

HOUSE BILL No. 1410

DIGEST OF INTRODUCED BILL

Citations Affected: IC 5-2-8; IC 6-2.5-5-58; IC 6-7-3; IC 9-30; IC 11-12-3.7-3; IC 15-16-7-8; IC 16-19-3-34; IC 16-31-3; IC 16-42-27-2; IC 20-28-5-8; IC 22-15-5-16; IC 25-1-1.1; IC 33-37; IC 34-24-1-1; IC 35-31.5-2; IC 35-45; IC 35-46-9-6; IC 35-48; IC 35-50.

Synopsis: Legalization of cannabis. Legalizes the sale and use of cannabis by a person at least 18 years of age. Requires the Indiana department of health to establish a program to issue a medical cannabis identification card to a patient whose physician has recommended cannabis to treat a medical condition. Permits the sale of cannabis to a person less than 18 years of age if the person has been issued a medical cannabis identification card, and exempts purchases by a medical cannabis cardholder from sales tax. Makes conforming amendments.

Effective: July 1, 2024.

Payne

January 11, 2024, read first time and referred to Committee on Courts and Criminal Code.



Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1410

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 5-2-8-5, AS AMENDED BY P.L.217-2017,
2 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 5. (a) There is established the state police training
4 fund. The fund consists of amounts collected under ~~IC 33-37-4-1(b)(4)~~,
5 **IC 33-37-4-1(b)(3)**, IC 33-37-4-2(b)(3), and ~~IC 33-37-4-3(b)(4)~~
6 **IC 33-37-4-3(b)(3)** on behalf of the state police department.
7 (b) If the state police department files a claim under IC 33-37-8-4
8 or IC 33-37-8-6 against a city or town user fee fund or a county user fee
9 fund, the fiscal officer of the city or town or the county auditor shall
10 deposit fees collected under the cause numbers submitted by the state
11 police department into the state police training fund established under
12 this section.
13 (c) Claims against the state police training fund must be submitted
14 in accordance with IC 5-11-10.
15 (d) Money in excess of one hundred dollars (\$100) that is
16 unencumbered and remains in the state police training fund for at least
17 one (1) entire calendar year from the date of its deposit shall, at the end



1 of the state's fiscal year, be deposited in the law enforcement academy
2 fund established under IC 5-2-1-13.

3 (e) As used in this subsection, "abuse" has the meaning set forth in
4 section 1(a) of this chapter. As a part of the state police department's
5 in-service training, the department shall provide to each law
6 enforcement officer employed by the department continuing education
7 concerning the following:

8 (1) Duties of a law enforcement officer in enforcing restraining
9 orders, protective orders, temporary injunctions, and permanent
10 injunctions involving abuse.

11 (2) Guidelines for making felony and misdemeanor arrests in
12 cases involving abuse.

13 (3) Techniques for handling incidents of abuse that:

14 (A) minimize the likelihood of injury to the law enforcement
15 officer; and

16 (B) promote the safety of a victim.

17 (4) Information about the nature and extent of the abuse.

18 (5) Information about the legal rights of and remedies available
19 to victims of abuse.

20 (6) How to document and collect evidence in an abuse case.

21 (7) The legal consequences of abuse.

22 (8) The impact on children of law enforcement intervention in
23 abuse cases.

24 (9) Services and facilities available to victims of abuse and
25 abusers.

26 (10) Verification of restraining orders, protective orders,
27 temporary injunctions, and permanent injunctions.

28 (11) Policies concerning arrest or release of suspects in abuse
29 cases.

30 (12) Emergency assistance to victims of abuse and criminal
31 justice options for victims of abuse.

32 (13) Landlord-tenant concerns in abuse cases.

33 (14) The taking of an abused child into protective custody.

34 (15) Assessment of a situation in which a child may be seriously
35 endangered if the child is left in the child's home.

36 (16) Assessment of a situation involving an endangered adult (as
37 defined in IC 12-10-3-2).

38 (17) Response to a sudden, unexpected infant death.

39 The cost of providing continuing education under this subsection shall
40 be paid from money in the state police training fund.

41 SECTION 2. IC 5-2-8-7, AS AMENDED BY P.L.217-2017,
42 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2024]: Sec. 7. (a) There is established the conservation
 2 officers training fund. The department of natural resources shall
 3 administer the fund. The fund consists of amounts collected under
 4 ~~IC 33-37-4-1(b)(4)~~, **IC 33-37-4-1(b)(3)**, IC 33-37-4-2(b)(3), and
 5 ~~IC 33-37-4-3(b)(4)~~ **IC 33-37-4-3(b)(3)** on behalf of the department of
 6 natural resources.

7 (b) If the department of natural resources files a claim under
 8 IC 33-37-8-4 or IC 33-37-8-6 against a city or town user fee fund or a
 9 county user fee fund, the fiscal officer of the city or town or the county
 10 auditor shall deposit fees collected under the cause numbers submitted
 11 by the department of natural resources into the conservation officers
 12 training fund established under this section.

13 (c) Claims against the conservation officers training fund must be
 14 submitted in accordance with IC 5-11-10.

15 (d) Money in excess of one hundred dollars (\$100) that is
 16 unencumbered and remains in the conservation officers' training fund
 17 for at least one (1) entire calendar year from the date of its deposit
 18 shall, at the end of the state's fiscal year, be deposited in the law
 19 enforcement academy fund established under IC 5-2-1-13.

20 SECTION 3. IC 5-2-8-8, AS AMENDED BY P.L.217-2017,
 21 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2024]: Sec. 8. (a) There is established the alcoholic beverage
 23 enforcement officers' training fund. The alcohol and tobacco
 24 commission shall administer the fund. The fund consists of amounts
 25 collected under ~~IC 33-37-4-1(b)(4)~~, **IC 33-37-4-1(b)(3)**,
 26 IC 33-37-4-2(b)(3), and ~~IC 33-37-4-3(b)(4)~~ **IC 33-37-4-3(b)(3)** on
 27 behalf of the alcohol and tobacco commission.

28 (b) If the alcohol and tobacco commission files a claim under
 29 IC 33-37-8-4 or IC 33-37-8-6 against a city or town user fee fund or a
 30 county user fee fund, the fiscal officer of the city or town or the county
 31 auditor shall deposit fees collected under the cause numbers submitted
 32 by the alcohol and tobacco commission into the alcoholic beverage
 33 enforcement officers' training fund established under this section.

34 (c) Claims against the alcoholic beverage enforcement officers'
 35 training fund must be submitted in accordance with IC 5-11-10.

36 (d) Money in excess of one hundred dollars (\$100) that is
 37 unencumbered and remains in the alcoholic beverage enforcement
 38 officers' training fund for at least one (1) entire calendar year from the
 39 date of its deposit shall, at the end of the state's fiscal year, be deposited
 40 in the law enforcement academy fund established under IC 5-2-1-13.

41 SECTION 4. IC 6-2.5-5-58 IS ADDED TO THE INDIANA CODE
 42 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY



1 1, 2024]: **Sec. 58. Transactions involving cannabis are exempt from**
 2 **the state gross retail tax if the person acquiring the cannabis has**
 3 **been issued a medical cannabis identification card under**
 4 **IC 16-19-3-34.**

5 SECTION 5. IC 6-7-3 IS REPEALED [EFFECTIVE JULY 1, 2024].
 6 (Controlled Substance Excise Tax).

7 SECTION 6. IC 9-30-5-1, AS AMENDED BY P.L.49-2021,
 8 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2024]: Sec. 1. (a) A person who operates a vehicle with an
 10 alcohol concentration equivalent to at least eight-hundredths (0.08)
 11 gram of alcohol but less than fifteen-hundredths (0.15) gram of alcohol
 12 per:

13 (1) one hundred (100) milliliters of the person's blood; or

14 (2) two hundred ten (210) liters of the person's breath;

15 commits a Class C misdemeanor.

16 (b) A person who operates a vehicle with an alcohol concentration
 17 equivalent to at least fifteen-hundredths (0.15) gram of alcohol per:

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

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

20 commits a Class A misdemeanor.

21 (c) A person who operates a vehicle with a controlled substance
 22 listed in schedule I or II of IC 35-48-2 or its metabolite, **not including**
 23 **THC**, in the person's blood commits a Class C misdemeanor.

24 (d) It is a defense to subsection (c) that ~~(1)~~ the accused person
 25 consumed the controlled substance in accordance with a valid
 26 prescription or order of a practitioner (as defined in IC 35-48-1) who
 27 acted in the course of the practitioner's professional practice. ~~or~~

28 ~~(2) the:~~

29 ~~(A) controlled substance is marijuana or a metabolite of~~
 30 ~~marijuana;~~

31 ~~(B) person was not intoxicated;~~

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

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

35 (e) A person who:

36 (1) operates a vehicle with at least five (5) nanograms per
 37 milliliter of THC in the person's whole blood; and

38 (2) is impaired;

39 commits a Class C misdemeanor.

40 SECTION 7. IC 9-30-5-4, AS AMENDED BY P.L.184-2019,
 41 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 42 JULY 1, 2024]: Sec. 4. (a) A person who causes serious bodily injury



- 1 to another person when operating a vehicle:
- 2 (1) with an alcohol concentration equivalent to at least
- 3 eight-hundredths (0.08) gram of alcohol per:
- 4 (A) one hundred (100) milliliters of the person's blood; or
- 5 (B) two hundred ten (210) liters of the person's breath;
- 6 (2) with a controlled substance listed in schedule I or II of
- 7 IC 35-48-2 or its metabolite, **not including THC**, in the person's
- 8 blood;
- 9 **(3) with at least five (5) nanograms per milliliter of THC in**
- 10 **the person's whole blood;** or
- 11 ~~(3)~~ **(4) while intoxicated;**
- 12 commits a Level 5 felony. However, the offense is a Level 4 felony if
- 13 the person has a previous conviction of operating while intoxicated
- 14 within the five (5) years preceding the commission of the offense.
- 15 (b) A person who violates subsection (a) commits a separate offense
- 16 for each person whose serious bodily injury is caused by the violation
- 17 of subsection (a).
- 18 (c) It is a defense under subsection (a)(2) that the accused person
- 19 consumed the controlled substance in accordance with a valid
- 20 prescription or order of a practitioner (as defined in IC 35-48-1) who
- 21 acted in the course of the practitioner's professional practice.
- 22 SECTION 8. IC 9-30-5-5, AS AMENDED BY P.L.184-2019,
- 23 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 24 JULY 1, 2024]: Sec. 5. (a) A person who causes the death or
- 25 catastrophic injury of another person when operating a vehicle:
- 26 (1) with an alcohol concentration equivalent to at least
- 27 eight-hundredths (0.08) gram of alcohol per:
- 28 (A) one hundred (100) milliliters of the person's blood; or
- 29 (B) two hundred ten (210) liters of the person's breath;
- 30 (2) with a controlled substance listed in schedule I or II of
- 31 IC 35-48-2 or its metabolite, **not including THC**, in the person's
- 32 blood;
- 33 **(3) with at least five (5) nanograms per milliliter of THC in**
- 34 **the person's whole blood;** or
- 35 ~~(3)~~ **(4) while intoxicated;**
- 36 commits a Level 4 felony.
- 37 (b) A person who causes the death of a law enforcement animal (as
- 38 defined in IC 35-46-3-4.5) when operating a vehicle:
- 39 (1) with an alcohol concentration equivalent to at least
- 40 eight-hundredths (0.08) gram of alcohol per:
- 41 (A) one hundred (100) milliliters of the person's blood; or
- 42 (B) two hundred ten (210) liters of the person's breath; or



1 (2) with a controlled substance listed in schedule I or II of
 2 IC 35-48-2 or its metabolite, **not including THC**, in the person's
 3 blood; **or**

4 **(3) with at least five (5) nanograms per milliliter of THC in**
 5 **the person's whole blood;**

6 commits a Level 6 felony.

7 (c) A person who commits an offense under subsection (a) or (b)
 8 commits a separate offense for each person or law enforcement animal
 9 whose death (or catastrophic injury, in the case of a person) is caused
 10 by the violation of subsection (a) or (b).

11 (d) It is a defense under subsection (a) or (b) that the person accused
 12 of causing the death or catastrophic injury of another person or the
 13 death of a law enforcement animal when operating a vehicle with a
 14 controlled substance listed in schedule I or II of IC 35-48-2 or its
 15 metabolite in the person's blood consumed the controlled substance in
 16 accordance with a valid prescription or order of a practitioner (as
 17 defined in IC 35-48-1) who acted in the course of the practitioner's
 18 professional practice.

19 SECTION 9. IC 9-30-6-6, AS AMENDED BY P.L.174-2021,
 20 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2024]: Sec. 6. (a) A physician, a person trained in retrieving
 22 contraband or obtaining bodily substance samples and acting under the
 23 direction of or under a protocol prepared by a physician, or a licensed
 24 health care professional acting within the professional's scope of
 25 practice and under the direction of or under a protocol prepared by a
 26 physician, who:

27 (1) obtains a blood, urine, or other bodily substance sample from
 28 a person, regardless of whether the sample is taken for diagnostic
 29 purposes or at the request of a law enforcement officer under this
 30 section;

31 (2) performs a chemical test on blood, urine, or other bodily
 32 substance obtained from a person; or

33 (3) searches for or retrieves contraband from the body cavity of an
 34 individual;

35 shall deliver the sample or contraband or disclose the results of the test
 36 to a law enforcement officer who requests the sample, contraband, or
 37 results as a part of a criminal investigation. Samples, contraband, and
 38 test results shall be provided to a law enforcement officer even if the
 39 person has not consented to or otherwise authorized their release.

40 (b) A physician, a licensed health care professional, a hospital, or an
 41 agent of a physician or hospital is not civilly or criminally liable for any
 42 of the following:



- 1 (1) Disclosing test results in accordance with this section.
- 2 (2) Delivering contraband, or a blood, urine, or other bodily
- 3 substance sample in accordance with this section.
- 4 (3) Searching for or retrieving contraband or obtaining a blood,
- 5 urine, or other bodily substance sample in accordance with this
- 6 section.
- 7 (4) Disclosing to the prosecuting attorney or the deputy
- 8 prosecuting attorney for use at or testifying at the criminal trial of
- 9 the person as to facts observed or opinions formed.
- 10 (5) Failing to treat a person from whom contraband is retrieved or
- 11 a blood, urine, or other bodily substance sample is obtained at the
- 12 request of a law enforcement officer if the person declines
- 13 treatment.
- 14 (6) Injury to a person arising from the performance of duties in
- 15 good faith under this section. However, immunity does not apply
- 16 if the physician, licensed health care professional, hospital, or
- 17 agent of a physician or hospital acts with gross negligence or
- 18 willful or wanton misconduct.
- 19 (c) For the purposes of a criminal proceeding:
- 20 (1) the privileges arising from a patient-physician relationship do
- 21 not apply to the contraband, samples, test results, or testimony
- 22 described in this section; and
- 23 (2) contraband, samples, test results, and testimony may be
- 24 admitted in a proceeding in accordance with the applicable rules
- 25 of evidence.
- 26 (d) The exceptions to the patient-physician relationship specified in
- 27 subsection (c) do not affect those relationships in a proceeding that is
- 28 not a criminal proceeding.
- 29 (e) The contraband, test results, and samples obtained by a law
- 30 enforcement officer under subsection (a) may be disclosed only to a
- 31 prosecuting attorney or a deputy prosecuting attorney for use as
- 32 evidence in a criminal proceeding.
- 33 (f) This section does not require a physician or a person under the
- 34 direction of a physician to perform a chemical test or to retrieve
- 35 contraband.
- 36 (g) If the person:
- 37 (1) from whom the contraband is to be retrieved or the bodily
- 38 substance sample is to be obtained under this section does not
- 39 consent; and
- 40 (2) resists the retrieval of the contraband or the taking of a
- 41 sample;
- 42 the law enforcement officer may use reasonable force to assist an



1 individual, who must be authorized under this section to retrieve
 2 contraband or obtain a sample, in the retrieval of the contraband or the
 3 taking of the sample.

4 (h) The person authorized under this section to retrieve contraband
 5 or obtain a bodily substance sample shall take the sample or retrieve
 6 the contraband in a medically accepted manner.

7 (i) This subsection does not apply to contraband retrieved or a
 8 bodily substance sample taken at a licensed hospital (as defined in
 9 IC 16-18-2-179(a) and IC 16-18-2-179(b)). A law enforcement officer
 10 may transport the person to a place where the contraband may be
 11 retrieved or the sample may be obtained by any of the following
 12 persons who are trained in retrieving contraband or obtaining bodily
 13 substance samples and who have been engaged to retrieve contraband
 14 or obtain samples under this section:

15 (1) A physician holding an unlimited license to practice medicine
 16 or osteopathy.

17 (2) A registered nurse.

18 (3) A licensed practical nurse.

19 (4) An advanced emergency medical technician (as defined in
 20 IC 16-18-2-6.5).

21 (5) A paramedic (as defined in IC 16-18-2-266).

22 (6) Except as provided in subsections (j) through (k), any other
 23 person qualified through training, experience, or education to
 24 retrieve contraband or obtain a bodily substance sample.

25 (j) A law enforcement officer may not retrieve contraband or obtain
 26 a bodily substance sample under this section if the contraband is to be
 27 retrieved or the sample is to be obtained from another law enforcement
 28 officer as a result of the other law enforcement officer's involvement in
 29 an accident or alleged crime.

30 (k) A law enforcement officer who is otherwise qualified to obtain
 31 a bodily substance sample under this section may obtain a bodily
 32 substance sample from a person involved in an accident or alleged
 33 crime who is not a law enforcement officer only if:

34 (1) the officer obtained a bodily substance sample from an
 35 individual as part of the officer's official duties as a law
 36 enforcement officer; and

37 (2) the:

38 (A) person consents to the officer obtaining a bodily substance
 39 sample; or

40 (B) obtaining of the bodily substance sample is authorized by
 41 a search warrant.

42 (l) A physician or a person trained in obtaining bodily samples who



1 is acting under the direction of or under a protocol prepared by a
 2 physician shall obtain a blood sample if the following conditions are
 3 satisfied:

4 (1) A law enforcement officer requests that the sample be
 5 obtained.

6 (2) The law enforcement officer has certified in writing the
 7 following:

8 (A) That the officer has probable cause to believe the person
 9 from whom the sample is to be obtained has violated
 10 IC 9-30-5-4, IC 9-30-5-5, ~~IC 35-46-9-6(b)(2)~~;
 11 **IC 35-46-9-6(c)(2)**, or ~~IC 35-46-9-6(e)~~. **IC 35-46-9-6(d)**.

12 (B) That the offense resulting in a criminal investigation
 13 described in subsection (a) occurred not more than three (3)
 14 hours before the time the sample is requested.

15 (C) That exigent circumstances exist that create pressing
 16 health, safety, or law enforcement needs that would take
 17 priority over a warrant application.

18 (3) Not more than the use of reasonable force is necessary to
 19 obtain the sample.

20 SECTION 10. IC 11-12-3.7-3, AS AMENDED BY P.L.182-2011,
 21 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2024]: Sec. 3. As used in this chapter, "drug dealing offense"
 23 means one (1) or more of the following offenses:

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

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

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

33 (4) Dealing in marijuana (**before July 1, 2024**), hash oil, hashish,
 34 salvia, or a synthetic cannabinoid (IC 35-48-4-10), unless the
 35 person received only minimal consideration as a result of the drug
 36 transaction.

37 SECTION 11. IC 15-16-7-8 IS REPEALED [EFFECTIVE JULY 1,
 38 2024]. Sec. 8. ~~In addition to the weed control board's powers and duties
 39 under section 7 of this chapter, the weed control board may establish
 40 a marijuana eradication program to eliminate and destroy wild
 41 marijuana plants within the county. The program is funded by amounts
 42 appropriated by the county:~~



1 (+) under IC 33-37-8; and
2 (2) from the county general fund.
3 SECTION 12. IC 16-19-3-34 IS ADDED TO THE INDIANA
4 CODE AS A NEW SECTION TO READ AS FOLLOWS
5 [EFFECTIVE JULY 1, 2024]: **Sec. 34. (a) The state department shall**
6 **establish a medical cannabis identification card program to issue**
7 **a photo identification card to:**
8 (1) the patient of a physician if the physician has
9 recommended that the patient use cannabis to address a
10 medical condition; or
11 (2) the caregiver of a patient described in subdivision (1).
12 **(b) The state department shall adopt rules to implement this**
13 **section.**
14 SECTION 13. IC 16-31-3-14, AS AMENDED BY P.L.170-2022,
15 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2024]: Sec. 14. (a) A person holding a certificate or license
17 issued under this article must comply with the applicable standards and
18 rules established under this article. A certificate holder or license
19 holder is subject to disciplinary sanctions under subsection (b) if the
20 department of homeland security determines that the certificate holder
21 or license holder:
22 (1) engaged in or knowingly cooperated in fraud or material
23 deception in order to obtain a certificate or license, including
24 cheating on a certification or licensure examination;
25 (2) engaged in fraud or material deception in the course of
26 professional services or activities;
27 (3) advertised services or goods in a false or misleading manner;
28 (4) falsified or knowingly allowed another person to falsify
29 attendance records or certificates of completion of continuing
30 education courses required under this article or rules adopted
31 under this article;
32 (5) is convicted of a crime, if the act that resulted in the
33 conviction has a direct bearing on determining if the certificate
34 holder or license holder should be entrusted to provide emergency
35 medical services;
36 (6) is convicted of violating IC 9-19-14.5;
37 (7) fails to comply and maintain compliance with or violates any
38 applicable provision, standard, or other requirement of this article
39 or rules adopted under this article;
40 (8) continues to practice if the certificate holder or license holder
41 becomes unfit to practice due to:
42 (A) professional incompetence that includes the undertaking



- 1 of professional activities that the certificate holder or license
 2 holder is not qualified by training or experience to undertake;
 3 (B) failure to keep abreast of current professional theory or
 4 practice;
 5 (C) physical or mental disability; or
 6 (D) addiction to, abuse of, or dependency on alcohol or other
 7 drugs that endanger the public by impairing the certificate
 8 holder's or license holder's ability to practice safely;
- 9 (9) engages in a course of lewd or immoral conduct in connection
 10 with the delivery of services to the public;
- 11 (10) allows the certificate holder's or license holder's name or a
 12 certificate or license issued under this article to be used in
 13 connection with a person who renders services beyond the scope
 14 of that person's training, experience, or competence;
- 15 (11) is subjected to disciplinary action in another state or
 16 jurisdiction on grounds similar to those contained in this chapter.
 17 For purposes of this subdivision, a certified copy of a record of
 18 disciplinary action constitutes prima facie evidence of a
 19 disciplinary action in another jurisdiction;
- 20 (12) assists another person in committing an act that would
 21 constitute a ground for disciplinary sanction under this chapter;
- 22 (13) allows a certificate or license issued by the commission to
 23 be:
- 24 (A) used by another person; or
 25 (B) displayed to the public when the certificate or license is
 26 expired, inactive, invalid, revoked, or suspended; or
- 27 (14) fails to notify the department in writing of any misdemeanor
 28 or felony criminal conviction, except traffic related misdemeanors
 29 other than operating a motor vehicle under the influence of a drug
 30 or alcohol, within ninety (90) days after the entry of an order or
 31 judgment. A certified copy of the order or judgment with a letter
 32 of explanation must be submitted to the department along with the
 33 written notice.
- 34 (b) The department of homeland security may issue an order under
 35 IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if
 36 the department of homeland security determines that a certificate
 37 holder or license holder is subject to disciplinary sanctions under
 38 subsection (a):
- 39 (1) Revocation of a certificate holder's certificate or license
 40 holder's license for a period not to exceed seven (7) years.
 41 (2) Suspension of a certificate holder's certificate or license
 42 holder's license for a period not to exceed seven (7) years.



- 1 (3) Censure of a certificate holder or license holder.
 2 (4) Issuance of a letter of reprimand.
 3 (5) Assessment of a civil penalty against the certificate holder or
 4 license holder in accordance with the following:
 5 (A) The civil penalty may not exceed five hundred dollars
 6 (\$500) per day per violation.
 7 (B) If the certificate holder or license holder fails to pay the
 8 civil penalty within the time specified by the department of
 9 homeland security, the department of homeland security may
 10 suspend the certificate holder's certificate or license holder's
 11 license without additional proceedings.
 12 (6) Placement of a certificate holder or license holder on
 13 probation status and requirement of the certificate holder or
 14 license holder to:
 15 (A) report regularly to the department of homeland security
 16 upon the matters that are the basis of probation;
 17 (B) limit practice to those areas prescribed by the department
 18 of homeland security;
 19 (C) continue or renew professional education approved by the
 20 department of homeland security until a satisfactory degree of
 21 skill has been attained in those areas that are the basis of the
 22 probation; or
 23 (D) perform or refrain from performing any acts, including
 24 community restitution or service without compensation, that
 25 the department of homeland security considers appropriate to
 26 the public interest or to the rehabilitation or treatment of the
 27 certificate holder or license holder.
 28 The department of homeland security may withdraw or modify
 29 this probation if the department of homeland security finds after
 30 a hearing that the deficiency that required disciplinary action is
 31 remedied or that changed circumstances warrant a modification
 32 of the order.
 33 (c) If an applicant or a certificate holder or license holder has
 34 engaged in or knowingly cooperated in fraud or material deception to
 35 obtain a certificate or license, including cheating on the certification or
 36 licensure examination, the department of homeland security may
 37 rescind the certificate or license if it has been granted, void the
 38 examination or other fraudulent or deceptive material, and prohibit the
 39 applicant from reapplying for the certificate or license for a length of
 40 time established by the department of homeland security.
 41 (d) The department of homeland security may deny certification or
 42 licensure to an applicant who would be subject to disciplinary sanctions



1 under subsection (b) if that person were a certificate holder or license
 2 holder, has had disciplinary action taken against the applicant or the
 3 applicant's certificate or license to practice in another state or
 4 jurisdiction, or has practiced without a certificate or license in violation
 5 of the law. A certified copy of the record of disciplinary action is
 6 conclusive evidence of the other jurisdiction's disciplinary action.

7 (e) The department of homeland security may order a certificate
 8 holder or license holder to submit to a reasonable physical or mental
 9 examination if the certificate holder's or license holder's physical or
 10 mental capacity to practice safely and competently is at issue in a
 11 disciplinary proceeding. Failure to comply with a department of
 12 homeland security order to submit to a physical or mental examination
 13 makes a certificate holder or license holder liable to temporary
 14 suspension under subsection (i).

15 (f) Except as provided under subsection (a), subsection (g), and
 16 section 14.5 of this chapter, a certificate or license may not be denied,
 17 revoked, or suspended because the applicant, certificate holder, or
 18 license holder has been convicted of an offense. The acts from which
 19 the applicant's, certificate holder's, or license holder's conviction
 20 resulted may be considered as to whether the applicant or certificate
 21 holder or license holder should be entrusted to serve the public in a
 22 specific capacity.

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

- 27 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- 28 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 29 (3) Possession of a controlled substance under IC 35-48-4-7(a).
- 30 (4) Fraudulently obtaining a controlled substance under
 31 IC 35-48-4-7(c).
- 32 (5) Manufacture of paraphernalia as a Class D felony (for a crime
 33 committed before July 1, 2014) or Level 6 felony (for a crime
 34 committed after June 30, 2014) under IC 35-48-4-8.1(b).
- 35 (6) Dealing in paraphernalia as a Class D felony (for a crime
 36 committed before July 1, 2014) or Level 6 felony (for a crime
 37 committed after June 30, 2014) under IC 35-48-4-8.5(b).
- 38 (7) Possession of paraphernalia as a Class D felony (for a crime
 39 committed before July 1, 2014) or Level 6 felony (for a crime
 40 committed after June 30, 2014) under IC 35-48-4-8.3(b) (before
 41 its amendment on July 1, 2015).
- 42 (8) Possession of marijuana (**before July 1, 2024**), hash oil,



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

4 (9) A felony offense under IC 35-48-4 involving:

5 (A) possession of a synthetic drug (as defined in
 6 IC 35-31.5-2-321);

7 (B) possession of a synthetic drug lookalike substance (as
 8 defined in IC 35-31.5-2-321.5 (before its repeal on July 1,
 9 2019)) as a:

10 (i) Class D felony (for a crime committed before July 1,
 11 2014); or

12 (ii) Level 6 felony (for a crime committed after June 30,
 13 2014);

14 under IC 35-48-4-11.5 (before its repeal on July 1, 2019); or

15 (C) possession of a controlled substance analog (as defined in
 16 IC 35-48-1-9.3).

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

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

22 (h) A decision of the department of homeland security under
 23 subsections (b) through (g) may be appealed to the commission under
 24 IC 4-21.5-3-7.

25 (i) The department of homeland security may temporarily suspend
 26 a certificate holder's certificate or license holder's license under
 27 IC 4-21.5-4 before a final adjudication or during the appeals process if
 28 the department of homeland security finds that a certificate holder or
 29 license holder would represent a clear and immediate danger to the
 30 public's health, safety, or property if the certificate holder or license
 31 holder were allowed to continue to practice.

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

37 (k) The department of homeland security shall conduct a factfinding
 38 investigation as the department of homeland security considers proper
 39 in relation to the complaint.

40 (l) The department of homeland security may reinstate a certificate
 41 or license that has been suspended under this section if the department
 42 of homeland security is satisfied that the applicant is able to practice



1 with reasonable skill, competency, and safety to the public. As a
 2 condition of reinstatement, the department of homeland security may
 3 impose disciplinary or corrective measures authorized under this
 4 chapter.

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

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

11 (o) A certificate holder may not surrender the certificate holder's
 12 certificate, and a license holder may not surrender the license holder's
 13 license, without the written approval of the department of homeland
 14 security, and the department of homeland security may impose any
 15 conditions appropriate to the surrender or reinstatement of a
 16 surrendered certificate or license.

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

- 19 (1) an unlimited certificate;
- 20 (2) a limited or probationary certificate; or
- 21 (3) an inactive certificate.

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

- 24 (1) an unlimited license;
- 25 (2) a limited or probationary license; or
- 26 (3) an inactive license.

27 SECTION 14. IC 16-31-3-14.5, AS AMENDED BY P.L.142-2020,
 28 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2024]: Sec. 14.5. The department of homeland security may
 30 issue an order under IC 4-21.5-3-6 to deny an applicant's request for
 31 certification or licensure or permanently revoke a certificate or license
 32 under procedures provided by section 14 of this chapter if the
 33 individual who holds the certificate or license issued under this title is
 34 convicted of any of the following:

- 35 (1) Dealing in a controlled substance resulting in death under
 36 IC 35-42-1-1.5.
- 37 (2) Dealing in or manufacturing cocaine or a narcotic drug under
 38 IC 35-48-4-1.
- 39 (3) Dealing in methamphetamine under IC 35-48-4-1.1.
- 40 (4) Manufacturing methamphetamine under IC 35-48-4-1.2.
- 41 (5) Dealing in a schedule I, II, or III controlled substance under
 42 IC 35-48-4-2.



- 1 (6) Dealing in a schedule IV controlled substance under
 2 IC 35-48-4-3.
 3 (7) Dealing in a schedule V controlled substance under
 4 IC 35-48-4-4.
 5 (8) Dealing in a substance represented to be a controlled
 6 substance under IC 35-48-4-4.5 (repealed).
 7 (9) Knowingly or intentionally manufacturing, advertising,
 8 distributing, or possessing with intent to manufacture, advertise,
 9 or distribute a substance represented to be a controlled substance
 10 under IC 35-48-4-4.6.
 11 (10) Dealing in a counterfeit substance under IC 35-48-4-5.
 12 (11) Dealing in ~~marijuana~~, hash oil, hashish, or salvia as a felony
 13 under IC 35-48-4-10.
 14 (12) An offense under IC 35-48-4 involving the manufacture or
 15 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
 16 synthetic drug lookalike substance (as defined in
 17 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
 18 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
 19 substance analog (as defined in IC 35-48-1-9.3), or a substance
 20 represented to be a controlled substance (as described in
 21 IC 35-48-4-4.6).
 22 (13) A crime of violence (as defined in IC 35-50-1-2(a)).
 23 SECTION 15. IC 16-42-27-2, AS AMENDED BY P.L.36-2023,
 24 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2024]: Sec. 2. (a) A prescriber may, directly or by standing
 26 order, prescribe or dispense an overdose intervention drug without
 27 examining the individual to whom it may be administered if all of the
 28 following conditions are met:
 29 (1) The overdose intervention drug is dispensed or prescribed to:
 30 (A) a person at risk of experiencing an opioid-related
 31 overdose; or
 32 (B) a family member, a friend, or any other individual or entity
 33 in a position to assist an individual who, there is reason to
 34 believe, is at risk of experiencing an opioid-related overdose.
 35 (2) The prescriber instructs the individual receiving the overdose
 36 intervention drug or prescription to summon emergency services
 37 either immediately before or immediately after administering the
 38 overdose intervention drug to an individual experiencing a
 39 opioid-related overdose.
 40 (3) The prescriber provides education and training on drug
 41 overdose response and treatment, including the administration of
 42 an overdose intervention drug.



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



- 1 (B) the dates of sale of the overdose intervention drug
 2 dispensed; and
 3 (C) any additional information requested by the state
 4 department.
- 5 (f) The state department shall ensure that a statewide standing order
 6 for the dispensing of an overdose intervention drug in Indiana is issued
 7 under this section. The state health commissioner or a designated
 8 public health authority who is a licensed prescriber may, as part of the
 9 individual's official capacity, issue a statewide standing order that may
 10 be used for the dispensing of an overdose intervention drug under this
 11 section. A statewide standing order issued under this section must
 12 allow for choice in the:
- 13 (1) purchasing;
 - 14 (2) dispensing; and
 - 15 (3) distributing;
- 16 of any formulation or dosage of a naloxone product that is approved by
 17 the federal Food and Drug Administration. The immunity provided in
 18 IC 34-13-3-3 applies to an individual described in this subsection.
- 19 (g) A law enforcement officer may not take an individual into
 20 custody based solely on the commission of an offense described in
 21 subsection (h), if the law enforcement officer, after making a
 22 reasonable determination and considering the facts and surrounding
 23 circumstances, reasonably believes that the individual:
- 24 (1) obtained the overdose intervention drug as described in
 25 subsection (a)(1);
 - 26 (2) complied with the provisions in subsection (d);
 - 27 (3) administered an overdose intervention drug to an individual
 28 who appeared to be experiencing an opioid-related overdose;
 - 29 (4) provided:
 - 30 (A) the individual's full name; and
 - 31 (B) any other relevant information requested by the law
 32 enforcement officer;
 - 33 (5) remained at the scene with the individual who reasonably
 34 appeared to be in need of medical assistance until emergency
 35 medical assistance arrived;
 - 36 (6) cooperated with emergency medical assistance personnel and
 37 law enforcement officers at the scene; and
 - 38 (7) came into contact with law enforcement because the
 39 individual requested emergency medical assistance for another
 40 individual who appeared to be experiencing an opioid-related
 41 overdose.
- 42 (h) An individual who meets the criteria in subsection (g) is immune



1 from criminal prosecution for the following:

- 2 (1) IC 35-48-4-6 (possession of cocaine).
 3 (2) IC 35-48-4-6.1 (possession of methamphetamine).
 4 (3) IC 35-48-4-7 (possession of a controlled substance).
 5 (4) IC 35-48-4-8.3 (possession of paraphernalia).
 6 (5) IC 35-48-4-11 (possession of marijuana **(before July 1, 2024)**
 7 **or possession of hashish, hash oil, or salvia**).
 8 (6) An offense under IC 35-48-4 involving possession of a
 9 synthetic drug (as defined in IC 35-31.5-2-321), possession of a
 10 controlled substance analog (as defined in IC 35-48-1-9.3), or
 11 possession of a substance represented to be a controlled substance
 12 (as described in IC 35-48-4-4.6).

13 SECTION 16. IC 20-28-5-8, AS AMENDED BY P.L.125-2022,
 14 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2024]: Sec. 8. (a) This section applies when a prosecuting
 16 attorney knows that a licensed employee of a public school or a
 17 nonpublic school has been convicted of an offense listed in subsection
 18 (c). The prosecuting attorney shall immediately give written notice of
 19 the conviction to the following:

- 20 (1) The secretary of education.
 21 (2) Except as provided in subdivision (3), the superintendent of
 22 the school corporation that employs the licensed employee or the
 23 equivalent authority if a nonpublic school employs the licensed
 24 employee.
 25 (3) The presiding officer of the governing body of the school
 26 corporation that employs the licensed employee, if the convicted
 27 licensed employee is the superintendent of the school corporation.

28 (b) The superintendent of a school corporation, presiding officer of
 29 the governing body, or equivalent authority for a nonpublic school shall
 30 immediately notify the secretary of education when the individual
 31 knows that a current or former licensed employee of the public school
 32 or nonpublic school has been convicted of an offense listed in
 33 subsection (c), or when the governing body or equivalent authority for
 34 a nonpublic school takes any final action in relation to an employee
 35 who engaged in any offense listed in subsection (c).

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

- 39 (1) The following felonies:
 40 (A) A sex crime under IC 35-42-4 (including criminal deviate
 41 conduct (IC 35-42-4-2) (before its repeal)).
 42 (B) Kidnapping (IC 35-42-3-2).



- 1 (C) Criminal confinement (IC 35-42-3-3).
 2 (D) Incest (IC 35-46-1-3).
 3 (E) Dealing in or manufacturing cocaine or a narcotic drug (IC
 4 35-48-4-1).
 5 (F) Dealing in methamphetamine (IC 35-48-4-1.1).
 6 (G) Manufacturing methamphetamine (IC 35-48-4-1.2).
 7 (H) Dealing in a schedule I, II, or III controlled substance (IC
 8 35-48-4-2).
 9 (I) Dealing in a schedule IV controlled substance (IC
 10 35-48-4-3).
 11 (J) Dealing in a schedule V controlled substance (IC
 12 35-48-4-4).
 13 (K) Dealing in a counterfeit substance (IC 35-48-4-5).
 14 (L) Dealing in ~~marijuana~~, hash oil, hashish, or salvia as a
 15 felony (IC 35-48-4-10).
 16 (M) An offense under IC 35-48-4 involving the manufacture
 17 or sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
 18 synthetic drug lookalike substance (as defined in
 19 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
 20 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a
 21 controlled substance analog (as defined in IC 35-48-1-9.3), or
 22 a substance represented to be a controlled substance (as
 23 described in IC 35-48-4-4.6).
 24 (N) Homicide (IC 35-42-1).
 25 (O) Voluntary manslaughter (IC 35-42-1-3).
 26 (P) Reckless homicide (IC 35-42-1-5).
 27 (Q) Battery as any of the following:
 28 (i) A Class A felony (for a crime committed before July 1,
 29 2014) or a Level 2 felony (for a crime committed after June
 30 30, 2014).
 31 (ii) A Class B felony (for a crime committed before July 1,
 32 2014) or a Level 3 felony (for a crime committed after June
 33 30, 2014).
 34 (iii) A Class C felony (for a crime committed before July 1,
 35 2014) or a Level 5 felony (for a crime committed after June
 36 30, 2014).
 37 (R) Aggravated battery (IC 35-42-2-1.5).
 38 (S) Robbery (IC 35-42-5-1).
 39 (T) Carjacking (IC 35-42-5-2) (before its repeal).
 40 (U) Arson as a Class A felony or Class B felony (for a crime
 41 committed before July 1, 2014) or as a Level 2, Level 3, or
 42 Level 4 felony (for a crime committed after June 30, 2014) (IC



- 1 35-43-1-1(a)).
- 2 (V) Burglary as a Class A felony or Class B felony (for a crime
- 3 committed before July 1, 2014) or as a Level 1, Level 2, Level
- 4 3, or Level 4 felony (for a crime committed after June 30,
- 5 2014) (IC 35-43-2-1).
- 6 (W) Human trafficking (IC 35-42-3.5).
- 7 (X) Dealing in a controlled substance resulting in death (IC
- 8 35-42-1-1.5).
- 9 (Y) Attempt under IC 35-41-5-1 to commit an offense listed in
- 10 this subsection.
- 11 (Z) Conspiracy under IC 35-41-5-2 to commit an offense listed
- 12 in this subsection.
- 13 (2) Public indecency (IC 35-45-4-1) committed:
- 14 (A) after June 30, 2003; or
- 15 (B) before July 1, 2003, if the person committed the offense
- 16 by, in a public place:
- 17 (i) engaging in sexual intercourse or other sexual conduct
- 18 (as defined in IC 35-31.5-2-221.5);
- 19 (ii) appearing in a state of nudity with the intent to arouse
- 20 the sexual desires of the person or another person, or being
- 21 at least eighteen (18) years of age, with the intent to be seen
- 22 by a child less than sixteen (16) years of age; or
- 23 (iii) fondling the person's genitals or the genitals of another
- 24 person.
- 25 (d) The department shall permanently revoke the license of a person
- 26 who is known by the department to have been convicted of a federal
- 27 offense or an offense in another state that is comparable to a felony or
- 28 misdemeanor listed in subsection (c).
- 29 (e) A license may be suspended by the secretary of education as
- 30 specified in IC 20-28-7.5.
- 31 (f) The department shall develop a data base of information on
- 32 school corporation employees who have been reported to the
- 33 department under this section.
- 34 (g) Upon receipt of information from the office of judicial
- 35 administration in accordance with IC 33-24-6-3 concerning persons
- 36 convicted of an offense listed in subsection (c), the department shall:
- 37 (1) cross check the information received from the office of
- 38 judicial administration with information concerning licensed
- 39 teachers (as defined in IC 20-18-2-22(b)) maintained by the
- 40 department; and
- 41 (2) if a licensed teacher (as defined in IC 20-18-2-22(b)) has been
- 42 convicted of an offense described in subsection (c), revoke the



- 1 licensed teacher's license.
- 2 SECTION 17. IC 22-15-5-16, AS AMENDED BY P.L.142-2020,
 3 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2024]: Sec. 16. (a) A practitioner shall comply with the
 5 standards established under this licensing program. A practitioner is
 6 subject to the exercise of the disciplinary sanctions under subsection
 7 (b) if the department finds that a practitioner has:
- 8 (1) engaged in or knowingly cooperated in fraud or material
 9 deception in order to obtain a license to practice, including
 10 cheating on a licensing examination;
 - 11 (2) engaged in fraud or material deception in the course of
 12 professional services or activities;
 - 13 (3) advertised services or goods in a false or misleading manner;
 - 14 (4) falsified or knowingly allowed another person to falsify
 15 attendance records or certificates of completion of continuing
 16 education courses provided under this chapter;
 - 17 (5) been convicted of a crime that has a direct bearing on the
 18 practitioner's ability to continue to practice competently;
 - 19 (6) knowingly violated a state statute or rule or federal statute or
 20 regulation regulating the profession for which the practitioner is
 21 licensed;
 - 22 (7) continued to practice although the practitioner has become
 23 unfit to practice due to:
 - 24 (A) professional incompetence;
 - 25 (B) failure to keep abreast of current professional theory or
 26 practice;
 - 27 (C) physical or mental disability; or
 - 28 (D) addiction to, abuse of, or severe dependency on alcohol or
 29 other drugs that endanger the public by impairing a
 30 practitioner's ability to practice safely;
 - 31 (8) engaged in a course of lewd or immoral conduct in connection
 32 with the delivery of services to the public;
 - 33 (9) allowed the practitioner's name or a license issued under this
 34 chapter to be used in connection with an individual or business
 35 who renders services beyond the scope of that individual's or
 36 business's training, experience, or competence;
 - 37 (10) had disciplinary action taken against the practitioner or the
 38 practitioner's license to practice in another state or jurisdiction on
 39 grounds similar to those under this chapter;
 - 40 (11) assisted another person in committing an act that would
 41 constitute a ground for disciplinary sanction under this chapter;
 - 42 or



1 (12) allowed a license issued by the department to be:

2 (A) used by another person; or

3 (B) displayed to the public when the license has expired, is
4 inactive, is invalid, or has been revoked or suspended.

5 For purposes of subdivision (10), a certified copy of a record of
6 disciplinary action constitutes prima facie evidence of a disciplinary
7 action in another jurisdiction.

8 (b) The department may impose one (1) or more of the following
9 sanctions if the department finds that a practitioner is subject to
10 disciplinary sanctions under subsection (a):

11 (1) Permanent revocation of a practitioner's license.

12 (2) Suspension of a practitioner's license.

13 (3) Censure of a practitioner.

14 (4) Issuance of a letter of reprimand.

15 (5) Assessment of a civil penalty against the practitioner in
16 accordance with the following:

17 (A) The civil penalty may not be more than one thousand
18 dollars (\$1,000) for each violation listed in subsection (a),
19 except for a finding of incompetency due to a physical or
20 mental disability.

21 (B) When imposing a civil penalty, the department shall
22 consider a practitioner's ability to pay the amount assessed. If
23 the practitioner fails to pay the civil penalty within the time
24 specified by the department, the department may suspend the
25 practitioner's license without additional proceedings. However,
26 a suspension may not be imposed if the sole basis for the
27 suspension is the practitioner's inability to pay a civil penalty.

28 (6) Placement of a practitioner on probation status and
29 requirement of the practitioner to:

30 (A) report regularly to the department upon the matters that
31 are the basis of probation;

32 (B) limit practice to those areas prescribed by the department;

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

36 (D) perform or refrain from performing any acts, including
37 community restitution or service without compensation, that
38 the department considers appropriate to the public interest or
39 to the rehabilitation or treatment of the practitioner.

40 The department may withdraw or modify this probation if the
41 department finds after a hearing that the deficiency that required
42 disciplinary action has been remedied or that changed



1 circumstances warrant a modification of the order.

2 (c) If an applicant or a practitioner has engaged in or knowingly
3 cooperated in fraud or material deception to obtain a license to
4 practice, including cheating on the licensing examination, the
5 department may rescind the license if it has been granted, void the
6 examination or other fraudulent or deceptive material, and prohibit the
7 applicant from reapplying for the license for a length of time
8 established by the department.

9 (d) The department may deny licensure to an applicant who has had
10 disciplinary action taken against the applicant or the applicant's license
11 to practice in another state or jurisdiction or who has practiced without
12 a license in violation of the law. A certified copy of the record of
13 disciplinary action is conclusive evidence of the other jurisdiction's
14 disciplinary action.

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

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

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

- 30 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
31 (2) Possession of methamphetamine under IC 35-48-4-6.1.
32 (3) Possession of a controlled substance under IC 35-48-4-7(a).
33 (4) Fraudulently obtaining a controlled substance under
34 IC 35-48-4-7(b) (for a crime committed before July 1, 2014) or
35 IC 35-48-4-7(c) (for a crime committed after June 30, 2014).
36 (5) Manufacture of paraphernalia as a Class D felony (for a crime
37 committed before July 1, 2014) or a Level 6 felony (for a crime
38 committed after June 30, 2014) under IC 35-48-4-8.1(b).
39 (6) Dealing in paraphernalia as a Class D felony (for a crime
40 committed before July 1, 2014) or a Level 6 felony (for a crime
41 committed after June 30, 2014) under IC 35-48-4-8.5(b).
42 (7) Possession of paraphernalia as a Class D felony (for a crime



- 1 committed before July 1, 2014) or a Level 6 felony (for a crime
 2 committed after June 30, 2014) under IC 35-48-4-8.3(b) (before
 3 its amendment on July 1, 2015).
- 4 (8) Possession of ~~marijuana~~, hash oil, hashish, or salvia as a Class
 5 D felony (for a crime committed before July 1, 2014) or a Level
 6 6 felony (for a crime committed after June 30, 2014) under
 7 IC 35-48-4-11.
- 8 (9) A felony offense under IC 35-48-4 involving possession of a
 9 synthetic drug (as defined in IC 35-31.5-2-321), possession of a
 10 controlled substance analog (as defined in IC 35-48-1-9.3), or
 11 possession of a synthetic drug lookalike substance (as defined in
 12 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:
- 13 (A) Class D felony for a crime committed before July 1, 2014;
 14 or
- 15 (B) Level 6 felony for a crime committed after June 30, 2014;
 16 under IC 35-48-4-11.5 (before its repeal on July 1, 2019).
- 17 (10) Maintaining a common nuisance under IC 35-48-4-13
 18 (repealed) or IC 35-45-1-5, if the common nuisance involves a
 19 controlled substance.
- 20 (11) An offense relating to registration, labeling, and prescription
 21 forms under IC 35-48-4-14.
- 22 (h) The department shall deny, revoke, or suspend a license issued
 23 under this chapter if the individual who holds the license is convicted
 24 of any of the following:
- 25 (1) Dealing in a controlled substance resulting in death under
 26 IC 35-42-1-1.5.
- 27 (2) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.
- 28 (3) Dealing in methamphetamine under IC 35-48-4-1.1.
- 29 (4) Manufacturing methamphetamine under IC 35-48-4-1.2.
- 30 (5) Dealing in a schedule I, II, or III controlled substance under
 31 IC 35-48-4-2.
- 32 (6) Dealing in a schedule IV controlled substance under
 33 IC 35-48-4-3.
- 34 (7) Dealing in a schedule V controlled substance under
 35 IC 35-48-4-4.
- 36 (8) Dealing in a substance represented to be a controlled
 37 substance under IC 35-48-4-4.5 (repealed).
- 38 (9) Knowingly or intentionally manufacturing, advertising,
 39 distributing, or possessing with intent to manufacture, advertise,
 40 or distribute a substance represented to be a controlled substance
 41 under IC 35-48-4-4.6.
- 42 (10) Dealing in a counterfeit substance under IC 35-48-4-5.



- 1 (11) Dealing in ~~marijuana~~, hash oil, hashish, or salvia as a felony
 2 under IC 35-48-4-10.
- 3 (12) An offense under IC 35-48-4 involving the manufacture or
 4 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
 5 synthetic drug lookalike substance (as defined in
 6 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
 7 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
 8 substance analog (as defined in IC 35-48-1-9.3), or a substance
 9 represented to be a controlled substance (as described in
 10 IC 35-48-4-4.6).
- 11 (13) A violation of any federal or state drug law or rule related to
 12 wholesale legend drug distributors licensed under IC 25-26-14.
- 13 (i) A decision of the department under subsections (b) through (h)
 14 may be appealed to the commission under IC 4-21.5-3-7.
- 15 (j) The department may temporarily suspend a practitioner's license
 16 under IC 4-21.5-4 before a final adjudication or during the appeals
 17 process if the department finds that a practitioner represents a clear and
 18 immediate danger to the public's health, safety, or property if the
 19 practitioner is allowed to continue to practice.
- 20 (k) On receipt of a complaint or an information alleging that a
 21 person licensed under this chapter has engaged in or is engaging in a
 22 practice that jeopardizes the public health, safety, or welfare, the
 23 department shall initiate an investigation against the person.
- 24 (l) Any complaint filed with the office of the attorney general
 25 alleging a violation of this licensing program shall be referred to the
 26 department for summary review and for its general information and any
 27 authorized action at the time of the filing.
- 28 (m) The department shall conduct a fact finding investigation as the
 29 department considers proper in relation to the complaint.
- 30 (n) The department may reinstate a license that has been suspended
 31 under this section if, after a hearing, the department is satisfied that the
 32 applicant is able to practice with reasonable skill, safety, and
 33 competency to the public. As a condition of reinstatement, the
 34 department may impose disciplinary or corrective measures authorized
 35 under this chapter.
- 36 (o) The department may not reinstate a license that has been
 37 revoked under this chapter. An individual whose license has been
 38 revoked under this chapter may not apply for a new license until seven
 39 (7) years after the date of revocation.
- 40 (p) The department shall seek to achieve consistency in the
 41 application of sanctions authorized in this chapter. Significant
 42 departures from prior decisions involving similar conduct must be



1 explained in the department's findings or orders.

2 (q) A practitioner may petition the department to accept the
3 surrender of the practitioner's license instead of having a hearing before
4 the commission. The practitioner may not surrender the practitioner's
5 license without the written approval of the department, and the
6 department may impose any conditions appropriate to the surrender or
7 reinstatement of a surrendered license.

8 (r) A practitioner who has been subjected to disciplinary sanctions
9 may be required by the commission to pay the costs of the proceeding.
10 The practitioner's ability to pay shall be considered when costs are
11 assessed. If the practitioner fails to pay the costs, a suspension may not
12 be imposed solely upon the practitioner's inability to pay the amount
13 assessed. The costs are limited to costs for the following:

- 14 (1) Court reporters.
- 15 (2) Transcripts.
- 16 (3) Certification of documents.
- 17 (4) Photo duplication.
- 18 (5) Witness attendance and mileage fees.
- 19 (6) Postage.
- 20 (7) Expert witnesses.
- 21 (8) Depositions.
- 22 (9) Notarizations.

23 SECTION 18. IC 25-1-1.1-2, AS AMENDED BY P.L.142-2020,
24 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2024]: Sec. 2. Notwithstanding IC 25-1-7, a board, a
26 commission, or a committee may suspend, deny, or revoke a license or
27 certificate issued under this title by the board, the commission, or the
28 committee without an investigation by the office of the attorney general
29 if the individual who holds the license or certificate is convicted of any
30 of the following and the board, commission, or committee determines,
31 after the individual has appeared in person, that the offense affects the
32 individual's ability to perform the duties of the profession:

- 33 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- 34 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 35 (3) Possession of a controlled substance under IC 35-48-4-7(a).
- 36 (4) Fraudulently obtaining a controlled substance under
37 IC 35-48-4-7(c).
- 38 (5) Manufacture of paraphernalia as a Class D felony (for a crime
39 committed before July 1, 2014) or a Level 6 felony (for a crime
40 committed after June 30, 2014) under IC 35-48-4-8.1(b).
- 41 (6) Dealing in paraphernalia as a Class D felony (for a crime
42 committed before July 1, 2014) or a Level 6 felony (for a crime



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

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

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

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

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

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

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

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

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

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

27 SECTION 19. IC 25-1-1.1-3, AS AMENDED BY P.L.142-2020,
28 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2024]: Sec. 3. A board, a commission, or a committee shall
30 revoke or suspend a license or certificate issued under this title by the
31 board, the commission, or the committee if the individual who holds
32 the license or certificate is convicted of any of the following:

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

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

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

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

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

41 (6) Dealing in a schedule IV controlled substance under
42 IC 35-48-4-3.



- 1 (7) Dealing in a schedule V controlled substance under
 2 IC 35-48-4-4.
 3 (8) Dealing in a substance represented to be a controlled
 4 substance under IC 35-48-4-4.5 (before its repeal on July 1,
 5 2019).
 6 (9) Knowingly or intentionally manufacturing, advertising,
 7 distributing, or possessing with intent to manufacture, advertise,
 8 or distribute a substance represented to be a controlled substance
 9 under IC 35-48-4-4.6.
 10 (10) Dealing in a counterfeit substance under IC 35-48-4-5.
 11 (11) Dealing in ~~marijuana~~, hash oil, hashish, or salvia as a felony
 12 under IC 35-48-4-10.
 13 (12) An offense under IC 35-48-4 involving the manufacture or
 14 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
 15 synthetic drug lookalike substance (as defined in
 16 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
 17 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
 18 substance analog (as defined in IC 35-48-1-9.3), or a substance
 19 represented to be a controlled substance (as described in
 20 IC 35-48-4-4.6).
 21 (13) A violation of any federal or state drug law or rule related to
 22 wholesale legend drug distributors licensed under IC 25-26-14.
 23 SECTION 20. IC 33-37-4-1, AS AMENDED BY P.L.120-2023,
 24 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2024]: Sec. 1. (a) For each action that results in a felony
 26 conviction under IC 35-50-2 or a misdemeanor conviction under
 27 IC 35-50-3, the clerk shall collect from the defendant a criminal costs
 28 fee of one hundred twenty dollars (\$120).
 29 (b) In addition to the criminal costs fee collected under this section,
 30 the clerk shall collect from the defendant the following fees if they are
 31 required under IC 33-37-5:
 32 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
 33 IC 33-37-5-4).
 34 ~~(2) A marijuana eradication program fee (IC 33-37-5-7).~~
 35 ~~(3)~~ (2) An alcohol and drug services program fee (IC
 36 33-37-5-8(b)).
 37 ~~(4)~~ (3) A law enforcement continuing education program fee (IC
 38 33-37-5-8(c)).
 39 ~~(5)~~ (4) A drug abuse, prosecution, interdiction, and correction fee
 40 (IC 33-37-5-9).
 41 ~~(6)~~ (5) An alcohol and drug countermeasures fee (IC 33-37-5-10).
 42 ~~(7)~~ (6) A child abuse prevention fee (IC 33-37-5-12).



- 1 ~~(8)~~ (7) A domestic violence prevention and treatment fee (IC
2 33-37-5-13).
3 ~~(9)~~ (8) A highway worksite fee (IC 33-37-5-14).
4 ~~(10)~~ (9) A deferred prosecution fee (IC 33-37-5-17).
5 ~~(11)~~ (10) A document storage fee (IC 33-37-5-20).
6 ~~(12)~~ (11) An automated record keeping fee (IC 33-37-5-21).
7 ~~(13)~~ (12) A late payment fee (IC 33-37-5-22).
8 ~~(14)~~ (13) A sexual assault victims assistance fee (IC 33-37-5-23).
9 ~~(15)~~ (14) A public defense administration fee (IC 33-37-5-21.2).
10 ~~(16)~~ (15) A judicial insurance adjustment fee (IC 33-37-5-25).
11 ~~(17)~~ (16) A judicial salaries fee (IC 33-37-5-26).
12 ~~(18)~~ (17) A court administration fee (IC 33-37-5-27).
13 ~~(19)~~ (18) A DNA sample processing fee (IC 33-37-5-26.2).

14 (c) Instead of the criminal costs fee prescribed by this section,
15 except for the automated record keeping fee (IC 33-37-5-21), the clerk
16 shall collect a pretrial diversion program fee if an agreement between
17 the prosecuting attorney and the accused person entered into under
18 IC 33-39-1-8 requires payment of those fees by the accused person.
19 The pretrial diversion program fee is:

- 20 (1) an initial user's fee of fifty dollars (\$50) for a misdemeanor
21 offense;
22 (2) an initial user's fee of seventy-five dollars (\$75) for a felony
23 offense;
24 (3) a monthly user's fee of twenty dollars (\$20) for each month
25 that the person remains in the pretrial diversion program; and
26 (4) any additional program fee or cost that is:
27 (A) reasonably related to the person's rehabilitation; and
28 (B) approved by the court.

29 A monthly user fee may not be collected beyond the maximum length
30 of the possible sentence.

31 (d) The clerk shall transfer to the county auditor or city or town
32 fiscal officer the following fees, not later than thirty (30) days after the
33 fees are collected:

- 34 (1) The pretrial diversion fee.
35 ~~(2) The marijuana eradication program fee.~~
36 ~~(3)~~ (2) The alcohol and drug services program fee.
37 ~~(4)~~ (3) The law enforcement continuing education program fee.

38 The auditor or fiscal officer shall deposit fees transferred under this
39 subsection in the appropriate user fee fund established under
40 IC 33-37-8.

41 (e) Unless otherwise directed by a court, if a clerk collects only part
42 of a criminal costs fee from a defendant under this section, the clerk



- 1 shall distribute the partial payment of the criminal costs fee as follows:
 2 (1) The clerk shall apply the partial payment to general court
 3 costs.
 4 (2) If there is money remaining after the partial payment is
 5 applied to general court costs under subdivision (1), the clerk
 6 shall distribute the remainder of the partial payment for deposit in
 7 the appropriate county user fee fund.
 8 (3) If there is money remaining after distribution under
 9 subdivision (2), the clerk shall distribute the remainder of the
 10 partial payment for deposit in the state user fee fund.
 11 (4) If there is money remaining after distribution under
 12 subdivision (3), the clerk shall distribute the remainder of the
 13 partial payment to any other applicable user fee fund.
 14 (5) If there is money remaining after distribution under
 15 subdivision (4), the clerk shall apply the remainder of the partial
 16 payment to any outstanding fines owed by the defendant.

17 SECTION 21. IC 33-37-4-3, AS AMENDED BY P.L.85-2017,
 18 SECTION 110, IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2024]: Sec. 3. (a) The clerk shall collect a
 20 juvenile costs fee of one hundred twenty dollars (\$120) for each action
 21 filed under any of the following:

- 22 (1) IC 31-34 (children in need of services).
 23 (2) IC 31-37 (delinquent children).
 24 (3) IC 31-14 (paternity).
 25 (b) In addition to the juvenile costs fee collected under this section,
 26 the clerk shall collect the following fees, if they are required under
 27 IC 33-37-5:
 28 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
 29 IC 33-37-5-4).
 30 ~~(2) A marijuana eradication program fee (IC 33-37-5-7).~~
 31 ~~(3)~~ **(2)** An alcohol and drug services program fee (IC
 32 33-37-5-8(b)).
 33 ~~(4)~~ **(3)** A law enforcement continuing education program fee (IC
 34 33-37-5-8(c)).
 35 ~~(5)~~ **(4)** An alcohol and drug countermeasures fee (IC 33-37-5-10).
 36 ~~(6)~~ **(5)** A document storage fee (IC 33-37-5-20).
 37 ~~(7)~~ **(6)** An automated record keeping fee (IC 33-37-5-21).
 38 ~~(8)~~ **(7)** A late payment fee (IC 33-37-5-22).
 39 ~~(9)~~ **(8)** A public defense administration fee (IC 33-37-5-21.2).
 40 ~~(10)~~ **(9)** A judicial insurance adjustment fee (IC 33-37-5-25).
 41 ~~(11)~~ **(10)** A judicial salaries fee (IC 33-37-5-26).
 42 ~~(12)~~ **(11)** A court administration fee (IC 33-37-5-27).



1 ~~(13)~~ **(12)** A DNA sample processing fee (IC 33-37-5-26.2).

2 (c) The clerk shall transfer to the county auditor or city or town
3 fiscal officer the following fees not later than thirty (30) days after they
4 are collected:

5 ~~(1)~~ The marijuana eradication program fee ~~(IC 33-37-5-7)~~;

6 ~~(2)~~ **(1)** The alcohol and drug services program fee (IC
7 33-37-5-8(b)).

8 ~~(3)~~ **(2)** The law enforcement continuing education program fee
9 (IC 33-37-5-8(c)).

10 The auditor or fiscal officer shall deposit the fees in the appropriate
11 user fee fund established under IC 33-37-8.

12 SECTION 22. IC 33-37-5-7 IS REPEALED [EFFECTIVE JULY 1,
13 2024]. Sec. 7: ~~(a) This section applies to criminal actions.~~

14 ~~(b) The clerk shall collect the marijuana eradication program fee set
15 by the court under IC 15-16-7-8, if:~~

16 ~~(1) a weed control board has been established in the county under
17 IC 15-16-7-3; and~~

18 ~~(2) the person has been convicted of an offense under IC 35-48-4
19 in a case prosecuted in that county.~~

20 ~~(c) The court may set a fee under this section of not more than three
21 hundred dollars (\$300).~~

22 SECTION 23. IC 33-37-7-2, AS AMENDED BY THE
23 TECHNICAL CORRECTIONS BILL OF THE 2024 GENERAL
24 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2024]: Sec. 2. (a) The clerk of a circuit court shall distribute
26 semiannually to the ~~auditor of state~~ **comptroller** as the state share for
27 deposit in the homeowner protection unit account established by
28 IC 4-6-12-9 one hundred percent (100%) of the automated record
29 keeping fees collected under IC 33-37-5-21 with respect to actions
30 resulting in the accused person entering into a pretrial diversion
31 program agreement under IC 33-39-1-8 or a deferral program
32 agreement under IC 34-28-5-1 and for deposit in the state general fund
33 seventy percent (70%) of the amount of fees collected under the
34 following:

35 (1) IC 33-37-4-1(a) (criminal costs fees).

36 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

37 (3) IC 33-37-4-3(a) (juvenile costs fees).

38 (4) IC 33-37-4-4(a) (civil costs fees).

39 (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

40 (6) IC 33-37-4-7(a) (probate costs fees).

41 (7) IC 33-37-5-17 (deferred prosecution fees).

42 (b) The clerk of a circuit court shall distribute semiannually to the



1 auditor of state for deposit in the state user fee fund established in
2 IC 33-37-9-2 the following:

3 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
4 interdiction, and correction fees collected under
5 ~~IC 33-37-4-1(b)(5)~~; **IC 33-37-4-1(b)(4)**.

6 (2) Twenty-five percent (25%) of the alcohol and drug
7 countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~;
8 **IC 33-37-4-1(b)(5)**, IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5)~~;
9 **IC 33-37-4-3(b)(4)**.

10 (3) One hundred percent (100%) of the child abuse prevention
11 fees collected under ~~IC 33-37-4-1(b)(7)~~; **IC 33-37-4-1(b)(6)**.

12 (4) One hundred percent (100%) of the domestic violence
13 prevention and treatment fees collected under ~~IC 33-37-4-1(b)(8)~~;
14 **IC 33-37-4-1(b)(7)**.

15 (5) One hundred percent (100%) of the highway worksite fees
16 collected under ~~IC 33-37-4-1(b)(9)~~ **IC 33-37-4-1(b)(8)** and
17 IC 33-37-4-2(b)(5).

18 (6) Seventy-five percent (75%) of the safe schools fee collected
19 under IC 33-37-5-18.

20 (7) One hundred percent (100%) of the automated record keeping
21 fee collected under IC 33-37-5-21 not distributed under
22 subsection (a).

23 (c) The clerk of a circuit court shall distribute monthly to the county
24 auditor the following:

25 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
26 interdiction, and correction fees collected under
27 ~~IC 33-37-4-1(b)(5)~~; **IC 33-37-4-1(b)(4)**.

28 (2) Seventy-five percent (75%) of the alcohol and drug
29 countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~;
30 **IC 33-37-4-1(b)(5)**, IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5)~~;
31 **IC 33-37-4-3(b)(4)**.

32 The county auditor shall deposit fees distributed by a clerk under this
33 subsection into the county drug free community fund established under
34 IC 5-2-11.

35 (d) The clerk of a circuit court shall distribute monthly to the county
36 auditor one hundred percent (100%) of the late payment fees collected
37 under IC 33-37-5-22. The county auditor shall deposit fees distributed
38 by a clerk under this subsection as follows:

39 (1) If directed to do so by an ordinance adopted by the county
40 fiscal body, the county auditor shall deposit forty percent (40%)
41 of the fees in the clerk's record perpetuation fund established
42 under IC 33-37-5-2 and sixty percent (60%) of the fees in the



- 1 county general fund.
- 2 (2) If the county fiscal body has not adopted an ordinance
3 described in subdivision (1), the county auditor shall deposit all
4 the fees in the county general fund.
- 5 (e) The clerk of the circuit court shall distribute semiannually to the
6 ~~auditor of state~~ **comptroller** for deposit in the sexual assault victims
7 assistance fund established by IC 5-2-6-23(d) one hundred percent
8 (100%) of the sexual assault victims assistance fees collected under
9 IC 33-37-5-23.
- 10 (f) The clerk of a circuit court shall distribute monthly to the county
11 auditor the following:
- 12 (1) One hundred percent (100%) of the support and maintenance
13 fees for cases designated as non-Title IV-D child support cases in
14 the Indiana support enforcement tracking system (ISETS) or the
15 successor statewide automated support enforcement system
16 collected under IC 33-37-5-6.
- 17 (2) The percentage share of the support and maintenance fees for
18 cases designated as Title IV-D child support cases in ISETS or the
19 successor statewide automated support enforcement system
20 collected under IC 33-37-5-6 that is reimbursable to the county at
21 the federal financial participation rate.
- 22 The county clerk shall distribute monthly to the department of child
23 services the percentage share of the support and maintenance fees for
24 cases designated as Title IV-D child support cases in ISETS, or the
25 successor statewide automated support enforcement system, collected
26 under IC 33-37-5-6 that is not reimbursable to the county at the
27 applicable federal financial participation rate.
- 28 (g) The clerk of a circuit court shall distribute monthly to the county
29 auditor the following:
- 30 (1) One hundred percent (100%) of the small claims service fee
31 under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in
32 the county general fund.
- 33 (2) One hundred percent (100%) of the small claims garnishee
34 service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for
35 deposit in the county general fund.
- 36 (3) Twenty-five percent (25%) of the safe schools fee collected
37 under IC 33-37-5-18 for deposit in the county general fund.
- 38 (h) This subsection does not apply to court administration fees
39 collected in small claims actions filed in a court described in IC 33-34.
40 The clerk of a circuit court shall semiannually distribute to the ~~auditor~~
41 **of state comptroller** for deposit in the state general fund one hundred
42 percent (100%) of the following:



- 1 (1) The public defense administration fee collected under
 2 IC 33-37-5-21.2.
- 3 (2) The judicial salaries fees collected under IC 33-37-5-26.
- 4 (3) The DNA sample processing fees collected under
 5 IC 33-37-5-26.2.
- 6 (4) The court administration fees collected under IC 33-37-5-27.
- 7 (5) The judicial insurance adjustment fee collected under
 8 IC 33-37-5-25.
- 9 (i) The proceeds of the service fee collected under
 10 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as
 11 follows:
- 12 (1) The clerk shall distribute one hundred percent (100%) of the
 13 service fees collected in a circuit, superior, county, or probate
 14 court to the county auditor for deposit in the county general fund.
- 15 (2) The clerk shall distribute one hundred percent (100%) of the
 16 service fees collected in a city or town court to the city or town
 17 fiscal officer for deposit in the city or town general fund.
- 18 (j) The proceeds of the garnishee service fee collected under
 19 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as
 20 follows:
- 21 (1) The clerk shall distribute one hundred percent (100%) of the
 22 garnishee service fees collected in a circuit, superior, county, or
 23 probate court to the county auditor for deposit in the county
 24 general fund.
- 25 (2) The clerk shall distribute one hundred percent (100%) of the
 26 garnishee service fees collected in a city or town court to the city
 27 or town fiscal officer for deposit in the city or town general fund.
- 28 (k) The clerk of the circuit court shall distribute semiannually to the
 29 ~~auditor of state~~ **comptroller** for deposit in the home ownership
 30 education account established by IC 5-20-1-27 one hundred percent
 31 (100%) of the following:
- 32 (1) The mortgage foreclosure counseling and education fees
 33 collected under IC 33-37-5-33 (before its expiration on July 1,
 34 2017).
- 35 (2) Any civil penalties imposed and collected by a court for a
 36 violation of a court order in a foreclosure action under
 37 IC 32-30-10.5.
- 38 (l) The clerk of a circuit court shall distribute semiannually to the
 39 ~~auditor of state~~ **comptroller** for deposit in the pro bono legal services
 40 fund established by IC 33-37-5-34 one hundred percent (100%) of the
 41 pro bono legal services fees collected before July 1, 2025, under
 42 IC 33-37-5-31.



1 SECTION 24. IC 33-37-7-8, AS AMENDED BY THE
 2 TECHNICAL CORRECTIONS BILL OF THE 2024 GENERAL
 3 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2024]: Sec. 8. (a) The clerk of a city or town court shall
 5 distribute semiannually to the ~~auditor~~ of state **comptroller** as the state
 6 share for deposit in the homeowner protection unit account established
 7 by IC 4-6-12-9 one hundred percent (100%) of the automated record
 8 keeping fees collected under IC 33-37-5-21 with respect to actions
 9 resulting in the accused person entering into a pretrial diversion
 10 program agreement under IC 33-39-1-8 or a deferral program
 11 agreement under IC 34-28-5-1 and for deposit in the state general fund
 12 fifty-five percent (55%) of the amount of fees collected under the
 13 following:

- 14 (1) IC 33-37-4-1(a) (criminal costs fees).
- 15 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 16 (3) IC 33-37-4-4(a) (civil costs fees).
- 17 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 18 (5) IC 33-37-5-17 (deferred prosecution fees).

19 (b) The city or town fiscal officer shall distribute monthly to the
 20 county auditor as the county share twenty percent (20%) of the amount
 21 of fees collected under the following:

- 22 (1) IC 33-37-4-1(a) (criminal costs fees).
- 23 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 24 (3) IC 33-37-4-4(a) (civil costs fees).
- 25 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 26 (5) IC 33-37-5-17 (deferred prosecution fees).

27 (c) The city or town fiscal officer shall retain twenty-five percent
 28 (25%) as the city or town share of the fees collected under the
 29 following:

- 30 (1) IC 33-37-4-1(a) (criminal costs fees).
- 31 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 32 (3) IC 33-37-4-4(a) (civil costs fees).
- 33 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 34 (5) IC 33-37-5-17 (deferred prosecution fees).

35 (d) The clerk of a city or town court shall distribute semiannually to
 36 the ~~auditor~~ of state **comptroller** for deposit in the state user fee fund
 37 established in IC 33-37-9 the following:

- 38 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 39 interdiction, and correction fees collected under
 40 ~~IC 33-37-4-1(b)(5)~~. **IC 33-37-4-1(b)(4)**.
- 41 (2) Twenty-five percent (25%) of the alcohol and drug
 42 countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~;



- 1 ~~IC 33-37-4-1(b)(5), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).~~
 2 **IC 33-37-4-3(b)(4).**
 3 (3) One hundred percent (100%) of the highway worksite fees
 4 collected under ~~IC 33-37-4-1(b)(9)~~ **IC 33-37-4-1(b)(8)** and
 5 IC 33-37-4-2(b)(5).
 6 (4) Seventy-five percent (75%) of the safe schools fee collected
 7 under IC 33-37-5-18.
 8 (5) One hundred percent (100%) of the automated record keeping
 9 fee collected under IC 33-37-5-21 not distributed under
 10 subsection (a).
 11 (e) The clerk of a city or town court shall distribute monthly to the
 12 county auditor the following:
 13 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
 14 interdiction, and correction fees collected under
 15 ~~IC 33-37-4-1(b)(5)~~. **IC 33-37-4-1(b)(4).**
 16 (2) Seventy-five percent (75%) of the alcohol and drug
 17 countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~;
 18 **IC 33-37-4-1(b)(5)**, IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5)~~.
 19 **IC 33-37-4-3(b)(4).**
 20 The county auditor shall deposit fees distributed by a clerk under this
 21 subsection into the county drug free community fund established under
 22 IC 5-2-11.
 23 (f) The clerk of a city or town court shall distribute monthly to the
 24 city or town fiscal officer (as defined in IC 36-1-2-7) one hundred
 25 percent (100%) of the following:
 26 (1) The late payment fees collected under IC 33-37-5-22.
 27 (2) The small claims service fee collected under
 28 IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).
 29 (3) The small claims garnishee service fee collected under
 30 IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).
 31 (4) Twenty-five percent (25%) of the safe schools fee collected
 32 under IC 33-37-5-18.
 33 The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit
 34 fees distributed by a clerk under this subsection in the city or town
 35 general fund.
 36 (g) The clerk of a city or town court shall semiannually distribute to
 37 the ~~auditor of state~~ **comptroller** for deposit in the state general fund
 38 one hundred percent (100%) of the following:
 39 (1) The public defense administration fee collected under
 40 IC 33-37-5-21.2.
 41 (2) The DNA sample processing fees collected under
 42 IC 33-37-5-26.2.



1 (3) The court administration fees collected under IC 33-37-5-27.

2 (4) The judicial insurance adjustment fee collected under
3 IC 33-37-5-25.

4 (h) The clerk of a city or town court shall semiannually distribute to
5 the ~~auditor~~ of state **comptroller** for deposit in the state general fund
6 seventy-five percent (75%) of the judicial salaries fee collected under
7 IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five
8 percent (25%) of the judicial salaries fee collected under
9 IC 33-37-5-26. The funds retained by the city or town shall be
10 prioritized to fund city or town court operations.

11 (i) The clerk of a city or town court shall distribute semiannually to
12 the ~~auditor~~ of state **comptroller** for deposit in the pro bono legal
13 services fund established by IC 33-37-5-34 one hundred percent
14 (100%) of the pro bono legal services fees collected before July 1,
15 2025, under IC 33-37-5-31.

16 SECTION 25. IC 33-37-8-5, AS AMENDED BY P.L.101-2022,
17 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
18 JULY 1, 2024]: Sec. 5. (a) A county user fee fund is established in each
19 county to finance various program services. The county fund is
20 administered by the county auditor.

21 (b) The county fund consists of the following fees collected by a
22 clerk under this article:

23 (1) The pretrial diversion program fee.

24 ~~(2) The marijuana eradication program fee.~~

25 ~~(3) (2) The alcohol and drug services program fee.~~

26 ~~(4) (3) The law enforcement continuing education program fee.~~

27 ~~(5) (4) The deferral program fee.~~

28 ~~(6) (5) The jury fee.~~

29 ~~(7) (6) The problem solving court fee.~~

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

33 SECTION 26. IC 34-24-1-1, AS AMENDED BY P.L.185-2023,
34 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2024]: Sec. 1. (a) The following may be seized:

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

40 (A) A controlled substance for the purpose of committing,
41 attempting to commit, or conspiring to commit any of the
42 following:



- 1 (i) Dealing in or manufacturing cocaine or a narcotic drug
 2 (IC 35-48-4-1).
 3 (ii) Dealing in methamphetamine (IC 35-48-4-1.1).
 4 (iii) Manufacturing methamphetamine (IC 35-48-4-1.2).
 5 (iv) Dealing in a schedule I, II, or III controlled substance
 6 (IC 35-48-4-2).
 7 (v) Dealing in a schedule IV controlled substance (IC
 8 35-48-4-3).
 9 (vi) Dealing in a schedule V controlled substance (IC
 10 35-48-4-4).
 11 (vii) Dealing in a counterfeit substance (IC 35-48-4-5).
 12 (viii) Possession of cocaine or a narcotic drug (IC
 13 35-48-4-6).
 14 (ix) Possession of methamphetamine (IC 35-48-4-6.1).
 15 (x) Dealing in paraphernalia (IC 35-48-4-8.5).
 16 (xi) Dealing in marijuana (**before July 1, 2024**), hash oil,
 17 hashish, or salvia (IC 35-48-4-10).
 18 (xii) An offense under IC 35-48-4 involving a synthetic drug
 19 (as defined in IC 35-31.5-2-321), a synthetic drug lookalike
 20 substance (as defined in IC 35-31.5-2-321.5 (before its
 21 repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its
 22 repeal on July 1, 2019), a controlled substance analog (as
 23 defined in IC 35-48-1-9.3), or a substance represented to be
 24 a controlled substance (as described in IC 35-48-4-4.6).
 25 (B) Any stolen (IC 35-43-4-2 or IC 35-43-4-2.2) or converted
 26 property (IC 35-43-4-3) if the retail or repurchase value of that
 27 property is one hundred dollars (\$100) or more.
 28 (C) Any hazardous waste in violation of IC 13-30-10-1.5.
 29 (D) A bomb (as defined in IC 35-31.5-2-31) or weapon of
 30 mass destruction (as defined in IC 35-31.5-2-354) used to
 31 commit, used in an attempt to commit, or used in a conspiracy
 32 to commit a felony terrorist offense (as defined in
 33 IC 35-50-2-18) or an offense under IC 35-47 as part of or in
 34 furtherance of an act of terrorism (as defined by
 35 IC 35-31.5-2-329).
 36 (2) All money, negotiable instruments, securities, weapons,
 37 communications devices, or any property used to commit, used in
 38 an attempt to commit, or used in a conspiracy to commit a felony
 39 terrorist offense (as defined in IC 35-50-2-18) or an offense under
 40 IC 35-47 as part of or in furtherance of an act of terrorism or
 41 commonly used as consideration for a violation of IC 35-48-4
 42 (other than items subject to forfeiture under IC 16-42-20-5 or



- 1 IC 16-6-8.5-5.1, before its repeal):
- 2 (A) furnished or intended to be furnished by any person in
- 3 exchange for an act that is in violation of a criminal statute;
- 4 (B) used to facilitate any violation of a criminal statute; or
- 5 (C) traceable as proceeds of the violation of a criminal statute.
- 6 (3) Any portion of real or personal property purchased with
- 7 money that is traceable as a proceed of a violation of a criminal
- 8 statute.
- 9 (4) A vehicle that is used by a person to:
- 10 (A) commit, attempt to commit, or conspire to commit;
- 11 (B) facilitate the commission of; or
- 12 (C) escape from the commission of;
- 13 murder (IC 35-42-1-1), dealing in a controlled substance resulting
- 14 in death (IC 35-42-1-1.5), kidnapping (IC 35-42-3-2), criminal
- 15 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting
- 16 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense
- 17 under IC 35-47 as part of or in furtherance of an act of terrorism.
- 18 (5) Real property owned by a person who uses it to commit any of
- 19 the following as a Level 1, Level 2, Level 3, Level 4, or Level 5
- 20 felony:
- 21 (A) Dealing in or manufacturing cocaine or a narcotic drug (IC
- 22 35-48-4-1).
- 23 (B) Dealing in methamphetamine (IC 35-48-4-1.1).
- 24 (C) Manufacturing methamphetamine (IC 35-48-4-1.2).
- 25 (D) Dealing in a schedule I, II, or III controlled substance (IC
- 26 35-48-4-2).
- 27 (E) Dealing in a schedule IV controlled substance (IC
- 28 35-48-4-3).
- 29 (F) Dealing in marijuana (**before July 1, 2024**), hash oil,
- 30 hashish, or salvia (IC 35-48-4-10).
- 31 (G) Dealing in a synthetic drug (as defined in
- 32 IC 35-31.5-2-321) or synthetic drug lookalike substance (as
- 33 defined in IC 35-31.5-2-321.5 (before its repeal on July 1,
- 34 2019)) under IC 35-48-4-10.5 (before its repeal on July 1,
- 35 2019).
- 36 (H) Dealing in a controlled substance resulting in death (IC
- 37 35-42-1-1.5).
- 38 (6) Equipment and recordings used by a person to commit fraud
- 39 under IC 35-43-5.
- 40 (7) Recordings sold, rented, transported, or possessed by a person
- 41 in violation of IC 24-4-10.
- 42 (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as



- 1 defined by IC 35-45-6-1) that is the object of a corrupt business
 2 influence violation (IC 35-45-6-2).
- 3 (9) Unlawful telecommunications devices (as defined in
 4 IC 35-45-13-6) and plans, instructions, or publications used to
 5 commit an offense under IC 35-45-13.
- 6 (10) Any equipment, including computer equipment and cellular
 7 telephones, used for or intended for use in preparing,
 8 photographing, recording, videotaping, digitizing, printing,
 9 copying, or disseminating matter in violation of IC 35-42-4.
- 10 (11) Destructive devices used, possessed, transported, or sold in
 11 violation of IC 35-47.5.
- 12 (12) Tobacco products that are sold in violation of IC 24-3-5,
 13 tobacco products that a person attempts to sell in violation of
 14 IC 24-3-5, and other personal property owned and used by a
 15 person to facilitate a violation of IC 24-3-5.
- 16 (13) Property used by a person to commit counterfeiting or
 17 forgery in violation of IC 35-43-5-2.
- 18 (14) After December 31, 2005, if a person is convicted of an
 19 offense specified in IC 25-26-14-26(b) or IC 35-43-10, the
 20 following real or personal property:
- 21 (A) Property used or intended to be used to commit, facilitate,
 22 or promote the commission of the offense.
- 23 (B) Property constituting, derived from, or traceable to the
 24 gross proceeds that the person obtained directly or indirectly
 25 as a result of the offense.
- 26 (15) Except as provided in subsection (e), a vehicle used by a
 27 person who operates the vehicle:
- 28 (A) while intoxicated, in violation of IC 9-30-5-1 through
 29 IC 9-30-5-5, if in the previous five (5) years the person has two
 30 (2) or more prior unrelated convictions for operating a motor
 31 vehicle while intoxicated in violation of IC 9-30-5-1 through
 32 IC 9-30-5-5; or
- 33 (B) on a highway while the person's driving privileges are
 34 suspended in violation of IC 9-24-19-2 through IC 9-24-19-3,
 35 if in the previous five (5) years the person has two (2) or more
 36 prior unrelated convictions for operating a vehicle while
 37 intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5.
- 38 If a court orders the seizure of a vehicle under this subdivision,
 39 the court shall transmit an order to the bureau of motor vehicles
 40 recommending that the bureau not permit a vehicle to be
 41 registered in the name of the person whose vehicle was seized
 42 until the person possesses a current driving license (as defined in



- 1 IC 9-13-2-41).
- 2 (16) The following real or personal property:
- 3 (A) Property used or intended to be used to commit, facilitate,
- 4 or promote the commission of an offense specified in
- 5 IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or
- 6 IC 30-2-13-38(f).
- 7 (B) Property constituting, derived from, or traceable to the
- 8 gross proceeds that a person obtains directly or indirectly as a
- 9 result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b),
- 10 IC 30-2-10-9(b), or IC 30-2-13-38(f).
- 11 (17) Real or personal property, including a vehicle, that is used by
- 12 a person to:
- 13 (A) commit, attempt to commit, or conspire to commit;
- 14 (B) facilitate the commission of; or
- 15 (C) escape from the commission of;
- 16 a violation of IC 35-42-3.5-1 through IC 35-42-3.5-1.4 (human
- 17 trafficking) or IC 35-45-4-4 (promoting prostitution).
- 18 (b) A vehicle used by any person as a common or contract carrier in
- 19 the transaction of business as a common or contract carrier is not
- 20 subject to seizure under this section, unless it can be proven by a
- 21 preponderance of the evidence that the owner of the vehicle knowingly
- 22 permitted the vehicle to be used to engage in conduct that subjects it to
- 23 seizure under subsection (a).
- 24 (c) Equipment under subsection (a)(10) may not be seized unless it
- 25 can be proven by a preponderance of the evidence that the owner of the
- 26 equipment knowingly permitted the equipment to be used to engage in
- 27 conduct that subjects it to seizure under subsection (a)(10).
- 28 (d) Money, negotiable instruments, securities, weapons,
- 29 communications devices, or any property commonly used as
- 30 consideration for a violation of IC 35-48-4 found near or on a person
- 31 who is committing, attempting to commit, or conspiring to commit any
- 32 of the following offenses shall be admitted into evidence in an action
- 33 under this chapter as prima facie evidence that the money, negotiable
- 34 instrument, security, or other thing of value is property that has been
- 35 used or was to have been used to facilitate the violation of a criminal
- 36 statute or is the proceeds of the violation of a criminal statute:
- 37 (1) IC 35-42-1-1.5 (dealing in a controlled substance resulting in
- 38 death).
- 39 (2) IC 35-48-4-1 (dealing in or manufacturing cocaine or a
- 40 narcotic drug).
- 41 (3) IC 35-48-4-1.1 (dealing in methamphetamine).
- 42 (4) IC 35-48-4-1.2 (manufacturing methamphetamine).



- 1 (5) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled
2 substance).
- 3 (6) IC 35-48-4-3 (dealing in a schedule IV controlled substance).
- 4 (7) IC 35-48-4-4 (dealing in a schedule V controlled substance)
5 as a Level 4 felony.
- 6 (8) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a
7 Level 3, Level 4, or Level 5 felony.
- 8 (9) IC 35-48-4-6.1 (possession of methamphetamine) as a Level
9 3, Level 4, or Level 5 felony.
- 10 (10) IC 35-48-4-10 (dealing in marijuana (**before July 1, 2024**),
11 hash oil, hashish, or salvia) as a Level 5 felony.
- 12 (11) IC 35-48-4-10.5 (before its repeal on July 1, 2019) (dealing
13 in a synthetic drug or synthetic drug lookalike substance) as a
14 Level 5 felony or Level 6 felony (or as a Class C felony or Class
15 D felony under IC 35-48-4-10 before its amendment in 2013).
- 16 (e) A vehicle operated by a person who is not:
- 17 (1) an owner of the vehicle; or
- 18 (2) the spouse of the person who owns the vehicle;
- 19 is not subject to seizure under subsection (a)(15) unless it can be
20 proven by a preponderance of the evidence that the owner of the
21 vehicle knowingly permitted the vehicle to be used to engage in
22 conduct that subjects it to seizure under subsection (a)(15).
- 23 SECTION 27. IC 35-31.5-2-33.7 IS ADDED TO THE INDIANA
24 CODE AS A NEW SECTION TO READ AS FOLLOWS
25 [EFFECTIVE JULY 1, 2024]: **Sec. 33.7. "Cannabis", for purposes**
26 **of IC 35-48, has the meaning set forth in IC 35-48-1-19.**
- 27 SECTION 28. IC 35-31.5-2-195 IS REPEALED [EFFECTIVE
28 JULY 1, 2024]. ~~Sec. 195. "Marijuana", for purposes of IC 35-48, has~~
29 ~~the meaning set forth in IC 35-48-1-19.~~
- 30 SECTION 29. IC 35-45-1-5, AS AMENDED BY P.L.144-2018,
31 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2024]: Sec. 5. (a) As used in this section, "common nuisance"
33 means a building, structure, vehicle, or other place that is used for (1)
34 or more of the following purposes:
- 35 (1) To buy an alcoholic beverage in violation of IC 7.1-5-10-5.
- 36 (2) To unlawfully use, keep, or sell a legend drug.
- 37 (3) To unlawfully:
- 38 (A) use;
- 39 (B) manufacture;
- 40 (C) keep;
- 41 (D) offer for sale;
- 42 (E) sell;



- 1 (F) deliver; or
 2 (G) finance the delivery of;
 3 a controlled substance or an item of drug paraphernalia (as
 4 described in IC 35-48-4-8.5).
 5 (4) To provide a location for a person to pay, offer to pay, or agree
 6 to pay money or other property to another person for a human
 7 trafficking victim or an act performed by a human trafficking
 8 victim.
 9 (5) To provide a location for a person to commit a violation of
 10 IC 35-42-3.5-1 through IC 35-42-3.5-1.4 (human trafficking).
 11 (b) A person who knowingly or intentionally visits a common
 12 nuisance described in subsections (a)(1) through (a)(4) commits
 13 visiting a common nuisance. The offense is a:
 14 (1) Class B misdemeanor if the common nuisance is used for the
 15 unlawful:
 16 (A) sale of an alcoholic beverage as set forth in subsection
 17 (a)(1);
 18 (B) use, keeping, or sale of a legend drug as set forth in
 19 subsection (a)(2); or
 20 (C) use, manufacture, keeping, offer for sale, sale, delivery, or
 21 financing the delivery of a controlled substance or item of drug
 22 paraphernalia (as described in IC 35-48-4-8.5), as set forth in
 23 subsection (a)(3);
 24 (2) Class A misdemeanor if:
 25 (A) the common nuisance is used as a location for a person to
 26 pay, offer to pay, or agree to pay for a human trafficking victim
 27 or an act performed by a human trafficking victim as set forth
 28 in subsection (a)(4); or
 29 (B) the person knowingly, intentionally, or recklessly takes a
 30 person less than eighteen (18) years of age or an endangered
 31 adult (as defined in IC 12-10-3-2) into a common nuisance
 32 used to unlawfully:
 33 (i) use;
 34 (ii) manufacture;
 35 (iii) keep;
 36 (iv) offer for sale;
 37 (v) sell;
 38 (vi) deliver; or
 39 (vii) finance the delivery of;
 40 a controlled substance or an item of drug paraphernalia, as set
 41 forth in subsection (a)(3); and
 42 (3) Level 6 felony if the person:



- 1 (A) knowingly, intentionally, or recklessly takes a person less
 2 than eighteen (18) years of age or an endangered adult (as
 3 defined in IC 12-10-3-2) into a common nuisance used to
 4 unlawfully:
 5 (i) use;
 6 (ii) manufacture;
 7 (iii) keep;
 8 (iv) offer for sale;
 9 (v) sell;
 10 (vi) deliver; or
 11 (vii) finance the delivery of;
 12 a controlled substance or an item of drug paraphernalia, as set
 13 forth in subsection (a)(3); and
 14 (B) has a prior unrelated conviction for a violation of this
 15 section involving a controlled substance or drug paraphernalia.
 16 (c) A person who knowingly or intentionally maintains a common
 17 nuisance commits maintaining a common nuisance, a Level 6 felony.
 18 (d) It is a defense to a prosecution under subsection (c) that:
 19 (1) the offense involves only the unlawful use or keeping of:
 20 (A) less than:
 21 (i) thirty (30) grams of marijuana (**for an offense**
 22 **committed before July 1, 2024**); or
 23 (ii) five (5) grams of hash oil, hashish, or salvia; or
 24 (B) an item of drug paraphernalia (as described in
 25 IC 35-48-4-8.5) that is designed for use with, or intended to be
 26 used for, marijuana (**for an offense committed before July 1,**
 27 **2024**), hash oil, hashish, or salvia; and
 28 (2) the person does not have a prior unrelated conviction for a
 29 violation of subsection (c).
 30 SECTION 30. IC 35-45-6-1, AS AMENDED BY P.L.185-2023,
 31 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2024]: Sec. 1. (a) The definitions in this section apply
 33 throughout this chapter.
 34 (b) "Documentary material" means any document, drawing,
 35 photograph, recording, or other tangible item containing compiled data
 36 from which information can be either obtained or translated into a
 37 usable form.
 38 (c) "Enterprise" means:
 39 (1) a sole proprietorship, corporation, limited liability company,
 40 partnership, business trust, or governmental entity; or
 41 (2) a union, an association, or a group, whether a legal entity or
 42 merely associated in fact.



1 (d) "Pattern of racketeering activity" means engaging in at least two
2 (2) incidents of racketeering activity that have the same or similar
3 intent, result, accomplice, victim, or method of commission, or that are
4 otherwise interrelated by distinguishing characteristics that are not
5 isolated incidents. However, the incidents are a pattern of racketeering
6 activity only if at least one (1) of the incidents occurred after August
7 31, 1980, and if the last of the incidents occurred within five (5) years
8 after a prior incident of racketeering activity.

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

- 12 (1) A provision of IC 23-19, or of a rule or order issued under
13 IC 23-19.
- 14 (2) A violation of IC 35-45-9.
- 15 (3) A violation of IC 35-47.
- 16 (4) A violation of IC 35-49-3.
- 17 (5) Murder (IC 35-42-1-1).
- 18 (6) Battery as a Class C felony before July 1, 2014, or a Level 5
19 felony after June 30, 2014 (IC 35-42-2-1).
- 20 (7) Kidnapping (IC 35-42-3-2).
- 21 (8) Human and sexual trafficking crimes (IC 35-42-3.5).
- 22 (9) Child exploitation (IC 35-42-4-4).
- 23 (10) Robbery (IC 35-42-5-1).
- 24 (11) Carjacking (IC 35-42-5-2) (before its repeal).
- 25 (12) Arson (IC 35-43-1-1).
- 26 (13) Burglary (IC 35-43-2-1).
- 27 (14) Theft (IC 35-43-4-2).
- 28 (15) Receiving stolen property (IC 35-43-4-2) (before its
29 amendment on July 1, 2018).
- 30 (16) Forgery (IC 35-43-5-2).
- 31 (17) An offense under IC 35-43-5.
- 32 (18) Bribery (IC 35-44.1-1-2).
- 33 (19) Official misconduct (IC 35-44.1-1-1).
- 34 (20) Conflict of interest (IC 35-44.1-1-4).
- 35 (21) Perjury (IC 35-44.1-2-1).
- 36 (22) Obstruction of justice (IC 35-44.1-2-2).
- 37 (23) Intimidation (IC 35-45-2-1).
- 38 (24) Promoting prostitution (IC 35-45-4-4).
- 39 (25) Professional gambling (IC 35-45-5-3).
- 40 (26) Maintaining a professional gambling site (IC
41 35-45-5-3.5(b)).
- 42 (27) Promoting professional gambling (IC 35-45-5-4).



- 1 (28) Dealing in or manufacturing cocaine or a narcotic drug (IC
2 35-48-4-1).
3 (29) Dealing in methamphetamine (IC 35-48-4-1.1).
4 (30) Manufacturing methamphetamine (IC 35-48-4-1.2).
5 (31) Dealing in a schedule I, II, or III controlled substance (IC
6 35-48-4-2).
7 (32) Dealing in a schedule IV controlled substance (IC
8 35-48-4-3).
9 (33) Dealing in a schedule V controlled substance (IC 35-48-4-4).
10 (34) Dealing in ~~marijuana~~, hash oil, hashish, or salvia (IC
11 35-48-4-10).
12 (35) Money laundering (IC 35-45-15-5).
13 (36) A violation of IC 35-47.5-5.
14 (37) A violation of any of the following:
15 (A) IC 23-14-48-9.
16 (B) IC 30-2-9-7(b).
17 (C) IC 30-2-10-9(b).
18 (D) IC 30-2-13-38(f).
19 (38) Practice of law by a person who is not an attorney (IC
20 33-43-2-1).
21 (39) An offense listed in IC 35-48-4 involving the manufacture or
22 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
23 synthetic drug lookalike substance (as defined in
24 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
25 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
26 substance analog (as defined in IC 35-48-1-9.3), or a substance
27 represented to be a controlled substance (as described in
28 IC 35-48-4-4.6).
29 (40) Dealing in a controlled substance resulting in death (IC
30 35-42-1-1.5).
31 (41) Organized retail theft (IC 35-43-4-2.2).
32 SECTION 31. IC 35-46-9-6, AS AMENDED BY P.L.184-2019,
33 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
34 JULY 1, 2024]: Sec. 6. (a) Except as provided in subsections ~~(b)~~ and
35 (c) **and (d)**, 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 a controlled substance listed in schedule I or II of
42 IC 35-48-2 or its metabolite, **not including THC**, in the person's



1 body; or
 2 (3) intoxicated;
 3 commits a Class C misdemeanor.

4 **(b) A person who:**

5 **(1) operates a vehicle with at least five (5) nanograms per**
 6 **milliliter of THC in the person's whole blood; and**

7 **(2) is impaired;**

8 **commits a Class C misdemeanor.**

9 ~~(b)~~ (c) The offense **under subsection (a) or (b)** is a Level 6 felony
 10 if:

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

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

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

14 (C) this chapter; or

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

16 ~~(c)~~ (d) The offense **under subsection (a) or (b)** is a Level 5 felony
 17 if the offense results in the death or catastrophic injury of another
 18 person.

19 ~~(d)~~ (e) It is a defense to a prosecution under subsection (a)(2) that
 20 the accused person consumed the controlled substance in accordance
 21 with a valid prescription or order of a practitioner (as defined in
 22 IC 35-48-1-24) who acted in the course of the practitioner's
 23 professional practice.

24 SECTION 32. IC 35-48-1-16.5, AS AMENDED BY P.L.142-2020,
 25 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2024]: Sec. 16.5. "Enhancing circumstance" means one (1) or
 27 more of the following:

28 (1) The person has a prior conviction for dealing in a controlled
 29 substance that is not marijuana (**before July 1, 2024**), hashish,
 30 hash oil, or salvia divinorum.

31 (2) The person committed the offense while in possession of a
 32 firearm.

33 (3) The person committed the offense:

34 (A) on a school bus; or

35 (B) in, on, or within five hundred (500) feet of:

36 (i) school property while a person under eighteen (18) years
 37 of age was reasonably expected to be present; or

38 (ii) a public park while a person under eighteen (18) years
 39 of age was reasonably expected to be present.

40 (4) The person delivered or financed the delivery of the drug to a
 41 person under eighteen (18) years of age at least three (3) years
 42 junior to the person.



- 1 (5) The person manufactured or financed the manufacture of the
 2 drug.
 3 (6) The person committed the offense in the physical presence of
 4 a child less than eighteen (18) years of age, knowing that the child
 5 was present and might be able to see or hear the offense.
 6 (7) The person committed the offense on the property of a:
 7 (A) penal facility; or
 8 (B) juvenile facility (as defined in IC 35-44.1-3-5).
 9 (8) The person knowingly committed the offense in, on, or within
 10 one hundred (100) feet of a facility. For purposes of this
 11 subdivision, "facility" means a place that is:
 12 (A) created and funded under IC 12-23-14 or IC 33-23-16;
 13 (B) certified under IC 12-23-1-6; or
 14 (C) used for the purpose of conducting a recovery or support
 15 group meeting;
 16 and at which a drug abuser (as defined in IC 12-7-2-73) may be
 17 provided with treatment, care, or rehabilitation.
 18 SECTION 33. IC 35-48-1-18, AS AMENDED BY P.L.158-2013,
 19 SECTION 620, IS AMENDED TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2024]: Sec. 18. "Manufacture" means the
 21 following:
 22 (1) For offenses not involving ~~marijuana~~, hashish or hash oil:
 23 (A) the production, preparation, propagation, compounding,
 24 conversion, or processing of a controlled substance, either
 25 directly or indirectly by extraction from substances of natural
 26 origin, independently by means of chemical synthesis, or by a
 27 combination of extraction and chemical synthesis, and
 28 includes any packaging or repackaging of the substance or
 29 labeling or relabeling of its container. It does not include the
 30 preparation, compounding, packaging, or labeling of a
 31 controlled substance:
 32 (i) by a practitioner as an incident to administering or
 33 dispensing of a controlled substance in the course of a
 34 professional practice; or
 35 (ii) by a practitioner, or by the practitioner's authorized agent
 36 under the practitioner's supervision, for the purpose of, or as
 37 an incident to, research, teaching, or chemical analysis and
 38 not for sale; or
 39 (B) the organizing or supervising of an activity described in
 40 clause (A).
 41 (2) For offenses involving ~~marijuana~~, hashish or hash oil:
 42 (A) the preparation, compounding, conversion, or processing



1 of ~~marijuana~~, hashish or hash oil, either directly or indirectly
 2 by extraction from substances of natural origin, independently
 3 by means of chemical synthesis, or by a combination of
 4 extraction and chemical synthesis, and includes any packaging
 5 or repackaging of the ~~marijuana~~, hashish or hash oil, or
 6 labeling or relabeling of its container. It does not include
 7 planting, growing, cultivating, or harvesting a plant, or the
 8 preparation, compounding, packaging, or labeling of
 9 ~~marijuana~~, hashish or hash oil:

10 (i) by a practitioner as an incident to lawfully administering
 11 or dispensing of ~~marijuana~~, hashish or hash oil in the course
 12 of a professional practice; or
 13 (ii) by a practitioner, or by the practitioner's authorized agent
 14 under the practitioner's supervision, for the purpose of, or as
 15 an incident to, research, teaching, or chemical analysis and
 16 not for sale; or
 17 (B) the organizing or supervising of an activity described in
 18 clause (A).

19 SECTION 34. IC 35-48-1-19, AS AMENDED BY P.L.190-2019,
 20 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2024]: Sec. 19. (a) "~~Marijuana~~" "**Cannabis**" means any part
 22 of the plant genus Cannabis whether growing or not; the seeds thereof;
 23 the resin extracted from any part of the plant, including hashish and
 24 hash oil; any compound, manufacture, salt, derivative, mixture, or
 25 preparation of the plant, its seeds or resin.

26 (b) The term does not include:
 27 (1) the mature stalks of the plant;
 28 (2) fiber produced from the stalks;
 29 (3) oil or cake made from the seeds of the plant;
 30 (4) any other compound, manufacture, salt, derivative, mixture,
 31 or preparation of the mature stalks (except the resin extracted
 32 therefrom);
 33 (5) the sterilized seed of the plant which is incapable of
 34 germination;
 35 (6) hemp (as defined by IC 15-15-13-6);
 36 (7) low THC hemp extract; or
 37 (8) smokable hemp.

38 SECTION 35. IC 35-48-2-4, AS AMENDED BY P.L.48-2023,
 39 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2024]: Sec. 4. (a) The controlled substances listed in this
 41 section are included in schedule I.

42 (b) Opiates. Any of the following opiates, including their isomers,



1 esters, ethers, salts, and salts of isomers, esters, and ethers, unless
 2 specifically excepted by rule of the board or unless listed in another
 3 schedule, whenever the existence of these isomers, esters, ethers, and
 4 salts is possible within the specific chemical designation:
 5 4-fluoroisobutyryl fentanyl
 6 Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-
 7 piperidinyl]-N-phenylacetamide) (9815)
 8 Acetyl fentanyl (Other names include:
 9 N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)
 10 Acetylmethadol (9601)
 11 Acrylfentanyl. Other name: N-(1-phenethylpiperidin-4-yl)-
 12 N-phenylacrylamide
 13 Allylprodine (9602)
 14 Alpha-methylthiofentanyl (N-[1-methyl-2-(2-
 15 thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide) (9832)
 16 Alphacetylmethadol (9603)
 17 Alphameprodine (9604)
 18 Alphamethadol (9605)
 19 Alphamethylfentanyl (9814)
 20 Benzethidine (9606)
 21 Beta-hydroxy-3-methylfentanyl (9831). Other name:
 22 N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl
 23]-N-phenylpropanamide
 24 Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-
 25 phenethyl)-4-piperidinyl]-N-phenylpropanamide) (9830)
 26 Betacetylmethadol (9607)
 27 Betameprodine (9608)
 28 Betamethadol (9609)
 29 Betaprodine (9611)
 30 2-(2-(4-butoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)-N,N-dieth
 31 ylethan-1-amine (butonitazene); other name: butoxynitazene
 32 Clonitazene (9612)
 33 Cyclopentyl fentanyl. Other name:
 34 N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide
 35 Dextromoramide (9613)
 36 Diampromide (9615)
 37 Diethylthiambutene (9616)
 38 N,N-diethyl-2-(2-(4-flourobenzyl)-5-nitro-1H-benzimidazol-1-y
 39 l)ethan-1-amine (flunitazene)
 40 N,N-diethyl-2-(2-(4-methoxybenzyl)-1H-benzimidazol-1-yl)eth
 41 an-1-amine (metodesnitazene)
 42 N,N-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1H-benzimidazol-



- 1 1-yl)ethan-1-amine (metonitazene)
 2 N,N-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1H-benzimidazol-
 3 1-yl)ethan-1-amine (protonitazene); other name: pronitazene
 4 DifenoXin (9168)
 5 Dimenoxadol (9617)
 6 Dimepheptanol (9618)
 7 Dimethylthiambutene (9619)
 8 Dioxaphetyl butyrate (9621)
 9 Dipipanone (9622)
 10 2-(2-(4-ethoxybenzyl)-1H-benzimidazol-1-yl)-N,N-diethylethan-
 11 1-amine (etodesnitazene; etazene)
 12 2-(4-ethoxybenzyl)5-nitro-1(2-(pyrrolidin-1-yl)ethyl)-1H-ben-
 13 zimidazol (N-pyrrolidino etonizatene; etonitazepyne)
 14 Ethylmethylthiambutene (9623)
 15 Etonitazene (9624)
 16 EtoXeridine (9625)
 17 Fentanyl related substances.
 18 Furanyl fentanyl.
 19 Furethidine (9626)
 20 Hydroxypethidine (9627)
 21 Isobutyryl fentanyl. Other name:
 22 N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide
 23 Isotonitazene. Other name: N,N-diethyl-2-
 24 (2-(4 isopropoxybenzyl)-5-nitro-1H-benzimidazol-
 25 1-yl)ethan-1-amine)
 26 Ketobemidone (9628)
 27 Levomoramide (9629)
 28 Levophenacymorphan (9631)
 29 Methoxyacetyl fentanyl. Other name:
 30 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide
 31 3-Methylfentanyl [N-[3-methyl-1-(2-phenylethyl)-4-
 32 piperidyl]-N-phenyl-propanimide](9813)
 33 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-
 34 piperidinyl]-N-phenylpropanamide) (9833)
 35 MPPP (1-methyl-4-phenyl-4-propionoxypiperidine) (9961)
 36 Morpheridine (9632)
 37 N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl),
 38 including any isomers, salts, or salts of isomers (9818)
 39 N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl] 25 piperidin-4-yl]-
 40 N-phenylpropionamide, also known as N-[1-[2-hydroxy-2-
 41 (2-thienyl)ethyl] -4- piperidinyl]- N-phenylpropanamide,
 42 (beta-hydroxythiofentanyl)



1 N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl) isobutyramide
 2 (para-chloroisobutyryl fentanyl)
 3 N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)
 4 acetamide (ocfentanil)
 5 N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4 -yl) butyramide
 6 (para-fluorobutyryl fentanyl)
 7 N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide, also known
 8 as N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide, (butyryl
 9 fentanyl)
 10 N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide (valeryl
 11 fentanyl)
 12 N-(4-methoxyphenyl)-N-(1-phenethylpiperidin -4-yl) butyramide
 13 (para-methoxybutyryl fentanyl)
 14 N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide
 15 (thenylfentanyl), including any isomers, salts, or salts of isomers
 16 (9834)
 17 N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide (isobutyryl
 18 fentanyl)
 19 N-(1-phenethylpiperidin-4-yl)-Nphenylcyclopentanecarboxamide
 20 (cyclopentyl fentanyl)
 21 Noracymethadol (9633)
 22 Norlevorphanol (9634)
 23 Normethadone (9635)
 24 Norpipanone (9636)
 25 O c f e n t a n i l . O t h e r n a m e :
 26 N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)
 27 acetamide
 28 Ortho-fluorofentanyl or 2-fluorofentanyl. Other name:
 29 N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide
 30 Para-chloroisobutyryl fentanyl. Other name:
 31 N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide
 32 Para-fluorobutyryl fentanyl. Other name:
 33 N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide
 34 Para-fluorofentanyl (N-(4-fluorophenyl)-N-
 35 [1-(2-phenethyl)-4-piperidiny] propanamide (9812)
 36 Para-methoxybutyryl fentanyl. Other name:
 37 N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide
 38 Phenadoxone (9637)
 39 Phenampromide (9638)
 40 Phenomorphan (9647)
 41 Phenoperidine (9641)
 42 PEPAP [1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine] (9663)



- 1 Piritramide (9642)
 2 Proheptazine (9643)
 3 Properidine (9644)
 4 Propiram (9649)
 5 Racemoramide (9645)
 6 Tetrahydrofuranyl fentanyl. Other name:
 7 N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carb
 8 oxamide
 9 Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-
 10 piperidinyl]-propanamide) (9835)
 11 Tianeptine (7-[(3-chloro-6-methyl-5,5-dioxo-11H-benzo[c]
 12 [2,1]benzothiazepin-11-yl)amino]heptanoic acid)
 13 Tilidine (9750)
 14 Trimeperidine (9646)
 15 U47700 (3,4-dichloro- N- [2-dimethylamino)cyclohexyl]-
 16 N-methyl- benzamide)
 17 Valeryl fentanyl. Other name:
 18 N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide
 19 Zipeprol (1-methoxy-3-[4-(2-methoxy-2-phenylethyl) piperazin-
 20 1-yl]- 1- phenylpropan- 2-ol)
 21 (c) Opium derivatives. Any of the following opium derivatives, their
 22 salts, isomers, and salts of isomers, unless specifically excepted by rule
 23 of the board or unless listed in another schedule, whenever the
 24 existence of these salts, isomers, and salts of isomers is possible within
 25 the specific chemical designation:
 26 Acetorphine (9319)
 27 Acetyldihydrocodeine (9051)
 28 Benzylmorphine (9052)
 29 Codeine methylbromide (9070)
 30 Codeine-N-Oxide (9053)
 31 Cyprenorphine (9054)
 32 Desomorphine (9055)
 33 Dihydromorphine (9145)
 34 Drotebanol (9335)
 35 Etorphine (except hydrochloride salt) (9056)
 36 Heroin (9200)
 37 Hydromorphenol (9301)
 38 Methyl-desorphine (9302)
 39 Methyl-dihydromorphine (9304)
 40 Morphine methylbromide (9305)
 41 Morphine methylsulfonate (9306)
 42 Morphine-N-Oxide (9307)



- 1 Myrophine (9308)
 2 Nicocodeine (9309)
 3 Nicomorphine (9312)
 4 Normorphine (9313)
 5 Pholcodine (9314)
 6 Thebacon (9315)
 7 (d) Hallucinogenic substances. Unless specifically excepted or
 8 unless listed in another schedule, any material, compound, mixture, or
 9 preparation which contains any quantity of the following
 10 hallucinogenic, psychedelic, or psychogenic substances, their salts,
 11 isomers, and salts of isomers whenever the existence of these salts,
 12 isomers, and salts of isomers is possible within the specific chemical
 13 designation (for purposes of this subsection only, the term "isomer"
 14 includes the optical, position, and geometric isomers):
 15 (1) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (7473). Other name:
 16 TCPy.
 17 (2) 4-Bromo-2, 5-Dimethoxyamphetamine (7391). Some trade or
 18 other names: 4-Bromo-2, 5-Dimethoxy-a-methylphenethylamine;
 19 4-Bromo-2, 5-DMA.
 20 (3) 4-Bromo-2, 5-dimethoxyphenethylamine (7392). Some trade
 21 or other names:
 22 2-[4-bromo-2,5-dimethoxyphenyl]-1-aminoethane;
 23 alpha-desmethyl DOB; 2C-B, Nexus.
 24 (4) 2, 5-Dimethoxy-4-ethylamphet-amine (7399). Other name:
 25 DOET.
 26 (5) 2, 5-Dimethoxy-4-(n)-propylthiophenethylamine (7348).
 27 Other name: 2C-T-7.
 28 (6) 2, 5-Dimethoxyamphetamine (7396). Some trade or other
 29 names: 2, 5-Dimethoxy-a-methylphenethylamine; 2, 5-DMA.
 30 (7) 4-Methoxyamphetamine (7411). Some trade or other names:
 31 4-Methoxy-a-methylphenethylamine; Paramethoxyamphetamine;
 32 PMA.
 33 (8) 5-Methoxy-3, 4-methylenedioxy amphetamine (7401). Other
 34 Name: MMDA.
 35 (9) 5-Methoxy-N, N-diisopropyltryptamine, including any
 36 isomers, salts, or salts of isomers (7439). Other name:
 37 5-MeO-DIPT.
 38 (10) 4-methyl-2, 5-dimethoxyamphetamine (7395). Some trade
 39 and other names: 4-methyl-2,
 40 5-dimethoxy-a-methylphenethylamine; DOM; and STP.
 41 (11) 3, 4-methylenedioxy amphetamine (7400). Other name:
 42 MDA.



- 1 (12) 3,4-methylenedioxy-N-ethylamphetamine (7404). Other
 2 names: N-ethyl-alpha-methyl-3,4(methylenedioxy)
 3 phenethylamine; N-ethyl MDA; MDE; and MDEA.
 4 (13) 3, 4-methylenedioxymethamphetamine (MDMA) (7405).
 5 (14) 3, 4, 5-trimethoxy amphetamine (7390). Other name: TMA.
 6 (15) Alpha-ethyltryptamine (7249). Some trade and other names:
 7 Etryptamine; Monase; [alpha]-ethyl-1H-indole-3-ethanamine;
 8 3-(2-aminobutyl) indole; [alpha]-ET; and AET.
 9 (16) Alpha-methyltryptamine (7432). Other name: AMT.
 10 (17) Bufotenine (7433). Some trade and other names:
 11 3-(B-Dimethylaminoethyl)-5-hydroxyindole;
 12 3-(2-dimethylaminonethyl)-5-indolol; N, N-dimethylserotonin;
 13 5-hydroxy-N, N-dimethyltryptamine; mappine.
 14 (18) Diethyltryptamine (7434). Some trade or other names: N,
 15 N-Diethyltryptamine; DET.
 16 (19) Dimethyltryptamine (7435). Some trade or other names:
 17 DMT.
 18 (20) Ibogaine (7260). Some trade and other names: 7-Ethyl-6, 6b,
 19 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-pyrido
 20 (1', 2': 1, 2, azepino 4, 5-b) indole; tabernanthe iboga.
 21 (21) Lysergic acid diethylamide (7315). Other name: LSD.
 22 ~~(22) Marijuana (7360).~~
 23 ~~(23) (22) Mescaline (7381).~~
 24 ~~(24) (23) Methoxetamine[2-(ethylamino)-2-(3-methoxyphenyl)~~
 25 ~~cyclohexan-1-one or 2-(3-methoxyphenyl)-2-(ethylamino)-~~
 26 ~~cyclohexanone].~~
 27 ~~(25) (24) Parahexyl (7374).~~ Some trade or other names:
 28 3-Hexyl-1-hydroxy-7, 8, 9, 10-Tetrahydro-6, 6,
 29 9-trimethyl-6H-dibenzo (b,d) pyran; Snyhexyl.
 30 ~~(26) (25) Peyote (7415), including:~~
 31 (A) all parts of the plant that are classified botanically as
 32 lophophora williamsii lemaire, whether growing or not;
 33 (B) the seeds thereof;
 34 (C) any extract from any part of the plant; and
 35 (D) every compound, manufacture, salt, derivative, mixture, or
 36 preparation of the plant, its seeds, or extracts.
 37 ~~(27) (26) N-ethyl-3-piperidyl benzilate (7482).~~ Other name:
 38 DMZ.
 39 ~~(28) (27) N-hydroxy-3,4-methylenedioxyamphetamine (7402).~~
 40 Other names: N-hydroxy-alpha-methyl-3,4
 41 (methylenedioxy)phenethylamine; and N-hydroxy MDA.
 42 ~~(29) (28) N-methyl-3-piperidyl benzilate (7484).~~ Other name:



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



- 1 (2C-T-2).
 2 ~~(43)~~ **(42)** 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl] ethanamine
 3 (2C-T-4).
 4 ~~(44)~~ **(43)** 2-(2,5-Dimethoxyphenyl) ethanamine (2C-H).
 5 ~~(45)~~ **(44)** 2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine (2C-N).
 6 ~~(46)~~ **(45)** 2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine
 7 (2C-P).
 8 ~~(47)~~ **(46)** Deschloroketamine (2-Phenyl-2-
 9 (methylamino)cyclohexanone).
 10 ~~(48)~~ **(47)** 4-Hydroxy-MET (4-Hydroxy-N-methyl-N-
 11 ethyltryptamine).
 12 ~~(49)~~ **(48)** N-methyltryptamine (1H-Indole-3-ethanamine,
 13 N-methyl-).

14 (e) Depressants. Unless specifically excepted in a rule adopted by
 15 the board or unless listed in another schedule, any material, compound,
 16 mixture, or preparation which contains any quantity of the following
 17 substances having a depressant effect on the central nervous system,
 18 including its salts, isomers, and salts of isomers whenever the existence
 19 of such salts, isomers, and salts of isomers is possible within the
 20 specific chemical designation:

21 Etizolam (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-
 22 thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine) (other names
 23 include: Etilaam, Etizest, Depas, Etizola, Sedekopan, and
 24 Pasaden)

25 Flubromazolam (8-bromo-6-(2-fluorophenyl)-1-methyl-
 26 4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine)

27 Gamma-hydroxybutyric acid (other names include GHB;
 28 gamma-hydroxybutyrate; 4-hydroxybutanoic acid; sodium
 29 oxybate; sodium oxybutyrate) (2010)

30 Mecloqualone (2572)

31 Methaqualone (2565)

32 (f) Stimulants. Unless specifically excepted or unless listed in
 33 another schedule, any material, compound, mixture, or preparation that
 34 contains any quantity of the following substances having a stimulant
 35 effect on the central nervous system, including its salts, isomers, and
 36 salts of isomers:

37 ([+/-]) cis-4-methylaminorex (([+/-])cis-4,5-
 38 dihydro-4-methyl-5-phenyl-2-oxazolamine) (1590)

39 Amineptine (7-[(10,11-dihydro-5H-dibenzo[a,d]cyclohepten-5-
 40 yl)amino]heptanoic acid).

41 Aminorex (1585). Other names: aminoxaphen;
 42 2-amino-5-phenyl-2-oxazoline; or



- 1 4,5-dihydro-5-phenyl-2-oxazolamine.
 2 4,4'-Dimethylaminorex (4,4'-DMAR; 4,5-dihydro-4-methyl-5-(4-
 3 methylphenyl)-2-oxazolamine; 4-methyl-5-(4-methylphenyl)-
 4 4,5-dihydro-1,3-oxazol-2-amine).
 5 Benzylone, 1-(1,3-benzodioxol-5-yl)-2-(benzylamino)propan
 6 -1-one. Synonyms: BMDP, N-benzyl methylone,
 7 3,4-Methylenedioxy-Nbenzylcathinone,
 8 N-benzyl-3,4-methylenedioxcathinone.
 9 Cathinone (1235). Some trade or other names:
 10 2-amino-1-phenyl-1-propanone; alpha-aminopropiophenone;
 11 2-aminopropiophenone; and norephedrone.
 12 Fenethylamine (1503).
 13 N-Benzylpiperazine (7493). Other names: BZP; and
 14 1-benzylpiperazine.
 15 N-ethylamphetamine (1475).
 16 Mesocarb (N-phenyl-N-(3-(1-
 17 phenylpropan-2-yl)-1,2,3-oxadiazol-3-ium-5yl)carbamimidate).
 18 Methcathinone (1237). Some other trade names:
 19 2-Methylamino-1-Phenylpropan-1-one; Ephedrone;
 20 Monomethylpropion; UR 1431.
 21 N, N-dimethylamphetamine (1480). Other names: N,
 22 N-alpha-trimethyl-benzeneethanamine; and N,
 23 N-alpha-trimethylphenethylamine.
 24 N-methyl-1-(thiophen-2-yl)propan-2-amine (methiopropamine).
 25 (g) Synthetic drugs as defined in IC 35-31.5-2-321.
 26 SECTION 36. IC 35-48-4-2, AS AMENDED BY P.L.61-2020,
 27 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2024]: Sec. 2. (a) A person who:
 29 (1) knowingly or intentionally:
 30 (A) manufactures;
 31 (B) finances the manufacture of;
 32 (C) delivers; or
 33 (D) finances the delivery of;
 34 a controlled substance or controlled substance analog, pure or
 35 adulterated, classified in schedule I, except ~~marijuana~~, hash oil,
 36 hashish, or salvia, or a controlled substance, or controlled
 37 substance analog, pure or adulterated, classified in schedule II or
 38 III; or
 39 (2) possesses, with intent to:
 40 (A) manufacture;
 41 (B) finance the manufacture of;
 42 (C) deliver; or



- 1 (D) finance the delivery of;
 2 a controlled substance or controlled substance analog, pure or
 3 adulterated, classified in schedule I, except ~~marijuana~~, hash oil,
 4 hashish, or salvia, or a controlled substance, or controlled
 5 substance analog, pure or adulterated, classified in schedule II or
 6 III;
 7 commits dealing in a schedule I, II, or III controlled substance, a Level
 8 6 felony, except as provided in subsections (b) through (f).
 9 (b) A person may be convicted of an offense under subsection (a)(2)
 10 only if:
 11 (1) there is evidence in addition to the weight of the drug that the
 12 person intended to manufacture, finance the manufacture of,
 13 deliver, or finance the delivery of the drug; or
 14 (2) the amount of the drug involved is at least twenty-eight (28)
 15 grams.
 16 (c) The offense is a Level 5 felony if:
 17 (1) the amount of the drug involved is at least one (1) gram but
 18 less than five (5) grams; or
 19 (2) the amount of the drug involved is less than one (1) gram and
 20 an enhancing circumstance applies.
 21 (d) The offense is a Level 4 felony if:
 22 (1) the amount of the drug involved is at least five (5) grams but
 23 less than ten (10) grams; or
 24 (2) the amount of the drug involved is at least one (1) gram but
 25 less than five (5) grams and an enhancing circumstance applies.
 26 (e) The offense is a Level 3 felony if:
 27 (1) the amount of the drug involved is at least ten (10) grams but
 28 less than twenty-eight (28) grams; or
 29 (2) the amount of the drug involved is at least five (5) grams but
 30 less than ten (10) grams and an enhancing circumstance applies.
 31 (f) The offense is a Level 2 felony if:
 32 (1) the amount of the drug involved is at least twenty-eight (28)
 33 grams; or
 34 (2) the amount of the drug involved is at least ten (10) grams but
 35 less than twenty-eight (28) grams and an enhancing circumstance
 36 applies.
 37 SECTION 37. IC 35-48-4-7, AS AMENDED BY P.L.61-2020,
 38 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2024]: Sec. 7. (a) A person who, without a valid prescription
 40 or order of a practitioner acting in the course of the practitioner's
 41 professional practice, knowingly or intentionally possesses a:
 42 (1) controlled substance or controlled substance analog (pure or



1 adulterated), classified in schedule I, except ~~marijuana~~; hashish
 2 or salvia; or
 3 (2) controlled substance or controlled substance analog (pure or
 4 adulterated), classified in schedule II, III, or IV;
 5 commits possession of a controlled substance, a Class A misdemeanor,
 6 except as provided in subsection (b).

7 (b) The offense is a Level 6 felony if the person commits the offense
 8 and an enhancing circumstance applies.

9 (c) A person who, without a valid prescription or order of a
 10 practitioner acting in the course of the practitioner's professional
 11 practice, knowingly or intentionally obtains:

- 12 (1) more than four (4) ounces of schedule V controlled substances
- 13 containing codeine in any given forty-eight (48) hour period
- 14 unless pursuant to a prescription;
- 15 (2) a schedule V controlled substance pursuant to written or
- 16 verbal misrepresentation; or
- 17 (3) possession of a schedule V controlled substance other than by
- 18 means of a prescription or by means of signing an exempt
- 19 narcotic register maintained by a pharmacy licensed by the
- 20 Indiana state board of pharmacy;

21 commits a Class A misdemeanor.

22 SECTION 38. IC 35-48-4-8.3, AS AMENDED BY P.L.187-2015,
 23 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2024]: Sec. 8.3. (a) This section does not apply to a rolling
 25 paper.

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

- 29 (1) introducing into the person's body a controlled substance
- 30 **other than cannabis;**
- 31 (2) testing the strength, effectiveness, or purity of a controlled
- 32 substance **other than cannabis;** or
- 33 (3) enhancing the effect of a controlled substance **other than**
- 34 **cannabis;**

35 commits a Class C misdemeanor. However, the offense is a Class A
 36 misdemeanor if the person has a prior unrelated judgment or conviction
 37 under this section.

38 SECTION 39. IC 35-48-4-8.5, AS AMENDED BY P.L.153-2018,
 39 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2024]: Sec. 8.5. (a) A person who keeps for sale, offers for
 41 sale, delivers, or finances the delivery of a raw material, an instrument,
 42 a device, or other object that is intended to be or that is designed or



- 1 marketed to be used primarily for:
- 2 (1) ingesting, inhaling, or otherwise introducing into the human
- 3 body ~~marijuana, hash oil, hashish, salvia, a synthetic drug, or a~~
- 4 ~~controlled substance;~~
- 5 (2) testing the strength, effectiveness, or purity of ~~marijuana, hash~~
- 6 ~~oil, hashish, salvia, a synthetic drug, or a controlled substance;~~
- 7 (3) enhancing the effect of a controlled substance;
- 8 (4) manufacturing, compounding, converting, producing,
- 9 processing, or preparing ~~marijuana, hash oil, hashish, salvia, a~~
- 10 ~~synthetic drug, or a controlled substance;~~
- 11 (5) diluting or adulterating ~~marijuana, hash oil, hashish, salvia, a~~
- 12 ~~synthetic drug, or a controlled substance by individuals; or~~
- 13 (6) any purpose announced or described by the seller that is in
- 14 violation of this chapter;
- 15 commits a Class A infraction for dealing in paraphernalia.
- 16 (b) A person who knowingly or intentionally violates subsection (a)
- 17 commits a Class A misdemeanor. However, the offense is a Level 6
- 18 felony if the person has a prior unrelated judgment or conviction under
- 19 this section.
- 20 (c) This section does not apply to the following:
- 21 (1) Items marketed for use in the preparation, compounding,
- 22 packaging, labeling, or other use of:
- 23 (A) ~~marijuana, cannabis; or~~
- 24 (B) hash oil, hashish, salvia, a synthetic drug, or a controlled
- 25 substance as an incident to lawful research, teaching, or
- 26 chemical analysis and not for sale.
- 27 (2) Items marketed for or historically and customarily used in
- 28 connection with the planting, propagating, cultivating, growing,
- 29 harvesting, manufacturing, compounding, converting, producing,
- 30 processing, preparing, testing, analyzing, packaging, repackaging,
- 31 storing, containing, concealing, injecting, ingesting, or inhaling
- 32 of tobacco or any other lawful substance.
- 33 (3) A qualified entity (as defined in IC 16-41-7.5-3) that provides
- 34 a syringe or needle as part of a program under IC 16-41-7.5.
- 35 (4) Any entity or person that provides funding to a qualified entity
- 36 (as defined in IC 16-41-7.5-3) to operate a program described in
- 37 IC 16-41-7.5.
- 38 SECTION 40. IC 35-48-4-10, AS AMENDED BY P.L.153-2018,
- 39 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 40 JULY 1, 2024]: Sec. 10. (a) A person who:
- 41 (1) knowingly or intentionally:
- 42 (A) manufactures;



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



1 or salvia; or
2 (B) offense involved a sale to a minor; or
3 (3) the:
4 (A) person is a retailer;
5 (B) ~~marijuana~~, hash oil, hashish, or salvia is packaged in a
6 manner that appears to be low THC hemp extract; and
7 (C) person knew or reasonably should have known that the
8 product was ~~marijuana~~, hash oil, hashish, or salvia.
9 SECTION 41. IC 35-48-4-11, AS AMENDED BY P.L.153-2018,
10 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2024]: Sec. 11. (a) A person who ~~(†)~~ knowingly or
12 intentionally possesses (pure or adulterated) ~~marijuana~~, hash oil,
13 hashish, or salvia
14 ~~(2) knowingly or intentionally grows or cultivates marijuana; or~~
15 ~~(3) knowing that marijuana is growing on the person's premises;~~
16 ~~fails to destroy the marijuana plants;~~
17 commits possession of ~~marijuana~~, hash oil, hashish, or salvia, a Class
18 B misdemeanor, except as provided in subsections (b) through (c).
19 (b) The offense described in subsection (a) is a Class A
20 misdemeanor if:
21 (1) the person has a prior conviction for a drug offense; or
22 (2) the:
23 (A) ~~marijuana~~, hash oil, hashish, or salvia is packaged in a
24 manner that appears to be low THC hemp extract; and
25 (B) person knew or reasonably should have known that the
26 product was ~~marijuana~~, hash oil, hashish, or salvia.
27 (c) The offense described in subsection (a) is a Level 6 felony if:
28 (1) the person has a prior conviction for a drug offense; and
29 (2) the person possesses
30 ~~(A) at least thirty (30) grams of marijuana; or~~
31 ~~(B) at least five (5) grams. of hash oil, hashish, or salvia.~~
32 SECTION 42. IC 35-48-4-12, AS AMENDED BY P.L.156-2020,
33 SECTION 134, IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2024]: Sec. 12. If a person who has no prior
35 conviction of an offense under this article relating to controlled
36 substances pleads guilty to possession of marijuana **(before July 1,**
37 **2024)**, hashish, salvia, or smokable hemp as a misdemeanor, the court,
38 without entering a judgment of conviction and with the consent of the
39 person, may defer further proceedings and place the person in the
40 custody of the court under conditions determined by the court. Upon
41 violation of a condition of the custody, the court may enter a judgment
42 of conviction. However, if the person fulfills the conditions of the



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

4 SECTION 43. IC 35-48-4-18 IS ADDED TO THE INDIANA
 5 CODE AS A NEW SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2024]: **Sec. 18. (a) A person who knowingly**
 7 **or intentionally sells or delivers cannabis to a child less than**
 8 **eighteen (18) years of age commits providing cannabis to a child,**
 9 **a Class A misdemeanor.**

10 **(b) A child less than eighteen (18) years of age who possesses**
 11 **cannabis commits possession of cannabis by a child, a Class B**
 12 **misdemeanor.**

13 **(c) It is a defense to a prosecution under this section that the**
 14 **minor has been issued a valid medical cannabis identification card**
 15 **(as described in IC 16-19-3-34).**

16 SECTION 44. IC 35-50-2-2.2, AS AMENDED BY P.L.170-2023,
 17 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2024]: Sec. 2.2. (a) Except as provided in subsection (b) or
 19 (c), the court may suspend any part of a sentence for a felony.

20 (b) If a person is convicted of:

21 (1) a Level 2 felony; or

22 (2) a Level 3 felony and has:

23 (A) any prior unrelated felony conviction, other than a
 24 conviction for a felony involving marijuana (**before July 1,**
 25 **2024**), hashish, hash oil, or salvia divinorum; or

26 (B) a prior juvenile adjudication for an act that would
 27 constitute a felony if committed by an adult, other than an
 28 adjudication for an offense involving marijuana (**before July**
 29 **1, 2024**), hashish, hash oil, or salvia divinorum, and less than
 30 three (3) years have elapsed between commission of the act
 31 and the commission of the Level 3 felony for which the person
 32 is being sentenced;

33 the court may suspend only that part of a sentence that is in excess of
 34 the minimum sentence for the Level 2 felony or the Level 3 felony.

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

38 (d) The court may suspend any part of a sentence for an offense
 39 filed in adult court under IC 31-30-1-4(d), unless the offense is murder
 40 (IC 35-42-1-1).

41 SECTION 45. IC 35-50-5-3, AS AMENDED BY P.L.111-2018,
 42 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2024]: Sec. 3. (a) Except as provided in subsection (i), (j), (l),
 2 or (m), in addition to any sentence imposed under this article for a
 3 felony or misdemeanor, the court may, as a condition of probation or
 4 without placing the person on probation, order the person to make
 5 restitution to the victim of the crime, the victim's estate, or the family
 6 of a victim who is deceased. The court shall base its restitution order
 7 upon a consideration of:

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

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

13 (3) the cost of medical laboratory tests to determine if the crime
 14 has caused the victim to contract a disease or other medical
 15 condition;

16 (4) earnings lost by the victim (before the date of sentencing) as
 17 a result of the crime including earnings lost while the victim was
 18 hospitalized or participating in the investigation or trial of the
 19 crime; and

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

22 (b) A restitution order under subsection (a), (i), (j), (l), or (m) is a
 23 judgment lien that:

24 (1) attaches to the property of the person subject to the order;

25 (2) may be perfected;

26 (3) may be enforced to satisfy any payment that is delinquent
 27 under the restitution order by the person in whose favor the order
 28 is issued or the person's assignee; and

29 (4) expires;

30 in the same manner as a judgment lien created in a civil proceeding.

31 (c) When a restitution order is issued under subsection (a), the
 32 issuing court may order the person to pay the restitution, or part of the
 33 restitution, directly to:

34 (1) the victim services division of the Indiana criminal justice
 35 institute in an amount not exceeding:

36 (A) the amount of the award, if any, paid to the victim under
 37 IC 5-2-6.1; and

38 (B) the cost of the reimbursements, if any, for emergency
 39 services provided to the victim under IC 16-10-1.5 (before its
 40 repeal) or IC 16-21-8; or

41 (2) a probation department that shall forward restitution or part of
 42 restitution to:



- 1 (A) a victim of a crime;
 2 (B) a victim's estate; or
 3 (C) the family of a victim who is deceased.
- 4 The victim services division of the Indiana criminal justice institute
 5 shall deposit the restitution it receives under this subsection in the
 6 violent crime victims compensation fund established by IC 5-2-6.1-40.
- 7 (d) When a restitution order is issued under subsection (a), (i), (j),
 8 (l), or (m), the issuing court shall send a certified copy of the order to
 9 the clerk of the circuit court in the county where the felony or
 10 misdemeanor charge was filed. The restitution order must include the
 11 following information:
- 12 (1) The name and address of the person that is to receive the
 13 restitution.
 14 (2) The amount of restitution the person is to receive.
- 15 Upon receiving the order, the clerk shall enter and index the order in
 16 the circuit court judgment docket in the manner prescribed by
 17 IC 33-32-3-2. The clerk shall also notify the department of insurance
 18 of an order of restitution under subsection (i).
- 19 (e) An order of restitution under subsection (a), (i), (j), (l), or (m)
 20 does not bar a civil action for:
- 21 (1) damages that the court did not require the person to pay to the
 22 victim under the restitution order but arise from an injury or
 23 property damage that is the basis of restitution ordered by the
 24 court; and
 25 (2) other damages suffered by the victim.
- 26 (f) Regardless of whether restitution is required under subsection (a)
 27 as a condition of probation or other sentence, the restitution order is not
 28 discharged by the completion of any probationary period or other
 29 sentence imposed for a felony or misdemeanor.
- 30 (g) A restitution order under subsection (a), (i), (j), (l), or (m) is not
 31 discharged by the liquidation of a person's estate by a receiver under
 32 IC 32-30-5 (or IC 34-48-1, IC 34-48-4, IC 34-48-5, IC 34-48-6,
 33 IC 34-1-12, or IC 34-2-7 before their repeal).
- 34 (h) The attorney general may pursue restitution ordered by the court
 35 under subsections (a) and (c) on behalf of the victim services division
 36 of the Indiana criminal justice institute established under IC 5-2-6-8.
- 37 (i) The court may order the person convicted of an offense under
 38 IC 35-43-9 to make restitution to the victim of the crime. The court
 39 shall base its restitution order upon a consideration of the amount of
 40 money that the convicted person converted, misappropriated, or
 41 received, or for which the convicted person conspired. The restitution
 42 order issued for a violation of IC 35-43-9 must comply with



1 subsections (b), (d), (e), and (g), and is not discharged by the
 2 completion of any probationary period or other sentence imposed for
 3 a violation of IC 35-43-9.

4 (j) The court may order the person convicted of an offense under
 5 IC 35-43-5-3.5 to make restitution to the victim of the crime, the
 6 victim's estate, or the family of a victim who is deceased. The court
 7 shall base its restitution order upon a consideration of the amount of
 8 fraud or harm caused by the convicted person and any reasonable
 9 expenses (including lost wages) incurred by the victim in correcting the
 10 victim's credit report and addressing any other issues caused by the
 11 commission of the offense under IC 35-43-5-3.5. If, after a person is
 12 sentenced for an offense under IC 35-43-5-3.5, a victim, a victim's
 13 estate, or the family of a victim discovers or incurs additional expenses
 14 that result from the convicted person's commission of the offense under
 15 IC 35-43-5-3.5, the court may issue one (1) or more restitution orders
 16 to require the convicted person to make restitution, even if the court
 17 issued a restitution order at the time of sentencing. For purposes of
 18 entering a restitution order after sentencing, a court has continuing
 19 jurisdiction over a person convicted of an offense under IC 35-43-5-3.5
 20 for five (5) years after the date of sentencing. Each restitution order
 21 issued for a violation of IC 35-43-5-3.5 must comply with subsections
 22 (b), (d), (e), and (g), and is not discharged by the completion of any
 23 probationary period or other sentence imposed for an offense under
 24 IC 35-43-5-3.5.

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

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

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

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

33 (29 U.S.C. 201-209); or

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

35 whichever is greater.

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

37 (1) is convicted of dealing in methamphetamine under
 38 IC 35-48-4-1.1 or manufacturing methamphetamine under

39 IC 35-48-4-1.2; and

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

42 to pay liquidated damages to the property owner in the amount of ten



1 thousand dollars (\$10,000) or to pay actual damages to the property
2 owner, including lost rent and the costs of decontamination by a
3 qualified inspector certified under IC 16-19-3.1.
4 (m) The court shall order a person who:
5 (1) is convicted of dealing in marijuana under
6 IC 35-48-4-10(a)(1)(A) (**before July 1, 2024**); and
7 (2) manufactured the marijuana on property owned by another
8 person, without the consent of the property owner;
9 to pay liquidated damages to the property owner in the amount of two
10 thousand dollars (\$2,000).

