

# HOUSE BILL No. 1450

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 15-15-13-17; IC 16-18-2-169.5; IC 16-42-26; IC 34-30-2-84.1; IC 35-48-4.

**Synopsis:** Medical use of hemp extract and compassionate use registry. Requires the state seed commissioner to apply to the federal government to select an area in Indiana in which to grow hemp for the production of medical hemp oil. Allows the possession of hemp extract for the treatment of specified medical conditions if referred by a treating physician. Establishes the compassionate use registry for the registration of physicians, patients, and caregivers for the possession of hemp extract for medical treatment and sets forth requirements. Provides immunity to physicians who recommend hemp extract treatment for patients. Provides for exemption from criminal penalties concerning the possession, manufacturing, or delivery of hemp extract. Urges the legislative council to assign to the public health, behavioral health, and human services interim study committee during the 2015 interim the study topic of the proper means for the production and dispensing of hemp extract for the use by patients for medical treatments.

**Effective:** July 1, 2015.

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January 22, 2015, read first time and referred to Committee on Rules and Legislative Procedures.

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First Regular Session of the 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## HOUSE BILL No. 1450

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A BILL FOR AN ACT to amend the Indiana Code concerning health.

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

1 SECTION 1. IC 15-15-13-17 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2015]: **Sec. 17. The state seed commissioner**  
4 **shall apply for a waiver from the federal government to select an**  
5 **area of Indiana in which to grow hemp for production of medical**  
6 **hemp oil in accordance with this chapter.**

7 SECTION 2. IC 16-18-2-169.5 IS ADDED TO THE INDIANA  
8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
9 [EFFECTIVE JULY 1, 2015]: **Sec. 169.5. "Hemp extract", for**  
10 **purposes of IC 16-42-26, has the meaning set forth in**  
11 **IC 16-42-26-1.**

12 SECTION 3. IC 16-42-26 IS ADDED TO THE INDIANA CODE  
13 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2015]:

15 **Chapter 26. Drugs: Hemp Extract and Indiana Compassionate**



1       **Use Registry**

2       **Sec. 1. As used in this chapter, "hemp extract" means an extract**  
3 **from a cannabis plant or a mixture containing cannabis plant**  
4 **material that has all of the following characteristics:**

- 5           **(1) Composed of less than three-tenths percent (0.3%)**  
6 **tetrahydrocannabinol by weight.**  
7           **(2) Composed of at least ten percent (10%) cannabidiol by**  
8 **weight.**  
9           **(3) Contains no other psychoactive substance.**

10       **Sec. 2. (a) An individual may possess or use hemp extract if the**  
11 **individual meets the following criteria:**

- 12           **(1) Has been diagnosed with, and possesses or uses the hemp**  
13 **extract only to treat, any of the following:**  
14           **(A) Seizures.**  
15           **(B) Parkinson's disease.**  
16           **(C) Posttraumatic stress disorder.**  
17           **(D) Any other incurable condition for which a physician**  
18 **has determined that hemp extract would benefit the**  
19 **patient in the treatment of the condition.**  
20           **(2) Possesses, in close proximity to the location in which the**  
21 **hemp extract is stored, a certificate of analysis that indicates**  
22 **the hemp extract's ingredients, including its percentages of**  
23 **tetrahydrocannabinol and cannabidiol by weight.**  
24           **(3) Holds a current Indiana compassionate use registry card**  
25 **issued by the state department under this chapter.**  
26           **(4) Is enrolled in the Indiana compassionate use registry.**

27       **(b) An individual who possesses hemp extract lawfully under**  
28 **this section may administer hemp extract to another person under**  
29 **the individual's care and is not subject to the penalties in**  
30 **administering the hemp extract if the following conditions are met:**

- 31           **(1) The individual is the person's caregiver.**  
32           **(2) The individual is registered with the state department and**  
33 **the Indiana compassionate use registry to administer hemp**  
34 **extract.**

35       **Sec. 3. (a) The state department shall establish the Indiana**  
36 **compassionate use registry for the registration of physicians,**  
37 **caregivers, and patients, as described in this chapter. The state**  
38 **department shall operate the registry on a secure, electronic**  
39 **medium that is accessible to law enforcement in order to verify an**  
40 **individual's registration.**

41       **(b) The state department shall develop and issue Indiana**  
42 **compassionate use registry cards to individuals who satisfy the**



1 requirements of this section. An Indiana compassionate use  
2 registry card is valid for one (1) year from the date of issuance.

3 (c) The state department shall develop a registration process  
4 that prevents an active registration of an individual by more than  
5 one (1) physician. The registry data base must include the following  
6 information:

- 7 (1) The name of each registered patient.  
8 (2) The name of each registered caregiver.  
9 (3) The name and address of the physician submitting a  
10 referral statement for the recommendation of hemp extract  
11 for the patient.

12 (d) The state department shall contact the local health  
13 department where the patient resides and provide the local health  
14 department with the following information:

- 15 (1) The name and address of the registrant.  
16 (2) Identifying information contained on the Indiana  
17 compassionate use registry card.

18 Sec. 4. (a) An individual must meet the following requirements  
19 to be eligible to register with the Indiana compassionate use  
20 registry:

- 21 (1) Be at least eighteen (18) years of age.  
22 (2) Be a resident of Indiana.  
23 (3) Apply for registration in the registry on a form developed  
24 by the state department. The form must include the following:  
25 (A) If the applicant is a patient, the name and address of  
26 the patient and a copy of the government issued photo  
27 identification of the patient.  
28 (B) If the applicant is a caregiver, the name and address of  
29 the caregiver and a copy of the government issued photo  
30 identification of both the caregiver's patient and the  
31 caregiver.  
32 (C) Any other information deemed relevant by the state  
33 department.

34 If the patient is less than eighteen (18) years of age, photo  
35 identification of the patient may be waived by the state  
36 department.

37 (4) Provide a referral statement from a physician licensed  
38 under IC 25-22.5 who has certified the following in the  
39 statement concerning the individual:

- 40 (A) That the individual has been examined by and is under  
41 the care of the physician.  
42 (B) That the individual suffers from a condition set forth



- 1 in section 2(a)(1) of this chapter.
- 2 (C) That the patient has tried other treatments for the
- 3 condition that have failed. The physician must provide
- 4 documentation of the treatments under this clause.
- 5 (D) That the patient may benefit from treatment by hemp
- 6 extract.
- 7 (E) That the physician recommends the use of the hemp
- 8 extract for treatment of the patient's condition.
- 9 (F) That the physician approves, and has included with the
- 10 certification, a treatment plan containing the dose, route of
- 11 administration, planned duration of treatment, and
- 12 monitoring of the patient's symptoms and reactions to
- 13 treatment by hemp extract. Treatment may not include
- 14 administration by smoking.
- 15 (5) Pay a registration fee in an amount not to exceed fifty
- 16 dollars (\$50).
- 17 (b) The state department shall renew registration under this
- 18 section upon certification by the physician, the patient, and the
- 19 caregiver, if any, that all registration information is current or has
- 20 been updated to reflect any changes. The state department may
- 21 charge a registration renewal fee in an amount not to exceed
- 22 twenty-five dollars (\$25).
- 23 Sec. 5. (a) A physician licensed under IC 25-22.5 may, on a case
- 24 by case basis, approve the dispensing of hemp extract that was
- 25 acquired from another jurisdiction to an Indiana compassionate
- 26 use registry registrant.
- 27 (b) A physician licensed under IC 25-22.5 may not be subject to:
- 28 (1) prosecution under:
- 29 (A) IC 35-48-4-8.5;
- 30 (B) IC 35-48-4-10; or
- 31 (C) IC 35-48-4-11;
- 32 (2) discipline under IC 25-1-9; or
- 33 (3) a civil cause of action;
- 34 solely because the physician approved, certified, or recommended
- 35 the use of hemp extract by a patient.
- 36 Sec. 6. A physician who signs a referral statement described in
- 37 section 4 of this chapter shall do the following:
- 38 (1) Maintain a record of the referral statement and the
- 39 physician's evaluation and assessment of the patient, including
- 40 the patient's reaction to the hemp extract treatment, for at
- 41 least seven (7) years.
- 42 (2) Make the record described in subdivision (1) available to



1           the state department upon the state department's request.  
 2           **Sec. 7. (a) Except as provided in subsection (b), any medical**  
 3 **records maintained by the state department under this chapter are**  
 4 **confidential and are not public documents.**

5           **(b) The state department may provide medical records without**  
 6 **personal identifying information to any of the following if the**  
 7 **medical records are to be used to do research of the efficacy and**  
 8 **safety of hemp extract treatment therapies:**

- 9           **(1) Indiana University School of Medicine.**  
 10          **(2) Purdue University College of Pharmacy.**  
 11          **(3) Butler University College of Pharmacy and Health**  
 12 **Services.**  
 13          **(4) Manchester College of Pharmacy.**

14          **Sec. 8. The state department may adopt rules under IC 4-22-2**  
 15 **necessary to implement this chapter.**

16          SECTION 4. IC 34-30-2-84.1 IS ADDED TO THE INDIANA  
 17 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 18 [EFFECTIVE JULY 1, 2015]: **Sec. 84.1. IC 16-42-26-5 (Concerning**  
 19 **physicians and referral of use of hemp extract for treatment).**

20          SECTION 5. IC 35-48-4-8.5, AS AMENDED BY P.L.158-2013,  
 21 SECTION 636, IS AMENDED TO READ AS FOLLOWS  
 22 [EFFECTIVE JULY 1, 2015]: **Sec. 8.5. (a) A person who keeps for**  
 23 **sale, offers for sale, delivers, or finances the delivery of a raw material,**  
 24 **an instrument, a device, or other object that is intended to be or that is**  
 25 **designed or marketed to be used primarily for:**

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

39          commits a Class A infraction for dealing in paraphernalia.

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



- 1 this section.
- 2 (c) This section does not apply to the following:
- 3 (1) Items marketed for use in the preparation, compounding,
- 4 packaging, labeling, or other use of marijuana, hash oil, hashish,
- 5 salvia, a synthetic drug, or a controlled substance as an incident
- 6 to lawful research, teaching, or chemical analysis and not for sale.
- 7 (2) Items marketed for or historically and customarily used in
- 8 connection with the planting, propagating, cultivating, growing,
- 9 harvesting, manufacturing, compounding, converting, producing,
- 10 processing, preparing, testing, analyzing, packaging, repackaging,
- 11 storing, containing, concealing, injecting, ingesting, or inhaling
- 12 of tobacco or any other lawful substance.
- 13 **(3) A person in possession of hemp extract (as defined in**
- 14 **IC 16-42-26-1) if the person is registered with the Indiana**
- 15 **compassionate use registry under IC 16-42-26.**
- 16 SECTION 6. IC 35-48-4-10, AS AMENDED BY P.L.168-2014,
- 17 SECTION 100, IS AMENDED TO READ AS FOLLOWS
- 18 [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) A person who:
- 19 (1) knowingly or intentionally:
- 20 (A) manufactures;
- 21 (B) finances the manufacture of;
- 22 (C) delivers; or
- 23 (D) finances the delivery of;
- 24 marijuana, hash oil, hashish, or salvia, pure or adulterated; or
- 25 (2) possesses, with intent to:
- 26 (A) manufacture;
- 27 (B) finance the manufacture of;
- 28 (C) deliver; or
- 29 (D) finance the delivery of;
- 30 marijuana, hash oil, hashish, or salvia, pure or adulterated;
- 31 commits dealing in marijuana, hash oil, hashish, or salvia, a Class A
- 32 misdemeanor, except as provided in subsections (b) through (d).
- 33 (b) A person may be convicted of an offense under subsection (a)(2)
- 34 only if there is evidence in addition to the weight of the drug that the
- 35 person intended to manufacture, finance the manufacture of, deliver,
- 36 or finance the delivery of the drug.
- 37 (c) The offense is a Level 6 felony if:
- 38 (1) the person has a prior conviction for a drug offense and the
- 39 amount of the drug involved is:
- 40 (A) less than thirty (30) grams of marijuana; or
- 41 (B) less than five (5) grams of hash oil, hashish, or salvia; or
- 42 (2) the amount of the drug involved is:



- 1 (A) at least thirty (30) grams but less than ten (10) pounds of  
 2 marijuana; or  
 3 (B) at least five (5) grams but less than three hundred (300)  
 4 grams of hash oil, hashish, or salvia.  
 5 (d) The offense is a Level 5 felony if:  
 6 (1) the person has a prior conviction for a drug dealing offense  
 7 and the amount of the drug involved is:  
 8 (A) at least thirty (30) grams but less than ten (10) pounds of  
 9 marijuana; or  
 10 (B) at least five (5) grams but less than three hundred (300)  
 11 grams of hash oil, hashish, or salvia; or  
 12 (2) the:  
 13 (A) amount of the drug involved is:  
 14 (i) at least ten (10) pounds of marijuana; or  
 15 (ii) at least three hundred (300) grams of hash oil, hashish,  
 16 or salvia; or  
 17 (B) offense involved a sale to a minor.  
 18 **(e) This section does not apply to a person in possession of hemp**  
 19 **extract (as defined in IC 16-42-26-1) if the person is registered with**  
 20 **the Indiana compassionate use registry under IC 16-42-26.**  
 21 SECTION 7. IC 35-48-4-11, AS AMENDED BY P.L.226-2014(ts),  
 22 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2015]: Sec. 11. (a) A person who:  
 24 (1) knowingly or intentionally possesses (pure or adulterated)  
 25 marijuana, hash oil, hashish, or salvia;  
 26 (2) knowingly or intentionally grows or cultivates marijuana; or  
 27 (3) knowing that marijuana is growing on the person's premises,  
 28 fails to destroy the marijuana plants;  
 29 commits possession of marijuana, hash oil, hashish, or salvia, a Class  
 30 B misdemeanor, except as provided in subsections (b) through (c).  
 31 (b) The offense described in subsection (a) is a Class A  
 32 misdemeanor if the person has a prior conviction for a drug offense.  
 33 (c) The offense described in subsection (a) is a Level 6 felony if:  
 34 (1) the person has a prior conviction for a drug offense; and  
 35 (2) the person possesses:  
 36 (A) at least thirty (30) grams of marijuana; or  
 37 (B) at least five (5) grams of hash oil, hashish, or salvia.  
 38 **(d) This section does not apply to a person in possession of hemp**  
 39 **extract (as defined in IC 16-42-26-1) if the person is registered with**  
 40 **the Indiana compassionate use registry under IC 16-42-26.**  
 41 SECTION 8. [EFFECTIVE JULY 1, 2015] (a) As used in this  
 42 SECTION, "hemp extract" means an extract from a cannabis





- 1 **plant or a mixture containing cannabis plant material that has all**  
2 **of the following characteristics:**  
3 **(1) Composed of less than three-tenths percent (0.3%)**  
4 **tetrahydrocannabinol by weight.**  
5 **(2) Composed of at least ten percent (10%) cannabidiol by**  
6 **weight.**  
7 **(3) Contains no other psychoactive substance.**  
8 **(b) As used in this SECTION, "interim committee" refers to the**  
9 **public health, behavioral health, and human services interim study**  
10 **committee established by IC 2-5-1.3-4(14).**  
11 **(c) The general assembly urges the legislative council to assign**  
12 **to the interim committee the study topic of the proper means to**  
13 **produce and dispense hemp extract for use by patients for medical**  
14 **treatments described in IC 16-42-26, as added by this act.**  
15 **(d) This SECTION expires December 31, 2015.**

