

HOUSE BILL No. 1387

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 cultivation, dispensing, and use of medical marijuana by persons with serious medical conditions. Requires the state department of health to implement and enforce the medical marijuana program. 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. Provides for the disposal of unused medical marijuana. Makes conforming amendments.

Effective: July 1, 2019.

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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. 1387

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:

17 **(1) person accused of causing the death of another person or a law**
18 **enforcement animal when operating a vehicle with a controlled**
19 **substance listed in schedule I or II of IC 35-48-2 or its metabolite**
20 **in the person's blood consumed the controlled substance in**
21 **accordance with a valid prescription or order of a practitioner (as**
22 **defined in IC 35-48-1) who acted in the course of the**
23 **practitioner's professional practice; or**

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

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

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

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

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

40 SECTION 6. IC 16-18-2-96.4 IS ADDED TO THE INDIANA
41 CODE AS A NEW SECTION TO READ AS FOLLOWS
42 [EFFECTIVE JULY 1, 2019]: **Sec. 96.4. "Dispensary", for purposes**



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

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

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

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

16 SECTION 10. IC 16-18-2-185.5 IS ADDED TO THE INDIANA
17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2019]: **Sec. 185.5. "Identification card", for**
19 **purposes of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

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

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

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

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

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

41 **(b) "Patient", for purposes of IC 16-28 and IC 16-29, means an**
42 **individual who has been accepted and assured care by a health facility.**



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

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

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

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

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

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

21 SECTION 19. IC 16-18-2-361.6 IS ADDED TO THE INDIANA
22 CODE AS A NEW SECTION TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2019]: **Sec. 361.6. "Unused medical**
24 **marijuana", for purposes of IC 16-51, has the meaning set forth in**
25 **IC 16-51-1-1.**

26 SECTION 20. IC 16-51 IS ADDED TO THE INDIANA CODE AS
27 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
28 2019]:

29 **ARTICLE 51. MEDICAL MARIJUANA**

30 **Chapter 1. Definitions**

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

32 (1) "Caregiver" means the individual designated by a patient
33 under this article to obtain and deliver medical marijuana to
34 the patient.

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

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

38 (4) "Family or household member" means a person described
39 in IC 35-31.5-2-128.

40 (5) "Form of medical marijuana" means the characteristics
41 of the medical marijuana recommended for a particular
42 patient, including the method of consumption, and any



- 1 particular dosage, strain, variety, quantity, or percentage of
 2 medical marijuana or of a particular active ingredient.
 3 (6) "Grower/processor" means a person that holds a permit
 4 issued by the department to grow and process medical
 5 marijuana.
 6 (7) "Identification card" means a document issued to a
 7 patient or caregiver by the department authorizing access to
 8 marijuana.
 9 (8) "INSPECT" means the Indiana scheduled prescription
 10 electronic collection and tracking program established by
 11 IC 25-1-13-4.
 12 (9) "Marijuana" has the meaning set forth in IC 35-48-1-19.
 13 (10) "Medical marijuana" means marijuana for medical use.
 14 (11) "Medical marijuana organization" means a dispensary
 15 or a grower/processor.
 16 (12) "Patient" means an individual who:
 17 (A) has a serious medical condition; and
 18 (B) meets the requirements for certification under this
 19 article.
 20 (13) "Permit" means an authorization issued by the
 21 department to a medical marijuana organization to conduct
 22 activities under this article.
 23 (14) "Serious medical condition" means any medical
 24 condition with respect to which, in the professional opinion of
 25 a physician, the benefits of treatment with medical marijuana
 26 are greater than the risks of treatment with medical
 27 marijuana.
 28 (15) "Transporter" means a person who transports medical
 29 marijuana or paraphernalia. The term includes a person who
 30 does not possess a permit or identification card.
 31 (16) "Unused medical marijuana" means medical marijuana
 32 that the patient:
 33 (A) can no longer use; or
 34 (B) no longer intends to use.
- 35 **Chapter 2. Medical Marijuana Program**
 36 **Sec. 1. (a) The medical marijuana program is established to**
 37 **serve patients suffering from a serious medical condition.**
 38 **(b) The department shall administer the program.**
 39 **(c) The department has regulatory and enforcement authority**
 40 **over the growing, processing, sale, dispensing, and use of medical**
 41 **marijuana.**
 42 **Sec. 2. The department shall do the following:**



- 1 **(1) Issue a permit to a qualifying medical marijuana**
2 **organization authorizing it to grow, process, or dispense**
3 **medical marijuana.**
- 4 **(2) Establish and maintain an electronic data base to store**
5 **and track information relating to the medical marijuana**
6 **program. The data base must:**
 - 7 **(A) have the ability to authenticate in real time an**
8 **identification card presented to a dispensary;**
 - 9 **(B) track in real time the amount of marijuana provided to**
10 **a patient or caregiver at a dispensary, and share this**
11 **information in real time with other dispensaries to prevent**
12 **diversion;**
 - 13 **(C) store records relating to a physician's certification,**
14 **including, if applicable, the recommended form of**
15 **marijuana and any early expiration date recommended by**
16 **the physician; and**
 - 17 **(D) track the cultivation, processing, transport, storage,**
18 **and dispensing of medical marijuana.**
- 19 **(3) Maintain within the department's data base an electronic**
20 **directory of patients and caregivers approved to use or assist**
21 **in the administration of medical marijuana.**
- 22 **(4) Develop enforcement procedures, including announced**
23 **and unannounced inspections of:**
 - 24 **(A) a dispensary;**
 - 25 **(B) a grower/processor facility; and**
 - 26 **(C) all records of a medical marijuana organization.**
- 27 **(5) Establish a program to authorize the use of medical**
28 **marijuana for medical research purposes, and issue**
29 **documents to permit a researcher to obtain medical**
30 **marijuana for research purposes.**
- 31 **(6) Establish and maintain public outreach programs about**
32 **the medical marijuana program, including:**
 - 33 **(A) a dedicated telephone number for patients, caregivers,**
34 **and members of the public to obtain basic information**
35 **about the dispensing of medical marijuana; and**
 - 36 **(B) a publicly accessible Internet web site with similar**
37 **information.**
- 38 **(7) Collaborate as necessary with other state agencies, and**
39 **contract with third parties as necessary to carry out the**
40 **medical marijuana program.**
- 41 **(8) Develop recordkeeping requirements for all books, papers,**
42 **any electronic data base or tracking system data, and other**



1 information of a medical marijuana organization.
 2 Information shall be retained for at least four (4) years unless
 3 otherwise provided by the department.

4 (9) Restrict the advertising and marketing of medical
 5 marijuana, which must be consistent with the federal
 6 regulations governing prescription drug advertising and
 7 marketing.

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

10 (b) The department may adopt emergency rules under
 11 IC 4-22-2-37.1 to implement this article. Emergency rules adopted
 12 under this subsection expire on the later of:

13 (1) the date permanent rules are adopted to replace the
 14 emergency rules; or

15 (2) July 1, 2020.

16 Sec. 4. (a) The department shall maintain a confidential list of
 17 patients and caregivers to whom it has issued identification cards.
 18 Except as provided in subsection (b), all information obtained by
 19 the department relating to patients, caregivers, and other
 20 applicants is confidential.

21 (b) The following records are public:

22 (1) An application for a permit submitted by a medical
 23 marijuana organization.

24 (2) Information relating to penalties or other disciplinary
 25 actions taken against a medical marijuana organization for
 26 violation of this article.

27 Chapter 3. Use of Medical Marijuana

28 Sec. 1. Notwithstanding any law to the contrary, the use,
 29 possession, delivery, distribution, transport, cultivation, or
 30 manufacture of:

31 (1) medical marijuana; or

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

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

38 (1) Medical marijuana may be dispensed only to:

39 (A) a patient who receives a certification from a physician
 40 and is in possession of a valid identification card issued by
 41 the department that authorizes dispensing marijuana to
 42 the patient;



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



- 1 **medical marijuana organization.**
- 2 **(b) A physician may not advertise the physician's services as a**
- 3 **physician authorized to certify a patient to receive medical**
- 4 **marijuana.**
- 5 **(c) A physician who violates this section may be subject to**
- 6 **professional discipline.**
- 7 **Sec. 2. A physician may issue a certification to use medical**
- 8 **marijuana to a patient if the following requirements are met:**
- 9 **(1) The physician has determined the patient has a serious**
- 10 **medical condition and has included the condition in the**
- 11 **patient's health care record.**
- 12 **(2) The patient is under the physician's continuing care for the**
- 13 **serious medical condition.**
- 14 **(3) The physician has determined the patient is likely to**
- 15 **receive therapeutic or palliative benefit from the use of**
- 16 **medical marijuana.**
- 17 **Sec. 3. A certification must include the following information:**
- 18 **(1) The patient's name, date of birth, and address.**
- 19 **(2) The specific serious medical condition of the patient.**
- 20 **(3) A statement by the physician that the patient has a serious**
- 21 **medical condition and the patient is under the physician's**
- 22 **continuing care for the serious medical condition.**
- 23 **(4) The date of issuance.**
- 24 **(5) The name, address, telephone number, and signature of**
- 25 **the physician.**
- 26 **(6) Any requirement or limitation concerning the appropriate**
- 27 **form of medical marijuana, and any limitation on the**
- 28 **duration of use, if applicable.**
- 29 **Sec. 4. (a) A physician shall review INSPECT:**
- 30 **(1) to determine the controlled substance history of a patient,**
- 31 **before issuing a certification; and**
- 32 **(2) before recommending a change of amount or form of**
- 33 **medical marijuana.**
- 34 **(b) A physician may access INSPECT to do any of the following:**
- 35 **(1) To determine whether a patient is under treatment with a**
- 36 **controlled substance by another physician or other person.**
- 37 **(2) To allow the physician to review the patient's controlled**
- 38 **substance history as considered necessary by the physician.**
- 39 **(3) To provide to the patient, or caregiver on behalf of the**
- 40 **patient if authorized by the patient, a copy of the patient's**
- 41 **controlled substance history.**
- 42 **Sec. 5. A physician shall do the following:**



1 (1) Provide the certification to the patient.

2 (2) Provide a copy of the certification to the department,
3 which shall place the information in the patient directory
4 within the department's electronic data base. The certification
5 may be transmitted to the department electronically.

6 (3) File a copy of the certification in the patient's health care
7 record.

8 Sec. 6. A physician may not issue a certification for the
9 physician's own use or for the use of a family or household member
10 of the physician.

11 Chapter 5. Certification Form

12 Sec. 1. The department shall develop a standard certification
13 form, which it shall provide to a physician upon request. The form
14 must be available electronically. The form must include a
15 statement that a false statement made by a physician is punishable
16 under the penalties of perjury.

17 Chapter 6. Duration

18 Sec. 1. Except as provided in section 2 of this chapter, a
19 dispensary may not dispense more than a thirty (30) day supply of
20 medical marijuana to a patient or caregiver.

21 Sec. 2. (a) During the last seven (7) days of the thirty (30) day
22 period, a dispensary may dispense an additional thirty (30) day
23 supply to the patient or caregiver.

24 (b) A dispensary may dispense additional thirty (30) day
25 supplies in accordance with this article for the duration of the
26 authorized period of the identification card, unless a shorter period
27 is indicated on the certification. If an identification card will expire
28 before the thirty (30) day period has elapsed, the dispensary may
29 dispense a daily supply equal to the remaining number of days that
30 the identification card is valid.

31 Sec. 3. A dispensary may not dispense marijuana to a patient
32 who is cultivating mature marijuana plants.

33 Chapter 7. Patients

34 Sec. 1. The department shall issue an identification card to a
35 patient who has a valid certification and who otherwise meets the
36 requirements of this article.

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

39 Sec. 3. Except as provided in section 4 of this chapter, an
40 identification card issued to a patient authorizes the patient to
41 obtain and use medical marijuana as authorized by this article.
42 Except as provided in section 4 of this chapter, an identification



1 card issued to a caregiver authorizes the caregiver to obtain
2 medical marijuana on behalf of the patient.

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

6 (1) The patient notifies the department on or before the date
7 that the patient begins cultivation and informs the department
8 of the number of plants the patient intends to cultivate and the
9 location of cultivation.

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

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

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

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

18 (b) If the mature plants of a patient cultivating marijuana for
19 the patient's own use die, become damaged, or are otherwise
20 unable to produce marijuana for medical use, the patient shall
21 notify the department, which shall reinstate the person's
22 authorization to obtain marijuana from a dispensary not later than
23 thirty (30) days after receipt of the notice.

24 **Chapter 8. Identification Cards**

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

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

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

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

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

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

37 (1) the name, address, and date of birth of the patient;

38 (2) the name, address, and date of birth of a caregiver, if
39 applicable;

40 (3) a copy of the certification issued by the physician;

41 (4) the name, address, and telephone number of the physician;

42 (5) the signature of the applicant and the date signed; and



1 (6) any other information required by the department.

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

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

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

11 (b) If a physician has specified that a patient's use of medical
12 marijuana should be limited to certain forms of medical
13 marijuana, the types of medical marijuana must be listed on the
14 identification card.

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

18 (b) If the department determines that an application is
19 incomplete or factually inaccurate, the department shall promptly
20 notify the applicant.

21 (c) If a patient application designates an individual as a
22 caregiver who is not authorized to be a caregiver, the department
23 shall deny that portion of the application, but may approve the
24 balance of the application.

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

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

31 Sec. 8. (a) If the identification card of a patient or caregiver is
32 lost, stolen, destroyed, or made illegible, the patient or caregiver
33 shall apply to the department for a replacement card not later than
34 ten (10) days after discovery of the loss or defacement. The
35 application for a replacement card shall be on a form furnished by
36 the department and accompanied by a twenty-five dollar (\$25) fee.
37 The department may establish higher fees for issuance of second
38 and subsequent replacement identification cards.

39 (b) The department may waive or reduce the fee in cases of
40 demonstrated financial hardship.

41 (c) The department shall issue a replacement identification card
42 as soon as practicable.



1 (d) A patient or caregiver may not obtain medical marijuana
 2 from a dispensary until the department issues the replacement
 3 card.

4 Sec. 9. The identification card must contain the following
 5 information:

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

7 The identification card must also state whether the individual
 8 is designated as a patient or as a caregiver.

9 (2) The date of issuance and expiration date.

10 (3) A unique identification number for the patient or
 11 caregiver, as applicable.

12 (4) A photograph of the individual to whom the identification
 13 card is issued.

14 (5) Any requirement or limitation set by the physician as to
 15 the form of medical marijuana.

16 (6) Any other requirements as determined by the department.
 17 However, the department may not require that an
 18 identification card disclose the patient's serious medical
 19 condition.

20 The department shall establish guidelines specifying an acceptable
 21 photograph under subdivision (4) and shall provide a reasonable
 22 accommodation for a patient who is confined to the patient's home
 23 or is in inpatient care.

24 Sec. 10. The department shall monthly transmit fees received
 25 under this chapter to the auditor of state for deposit in the state
 26 general fund.

27 Chapter 9. Caregivers

28 Sec. 1. (a) A caregiver must be at least eighteen (18) years of
 29 age.

30 (b) A caregiver may be less than twenty-one (21) years of age
 31 only if the department determines that it is in the best interests of
 32 the patient that a specific person less than twenty-one (21) years of
 33 age serves as a caregiver.

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

36 (b) The patient shall notify the department that the patient has
 37 terminated the person's caregiver designation as soon as
 38 reasonably practicable after the termination.

39 (c) Upon learning that a patient has terminated a person's
 40 caregiver designation, the department shall cancel the caregiver's
 41 identification card and notify the caregiver to return the physical
 42 copy of the card.



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

- 4 (1) the name, address, and date of birth of the caregiver;
 5 (2) if the caregiver has an identification card for the caregiver
 6 (as a patient) or another patient (as caregiver), the expiration
 7 date of each identification card; and
 8 (3) any other information required by the department.

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

11 **Sec. 4.** (a) Except as provided in subsection (c), before the
 12 caregiver application is approved, the caregiver must authorize the
 13 department to perform a national criminal history background
 14 check of the caregiver.

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

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

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

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

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

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

- 29 (1) been convicted of a criminal offense within the previous
 30 five (5) years relating to the sale or possession of a controlled
 31 substance; or
 32 (2) a history of drug abuse.

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

36 **Chapter 10. Minor Patients**

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

- 39 (1) The patient must have a caregiver.
 40 (2) The caregiver must be:
 41 (A) the patient's parent or legal guardian;
 42 (B) an individual designated by a parent or legal guardian;



1 or

2 (C) an appropriate individual approved by the department
3 on a sufficient showing that no parent or legal guardian is
4 appropriate or available.

5 **Chapter 11. Suspension**

6 **Sec. 1.** If a patient or caregiver knowingly, intentionally, or
7 recklessly violates any provision of this article, the department may
8 suspend or revoke the patient's or caregiver's identification card.
9 The suspension or revocation is in addition to any criminal or other
10 penalty.

11 **Chapter 12. General Prohibitions**

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

14 **Sec. 2.** A person may not be in physical control of:

- 15 (1) chemicals that require a permit issued by the federal
16 government or a state government, or an agency of the federal
17 government or a state government; or
18 (2) high voltage electricity or any other substance provided by
19 a public utility;

20 while under the influence of medical marijuana.

21 **Sec. 3.** A patient may not perform any employment duties in
22 exposed high places or in confined spaces while under the influence
23 of medical marijuana.

24 **Sec. 4.** A patient's employer may prohibit a patient from
25 performing any task while under the influence of medical
26 marijuana. The prohibition is not an adverse employment decision
27 or unlawful discrimination even if the prohibition results in
28 financial harm for the patient.

29 **Chapter 13. Medical Marijuana Organizations**

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

- 33 (1) A grower/processor.
34 (2) A dispensary.

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

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

- 40 (1) grower/processor permit allowing a grower/processor to
41 grow or process medical marijuana; and
42 (2) dispensary permit allowing a dispensary to dispense



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- medical marijuana.**
- (b) The following information must be included on the permit application:**
 - (1) The name, address, telephone number, and other contact information for every person having an ownership interest in the medical marijuana organization.**
 - (2) Information relating to a similar permit, license, or other authorization granted in another jurisdiction, including any suspensions, revocations, or discipline in that jurisdiction.**
 - (3) A release authorizing the department to conduct a background check of the persons having an ownership interest in the medical marijuana organization.**
 - (4) A statement as to whether the applicant intends to operate as a grower/processor or as a dispensary, and a concise description of the business activities in which the medical marijuana organization intends to engage.**
 - (5) The address or other location where the medical marijuana organization intends to operate.**
 - (6) A statement that no person having an ownership interest in the medical marijuana organization has a felony conviction that has not been expunged.**
 - (7) Any other information required by the department.**
- (c) A permit application described in this section shall be verified and completed subject to the penalties of perjury.**
- (d) An applicant shall submit the appropriate application and permit fees at the time the applicant submits the application.**

Chapter 14. Medical Marijuana Organization Permits

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

- (1) The applicant will maintain effective control of medical marijuana in the custody of the applicant.**
- (2) The applicant will comply with all laws.**
- (3) The applicant has the ability to properly carry out the activity for which the permit is sought.**
- (4) The applicant has sufficient financial means to acquire all property, equipment, and permits required to properly grow, process, or dispense medical marijuana.**
- (5) The applicant is able to implement and maintain appropriate security, tracking, recordkeeping, and surveillance systems relating to the acquisition, possession, growth, manufacture, sale, delivery, transportation,**



1 distribution, or dispensing of medical marijuana.
2 (6) The applicant satisfies any other conditions required
3 under rules adopted by the department.
4 (7) Granting a permit to the applicant serves the public
5 interest.
6 **Sec. 2.** If the department finds that information included in the
7 application is insufficient for the department to grant a permit to
8 the medical marijuana organization, the department may request
9 that the applicant submit additional documentation relating to one
10 (1) or more items listed in section 1 of this chapter.
11 **Sec. 3.** A permit granted under this chapter is nontransferable.
12 **Sec. 4.** A permit granted under this application is valid for one
13 (1) year after the date of issuance.
14 **Sec. 5. (a)** A permit may be renewed for one (1) or more
15 additional one (1) year periods.
16 **(b)** The department shall establish deadlines for filing a renewal
17 application that provide the department with sufficient time to
18 review the application without causing an interruption in the
19 medical marijuana organization's activities.
20 **(c)** The same standards that apply for granting an initial
21 application apply to an application for renewal. In determining
22 whether the renewal of a permit serves the public interest, the
23 department shall consider the manner in which the renewal
24 applicant has operated the medical marijuana organization and
25 complied with all relevant laws.
26 **Sec. 6.** A permit issued by the department to a medical
27 marijuana organization must include the following information:
28 (1) The name and address of the medical marijuana
29 organization.
30 (2) Whether the permit is a grower/processor permit or a
31 dispensary permit.
32 (3) What activities are permitted under the permit.
33 (4) A description of the property and facilities authorized to
34 be used by the medical marijuana organization.
35 (5) Any other information required by the department.
36 **Sec. 7.** The department may suspend or revoke all or part of a
37 permit granted under this section if, following a hearing, the
38 department finds the following:
39 (1) That one (1) or more of the determinations made under
40 section 1 of this chapter are no longer valid.
41 (2) That the medical marijuana organization has failed to
42 maintain effective control against diversion of medical



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marijuana.

(3) That the medical marijuana organization has violated a provision of this article or a rule adopted by the department.

(4) 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 15. General Duties of a Permit Holder

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

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

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

Chapter 16. Application and Permit Fees

Sec. 1. The following fees apply to a grower/processor:

(1) A nonrefundable grower/processor permit application fee of ten thousand dollars (\$10,000).

(2) A refundable grower/processor permit fee of fifty thousand dollars (\$50,000).

(3) A refundable grower/processor permit renewal fee of ten thousand dollars (\$10,000).

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

Sec. 2. The following fees apply to a dispensary:



- 1 **(1) A nonrefundable dispensary permit application fee of five**
- 2 **thousand dollars (\$5,000).**
- 3 **(2) A refundable dispensary permit fee of twenty thousand**
- 4 **dollars (\$20,000) for each dispensary location.**
- 5 **(3) A refundable dispensary permit renewal fee of five**
- 6 **thousand dollars (\$5,000) for each dispensary location.**
- 7 **(4) A nonrefundable permit amendment fee of two hundred**
- 8 **fifty dollars (\$250).**
- 9 **Sec. 3. An applicant must submit the application fee and permit**
- 10 **fee at the time the applicant submits the application.**
- 11 **Sec. 4. (a) The department shall retain the application fee even**
- 12 **if the application is not approved.**
- 13 **(b) The department shall refund the permit fee and renewal fee**
- 14 **if the permit or renewal is not approved. However, the permit fee**
- 15 **and renewal fee are not refundable if the permit is initially granted**
- 16 **but later suspended or revoked.**
- 17 **(c) The department shall retain the amendment fee even if the**
- 18 **application for amendment is not approved.**
- 19 **Sec. 5. The department shall transfer all fees to the state auditor**
- 20 **for deposit in the state general fund.**
- 21 **Chapter 17. Tracking and Recordkeeping**
- 22 **Sec. 1. (a) A medical marijuana organization must implement an**
- 23 **electronic inventory tracking system, which must be directly**
- 24 **accessible to the department through an electronic data base that**
- 25 **is updated at least one (1) time each day.**
- 26 **(b) The electronic inventory tracking system must include the**
- 27 **following:**
- 28 **(1) For a grower/processor, a seed to sale tracking system that**
- 29 **tracks the medical marijuana from seed to plant until the**
- 30 **medical marijuana is sold or transferred to its final**
- 31 **destination.**
- 32 **(2) For a dispensary, a system that tracks medical marijuana**
- 33 **from its purchase from a grower/processor to its sale to a**
- 34 **patient or caregiver or transfer to a testing laboratory,**
- 35 **research facility, or grower/processor as authorized by this**
- 36 **article.**
- 37 **(3) For a dispensary, a system to verify that an identification**
- 38 **card presented by a patient or caregiver:**
- 39 **(A) is valid; and**
- 40 **(B) authorizes the patient or caregiver to receive**
- 41 **marijuana from a dispensary.**
- 42 **(4) For a medical marijuana organization, a:**



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

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

- 11 (1) security and surveillance; and
 12 (2) recordkeeping and record retention.

13 **Sec. 3. The department:**

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

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

21 **Chapter 18. Grower/Processor Operations**

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

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

32 **Sec. 2. The department shall determine the manner in which**
 33 **medical marijuana may be grown, harvested, processed, and stored**
 34 **at the cultivation, harvesting, or processing facility.**

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

- 40 (1) Requirements relating to shipping containers and
 41 packaging.
 42 (2) The manner in which trucks, vans, trailers, or other



1 carriers will be secured.

2 (3) Obtaining copies of driver's licenses and registrations and
3 other information related to security and tracking.

4 (4) The use of a GPS tracking system.

5 (5) Recordkeeping requirements for delivery and receipt of
6 medical marijuana products.

7 Sec. 4. A grower/processor shall contract with an independent
8 testing laboratory to test the medical marijuana produced by the
9 grower/processor. The department shall approve the testing
10 laboratory and require that the laboratory report testing results in
11 the manner determined by the department.

12 Chapter 19. Dispensary Operations

13 Sec. 1. A dispensary holding a valid permit under this article
14 may dispense medical marijuana to a patient or caregiver upon
15 presentation of a valid identification card for that patient or
16 caregiver and electronic verification that the identification card is
17 valid and authorizes the patient to receive medical marijuana from
18 a dispensary.

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

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

22 (2) The name and address of the patient and caregiver (if
23 applicable).

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

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

27 (5) The form and the quantity of medical marijuana
28 dispensed.

29 Sec. 3. A dispensary may not dispense:

30 (1) more medical marijuana than a patient is authorized to
31 receive;

32 (2) a form of medical marijuana that the patient is not
33 permitted to possess; or

34 (3) medical marijuana to a patient who is cultivating mature
35 marijuana plants for the patient's own use.

36 Sec. 4. A dispensary may not dispense an amount greater than
37 a thirty (30) day supply until the patient has exhausted all but a
38 seven (7) day supply.

39 Sec. 5. The dispensary shall include in the medical marijuana
40 packing an insert containing the following statement:

41 "This product is for medicinal use only. Women should not
42 consume during pregnancy or while breastfeeding, except on



1 the advice of the physician who issued the certification and, in
 2 the case of breastfeeding, the child's pediatrician. This
 3 product might impair the ability to drive or operate heavy
 4 machinery. Keep out of reach of children."

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

7 (1) The number of doses contained within the package, the
 8 species, and the percentage of tetrahydrocannabinol and
 9 cannabitol.

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

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

14 (4) Any other information required by the department.

15 **Sec. 7. A dispensary:**

16 (1) may dispense medical marijuana only in an indoor,
 17 enclosed, secure facility located in Indiana;

18 (2) may sell medical devices and instruments that are needed
 19 to administer medical marijuana;

20 (3) may sell services approved by the department related to
 21 the use of medical marijuana; and

22 (4) shall dispose of unused medical marijuana delivered to the
 23 dispensary under IC 16-51-25.

24 **Sec. 8. A dispensary shall post a copy of its permit in a location**
 25 **within its facility in a manner that is easily observable by the**
 26 **public.**

27 **Chapter 20. Transportation**

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

30 (1) grower/processor to a dispensary;

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

33 (3) dispensary to a grower/processor;

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

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

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

40 **if the transporter complies with this chapter.**

41 **Sec. 2. A transporter under this chapter may not have a felony**
 42 **conviction that has not been expunged.**



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

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

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

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

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

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

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

23 **Chapter 21. Reports**

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

29 **Chapter 22. Civil Penalties**

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

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

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



1 committed the violation.

2 (b) If the department finds that the:

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

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

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

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

12 Chapter 23. Research

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

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

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

25 Chapter 24. Discrimination Prohibited

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

27 (1) suspend;

28 (2) expel;

29 (3) refuse to employ;

30 (4) refuse to admit;

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

34 (6) otherwise discriminate against;

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

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

41 (c) In addition to any other penalty prescribed by this section,
42 a person who is the victim of unlawful discrimination may obtain



1 injunctive relief.

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

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

- 11 (1) more than two (2) times in any sixty (60) day period; and
 12 (2) without:
 13 (A) reasonable suspicion;
 14 (B) probable cause; or
 15 (C) a warrant;

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

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

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

- 26 (1) criminalizing; or
 27 (2) authorizing civil forfeiture with respect to;
 28 any activity permitted under this article.
 29 (c) A person who knowingly or intentionally violates this section
 30 commits a Level 6 felony.

31 **Chapter 25. Disposal of Unused Medical Marijuana**

32 **Sec. 1. (a) A patient or caregiver in possession of unused medical**
 33 **marijuana shall, as soon as practicable, deliver the unused medical**
 34 **marijuana to:**

- 35 (1) the dispensary that dispensed the medical marijuana;
 36 (2) the county sheriff; or
 37 (3) a local law enforcement agency having jurisdiction over
 38 the person's residence;

39 **for disposal.**

40 (b) The dispensary, county sheriff, or local law enforcement
 41 agency shall destroy the unused medical marijuana delivered
 42 under subsection (a).



1 **Sec. 2. A patient who:**

2 **(1) is cultivating marijuana for personal use; and**

3 **(2) no longer intends to use the marijuana, or is no longer able**
 4 **to use the marijuana;**

5 **shall destroy the marijuana plants as soon as practicable. If the**
 6 **patient is unable to destroy the marijuana plants, another person**
 7 **may destroy or arrange for the destruction of the plants on the**
 8 **patient's behalf.**

9 SECTION 21. IC 35-46-9-6, AS AMENDED BY P.L.63-2018,
 10 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2019]: Sec. 6. (a) Except as provided in subsections (b) and
 12 (c), a person who operates a motorboat while:

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

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

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

18 (2) having:

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

22 **(B) five (5) or more nanograms of tetrahydrocannabinol**
 23 **per milliliter of the person's whole blood; or**

24 (3) intoxicated;

25 commits a Class C misdemeanor.

26 (b) The offense is a Level 6 felony if:

27 (1) the person has a previous conviction under:

28 (A) IC 14-1-5 (repealed);

29 (B) IC 14-15-8-8 (repealed); or

30 (C) this chapter; or

31 (2) the offense results in serious bodily injury to another person.

32 (c) The offense is a Level 5 felony if the offense results in the death
 33 of another person.

34 (d) It is a defense to a prosecution under subsection (a)(2) that:

35 **(1) the accused person consumed the controlled substance in**
 36 **accordance with a valid prescription or order of a practitioner (as**
 37 **defined in IC 35-48-1-24) who acted in the course of the**
 38 **practitioner's professional practice; or**

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



1 SECTION 22. IC 35-48-4-8.3, AS AMENDED BY P.L.187-2015,
 2 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2019]: Sec. 8.3. (a) This section does not apply to:

- 4 (1) a rolling paper; or
 5 (2) a patient, caregiver, medical marijuana organization,
 6 testing laboratory, research facility, or transporter described
 7 in IC 16-51 if the person is in substantial compliance with the
 8 requirements of IC 16-51.

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

- 12 (1) introducing into the person's body a controlled substance;
 13 (2) testing the strength, effectiveness, or purity of a controlled
 14 substance; or
 15 (3) enhancing the effect of a controlled substance;

16 commits a Class C misdemeanor. However, the offense is a Class A
 17 misdemeanor if the person has a prior unrelated judgment or conviction
 18 under this section.

19 SECTION 23. IC 35-48-4-8.5, AS AMENDED BY P.L.153-2018,
 20 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2019]: Sec. 8.5. (a) A person who keeps for sale, offers for
 22 sale, delivers, or finances the delivery of a raw material, an instrument,
 23 a device, or other object that is intended to be or that is designed or
 24 marketed to be used primarily for:

- 25 (1) ingesting, inhaling, or otherwise introducing into the human
 26 body marijuana, hash oil, hashish, salvia, a synthetic drug, or a
 27 controlled substance;
 28 (2) testing the strength, effectiveness, or purity of marijuana, hash
 29 oil, hashish, salvia, a synthetic drug, or a controlled substance;
 30 (3) enhancing the effect of a controlled substance;
 31 (4) manufacturing, compounding, converting, producing,
 32 processing, or preparing marijuana, hash oil, hashish, salvia, a
 33 synthetic drug, or a controlled substance;
 34 (5) diluting or adulterating marijuana, hash oil, hashish, salvia, a
 35 synthetic drug, or a controlled substance by individuals; or
 36 (6) any purpose announced or described by the seller that is in
 37 violation of this chapter;

38 commits a Class A infraction for dealing in paraphernalia.

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



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- (c) This section does not apply to the following:
 - (1) Items marketed for use in the preparation, compounding, packaging, labeling, or other use of marijuana, hash oil, hashish, salvia, a synthetic drug, or a controlled substance as an incident to lawful research, teaching, or chemical analysis and not for sale.
 - (2) Items marketed for or historically and customarily used in connection with the planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, or inhaling of tobacco or any other lawful substance.
 - (3) A qualified entity (as defined in IC 16-41-7.5-3) that provides a syringe or needle as part of a program under IC 16-41-7.5.
 - (4) Any entity or person that provides funding to a qualified entity (as defined in IC 16-41-7.5-3) to operate a program described in IC 16-41-7.5.
 - (5) A patient, caregiver, medical marijuana organization, testing laboratory, research facility, or transporter described in IC 16-51 if the person is in substantial compliance with the requirements of IC 16-51.**

SECTION 24. IC 35-48-4-10, AS AMENDED BY P.L.153-2018, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) A person who:

- (1) knowingly or intentionally:
 - (A) manufactures;
 - (B) finances the manufacture of;
 - (C) delivers; or
 - (D) finances the delivery of;
 marijuana, hash oil, hashish, or salvia, pure or adulterated; or
 - (2) possesses, with intent to:
 - (A) manufacture;
 - (B) finance the manufacture of;
 - (C) deliver; or
 - (D) finance the delivery of;
 marijuana, hash oil, hashish, or salvia, pure or adulterated;
- commits dealing in marijuana, hash oil, hashish, or salvia, a Class A misdemeanor, except as provided in subsections (b) through (d).
- (b) A person may be convicted of an offense under subsection (a)(2) only if:
 - (1) there is evidence in addition to the weight of the drug that the person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the drug; or



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



- 1 (2) knowingly or intentionally grows or cultivates marijuana; or
 2 (3) knowing that marijuana is growing on the person's premises,
 3 fails to destroy the marijuana plants;
 4 commits possession of marijuana, hash oil, hashish, or salvia, a Class
 5 B misdemeanor, except as provided in subsections (b) through (c).
 6 (b) The offense described in subsection (a) is a Class A
 7 misdemeanor if:
 8 (1) the person has a prior conviction for a drug offense; or
 9 (2) the:
 10 (A) marijuana, hash oil, hashish, or salvia is packaged in a
 11 manner that appears to be low THC hemp extract; and
 12 (B) person knew or reasonably should have known that the
 13 product was marijuana, hash oil, hashish, or salvia.
 14 (c) The offense described in subsection (a) is a Level 6 felony if:
 15 (1) the person has a prior conviction for a drug offense; and
 16 (2) the person possesses:
 17 (A) at least thirty (30) grams of marijuana; or
 18 (B) at least five (5) grams of hash oil, hashish, or salvia.
 19 **(d) This section does not apply to a patient, caregiver, medical**
 20 **marijuana organization, testing laboratory, research facility, or**
 21 **transporter described in IC 16-51 if the person is in substantial**
 22 **compliance with the requirements of IC 16-51.**
 23 SECTION 26. IC 35-52-16-94 IS ADDED TO THE INDIANA
 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2019]: **Sec. 94. IC 16-51-24-3 defines a crime**
 26 **concerning medical marijuana.**
 27 SECTION 27. IC 35-52-16-95 IS ADDED TO THE INDIANA
 28 CODE AS A NEW SECTION TO READ AS FOLLOWS
 29 [EFFECTIVE JULY 1, 2019]: **Sec. 95. IC 16-51-24-4 defines a crime**
 30 **concerning medical marijuana.**

