person.
 13 (c) The offense is a Level 5 felony if the offense results in the death
 14 of another person.
 15 (d) It is a defense to a prosecution under subsection (a)(2) that:
 16 (1) the accused person consumed the controlled substance in
 17 accordance with a valid prescription or order of a practitioner (as
 18 defined in IC 35-48-1-24) who acted in the course of the
 19 practitioner's professional practice; **or**
 20 (2) **the controlled substance is marijuana, the accused person**
 21 **is a person authorized to use medical marijuana under**
 22 **IC 16-51, and the accused person used the medical marijuana**
 23 **in substantial compliance with the requirements of IC 16-51.**
 24 SECTION 23. IC 35-48-4-8.3, AS AMENDED BY P.L.187-2015,
 25 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2019]: Sec. 8.3. (a) This section does not apply to:
 27 (1) a rolling paper; **or**
 28 (2) **a patient, caregiver, medical marijuana organization,**
 29 **research facility, or transporter described in IC 16-51 if the**
 30 **person is in substantial compliance with the requirements of**
 31 **IC 16-51.**
 32 (b) A person who knowingly or intentionally possesses an
 33 instrument, a device, or another object that the person intends to use
 34 for:
 35 (1) introducing into the person's body a controlled substance;
 36 (2) testing the strength, effectiveness, or purity of a controlled
 37 substance; or
 38 (3) enhancing the effect of a controlled substance;
 39 commits a Class C misdemeanor. However, the offense is a Class A
 40 misdemeanor if the person has a prior unrelated judgment or conviction
 41 under this section.
 42 SECTION 24. IC 35-48-4-8.5, AS AMENDED BY P.L.153-2018,



1 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2019]: Sec. 8.5. (a) A person who keeps for sale, offers for
3 sale, delivers, or finances the delivery of a raw material, an instrument,
4 a device, or other object that is intended to be or that is designed or
5 marketed to be used primarily for:

6 (1) ingesting, inhaling, or otherwise introducing into the human
7 body marijuana, hash oil, hashish, salvia, a synthetic drug, or a
8 controlled substance;

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

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

12 (4) manufacturing, compounding, converting, producing,
13 processing, or preparing marijuana, hash oil, hashish, salvia, a
14 synthetic drug, or a controlled substance;

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

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

19 commits a Class A infraction for dealing in paraphernalia.

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

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

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

29 (2) Items marketed for or historically and customarily used in
30 connection with the planting, propagating, cultivating, growing,
31 harvesting, manufacturing, compounding, converting, producing,
32 processing, preparing, testing, analyzing, packaging, repackaging,
33 storing, containing, concealing, injecting, ingesting, or inhaling
34 of tobacco or any other lawful substance.

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

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

40 **(5) A patient, caregiver, medical marijuana organization,**
41 **research facility, or transporter described in IC 16-51 if the**
42 **person is in substantial compliance with the requirements of**



- 1 **IC 16-51.**
 2 SECTION 25. IC 35-48-4-10, AS AMENDED BY P.L.153-2018,
 3 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2019]: Sec. 10. (a) A person who:
 5 (1) knowingly or intentionally:
 6 (A) manufactures;
 7 (B) finances the manufacture of;
 8 (C) delivers; or
 9 (D) finances the delivery of;
 10 marijuana, hash oil, hashish, or salvia, pure or adulterated; or
 11 (2) possesses, with intent to:
 12 (A) manufacture;
 13 (B) finance the manufacture of;
 14 (C) deliver; or
 15 (D) finance the delivery of;
 16 marijuana, hash oil, hashish, or salvia, pure or adulterated;
 17 commits dealing in marijuana, hash oil, hashish, or salvia, a Class A
 18 misdemeanor, except as provided in subsections (b) through (d).
 19 (b) A person may be convicted of an offense under subsection (a)(2)
 20 only if:
 21 (1) there is evidence in addition to the weight of the drug that the
 22 person intended to manufacture, finance the manufacture of,
 23 deliver, or finance the delivery of the drug; or
 24 (2) the amount of the drug involved is at least:
 25 (A) ten (10) pounds, if the drug is marijuana; or
 26 (B) three hundred (300) grams, if the drug is hash oil, hashish,
 27 or salvia.
 28 (c) The offense is a Level 6 felony if:
 29 (1) the person has a prior conviction for a drug offense and the
 30 amount of the drug involved is:
 31 (A) less than thirty (30) grams of marijuana; or
 32 (B) less than five (5) grams of hash oil, hashish, or salvia; or
 33 (2) the amount of the drug involved is:
 34 (A) at least thirty (30) grams but less than ten (10) pounds of
 35 marijuana; or
 36 (B) at least five (5) grams but less than three hundred (300)
 37 grams of hash oil, hashish, or salvia.
 38 (d) The offense is a Level 5 felony if:
 39 (1) the person has a prior conviction for a drug dealing offense
 40 and the amount of the drug involved is:
 41 (A) at least thirty (30) grams but less than ten (10) pounds of
 42 marijuana; or



- 1 (B) at least five (5) grams but less than three hundred (300)
 2 grams of hash oil, hashish, or salvia;
 3 (2) the:
 4 (A) amount of the drug involved is:
 5 (i) at least ten (10) pounds of marijuana; or
 6 (ii) at least three hundred (300) grams of hash oil, hashish,
 7 or salvia; or
 8 (B) offense involved a sale to a minor; or
 9 (3) the:
 10 (A) person is a retailer;
 11 (B) marijuana, hash oil, hashish, or salvia is packaged in a
 12 manner that appears to be low THC hemp extract; and
 13 (C) person knew or reasonably should have known that the
 14 product was marijuana, hash oil, hashish, or salvia.
 15 **(e) This section does not apply to a patient, caregiver, medical**
 16 **marijuana organization, research facility, or transporter described**
 17 **in IC 16-51 if the person is in substantial compliance with the**
 18 **requirements of IC 16-51.**
 19 SECTION 26. IC 35-48-4-11, AS AMENDED BY P.L.153-2018,
 20 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2019]: Sec. 11. (a) A person who:
 22 (1) knowingly or intentionally possesses (pure or adulterated)
 23 marijuana, hash oil, hashish, or salvia;
 24 (2) knowingly or intentionally grows or cultivates marijuana; or
 25 (3) knowing that marijuana is growing on the person's premises,
 26 fails to destroy the marijuana plants;
 27 commits possession of marijuana, hash oil, hashish, or salvia, a Class
 28 B misdemeanor, except as provided in subsections (b) through (c).
 29 (b) The offense described in subsection (a) is a Class A
 30 misdemeanor if:
 31 (1) the person has a prior conviction for a drug offense; or
 32 (2) the:
 33 (A) marijuana, hash oil, hashish, or salvia is packaged in a
 34 manner that appears to be low THC hemp extract; and
 35 (B) person knew or reasonably should have known that the
 36 product was marijuana, hash oil, hashish, or salvia.
 37 (c) The offense described in subsection (a) is a Level 6 felony if:
 38 (1) the person has a prior conviction for a drug offense; and
 39 (2) the person possesses:
 40 (A) at least thirty (30) grams of marijuana; or
 41 (B) at least five (5) grams of hash oil, hashish, or salvia.
 42 **(d) This section does not apply to a patient, caregiver, medical**



1 **marijuana organization, research facility, or transporter described**
2 **in IC 16-51 if the person is in substantial compliance with the**
3 **requirements of IC 16-51.**
4 SECTION 27. IC 35-52-16-94 IS ADDED TO THE INDIANA
5 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2019]: **Sec. 94. IC 16-51-25-3 defines a crime**
7 **concerning medical marijuana.**
8 SECTION 28. IC 35-52-16-95 IS ADDED TO THE INDIANA
9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2019]: **Sec. 95. IC 16-51-25-4 defines a crime**
11 **concerning medical marijuana.**

