

# HOUSE BILL No. 1615

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## 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 16-19-3-33; 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 31-37-1-2; 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, 2023.

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**Payne, VanNatter, Pierce K,  
Miller K**

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January 19, 2023, read first time and referred to Committee on Public Health.

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First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

# HOUSE BILL No. 1615

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, 2023]: 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, 2023]: 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, 2023]: 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, 2023]: **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 16-19-3-33.**

5 SECTION 5. IC 6-7-3 IS REPEALED [EFFECTIVE JULY 1, 2023].  
 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, 2023]: 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, 2023]: 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, 2023]: 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, 2023]: 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, 2023]: 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, 2023**), 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 2023]. 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 16-19-3-33 IS ADDED TO THE INDIANA  
 4 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 5 [EFFECTIVE JULY 1, 2023]: **Sec. 33. (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, 2023]: 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, 2023**), 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, 2023]: 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.80-2019,  
 24 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2023]: 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. The immunity provided in IC 34-13-3-3 applies to an  
 12 individual described in this subsection.
- 13 (g) A law enforcement officer may not take an individual into  
 14 custody based solely on the commission of an offense described in  
 15 subsection (h), if the law enforcement officer, after making a  
 16 reasonable determination and considering the facts and surrounding  
 17 circumstances, reasonably believes that the individual:
- 18 (1) obtained the overdose intervention drug as described in
  - 19 subsection (a)(1);
  - 20 (2) complied with the provisions in subsection (d);
  - 21 (3) administered an overdose intervention drug to an individual
  - 22 who appeared to be experiencing an opioid-related overdose;
  - 23 (4) provided:
    - 24 (A) the individual's full name; and
    - 25 (B) any other relevant information requested by the law
    - 26 enforcement officer;
    - 27 (5) remained at the scene with the individual who reasonably
    - 28 appeared to be in need of medical assistance until emergency
    - 29 medical assistance arrived;
    - 30 (6) cooperated with emergency medical assistance personnel and
    - 31 law enforcement officers at the scene; and
    - 32 (7) came into contact with law enforcement because the
    - 33 individual requested emergency medical assistance for another
    - 34 individual who appeared to be experiencing an opioid-related
    - 35 overdose.
- 36 (h) An individual who meets the criteria in subsection (g) is immune  
 37 from criminal prosecution for the following:
- 38 (1) IC 35-48-4-6 (possession of cocaine).
  - 39 (2) IC 35-48-4-6.1 (possession of methamphetamine).
  - 40 (3) IC 35-48-4-7 (possession of a controlled substance).
  - 41 (4) IC 35-48-4-8.3 (possession of paraphernalia).
  - 42 (5) IC 35-48-4-11 (possession of marijuana **(before July 1, 2023)**)



1           **or possession of hashish, hash oil, or salvia).**

2           (6) An offense under IC 35-48-4 involving possession of a  
3           synthetic drug (as defined in IC 35-31.5-2-321), possession of a  
4           controlled substance analog (as defined in IC 35-48-1-9.3), or  
5           possession of a substance represented to be a controlled substance  
6           (as described in IC 35-48-4-4.6).

7           SECTION 16. IC 20-28-5-8, AS AMENDED BY P.L.125-2022,  
8           SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9           JULY 1, 2023]: Sec. 8. (a) This section applies when a prosecuting  
10          attorney knows that a licensed employee of a public school or a  
11          nonpublic school has been convicted of an offense listed in subsection  
12          (c). The prosecuting attorney shall immediately give written notice of  
13          the conviction to the following:

14           (1) The secretary of education.

15           (2) Except as provided in subdivision (3), the superintendent of  
16           the school corporation that employs the licensed employee or the  
17           equivalent authority if a nonpublic school employs the licensed  
18           employee.

19           (3) The presiding officer of the governing body of the school  
20           corporation that employs the licensed employee, if the convicted  
21           licensed employee is the superintendent of the school corporation.

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

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

33           (1) The following felonies:

34           (A) A sex crime under IC 35-42-4 (including criminal deviate  
35           conduct (IC 35-42-4-2) (before its repeal)).

36           (B) Kidnapping (IC 35-42-3-2).

37           (C) Criminal confinement (IC 35-42-3-3).

38           (D) Incest (IC 35-46-1-3).

39           (E) Dealing in or manufacturing cocaine or a narcotic drug (IC  
40           35-48-4-1).

41           (F) Dealing in methamphetamine (IC 35-48-4-1.1).

42           (G) Manufacturing methamphetamine (IC 35-48-4-1.2).



- 1 (H) Dealing in a schedule I, II, or III controlled substance (IC  
2 35-48-4-2).
- 3 (I) Dealing in a schedule IV controlled substance (IC  
4 35-48-4-3).
- 5 (J) Dealing in a schedule V controlled substance (IC  
6 35-48-4-4).
- 7 (K) Dealing in a counterfeit substance (IC 35-48-4-5).
- 8 (L) Dealing in ~~marijuana~~, hash oil, hashish, or salvia as a  
9 felony (IC 35-48-4-10).
- 10 (M) An offense under IC 35-48-4 involving the manufacture  
11 or sale of a synthetic drug (as defined in IC 35-31.5-2-321), a  
12 synthetic drug lookalike substance (as defined in  
13 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under  
14 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a  
15 controlled substance analog (as defined in IC 35-48-1-9.3), or  
16 a substance represented to be a controlled substance (as  
17 described in IC 35-48-4-4.6).
- 18 (N) Homicide (IC 35-42-1).
- 19 (O) Voluntary manslaughter (IC 35-42-1-3).
- 20 (P) Reckless homicide (IC 35-42-1-5).
- 21 (Q) Battery as any of the following:
- 22 (i) A Class A felony (for a crime committed before July 1,  
23 2014) or a Level 2 felony (for a crime committed after June  
24 30, 2014).
- 25 (ii) A Class B felony (for a crime committed before July 1,  
26 2014) or a Level 3 felony (for a crime committed after June  
27 30, 2014).
- 28 (iii) A Class C felony (for a crime committed before July 1,  
29 2014) or a Level 5 felony (for a crime committed after June  
30 30, 2014).
- 31 (R) Aggravated battery (IC 35-42-2-1.5).
- 32 (S) Robbery (IC 35-42-5-1).
- 33 (T) Carjacking (IC 35-42-5-2) (before its repeal).
- 34 (U) Arson as a Class A felony or Class B felony (for a crime  
35 committed before July 1, 2014) or as a Level 2, Level 3, or  
36 Level 4 felony (for a crime committed after June 30, 2014) (IC  
37 35-43-1-1(a)).
- 38 (V) Burglary as a Class A felony or Class B felony (for a crime  
39 committed before July 1, 2014) or as a Level 1, Level 2, Level  
40 3, or Level 4 felony (for a crime committed after June 30,  
41 2014) (IC 35-43-2-1).
- 42 (W) Human trafficking (IC 35-42-3.5).



- 1 (X) Dealing in a controlled substance resulting in death (IC  
2 35-42-1-1.5).
- 3 (Y) Attempt under IC 35-41-5-1 to commit an offense listed in  
4 this subsection.
- 5 (Z) Conspiracy under IC 35-41-5-2 to commit an offense listed  
6 in this subsection.
- 7 (2) Public indecency (IC 35-45-4-1) committed:  
8 (A) after June 30, 2003; or  
9 (B) before July 1, 2003, if the person committed the offense  
10 by, in a public place:  
11 (i) engaging in sexual intercourse or other sexual conduct  
12 (as defined in IC 35-31.5-2-221.5);  
13 (ii) appearing in a state of nudity with the intent to arouse  
14 the sexual desires of the person or another person, or being  
15 at least eighteen (18) years of age, with the intent to be seen  
16 by a child less than sixteen (16) years of age; or  
17 (iii) fondling the person's genitals or the genitals of another  
18 person.
- 19 (d) The department shall permanently revoke the license of a person  
20 who is known by the department to have been convicted of a federal  
21 offense or an offense in another state that is comparable to a felony or  
22 misdemeanor listed in subsection (c).
- 23 (e) A license may be suspended by the secretary of education as  
24 specified in IC 20-28-7.5.
- 25 (f) The department shall develop a data base of information on  
26 school corporation employees who have been reported to the  
27 department under this section.
- 28 (g) Upon receipt of information from the office of judicial  
29 administration in accordance with IC 33-24-6-3 concerning persons  
30 convicted of an offense listed in subsection (c), the department shall:  
31 (1) cross check the information received from the office of  
32 judicial administration with information concerning licensed  
33 teachers (as defined in IC 20-18-2-22(b)) maintained by the  
34 department; and  
35 (2) if a licensed teacher (as defined in IC 20-18-2-22(b)) has been  
36 convicted of an offense described in subsection (c), revoke the  
37 licensed teacher's license.
- 38 SECTION 17. IC 22-15-5-16, AS AMENDED BY P.L.142-2020,  
39 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 JULY 1, 2023]: Sec. 16. (a) A practitioner shall comply with the  
41 standards established under this licensing program. A practitioner is  
42 subject to the exercise of the disciplinary sanctions under subsection



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



1 action in another jurisdiction.

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

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

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

7 (3) Censure of a practitioner.

8 (4) Issuance of a letter of reprimand.

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

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

15 (B) When imposing a civil penalty, the department shall  
16 consider a practitioner's ability to pay the amount assessed. If  
17 the practitioner fails to pay the civil penalty within the time  
18 specified by the department, the department may suspend the  
19 practitioner's license without additional proceedings. However,  
20 a suspension may not be imposed if the sole basis for the  
21 suspension is the practitioner's inability to pay a civil penalty.

22 (6) Placement of a practitioner on probation status and  
23 requirement of the practitioner to:

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

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

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

30 (D) perform or refrain from performing any acts, including  
31 community restitution or service without compensation, that  
32 the department considers appropriate to the public interest or  
33 to the rehabilitation or treatment of the practitioner.

34 The department may withdraw or modify this probation if the  
35 department finds after a hearing that the deficiency that required  
36 disciplinary action has been remedied or that changed  
37 circumstances warrant a modification of the order.

38 (c) If an applicant or a practitioner has engaged in or knowingly  
39 cooperated in fraud or material deception to obtain a license to  
40 practice, including cheating on the licensing examination, the  
41 department may rescind the license if it has been granted, void the  
42 examination or other fraudulent or deceptive material, and prohibit the





1 applicant from reapplying for the license for a length of time  
2 established by the department.

3 (d) The department may deny licensure to an applicant who has had  
4 disciplinary action taken against the applicant or the applicant's license  
5 to practice in another state or jurisdiction or who has practiced without  
6 a license in violation of the law. A certified copy of the record of  
7 disciplinary action is conclusive evidence of the other jurisdiction's  
8 disciplinary action.

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

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

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

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



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



1 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled  
2 substance analog (as defined in IC 35-48-1-9.3), or a substance  
3 represented to be a controlled substance (as described in  
4 IC 35-48-4-4.6).

5 (13) A violation of any federal or state drug law or rule related to  
6 wholesale legend drug distributors licensed under IC 25-26-14.

7 (i) A decision of the department under subsections (b) through (h)  
8 may be appealed to the commission under IC 4-21.5-3-7.

9 (j) The department may temporarily suspend a practitioner's license  
10 under IC 4-21.5-4 before a final adjudication or during the appeals  
11 process if the department finds that a practitioner represents a clear and  
12 immediate danger to the public's health, safety, or property if the  
13 practitioner is allowed to continue to practice.

14 (k) On receipt of a complaint or an information alleging that a  
15 person licensed under this chapter has engaged in or is engaging in a  
16 practice that jeopardizes the public health, safety, or welfare, the  
17 department shall initiate an investigation against the person.

18 (l) Any complaint filed with the office of the attorney general  
19 alleging a violation of this licensing program shall be referred to the  
20 department for summary review and for its general information and any  
21 authorized action at the time of the filing.

22 (m) The department shall conduct a fact finding investigation as the  
23 department considers proper in relation to the complaint.

24 (n) The department may reinstate a license that has been suspended  
25 under this section if, after a hearing, the department is satisfied that the  
26 applicant is able to practice with reasonable skill, safety, and  
27 competency to the public. As a condition of reinstatement, the  
28 department may impose disciplinary or corrective measures authorized  
29 under this chapter.

30 (o) The department may not reinstate a license that has been  
31 revoked under this chapter. An individual whose license has been  
32 revoked under this chapter may not apply for a new license until seven  
33 (7) years after the date of revocation.

34 (p) The department shall seek to achieve consistency in the  
35 application of sanctions authorized in this chapter. Significant  
36 departures from prior decisions involving similar conduct must be  
37 explained in the department's findings or orders.

38 (q) A practitioner may petition the department to accept the  
39 surrender of the practitioner's license instead of having a hearing before  
40 the commission. The practitioner may not surrender the practitioner's  
41 license without the written approval of the department, and the  
42 department may impose any conditions appropriate to the surrender or



1 reinstatement of a surrendered license.

2 (r) A practitioner who has been subjected to disciplinary sanctions  
3 may be required by the commission to pay the costs of the proceeding.  
4 The practitioner's ability to pay shall be considered when costs are  
5 assessed. If the practitioner fails to pay the costs, a suspension may not  
6 be imposed solely upon the practitioner's inability to pay the amount  
7 assessed. The costs are limited to costs for the following:

- 8 (1) Court reporters.
- 9 (2) Transcripts.
- 10 (3) Certification of documents.
- 11 (4) Photo duplication.
- 12 (5) Witness attendance and mileage fees.
- 13 (6) Postage.
- 14 (7) Expert witnesses.
- 15 (8) Depositions.
- 16 (9) Notarizations.

17 SECTION 18. IC 25-1-1.1-2, AS AMENDED BY P.L.142-2020,  
18 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2023]: Sec. 2. Notwithstanding IC 25-1-7, a board, a  
20 commission, or a committee may suspend, deny, or revoke a license or  
21 certificate issued under this title by the board, the commission, or the  
22 committee without an investigation by the office of the attorney general  
23 if the individual who holds the license or certificate is convicted of any  
24 of the following and the board, commission, or committee determines,  
25 after the individual has appeared in person, that the offense affects the  
26 individual's ability to perform the duties of the profession:

- 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 a 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 a 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 a 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, hash oil, hashish, or salvia as a Class



- 1 D felony (for a crime committed before July 1, 2014) or a Level  
 2 6 felony (for a crime committed after June 30, 2014) under  
 3 IC 35-48-4-11.
- 4 (9) A felony offense under IC 35-48-4 involving possession of a  
 5 synthetic drug (as defined in IC 35-31.5-2-321), possession of a  
 6 controlled substance analog (as defined in IC 35-48-1-9.3), or  
 7 possession of a synthetic drug lookalike substance (as defined in  
 8 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:
- 9 (A) Class D felony for a crime committed before July 1, 2014;  
 10 or
- 11 (B) Level 6 felony for a crime committed after June 30, 2014;  
 12 under IC 35-48-4-11.5 (before its repeal on July 1, 2019).
- 13 (10) Maintaining a common nuisance under IC 35-48-4-13  
 14 (repealed) or IC 35-45-1-5, if the common nuisance involves a  
 15 controlled substance.
- 16 (11) An offense relating to registration, labeling, and prescription  
 17 forms under IC 35-48-4-14.
- 18 (12) A sex crime under IC 35-42-4.
- 19 (13) A felony that reflects adversely on the individual's fitness to  
 20 hold a professional license.
- 21 SECTION 19. IC 25-1-1.1-3, AS AMENDED BY P.L.142-2020,  
 22 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 23 JULY 1, 2023]: Sec. 3. A board, a commission, or a committee shall  
 24 revoke or suspend a license or certificate issued under this title by the  
 25 board, the commission, or the committee if the individual who holds  
 26 the license or certificate is convicted of any of the following:
- 27 (1) Dealing in a controlled substance resulting in death under  
 28 IC 35-42-1-1.5.
- 29 (2) Dealing in or manufacturing cocaine or a narcotic drug under  
 30 IC 35-48-4-1.
- 31 (3) Dealing in methamphetamine under IC 35-48-4-1.1.
- 32 (4) Manufacturing methamphetamine under IC 35-48-4-1.2.
- 33 (5) Dealing in a schedule I, II, or III controlled substance under  
 34 IC 35-48-4-2.
- 35 (6) Dealing in a schedule IV controlled substance under  
 36 IC 35-48-4-3.
- 37 (7) Dealing in a schedule V controlled substance under  
 38 IC 35-48-4-4.
- 39 (8) Dealing in a substance represented to be a controlled  
 40 substance under IC 35-48-4-4.5 (before its repeal on July 1,  
 41 2019).
- 42 (9) Knowingly or intentionally manufacturing, advertising,



- 1 distributing, or possessing with intent to manufacture, advertise,  
 2 or distribute a substance represented to be a controlled substance  
 3 under IC 35-48-4-4.6.
- 4 (10) Dealing in a counterfeit substance under IC 35-48-4-5.
- 5 (11) Dealing in ~~marijuana~~, hash oil, hashish, or salvia as a felony  
 6 under IC 35-48-4-10.
- 7 (12) An offense under IC 35-48-4 involving the manufacture or  
 8 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a  
 9 synthetic drug lookalike substance (as defined in  
 10 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under  
 11 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled  
 12 substance analog (as defined in IC 35-48-1-9.3), or a substance  
 13 represented to be a controlled substance (as described in  
 14 IC 35-48-4-4.6).
- 15 (13) A violation of any federal or state drug law or rule related to  
 16 wholesale legend drug distributors licensed under IC 25-26-14.
- 17 SECTION 20. IC 31-37-1-2, AS AMENDED BY P.L.84-2021,  
 18 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2023]: Sec. 2. A child commits a delinquent act if, before  
 20 becoming eighteen (18) years of age, the child commits an act:
- 21 (1) that would be an offense if committed by an adult;  
 22 (2) in violation of IC 35-45-4-6; ~~or~~  
 23 (3) in violation of IC 35-47-10-5; ~~or~~  
 24 **(4) in violation of IC 35-48-4-18;**
- 25 except an act committed by a person over which the juvenile court  
 26 lacks jurisdiction under IC 31-30-1.
- 27 SECTION 21. IC 33-37-4-1, AS AMENDED BY P.L.24-2018,  
 28 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2023]: Sec. 1. (a) For each action that results in a felony  
 30 conviction under IC 35-50-2 or a misdemeanor conviction under  
 31 IC 35-50-3, the clerk shall collect from the defendant a criminal costs  
 32 fee of one hundred twenty dollars (\$120).
- 33 (b) In addition to the criminal costs fee collected under this section,  
 34 the clerk shall collect from the defendant the following fees if they are  
 35 required under IC 33-37-5:
- 36 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or  
 37 IC 33-37-5-4).
- 38 ~~(2) A marijuana eradication program fee (IC 33-37-5-7).~~
- 39 ~~(3)~~ **(2)** An alcohol and drug services program fee (IC  
 40 33-37-5-8(b)).
- 41 ~~(4)~~ **(3)** A law enforcement continuing education program fee (IC  
 42 33-37-5-8(c)).



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

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

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

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

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

- 38           (1) The pretrial diversion fee.  
 39           ~~(2) The marijuana eradication program fee.~~  
 40           ~~(3)~~ **(2)** The alcohol and drug services program fee.  
 41           ~~(4)~~ **(3)** The law enforcement continuing education program fee.

42           The auditor or fiscal officer shall deposit fees transferred under this



1 subsection in the appropriate user fee fund established under  
2 IC 33-37-8.

3 (e) Unless otherwise directed by a court, if a clerk collects only part  
4 of a criminal costs fee from a defendant under this section, the clerk  
5 shall distribute the partial payment of the criminal costs fee as follows:

6 (1) The clerk shall apply the partial payment to general court  
7 costs.

8 (2) If there is money remaining after the partial payment is  
9 applied to general court costs under subdivision (1), the clerk  
10 shall distribute the remainder of the partial payment for deposit in  
11 the appropriate county user fee fund.

12 (3) If there is money remaining after distribution under  
13 subdivision (2), the clerk shall distribute the remainder of the  
14 partial payment for deposit in the state user fee fund.

15 (4) If there is money remaining after distribution under  
16 subdivision (3), the clerk shall distribute the remainder of the  
17 partial payment to any other applicable user fee fund.

18 (5) If there is money remaining after distribution under  
19 subdivision (4), the clerk shall apply the remainder of the partial  
20 payment to any outstanding fines owed by the defendant.

21 SECTION 22. IC 33-37-4-3, AS AMENDED BY P.L.85-2017,  
22 SECTION 110, IS AMENDED TO READ AS FOLLOWS  
23 [EFFECTIVE JULY 1, 2023]: Sec. 3. (a) The clerk shall collect a  
24 juvenile costs fee of one hundred twenty dollars (\$120) for each action  
25 filed under any of the following:

26 (1) IC 31-34 (children in need of services).

27 (2) IC 31-37 (delinquent children).

28 (3) IC 31-14 (paternity).

29 (b) In addition to the juvenile costs fee collected under this section,  
30 the clerk shall collect the following fees, if they are required under  
31 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)~~ An alcohol and drug countermeasures fee (IC 33-37-5-10).

40 ~~(6) (5)~~ A document storage fee (IC 33-37-5-20).

41 ~~(7) (6)~~ An automated record keeping fee (IC 33-37-5-21).

42 ~~(8) (7)~~ A late payment fee (IC 33-37-5-22).





- 1           ~~(9)~~ **(8)** A public defense administration fee (IC 33-37-5-21.2).  
 2           ~~(10)~~ **(9)** A judicial insurance adjustment fee (IC 33-37-5-25).  
 3           ~~(11)~~ **(10)** A judicial salaries fee (IC 33-37-5-26).  
 4           ~~(12)~~ **(11)** A court administration fee (IC 33-37-5-27).  
 5           ~~(13)~~ **(12)** A DNA sample processing fee (IC 33-37-5-26.2).  
 6           (c) The clerk shall transfer to the county auditor or city or town  
 7 fiscal officer the following fees not later than thirty (30) days after they  
 8 are collected:  
 9           ~~(1)~~ The marijuana eradication program fee ~~(IC 33-37-5-7)~~.  
 10           ~~(2)~~ **(1)** The alcohol and drug services program fee (IC  
 11 33-37-5-8(b)).  
 12           ~~(3)~~ **(2)** The law enforcement continuing education program fee  
 13 (IC 33-37-5-8(c)).  
 14 The auditor or fiscal officer shall deposit the fees in the appropriate  
 15 user fee fund established under IC 33-37-8.  
 16 SECTION 23. IC 33-37-5-7 IS REPEALED [EFFECTIVE JULY 1,  
 17 2023]. Sec. 7. ~~(a) This section applies to criminal actions.~~  
 18           ~~(b) The clerk shall collect the marijuana eradication program fee set~~  
 19 ~~by the court under IC 15-16-7-8; if:~~  
 20           ~~(1) a weed control board has been established in the county under~~  
 21 ~~IC 15-16-7-3; and~~  
 22           ~~(2) the person has been convicted of an offense under IC 35-48-4~~  
 23 ~~in a case prosecuted in that county.~~  
 24           ~~(c) The court may set a fee under this section of not more than three~~  
 25 ~~hundred dollars (\$300).~~  
 26 SECTION 24. IC 33-37-7-2, AS AMENDED BY P.L.174-2022,  
 27 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 28 JULY 1, 2023]: Sec. 2. (a) The clerk of a circuit court shall distribute  
 29 semiannually to the auditor of state as the state share for deposit in the  
 30 homeowner protection unit account established by IC 4-6-12-9 one  
 31 hundred percent (100%) of the automated record keeping fees collected  
 32 under IC 33-37-5-21 with respect to actions resulting in the accused  
 33 person entering into a pretrial diversion program agreement under  
 34 IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and  
 35 for deposit in the state general fund seventy percent (70%) of the  
 36 amount of fees collected under the following:  
 37           (1) IC 33-37-4-1(a) (criminal costs fees).  
 38           (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).  
 39           (3) IC 33-37-4-3(a) (juvenile costs fees).  
 40           (4) IC 33-37-4-4(a) (civil costs fees).  
 41           (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).  
 42           (6) IC 33-37-4-7(a) (probate costs fees).



- 1 (7) IC 33-37-5-17 (deferred prosecution fees).
- 2 (b) The clerk of a circuit court shall distribute semiannually to the
- 3 auditor of state for deposit in the state user fee fund established in
- 4 IC 33-37-9-2 the following:
- 5 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
- 6 interdiction, and correction fees collected under
- 7 ~~IC 33-37-4-1(b)(5)~~. **IC 33-37-4-1(b)(4)**.
- 8 (2) Twenty-five percent (25%) of the alcohol and drug
- 9 countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~;
- 10 **IC 33-37-4-1(b)(5)**, IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5)~~;
- 11 **IC 33-37-4-3(b)(4)**.
- 12 (3) One hundred percent (100%) of the child abuse prevention
- 13 fees collected under ~~IC 33-37-4-1(b)(7)~~. **IC 33-37-4-1(b)(6)**.
- 14 (4) One hundred percent (100%) of the domestic violence
- 15 prevention and treatment fees collected under ~~IC 33-37-4-1(b)(8)~~;
- 16 **IC 33-37-4-1(b)(7)**.
- 17 (5) One hundred percent (100%) of the highway worksite zone
- 18 fees collected under ~~IC 33-37-4-1(b)(9)~~ **IC 33-37-4-1(b)(8)** and
- 19 IC 33-37-4-2(b)(5).
- 20 (6) Seventy-five percent (75%) of the safe schools fee collected
- 21 under IC 33-37-5-18.
- 22 (7) One hundred percent (100%) of the automated record keeping
- 23 fee collected under IC 33-37-5-21 not distributed under
- 24 subsection (a).
- 25 (c) The clerk of a circuit court shall distribute monthly to the county
- 26 auditor the following:
- 27 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
- 28 interdiction, and correction fees collected under
- 29 ~~IC 33-37-4-1(b)(5)~~. **IC 33-37-4-1(b)(4)**.
- 30 (2) Seventy-five percent (75%) of the alcohol and drug
- 31 countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~;
- 32 **IC 33-37-4-1(b)(5)**, IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5)~~;
- 33 **IC 33-37-4-3(b)(4)**.
- 34 The county auditor shall deposit fees distributed by a clerk under this
- 35 subsection into the county drug free community fund established under
- 36 IC 5-2-11.
- 37 (d) The clerk of a circuit court shall distribute monthly to the county
- 38 auditor one hundred percent (100%) of the late payment fees collected
- 39 under IC 33-37-5-22. The county auditor shall deposit fees distributed
- 40 by a clerk under this subsection as follows:
- 41 (1) If directed to do so by an ordinance adopted by the county
- 42 fiscal body, the county auditor shall deposit forty percent (40%)



- 1 of the fees in the clerk's record perpetuation fund established  
 2 under IC 33-37-5-2 and sixty percent (60%) of the fees in the  
 3 county general fund.
- 4 (2) If the county fiscal body has not adopted an ordinance  
 5 described in subdivision (1), the county auditor shall deposit all  
 6 the fees in the county general fund.
- 7 (e) The clerk of the circuit court shall distribute semiannually to the  
 8 auditor of state for deposit in the sexual assault victims assistance fund  
 9 established by IC 5-2-6-23(d) one hundred percent (100%) of the  
 10 sexual assault victims assistance fees collected under IC 33-37-5-23.
- 11 (f) The clerk of a circuit court shall distribute monthly to the county  
 12 auditor the following:
- 13 (1) One hundred percent (100%) of the support and maintenance  
 14 fees for cases designated as non-Title IV-D child support cases in  
 15 the Indiana support enforcement tracking system (ISETS) or the  
 16 successor statewide automated support enforcement system  
 17 collected under IC 33-37-5-6.
- 18 (2) The percentage share of the support and maintenance fees for  
 19 cases designated as Title IV-D child support cases in ISETS or the  
 20 successor statewide automated support enforcement system  
 21 collected under IC 33-37-5-6 that is reimbursable to the county at  
 22 the federal financial participation rate.
- 23 The county clerk shall distribute monthly to the department of child  
 24 services the percentage share of the support and maintenance fees for  
 25 cases designated as Title IV-D child support cases in ISETS, or the  
 26 successor statewide automated support enforcement system, collected  
 27 under IC 33-37-5-6 that is not reimbursable to the county at the  
 28 applicable federal financial participation rate.
- 29 (g) The clerk of a circuit court shall distribute monthly to the county  
 30 auditor the following:
- 31 (1) One hundred percent (100%) of the small claims service fee  
 32 under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in  
 33 the county general fund.
- 34 (2) One hundred percent (100%) of the small claims garnishee  
 35 service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for  
 36 deposit in the county general fund.
- 37 (3) Twenty-five percent (25%) of the safe schools fee collected  
 38 under IC 33-37-5-18 for deposit in the county general fund.
- 39 (h) This subsection does not apply to court administration fees  
 40 collected in small claims actions filed in a court described in IC 33-34.  
 41 The clerk of a circuit court shall semiannually distribute to the auditor  
 42 of state for deposit in the state general fund one hundred percent



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



1 fees to the Indiana Bar Foundation (or a successor entity) as the entity  
 2 designated to organize and administer the interest on lawyers trust  
 3 accounts (IOLTA) program under Rule 1.15 of the Rules of  
 4 Professional Conduct of the Indiana supreme court. The Indiana Bar  
 5 Foundation shall:

6 (1) deposit in an appropriate account and otherwise manage the  
 7 fees the Indiana Bar Foundation receives under this subsection in  
 8 the same manner the Indiana Bar Foundation deposits and  
 9 manages the net earnings the Indiana Bar Foundation receives  
 10 from IOLTA accounts; and

11 (2) use the fees the Indiana Bar Foundation receives under this  
 12 subsection to assist or establish approved pro bono legal services  
 13 programs.

14 The handling and expenditure of the pro bono legal services fees  
 15 received under this section by the Indiana Bar Foundation (or its  
 16 successor entity) are subject to audit by the state board of accounts. The  
 17 amounts necessary to make the transfers required by this subsection are  
 18 appropriated from the state general fund.

19 SECTION 25. IC 33-37-7-8, AS AMENDED BY P.L.174-2022,  
 20 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2023]: Sec. 8. (a) The clerk of a city or town court shall  
 22 distribute semiannually to the auditor of state as the state share for  
 23 deposit in the homeowner protection unit account established by  
 24 IC 4-6-12-9 one hundred percent (100%) of the automated record  
 25 keeping fees collected under IC 33-37-5-21 with respect to actions  
 26 resulting in the accused person entering into a pretrial diversion  
 27 program agreement under IC 33-39-1-8 or a deferral program  
 28 agreement under IC 34-28-5-1 and for deposit in the state general fund  
 29 fifty-five percent (55%) of the amount of fees collected under the  
 30 following:

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

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

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

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

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

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

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

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

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

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



- 1 (5) IC 33-37-5-17 (deferred prosecution fees).
- 2 (c) The city or town fiscal officer shall retain twenty-five percent
- 3 (25%) as the city or town share of the fees collected under the
- 4 following:
- 5 (1) IC 33-37-4-1(a) (criminal costs fees).
- 6 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 7 (3) IC 33-37-4-4(a) (civil costs fees).
- 8 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 9 (5) IC 33-37-5-17 (deferred prosecution fees).
- 10 (d) The clerk of a city or town court shall distribute semiannually to
- 11 the auditor of state for deposit in the state user fee fund established in
- 12 IC 33-37-9 the following:
- 13 (1) Twenty-five percent (25%) 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) Twenty-five percent (25%) 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 (3) One hundred percent (100%) of the highway worksite zone
- 21 fees collected under ~~IC 33-37-4-1(b)(9)~~ **IC 33-37-4-1(b)(8)** and
- 22 IC 33-37-4-2(b)(5).
- 23 (4) Seventy-five percent (75%) of the safe schools fee collected
- 24 under IC 33-37-5-18.
- 25 (5) One hundred percent (100%) of the automated record keeping
- 26 fee collected under IC 33-37-5-21 not distributed under
- 27 subsection (a).
- 28 (e) The clerk of a city or town court shall distribute monthly to the
- 29 county auditor the following:
- 30 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
- 31 interdiction, and correction fees collected under
- 32 ~~IC 33-37-4-1(b)(5)~~. **IC 33-37-4-1(b)(4)**.
- 33 (2) Seventy-five percent (75%) of the alcohol and drug
- 34 countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~;
- 35 **IC 33-37-4-1(b)(5)**, IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5)~~;
- 36 **IC 33-37-4-3(b)(4)**.
- 37 The county auditor shall deposit fees distributed by a clerk under this
- 38 subsection into the county drug free community fund established under
- 39 IC 5-2-11.
- 40 (f) The clerk of a city or town court shall distribute monthly to the
- 41 city or town fiscal officer (as defined in IC 36-1-2-7) one hundred
- 42 percent (100%) of the following:



- 1 (1) The late payment fees collected under IC 33-37-5-22.  
 2 (2) The small claims service fee collected under  
 3 IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).  
 4 (3) The small claims garnishee service fee collected under  
 5 IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).  
 6 (4) Twenty-five percent (25%) of the safe schools fee collected  
 7 under IC 33-37-5-18.
- 8 The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit  
 9 fees distributed by a clerk under this subsection in the city or town  
 10 general fund.
- 11 (g) The clerk of a city or town court shall semiannually distribute to  
 12 the auditor of state for deposit in the state general fund one hundred  
 13 percent (100%) of the following:
- 14 (1) The public defense administration fee collected under  
 15 IC 33-37-5-21.2.  
 16 (2) The DNA sample processing fees collected under  
 17 IC 33-37-5-26.2.  
 18 (3) The court administration fees collected under IC 33-37-5-27.  
 19 (4) The judicial insurance adjustment fee collected under  
 20 IC 33-37-5-25.
- 21 (h) The clerk of a city or town court shall semiannually distribute to  
 22 the auditor of state for deposit in the state general fund seventy-five  
 23 percent (75%) of the judicial salaries fee collected under  
 24 IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five  
 25 percent (25%) of the judicial salaries fee collected under  
 26 IC 33-37-5-26. The funds retained by the city or town shall be  
 27 prioritized to fund city or town court operations.
- 28 (i) The clerk of a city or town court shall distribute semiannually to  
 29 the auditor of state one hundred percent (100%) of the pro bono legal  
 30 services fees collected before July 1, 2025, under IC 33-37-5-31. The  
 31 auditor of state shall transfer semiannually the pro bono legal services  
 32 fees to the Indiana Bar Foundation (or a successor entity) as the entity  
 33 designated to organize and administer the interest on lawyers trust  
 34 accounts (IOLTA) program under Rule 1.15 of the Rules of  
 35 Professional Conduct of the Indiana supreme court. The Indiana Bar  
 36 Foundation shall:
- 37 (1) deposit in an appropriate account and otherwise manage the  
 38 fees the Indiana Bar Foundation receives under this subsection in  
 39 the same manner the Indiana Bar Foundation deposits and  
 40 manages the net earnings the Indiana Bar Foundation receives  
 41 from IOLTA accounts; and  
 42 (2) use the fees the Indiana Bar Foundation receives under this



1 subsection to assist or establish approved pro bono legal services  
2 programs.

3 The handling and expenditure of the pro bono legal services fees  
4 received under this section by the Indiana Bar Foundation (or its  
5 successor entity) are subject to audit by the state board of accounts. The  
6 amounts necessary to make the transfers required by this subsection are  
7 appropriated from the state general fund.

8 SECTION 26. IC 33-37-8-5, AS AMENDED BY P.L.101-2022,  
9 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2023]: Sec. 5. (a) A county user fee fund is established in each  
11 county to finance various program services. The county fund is  
12 administered by the county auditor.

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

- 15 (1) The pretrial diversion program fee.  
16 ~~(2) The marijuana eradication program fee.~~  
17 ~~(3) (2) The alcohol and drug services program fee.~~  
18 ~~(4) (3) The law enforcement continuing education program fee.~~  
19 ~~(5) (4) The deferral program fee.~~  
20 ~~(6) (5) The jury fee.~~  
21 ~~(7) (6) The problem solving court fee.~~

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

25 SECTION 27. IC 34-24-1-1, AS AMENDED BY P.L.174-2021,  
26 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2023]: Sec. 1. (a) The following may be seized:

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

32 (A) A controlled substance for the purpose of committing,  
33 attempting to commit, or conspiring to commit any of the  
34 following:

- 35 (i) Dealing in or manufacturing cocaine or a narcotic drug  
36 (IC 35-48-4-1).  
37 (ii) Dealing in methamphetamine (IC 35-48-4-1.1).  
38 (iii) Manufacturing methamphetamine (IC 35-48-4-1.2).  
39 (iv) Dealing in a schedule I, II, or III controlled substance  
40 (IC 35-48-4-2).  
41 (v) Dealing in a schedule IV controlled substance (IC  
42 35-48-4-3).





- 1 (vi) Dealing in a schedule V controlled substance (IC  
2 35-48-4-4).
- 3 (vii) Dealing in a counterfeit substance (IC 35-48-4-5).
- 4 (viii) Possession of cocaine or a narcotic drug (IC  
5 35-48-4-6).
- 6 (ix) Possession of methamphetamine (IC 35-48-4-6.1).
- 7 (x) Dealing in paraphernalia (IC 35-48-4-8.5).
- 8 (xi) Dealing in marijuana (**before July 1, 2023**), hash oil,  
9 hashish, or salvia (IC 35-48-4-10).
- 10 (xii) An offense under IC 35-48-4 involving a synthetic drug  
11 (as defined in IC 35-31.5-2-321), a synthetic drug lookalike  
12 substance (as defined in IC 35-31.5-2-321.5 (before its  
13 repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its  
14 repeal on July 1, 2019), a controlled substance analog (as  
15 defined in IC 35-48-1-9.3), or a substance represented to be  
16 a controlled substance (as described in IC 35-48-4-4.6).
- 17 (B) Any stolen (IC 35-43-4-2) or converted property (IC  
18 35-43-4-3) if the retail or repurchase value of that property is  
19 one hundred dollars (\$100) or more.
- 20 (C) Any hazardous waste in violation of IC 13-30-10-1.5.
- 21 (D) A bomb (as defined in IC 35-31.5-2-31) or weapon of  
22 mass destruction (as defined in IC 35-31.5-2-354) used to  
23 commit, used in an attempt to commit, or used in a conspiracy  
24 to commit a felony terrorist offense (as defined in  
25 IC 35-50-2-18) or an offense under IC 35-47 as part of or in  
26 furtherance of an act of terrorism (as defined by  
27 IC 35-31.5-2-329).
- 28 (2) All money, negotiable instruments, securities, weapons,  
29 communications devices, or any property used to commit, used in  
30 an attempt to commit, or used in a conspiracy to commit a felony  
31 terrorist offense (as defined in IC 35-50-2-18) or an offense under  
32 IC 35-47 as part of or in furtherance of an act of terrorism or  
33 commonly used as consideration for a violation of IC 35-48-4  
34 (other than items subject to forfeiture under IC 16-42-20-5 or  
35 IC 16-6-8.5-5.1, before its repeal):
- 36 (A) furnished or intended to be furnished by any person in  
37 exchange for an act that is in violation of a criminal statute;
- 38 (B) used to facilitate any violation of a criminal statute; or
- 39 (C) traceable as proceeds of the violation of a criminal statute.
- 40 (3) Any portion of real or personal property purchased with  
41 money that is traceable as a proceed of a violation of a criminal  
42 statute.



- 1 (4) A vehicle that is used by a person to:  
 2 (A) commit, attempt to commit, or conspire to commit;  
 3 (B) facilitate the commission of; or  
 4 (C) escape from the commission of;  
 5 murder (IC 35-42-1-1), dealing in a controlled substance resulting  
 6 in death (IC 35-42-1-1.5), kidnapping (IC 35-42-3-2), criminal  
 7 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting  
 8 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense  
 9 under IC 35-47 as part of or in furtherance of an act of terrorism.  
 10 (5) Real property owned by a person who uses it to commit any of  
 11 the following as a Level 1, Level 2, Level 3, Level 4, or Level 5  
 12 felony:  
 13 (A) Dealing in or manufacturing cocaine or a narcotic drug (IC  
 14 35-48-4-1).  
 15 (B) Dealing in methamphetamine (IC 35-48-4-1.1).  
 16 (C) Manufacturing methamphetamine (IC 35-48-4-1.2).  
 17 (D) Dealing in a schedule I, II, or III controlled substance (IC  
 18 35-48-4-2).  
 19 (E) Dealing in a schedule IV controlled substance (IC  
 20 35-48-4-3).  
 21 (F) Dealing in marijuana (**before July 1, 2023**), hash oil,  
 22 hashish, or salvia (IC 35-48-4-10).  
 23 (G) Dealing in a synthetic drug (as defined in  
 24 IC 35-31.5-2-321) or synthetic drug lookalike substance (as  
 25 defined in IC 35-31.5-2-321.5 (before its repeal on July 1,  
 26 2019)) under IC 35-48-4-10.5 (before its repeal on July 1,  
 27 2019).  
 28 (H) Dealing in a controlled substance resulting in death (IC  
 29 35-42-1-1.5).  
 30 (6) Equipment and recordings used by a person to commit fraud  
 31 under IC 35-43-5.  
 32 (7) Recordings sold, rented, transported, or possessed by a person  
 33 in violation of IC 24-4-10.  
 34 (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as  
 35 defined by IC 35-45-6-1) that is the object of a corrupt business  
 36 influence violation (IC 35-45-6-2).  
 37 (9) Unlawful telecommunications devices (as defined in  
 38 IC 35-45-13-6) and plans, instructions, or publications used to  
 39 commit an offense under IC 35-45-13.  
 40 (10) Any equipment, including computer equipment and cellular  
 41 telephones, used for or intended for use in preparing,  
 42 photographing, recording, videotaping, digitizing, printing,



- 1 copying, or disseminating matter in violation of IC 35-42-4.  
 2 (11) Destructive devices used, possessed, transported, or sold in  
 3 violation of IC 35-47.5.  
 4 (12) Tobacco products that are sold in violation of IC 24-3-5,  
 5 tobacco products that a person attempts to sell in violation of  
 6 IC 24-3-5, and other personal property owned and used by a  
 7 person to facilitate a violation of IC 24-3-5.  
 8 (13) Property used by a person to commit counterfeiting or  
 9 forgery in violation of IC 35-43-5-2.  
 10 (14) After December 31, 2005, if a person is convicted of an  
 11 offense specified in IC 25-26-14-26(b) or IC 35-43-10, the  
 12 following real or personal property:  
 13 (A) Property used or intended to be used to commit, facilitate,  
 14 or promote the commission of the offense.  
 15 (B) Property constituting, derived from, or traceable to the  
 16 gross proceeds that the person obtained directly or indirectly  
 17 as a result of the offense.  
 18 (15) Except as provided in subsection (e), a vehicle used by a  
 19 person who operates the vehicle:  
 20 (A) while intoxicated, in violation of IC 9-30-5-1 through  
 21 IC 9-30-5-5, if in the previous five (5) years the person has two  
 22 (2) or more prior unrelated convictions for operating a motor  
 23 vehicle while intoxicated in violation of IC 9-30-5-1 through  
 24 IC 9-30-5-5; or  
 25 (B) on a highway while the person's driving privileges are  
 26 suspended in violation of IC 9-24-19-2 through IC 9-24-19-3,  
 27 if in the previous five (5) years the person has two (2) or more  
 28 prior unrelated convictions for operating a vehicle while  
 29 intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5.  
 30 If a court orders the seizure of a vehicle under this subdivision,  
 31 the court shall transmit an order to the bureau of motor vehicles  
 32 recommending that the bureau not permit a vehicle to be  
 33 registered in the name of the person whose vehicle was seized  
 34 until the person possesses a current driving license (as defined in  
 35 IC 9-13-2-41).  
 36 (16) The following real or personal property:  
 37 (A) Property used or intended to be used to commit, facilitate,  
 38 or promote the commission of an offense specified in  
 39 IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or  
 40 IC 30-2-13-38(f).  
 41 (B) Property constituting, derived from, or traceable to the  
 42 gross proceeds that a person obtains directly or indirectly as a



- 1 result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b),  
 2 IC 30-2-10-9(b), or IC 30-2-13-38(f).  
 3 (17) Real or personal property, including a vehicle, that is used by  
 4 a person to:  
 5 (A) commit, attempt to commit, or conspire to commit;  
 6 (B) facilitate the commission of; or  
 7 (C) escape from the commission of;  
 8 a violation of IC 35-42-3.5-1 through IC 35-42-3.5-1.4 (human  
 9 trafficking) or IC 35-45-4-4 (promoting prostitution).  
 10 (b) A vehicle used by any person as a common or contract carrier in  
 11 the transaction of business as a common or contract carrier is not  
 12 subject to seizure under this section, unless it can be proven by a  
 13 preponderance of the evidence that the owner of the vehicle knowingly  
 14 permitted the vehicle to be used to engage in conduct that subjects it to  
 15 seizure under subsection (a).  
 16 (c) Equipment under subsection (a)(10) may not be seized unless it  
 17 can be proven by a preponderance of the evidence that the owner of the  
 18 equipment knowingly permitted the equipment to be used to engage in  
 19 conduct that subjects it to seizure under subsection (a)(10).  
 20 (d) Money, negotiable instruments, securities, weapons,  
 21 communications devices, or any property commonly used as  
 22 consideration for a violation of IC 35-48-4 found near or on a person  
 23 who is committing, attempting to commit, or conspiring to commit any  
 24 of the following offenses shall be admitted into evidence in an action  
 25 under this chapter as prima facie evidence that the money, negotiable  
 26 instrument, security, or other thing of value is property that has been  
 27 used or was to have been used to facilitate the violation of a criminal  
 28 statute or is the proceeds of the violation of a criminal statute:  
 29 (1) IC 35-42-1-1.5 (dealing in a controlled substance resulting in  
 30 death).  
 31 (2) IC 35-48-4-1 (dealing in or manufacturing cocaine or a  
 32 narcotic drug).  
 33 (3) IC 35-48-4-1.1 (dealing in methamphetamine).  
 34 (4) IC 35-48-4-1.2 (manufacturing methamphetamine).  
 35 (5) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled  
 36 substance).  
 37 (6) IC 35-48-4-3 (dealing in a schedule IV controlled substance).  
 38 (7) IC 35-48-4-4 (dealing in a schedule V controlled substance)  
 39 as a Level 4 felony.  
 40 (8) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a  
 41 Level 3, Level 4, or Level 5 felony.  
 42 (9) IC 35-48-4-6.1 (possession of methamphetamine) as a Level



1 3, Level 4, or Level 5 felony.

2 (10) IC 35-48-4-10 (dealing in marijuana (**before July 1, 2023**),  
3 hash oil, hashish, or salvia) as a Level 5 felony.

4 (11) IC 35-48-4-10.5 (before its repeal on July 1, 2019) (dealing  
5 in a synthetic drug or synthetic drug lookalike substance) as a  
6 Level 5 felony or Level 6 felony (or as a Class C felony or Class  
7 D felony under IC 35-48-4-10 before its amendment in 2013).

8 (e) A vehicle operated by a person who is not:

9 (1) an owner of the vehicle; or

10 (2) the spouse of the person who owns the vehicle;

11 is not subject to seizure under subsection (a)(15) unless it can be  
12 proven by a preponderance of the evidence that the owner of the  
13 vehicle knowingly permitted the vehicle to be used to engage in  
14 conduct that subjects it to seizure under subsection (a)(15).

15 SECTION 28. IC 35-31.5-2-33.3 IS ADDED TO THE INDIANA  
16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
17 [EFFECTIVE JULY 1, 2023]: **Sec. 33.3. "Cannabis", for purposes**  
18 **of IC 35-48, has the meaning set forth in IC 35-48-1-19.**

19 SECTION 29. IC 35-31.5-2-195 IS REPEALED [EFFECTIVE  
20 JULY 1, 2023]. ~~Sec. 195. "Marijuana", for purposes of IC 35-48, has~~  
21 ~~the meaning set forth in IC 35-48-1-19.~~

22 SECTION 30. IC 35-45-1-5, AS AMENDED BY P.L.144-2018,  
23 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
24 JULY 1, 2023]: Sec. 5. (a) As used in this section, "common nuisance"  
25 means a building, structure, vehicle, or other place that is used for (1)  
26 or more of the following purposes:

27 (1) To buy an alcoholic beverage in violation of IC 7.1-5-10-5.

28 (2) To unlawfully use, keep, or sell a legend drug.

29 (3) To unlawfully:

30 (A) use;

31 (B) manufacture;

32 (C) keep;

33 (D) offer for sale;

34 (E) sell;

35 (F) deliver; or

36 (G) finance the delivery of;

37 a controlled substance or an item of drug paraphernalia (as  
38 described in IC 35-48-4-8.5).

39 (4) To provide a location for a person to pay, offer to pay, or agree  
40 to pay money or other property to another person for a human  
41 trafficking victim or an act performed by a human trafficking  
42 victim.



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



- 1 (v) sell;  
 2 (vi) deliver; or  
 3 (vii) finance the delivery of;  
 4 a controlled substance or an item of drug paraphernalia, as set  
 5 forth in subsection (a)(3); and  
 6 (B) has a prior unrelated conviction for a violation of this  
 7 section involving a controlled substance or drug paraphernalia.  
 8 (c) A person who knowingly or intentionally maintains a common  
 9 nuisance commits maintaining a common nuisance, a Level 6 felony.  
 10 (d) It is a defense to a prosecution under subsection (c) that:  
 11 (1) the offense involves only the unlawful use or keeping of:  
 12 (A) less than:  
 13 (i) thirty (30) grams of marijuana (**for an offense**  
 14 **committed before July 1, 2023**); or  
 15 (ii) five (5) grams of hash oil, hashish, or salvia; or  
 16 (B) an item of drug paraphernalia (as described in  
 17 IC 35-48-4-8.5) that is designed for use with, or intended to be  
 18 used for, marijuana (**for an offense committed before July 1,**  
 19 **2023**), hash oil, hashish, or salvia; and  
 20 (2) the person does not have a prior unrelated conviction for a  
 21 violation of subsection (c).  
 22 SECTION 31. IC 35-45-6-1, AS AMENDED BY P.L.25-2022,  
 23 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2023]: Sec. 1. (a) The definitions in this section apply  
 25 throughout this chapter.  
 26 (b) "Documentary material" means any document, drawing,  
 27 photograph, recording, or other tangible item containing compiled data  
 28 from which information can be either obtained or translated into a  
 29 usable form.  
 30 (c) "Enterprise" means:  
 31 (1) a sole proprietorship, corporation, limited liability company,  
 32 partnership, business trust, or governmental entity; or  
 33 (2) a union, an association, or a group, whether a legal entity or  
 34 merely associated in fact.  
 35 (d) "Pattern of racketeering activity" means engaging in at least two  
 36 (2) incidents of racketeering activity that have the same or similar  
 37 intent, result, accomplice, victim, or method of commission, or that are  
 38 otherwise interrelated by distinguishing characteristics that are not  
 39 isolated incidents. However, the incidents are a pattern of racketeering  
 40 activity only if at least one (1) of the incidents occurred after August  
 41 31, 1980, and if the last of the incidents occurred within five (5) years  
 42 after a prior incident of racketeering activity.



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

4 (1) A provision of IC 23-19, or of a rule or order issued under  
5 IC 23-19.

6 (2) A violation of IC 35-45-9.

7 (3) A violation of IC 35-47.

8 (4) A violation of IC 35-49-3.

9 (5) Murder (IC 35-42-1-1).

10 (6) Battery as a Class C felony before July 1, 2014, or a Level 5  
11 felony after June 30, 2014 (IC 35-42-2-1).

12 (7) Kidnapping (IC 35-42-3-2).

13 (8) Human and sexual trafficking crimes (IC 35-42-3.5).

14 (9) Child exploitation (IC 35-42-4-4).

15 (10) Robbery (IC 35-42-5-1).

16 (11) Carjacking (IC 35-42-5-2) (before its repeal).

17 (12) Arson (IC 35-43-1-1).

18 (13) Burglary (IC 35-43-2-1).

19 (14) Theft (IC 35-43-4-2).

20 (15) Receiving stolen property (IC 35-43-4-2) (before its  
21 amendment on July 1, 2018).

22 (16) Forgery (IC 35-43-5-2).

23 (17) An offense under IC 35-43-5.

24 (18) Bribery (IC 35-44.1-1-2).

25 (19) Official misconduct (IC 35-44.1-1-1).

26 (20) Conflict of interest (IC 35-44.1-1-4).

27 (21) Perjury (IC 35-44.1-2-1).

28 (22) Obstruction of justice (IC 35-44.1-2-2).

29 (23) Intimidation (IC 35-45-2-1).

30 (24) Promoting prostitution (IC 35-45-4-4).

31 (25) Professional gambling (IC 35-45-5-3).

32 (26) Maintaining a professional gambling site (IC  
33 35-45-5-3.5(b)).

34 (27) Promoting professional gambling (IC 35-45-5-4).

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

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

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

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

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





- 1 (33) Dealing in a schedule V controlled substance (IC 35-48-4-4).  
 2 (34) Dealing in ~~marijuana~~, hash oil, hashish, or salvia (IC  
 3 35-48-4-10).  
 4 (35) Money laundering (IC 35-45-15-5).  
 5 (36) A violation of IC 35-47.5-5.  
 6 (37) A violation of any of the following:  
 7 (A) IC 23-14-48-9.  
 8 (B) IC 30-2-9-7(b).  
 9 (C) IC 30-2-10-9(b).  
 10 (D) IC 30-2-13-38(f).  
 11 (38) Practice of law by a person who is not an attorney (IC  
 12 33-43-2-1).  
 13 (39) An offense listed in 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 (40) Dealing in a controlled substance resulting in death (IC  
 22 35-42-1-1.5).

23 SECTION 32. IC 35-46-9-6, AS AMENDED BY P.L.184-2019,  
 24 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2023]: Sec. 6. (a) Except as provided in subsections ~~(b)~~ and  
 26 (c) **and (d)**, a person who operates a motorboat while:

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

- 30 (A) one hundred (100) milliliters of the person's blood; or  
 31 (B) two hundred ten (210) liters of the person's breath;

32 (2) having a controlled substance listed in schedule I or II of  
 33 IC 35-48-2 or its metabolite, **not including THC**, in the person's  
 34 body; or

35 (3) intoxicated;

36 commits a Class C misdemeanor.

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

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

40 **(2) is impaired;**

41 **commits a Class C misdemeanor.**

42 ~~(b)~~ (c) The offense **under subsection (a) or (b)** is a Level 6 felony



1 if:

- 2 (1) the person has a previous conviction under:  
 3 (A) IC 14-1-5 (repealed);  
 4 (B) IC 14-15-8-8 (repealed); or  
 5 (C) this chapter; or

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

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

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

15 SECTION 33. IC 35-48-1-16.5, AS AMENDED BY P.L.142-2020,  
 16 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2023]: Sec. 16.5. "Enhancing circumstance" means one (1) or  
 18 more of the following:

19 (1) The person has a prior conviction for dealing in a controlled  
 20 substance that is not marijuana (**before July 1, 2023**), hashish,  
 21 hash oil, or salvia divinorum.

22 (2) The person committed the offense while in possession of a  
 23 firearm.

24 (3) The person committed the offense:

25 (A) on a school bus; or

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

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

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

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

34 (5) The person manufactured or financed the manufacture of the  
 35 drug.

36 (6) The person committed the offense in the physical presence of  
 37 a child less than eighteen (18) years of age, knowing that the child  
 38 was present and might be able to see or hear the offense.

39 (7) The person committed the offense on the property of a:

40 (A) penal facility; or

41 (B) juvenile facility (as defined in IC 35-44.1-3-5).

42 (8) The person knowingly committed the offense in, on, or within



1 one hundred (100) feet of a facility. For purposes of this  
 2 subdivision, "facility" means a place that is:

- 3 (A) created and funded under IC 12-23-14 or IC 33-23-16;  
 4 (B) certified under IC 12-23-1-6; or  
 5 (C) used for the purpose of conducting a recovery or support  
 6 group meeting;  
 7 and at which a drug abuser (as defined in IC 12-7-2-73) may be  
 8 provided with treatment, care, or rehabilitation.

9 SECTION 34. IC 35-48-1-18, AS AMENDED BY P.L.158-2013,  
 10 SECTION 620, IS AMENDED TO READ AS FOLLOWS  
 11 [EFFECTIVE JULY 1, 2023]: Sec. 18. "Manufacture" means the  
 12 following:

- 13 (1) For offenses not involving ~~marijuana~~ hashish or hash oil:  
 14 (A) the production, preparation, propagation, compounding,  
 15 conversion, or processing of a controlled substance, either  
 16 directly or indirectly by extraction from substances of natural  
 17 origin, independently by means of chemical synthesis, or by a  
 18 combination of extraction and chemical synthesis, and  
 19 includes any packaging or repackaging of the substance or  
 20 labeling or relabeling of its container. It does not include the  
 21 preparation, compounding, packaging, or labeling of a  
 22 controlled substance:  
 23 (i) by a practitioner as an incident to administering or  
 24 dispensing of a controlled substance in the course of a  
 25 professional practice; or  
 26 (ii) by a practitioner, or by the practitioner's authorized agent  
 27 under the practitioner's supervision, for the purpose of, or as  
 28 an incident to, research, teaching, or chemical analysis and  
 29 not for sale; or  
 30 (B) the organizing or supervising of an activity described in  
 31 clause (A).  
 32 (2) For offenses involving ~~marijuana~~ hashish or hash oil:  
 33 (A) the preparation, compounding, conversion, or processing  
 34 of ~~marijuana~~ hashish or hash oil, either directly or indirectly by  
 35 extraction from substances of natural origin, independently by  
 36 means of chemical synthesis, or by a combination of extraction  
 37 and chemical synthesis, and includes any packaging or  
 38 repackaging of the ~~marijuana~~ hashish or hash oil, or labeling  
 39 or relabeling of its container. It does not include planting,  
 40 growing, cultivating, or harvesting a plant, or the preparation,  
 41 compounding, packaging, or labeling of ~~marijuana~~ hashish or  
 42 hash oil:



1 (i) by a practitioner as an incident to lawfully administering  
 2 or dispensing of ~~marijuana~~ hashish or hash oil in the course  
 3 of a professional practice; or

4 (ii) by a practitioner, or by the practitioner's authorized agent  
 5 under the practitioner's supervision, for the purpose of, or as  
 6 an incident to, research, teaching, or chemical analysis and  
 7 not for sale; or

8 (B) the organizing or supervising of an activity described in  
 9 clause (A).

10 SECTION 35. IC 35-48-1-19, AS AMENDED BY P.L.190-2019,  
 11 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2023]: Sec. 19. (a) ~~"Marijuana"~~ **"Cannabis"** means any part  
 13 of the plant genus Cannabis whether growing or not; the seeds thereof;  
 14 the resin extracted from any part of the plant, including hashish and  
 15 hash oil; any compound, manufacture, salt, derivative, mixture, or  
 16 preparation of the plant, its seeds or resin.

17 (b) The term does not include:

18 (1) the mature stalks of the plant;

19 (2) fiber produced from the stalks;

20 (3) oil or cake made from the seeds of the plant;

21 (4) any other compound, manufacture, salt, derivative, mixture,  
 22 or preparation of the mature stalks (except the resin extracted  
 23 therefrom);

24 (5) the sterilized seed of the plant which is incapable of  
 25 germination;

26 (6) hemp (as defined by IC 15-15-13-6);

27 (7) low THC hemp extract; or

28 (8) smokable hemp.

29 SECTION 36. IC 35-48-2-4, AS AMENDED BY P.L.10-2021,  
 30 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2023]: Sec. 4. (a) The controlled substances listed in this  
 32 section are included in schedule I.

33 (b) Opiates. Any of the following opiates, including their isomers,  
 34 esters, ethers, salts, and salts of isomers, esters, and ethers, unless  
 35 specifically excepted by rule of the board or unless listed in another  
 36 schedule, whenever the existence of these isomers, esters, ethers, and  
 37 salts is possible within the specific chemical designation:

38 4-fluoroisobutyl fentanyl

39 Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-  
 40 piperidinyl]-N-phenylacetamide) (9815)

41 Acetyl fentanyl (Other names include:  
 42 N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)



1	Acetylmethadol (9601)
2	Acrylfentanyl. Other name: N-(1-phenethylpiperidin-4-yl)-
3	N-phenylacrylamide
4	Allylprodine (9602)
5	Alpha-methylthiofentanyl (N-[1-methyl-2-(2-
6	thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide) (9832)
7	Alphacetylmethadol (9603)
8	Alphameprodine (9604)
9	Alphamethadol (9605)
10	Alphamethylfentanyl (9814)
11	Benzethidine (9606)
12	Beta-hydroxy-3-methylfentanyl (9831). Other name:
13	N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl
14	]-N-phenylpropanamide
15	Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-
16	phenethyl)-4-piperidinyl]-N-phenylpropanamide) (9830)
17	Betacetylmethadol (9607)
18	Betameprodine (9608)
19	Betamethadol (9609)
20	Betaprodine (9611)
21	Clonitazene (9612)
22	Cyclopentyl fentanyl. Other name:
23	N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide
24	Dextromoramide (9613)
25	Diampromide (9615)
26	Diethylthiambutene (9616)
27	Difenoxin (9168)
28	Dimenoxadol (9617)
29	Dimepheptanol (9618)
30	Dimethylthiambutene (9619)
31	Dioxaphetyl butyrate (9621)
32	Dipipanone (9622)
33	Ethylmethylthiambutene (9623)
34	Etonitazene (9624)
35	Etoxidine (9625)
36	Fentanyl related substances.
37	Furanyl fentanyl.
38	Furethidine (9626)
39	Hydroxypethidine (9627)
40	Isobutyryl fentanyl. Other name:
41	N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide
42	Isotonitazene. Other name: N,N-diethyl-2-



1 (2-(4 isopropoxybenzyl)-5-nitro-1H-benzimidazol-  
 2 1-yl)ethan-1-amine)  
 3 Ketobemidone (9628)  
 4 Levomoramide (9629)  
 5 Levophenacymorphan (9631)  
 6 Methoxyacetyl fentanyl. Other name:  
 7 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide  
 8 3-Methylfentanyl [N-[3-methyl-1-(2-phenylethyl)-4-  
 9 piperidyl]-N-phenyl-propanamide](9813)  
 10 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-  
 11 piperidinyl]-N-phenylpropanamide) (9833)  
 12 MDMA-4en-PINACA  
 13 4F-MDMB-BICA; 4-fluoro MDMA-BICA; 4F-MDMB-BUTICA;  
 14 Methyl 2-[[1-(4-fluorobutyl)indole-3-carbonyl]amino]-3,  
 15 3-dimethyl-butanoate  
 16 MPPP (1-methyl-4-phenyl-4-propionoxypiperidine) (9961)  
 17 Morpheridine (9632)  
 18 N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl),  
 19 including any isomers, salts, or salts of isomers (9818)  
 20 N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl] 25 piperidin-4-yl]-  
 21 N-phenylpropionamide, also known as N-[1-[2-hydroxy-2-  
 22 (2-thienyl)ethyl] -4- piperidinyl]- N-phenylpropanamide,  
 23 (beta-hydroxythiofentanyl)  
 24 N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl) isobutyramide  
 25 (para-chloroisobutyryl fentanyl)  
 26 N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)  
 27 acetamide (ocfentanil)  
 28 N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4 -yl) butyramide  
 29 (para-fluorobutyryl fentanyl)  
 30 N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide, also known  
 31 as N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide, (butyryl  
 32 fentanyl)  
 33 N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide (valeryl  
 34 fentanyl)  
 35 N-(4-methoxyphenyl)-N-(1-phenethylpiperidin -4-yl) butyramide  
 36 (para-methoxybutyryl fentanyl)  
 37 N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide  
 38 (thenylfentanyl), including any isomers, salts, or salts of isomers  
 39 (9834)  
 40 N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide (isobutyryl  
 41 fentanyl)  
 42 N-(1-phenethylpiperidin-4-yl)-Nphenylcyclopentanecarboxamide



- 1 (cyclopentyl fentanyl)  
 2 Noracymethadol (9633)  
 3 Norlevorphanol (9634)  
 4 Normethadone (9635)  
 5 Norpipanone (9636)  
 6 O c f e n t a n i l . O t h e r n a m e :  
 7 N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)  
 8 acetamide  
 9 Ortho-fluorofentanyl or 2-fluorofentanyl. Other name:  
 10 N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide  
 11 Para-chloroisobutyryl fentanyl. Other name:  
 12 N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide  
 13 Para-fluorobutyryl fentanyl. Other name:  
 14 N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide  
 15 Para-fluorofentanyl (N-(4-fluorophenyl)-N-  
 16 [1-(2-phenethyl)-4-piperidinyl] propanamide (9812)  
 17 Para-methoxybutyryl fentanyl. Other name:  
 18 N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide  
 19 Phenadoxone (9637)  
 20 Phenampromide (9638)  
 21 Phenomorphan (9647)  
 22 Phenoperidine (9641)  
 23 PEPAP [1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine] (9663)  
 24 Piritramide (9642)  
 25 Proheptazine (9643)  
 26 Properidine (9644)  
 27 Propiram (9649)  
 28 Racemoramide (9645)  
 29 Tetrahydrofuranyl fentanyl. Other name:  
 30 N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carb  
 31 oxamide  
 32 Thiofentanyl (N-phenyl-N-[ 1-(2-thienyl)ethyl-4-  
 33 piperidinyl]-propanamide) (9835)  
 34 Tilidine (9750)  
 35 Trimeperidine (9646)  
 36 U47700 (3,4-dichloro- N- [2-dimethylamino)cyclohexyl]-  
 37 N-methyl- benzamide)  
 38 V a l e r y l f e n t a n y l . O t h e r n a m e :  
 39 N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide  
 40 (c) Opium derivatives. Any of the following opium derivatives, their  
 41 salts, isomers, and salts of isomers, unless specifically excepted by rule  
 42 of the board or unless listed in another schedule, whenever the



- 1 existence of these salts, isomers, and salts of isomers is possible within  
 2 the specific chemical designation:
- 3 Acetorphine (9319)
  - 4 Acetyldihydrocodeine (9051)
  - 5 Benzylmorphine (9052)
  - 6 Codeine methylbromide (9070)
  - 7 Codeine-N-Oxide (9053)
  - 8 Cyprenorphine (9054)
  - 9 Desomorphine (9055)
  - 10 Dihydromorphine (9145)
  - 11 Drotebanol (9335)
  - 12 Etorphine (except hydrochloride salt) (9056)
  - 13 Heroin (9200)
  - 14 Hydromorphanol (9301)
  - 15 Methyl-desorphine (9302)
  - 16 Methyl-dihydromorphine (9304)
  - 17 Morphine methylbromide (9305)
  - 18 Morphine methylsulfonate (9306)
  - 19 Morphine-N-Oxide (9307)
  - 20 Myrophine (9308)
  - 21 Nicocodeine (9309)
  - 22 Nicomorphine (9312)
  - 23 Normorphine (9313)
  - 24 Pholcodine (9314)
  - 25 Thebacon (9315)
- 26 (d) Hallucinogenic substances. Unless specifically excepted or  
 27 unless listed in another schedule, any material, compound, mixture, or  
 28 preparation which contains any quantity of the following  
 29 hallucinogenic, psychedelic, or psychogenic substances, their salts,  
 30 isomers, and salts of isomers whenever the existence of these salts,  
 31 isomers, and salts of isomers is possible within the specific chemical  
 32 designation (for purposes of this subsection only, the term "isomer"  
 33 includes the optical, position, and geometric isomers):
- 34 (1) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (7473). Other name:  
 35 TCPy.
  - 36 (2) 4-Bromo-2, 5-Dimethoxyamphetamine (7391). Some trade or  
 37 other names: 4-Bromo-2, 5-Dimethoxy- $\alpha$ -methylphenethylamine;  
 38 4-Bromo-2, 5-DMA.
  - 39 (3) 4-Bromo-2, 5-dimethoxyphenethylamine (7392). Some trade  
 40 or other names:  
 41 2-[4-bromo-2, 5-dimethoxyphenyl]-1-aminoethane;  
 42  $\alpha$ -desmethyl DOB; 2C-B, Nexus.





- 1 (4) 2, 5-Dimethoxy-4-ethylamphet-amine (7399). Other name:  
 2 DOET.  
 3 (5) 2, 5-Dimethoxy-4-(n)-propylthiophenethylamine (7348).  
 4 Other name: 2C-T-7.  
 5 (6) 2, 5-Dimethoxyamphetamine (7396). Some trade or other  
 6 names: 2, 5-Dimethoxy-a-methylphenethylamine; 2, 5-DMA.  
 7 (7) 4-Methoxyamphetamine (7411). Some trade or other names:  
 8 4-Methoxy-a-methylphenethylamine; Paramethoxyamphetamine;  
 9 PMA.  
 10 (8) 5-Methoxy-3, 4-methylenedioxy amphetamine (7401). Other  
 11 Name: MMDA.  
 12 (9) 5-Methoxy-N, N-diisopropyltryptamine, including any  
 13 isomers, salts, or salts of isomers (7439). Other name:  
 14 5-MeO-DIPT.  
 15 (10) 4-methyl-2, 5-dimethoxyamphetamine (7395). Some trade  
 16 and other names: 4-methyl-2,  
 17 5-dimethoxy-a-methylphenethylamine; DOM; and STP.  
 18 (11) 3, 4-methylenedioxy amphetamine (7400). Other name:  
 19 MDA.  
 20 (12) 3,4-methylenedioxy-N-ethylamphetamine (7404). Other  
 21 names: N-ethyl-alpha-methyl-3,4(methylenedioxy)  
 22 phenethylamine; N-ethyl MDA; MDE; and MDEA.  
 23 (13) 3, 4-methylenedioxymethamphetamine (MDMA) (7405).  
 24 (14) 3, 4, 5-trimethoxy amphetamine (7390). Other name: TMA.  
 25 (15) Alpha-ethyltryptamine (7249). Some trade and other names:  
 26 Etryptamine; Monase; [alpha]-ethyl-1H-indole-3-ethanamine;  
 27 3-(2-aminobutyl) indole; [alpha]-ET; and AET.  
 28 (16) Alpha-methyltryptamine (7432). Other name: AMT.  
 29 (17) Bufotenine (7433). Some trade and other names:  
 30 3-(B-Dimethylaminoethyl)-5-hydroxyindole;  
 31 3-(2-dimethylaminonethyl)-5-indolol; N, N-dimethylserotonin;  
 32 5-hydroxy-N, N-dimethyltryptamine; mappine.  
 33 (18) Diethyltryptamine (7434). Some trade or other names: N,  
 34 N-Diethyltryptamine; DET.  
 35 (19) Dimethyltryptamine (7435). Some trade or other names:  
 36 DMT.  
 37 (20) Ibogaine (7260). Some trade and other names: 7-Ethyl-6, 6b,  
 38 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-pyrido  
 39 (1', 2': 1, 2, azepino 4, 5-b) indole; tabernanthe iboga.  
 40 (21) Lysergic acid diethylamide (7315). Other name: LSD.  
 41 ~~(22) Marijuana (7360).~~  
 42 ~~(23)~~ **(22)** Mescaline (7381).



- 1           ~~(24)~~ **(23)** Parahexyl (7374). Some trade or other names:  
 2           3-Hexyl-1-hydroxy-7, 8, 9, 10-Tetrahydro-6, 6,  
 3           9-trimethyl-6H-dibenzo (b,d) pyran; Snyhexyl.  
 4           ~~(25)~~ **(24)** Peyote (7415), including:  
 5           (A) all parts of the plant that are classified botanically as  
 6           lophophora williamsii lemaire, whether growing or not;  
 7           (B) the seeds thereof;  
 8           (C) any extract from any part of the plant; and  
 9           (D) every compound, manufacture, salt, derivative, mixture, or  
 10          preparation of the plant, its seeds, or extracts.  
 11          ~~(26)~~ **(25)** N-ethyl-3-piperidyl benzilate (7482). Other name:  
 12          DMZ.  
 13          ~~(27)~~ **(26)** N-hydroxy-3,4-methylenedioxyamphetamine (7402).  
 14          Other names: N-hydroxy-alpha-methyl-3,4  
 15          (methylenedioxy)phenethylamine; and N-hydroxy MDA.  
 16          ~~(28)~~ **(27)** N-methyl-3-piperidyl benzilate (7484). Other name:  
 17          LBJ.  
 18          ~~(29)~~ **(28)** Psilocybin (7437).  
 19          ~~(30)~~ **(29)** Psilocyn (7438).  
 20          ~~(31)~~ **(30)** Tetrahydrocannabinols (7370), including synthetic  
 21          equivalents of the substances contained in the plant, or in the  
 22          resinous extractives of Cannabis, sp. and synthetic substances,  
 23          derivatives, and their isomers with similar chemical structure and  
 24          pharmacological activity such as:  
 25          (A)  $\pi^1$  cis or trans tetrahydrocannabinol, and their optical  
 26          isomers;  
 27          (B)  $\pi^6$  cis or trans tetrahydrocannabinol, and their optical  
 28          isomers; and  
 29          (C)  $\pi^{3,4}$  cis or trans tetrahydrocannabinol, and their optical  
 30          isomers.  
 31          Since nomenclature of these substances is not internationally  
 32          standardized, compounds of these structures, regardless of  
 33          numerical designation of atomic positions are covered. Other  
 34          name: THC.  
 35          ~~(32)~~ **(31)** Ethylamine analog of phencyclidine (7455). Some trade  
 36          or other names: N-Ethyl-1-phenylcyclohexylamine;  
 37          (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl)  
 38          ethylamine; cyclohexamine; PCE.  
 39          ~~(33)~~ **(32)** Pyrrolidine analog of phencyclidine (7458). Some trade  
 40          or other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCP<sub>y</sub>; PHP.  
 41          ~~(34)~~ **(33)** Thiophene analog of phencyclidine (7470). Some trade  
 42          or other names: 1-(1-(2-thienyl) cyclohexyl) piperidine; 2-Thienyl



- 1 Analog of Phencyclidine; TPCP.  
 2 ~~(35)~~ **(34)** *Salvia divinorum* or salvinorin A, including:  
 3 (A) all parts of the plant that are classified botanically as *salvia*  
 4 *divinorum*, whether growing or not;  
 5 (B) the seeds of the plant;  
 6 (C) any extract from any part of the plant; and  
 7 (D) every compound, manufacture, salt, derivative, mixture, or  
 8 preparation of the plant, its seeds, or extracts.  
 9 ~~(36)~~ **(35)** 5-Methoxy-N,N-Dimethyltryptamine. Some trade or  
 10 other names: 5-methoxy-3-[2- (dimethylamino)ethyl]indole;  
 11 5-MeO-DMT.  
 12 ~~(37)~~ **(36)** 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).  
 13 ~~(38)~~ **(37)** 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).  
 14 ~~(39)~~ **(38)** 2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine (2C-C).  
 15 ~~(40)~~ **(39)** 2-(4-Iodo-2,5-dimethoxyphenyl) ethanamine (2C-I).  
 16 ~~(41)~~ **(40)** 2-[4-(Ethylthio)-2,5-dimethoxyphenyl] ethanamine  
 17 (2C-T-2).  
 18 ~~(42)~~ **(41)** 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl] ethanamine  
 19 (2C-T-4).  
 20 ~~(43)~~ **(42)** 2-(2,5-Dimethoxyphenyl) ethanamine (2C-H).  
 21 ~~(44)~~ **(43)** 2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine (2C-N).  
 22 ~~(45)~~ **(44)** 2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine  
 23 (2C-P).  
 24 ~~(46)~~ **(45)** Deschloroketamine (2-Phenyl-2-  
 25 (methylamino)cyclohexanone).  
 26 ~~(47)~~ **(46)** 4-Hydroxy-MET (4-Hydroxy-N-methyl-N-  
 27 ethyltryptamine).  
 28 ~~(48)~~ **(47)** N-methyltryptamine (1H-Indole-3-ethanamine,  
 29 N-methyl-).  
 30 (e) Depressants. Unless specifically excepted in a rule adopted by  
 31 the board or unless listed in another schedule, any material, compound,  
 32 mixture, or preparation which contains any quantity of the following  
 33 substances having a depressant effect on the central nervous system,  
 34 including its salts, isomers, and salts of isomers whenever the existence  
 35 of such salts, isomers, and salts of isomers is possible within the  
 36 specific chemical designation:  
 37 Etizolam (4-(2- chlorophenyl)-2- ethyl-9- methyl- 6H-  
 38 thieno[3,2-f] [1,2,4] triazolo[4,3-a] [1,4diazepine) (other names  
 39 include: Etilaam, Etizest, Depas, Etizola, Sedekopan, and  
 40 Pasaden)  
 41 Flubromazolam (8-bromo-6-(2-fluorophenyl)-1-methyl-  
 42 4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine)



- 1           Gamma-hydroxybutyric acid (other names include GHB;  
2           gamma-hydroxybutyrate; 4-hydroxybutanoic acid; sodium  
3           oxybate; sodium oxybutyrate) (2010)  
4           Mecloqualone (2572)  
5           Methaqualone (2565)
- 6           (f) Stimulants. Unless specifically excepted or unless listed in  
7           another schedule, any material, compound, mixture, or preparation that  
8           contains any quantity of the following substances having a stimulant  
9           effect on the central nervous system, including its salts, isomers, and  
10          salts of isomers:  
11          ([+/-] cis-4-methylaminorex (([+/-]cis-4,5-  
12          dihydro-4-methyl-5-phenyl-2-oxazolamine) (1590)  
13          Aminorex (1585). Other names: aminoxaphen;  
14          2-amino-5-phenyl-2-oxazoline; or  
15          4,5-dihydro-5-phenyl-2-oxazolamine.  
16          Benzylone, 1-(1,3-benzodioxol-5-yl)-2-(benzylamino)propan  
17          -1-one. Synonyms: BMDP, N-benzyl methylone,  
18          3,4-Methylene dioxy-Nbenzylcathinone,  
19          N-benzyl-3,4-methylenedioxycathinone.  
20          Cathinone (1235). Some trade or other names:  
21          2-amino-1-phenyl-1-propanone; alpha-aminopropiophenone;  
22          2-aminopropiophenone; and norephedrone.  
23          Fenethylamine (1503).  
24          N-Benzylpiperazine (7493). Other names: BZP; and  
25          1-benzylpiperazine.  
26          N-ethylamphetamine (1475).  
27          Methcathinone (1237). Some other trade names:  
28          2-Methylamino-1-Phenylpropan-1-one; Ephedrone;  
29          Monomethylpropion; UR 1431.  
30          N, N-dimethylamphetamine (1480). Other names: N,  
31          N-alpha-trimethyl-benzeneethanamine; and N,  
32          N-alpha-trimethylphenethylamine.
- 33          (g) Synthetic drugs as defined in IC 35-31.5-2-321.  
34          SECTION 37. IC 35-48-4-2, AS AMENDED BY P.L.61-2020,  
35          SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
36          JULY 1, 2023]: Sec. 2. (a) A person who:  
37                (1) knowingly or intentionally:  
38                    (A) manufactures;  
39                    (B) finances the manufacture of;  
40                    (C) delivers; or  
41                    (D) finances the delivery of;  
42                a controlled substance or controlled substance analog, pure or



- 1 adulterated, classified in schedule I, except ~~marijuana~~, hash oil,  
 2 hashish, or salvia, or a controlled substance, or controlled  
 3 substance analog, pure or adulterated, classified in schedule II or  
 4 III; 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 a controlled substance or controlled substance analog, pure or  
 11 adulterated, classified in schedule I, except ~~marijuana~~, hash oil,  
 12 hashish, or salvia, or a controlled substance, or controlled  
 13 substance analog, pure or adulterated, classified in schedule II or  
 14 III;  
 15 commits dealing in a schedule I, II, or III controlled substance, a Level  
 16 6 felony, except as provided in subsections (b) through (f).  
 17 (b) A person may be convicted of an offense under subsection (a)(2)  
 18 only if:  
 19 (1) there is evidence in addition to the weight of the drug that the  
 20 person intended to manufacture, finance the manufacture of,  
 21 deliver, or finance the delivery of the drug; or  
 22 (2) the amount of the drug involved is at least twenty-eight (28)  
 23 grams.  
 24 (c) The offense is a Level 5 felony if:  
 25 (1) the amount of the drug involved is at least one (1) gram but  
 26 less than five (5) grams; or  
 27 (2) the amount of the drug involved is less than one (1) gram and  
 28 an enhancing circumstance applies.  
 29 (d) The offense is a Level 4 felony if:  
 30 (1) the amount of the drug involved is at least five (5) grams but  
 31 less than ten (10) grams; or  
 32 (2) the amount of the drug involved is at least one (1) gram but  
 33 less than five (5) grams and an enhancing circumstance applies.  
 34 (e) The offense is a Level 3 felony if:  
 35 (1) the amount of the drug involved is at least ten (10) grams but  
 36 less than twenty-eight (28) grams; or  
 37 (2) the amount of the drug involved is at least five (5) grams but  
 38 less than ten (10) grams and an enhancing circumstance applies.  
 39 (f) The offense is a Level 2 felony if:  
 40 (1) the amount of the drug involved is at least twenty-eight (28)  
 41 grams; or  
 42 (2) the amount of the drug involved is at least ten (10) grams but



- 1 less than twenty-eight (28) grams and an enhancing circumstance  
 2 applies.
- 3 SECTION 38. IC 35-48-4-7, AS AMENDED BY P.L.61-2020,  
 4 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 JULY 1, 2023]: Sec. 7. (a) A person who, without a valid prescription  
 6 or order of a practitioner acting in the course of the practitioner's  
 7 professional practice, knowingly or intentionally possesses a:  
 8 (1) controlled substance or controlled substance analog (pure or  
 9 adulterated), classified in schedule I, except ~~marijuana~~, hashish  
 10 or salvia; or  
 11 (2) controlled substance or controlled substance analog (pure or  
 12 adulterated), classified in schedule II, III, or IV;  
 13 commits possession of a controlled substance, a Class A misdemeanor,  
 14 except as provided in subsection (b).  
 15 (b) The offense is a Level 6 felony if the person commits the offense  
 16 and an enhancing circumstance applies.  
 17 (c) A person who, without a valid prescription or order of a  
 18 practitioner acting in the course of the practitioner's professional  
 19 practice, knowingly or intentionally obtains:  
 20 (1) more than four (4) ounces of schedule V controlled substances  
 21 containing codeine in any given forty-eight (48) hour period  
 22 unless pursuant to a prescription;  
 23 (2) a schedule V controlled substance pursuant to written or  
 24 verbal misrepresentation; or  
 25 (3) possession of a schedule V controlled substance other than by  
 26 means of a prescription or by means of signing an exempt  
 27 narcotic register maintained by a pharmacy licensed by the  
 28 Indiana state board of pharmacy;  
 29 commits a Class A misdemeanor.
- 30 SECTION 39. IC 35-48-4-8.3, AS AMENDED BY P.L.187-2015,  
 31 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2023]: Sec. 8.3. (a) This section does not apply to a rolling  
 33 paper.  
 34 (b) A person who knowingly or intentionally possesses an  
 35 instrument, a device, or another object that the person intends to use  
 36 for:  
 37 (1) introducing into the person's body a controlled substance  
 38 **other than cannabis;**  
 39 (2) testing the strength, effectiveness, or purity of a controlled  
 40 substance **other than cannabis;** or  
 41 (3) enhancing the effect of a controlled substance **other than**  
 42 **cannabis;**



1 commits a Class C misdemeanor. However, the offense is a Class A  
 2 misdemeanor if the person has a prior unrelated judgment or conviction  
 3 under this section.

4 SECTION 40. IC 35-48-4-8.5, AS AMENDED BY P.L.153-2018,  
 5 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2023]: Sec. 8.5. (a) A person who keeps for sale, offers for  
 7 sale, delivers, or finances the delivery of a raw material, an instrument,  
 8 a device, or other object that is intended to be or that is designed or  
 9 marketed to be used primarily for:

10 (1) ingesting, inhaling, or otherwise introducing into the human  
 11 body ~~marijuana, hash oil, hashish, salvia, a synthetic drug, or a~~  
 12 controlled substance;

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

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

16 (4) manufacturing, compounding, converting, producing,  
 17 processing, or preparing ~~marijuana, hash oil, hashish, salvia, a~~  
 18 ~~synthetic drug, or a controlled substance;~~

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

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

23 commits a Class A infraction for dealing in paraphernalia.

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

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

29 (1) Items marketed for use in the preparation, compounding,  
 30 packaging, labeling, or other use of:

31 **(A) ~~marijuana, cannabis; or~~**

32 **(B) hash oil, hashish, salvia, a synthetic drug, or a controlled**  
 33 **substance as an incident to lawful research, teaching, or**  
 34 **chemical analysis and not for sale.**

35 (2) Items marketed for or historically and customarily used in  
 36 connection with the planting, propagating, cultivating, growing,  
 37 harvesting, manufacturing, compounding, converting, producing,  
 38 processing, preparing, testing, analyzing, packaging, repackaging,  
 39 storing, containing, concealing, injecting, ingesting, or inhaling  
 40 of tobacco or any other lawful substance.

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



- 1 (4) Any entity or person that provides funding to a qualified entity  
 2 (as defined in IC 16-41-7.5-3) to operate a program described in  
 3 IC 16-41-7.5.
- 4 SECTION 41. IC 35-48-4-10, AS AMENDED BY P.L.153-2018,  
 5 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2023]: Sec. 10. (a) A person who:
- 7 (1) knowingly or intentionally:  
 8 (A) manufactures;  
 9 (B) finances the manufacture of;  
 10 (C) delivers; or  
 11 (D) finances the delivery of;  
 12 ~~marijuana~~, hash oil, hashish, or salvia, pure or adulterated; or  
 13 (2) possesses, with intent to:  
 14 (A) manufacture;  
 15 (B) finance the manufacture of;  
 16 (C) deliver; or  
 17 (D) finance the delivery of;  
 18 ~~marijuana~~, hash oil, hashish, or salvia, pure or adulterated;  
 19 commits dealing in ~~marijuana~~, hash oil, hashish, or salvia, a Class A  
 20 misdemeanor, except as provided in subsections (b) through (d).
- 21 (b) A person may be convicted of an offense under subsection (a)(2)  
 22 only if:  
 23 (1) there is evidence in addition to the weight of the drug that the  
 24 person intended to manufacture, finance the manufacture of,  
 25 deliver, or finance the delivery of the drug; or  
 26 (2) the amount of the drug involved is at least  
 27 ~~(A) ten (10) pounds, if the drug is marijuana; or~~  
 28 ~~(B) three hundred (300) grams. if the drug is hash oil, hashish,~~  
 29 ~~or salvia.~~
- 30 (c) The offense is a Level 6 felony if:  
 31 (1) the person has a prior conviction for a drug offense and the  
 32 amount of the drug involved is  
 33 ~~(A) less than thirty (30) grams of marijuana; or~~  
 34 ~~(B) less than five (5) grams; of hash oil, hashish, or salvia; or~~  
 35 (2) the amount of the drug involved is  
 36 ~~(A) at least thirty (30) grams but less than ten (10) pounds of~~  
 37 ~~marijuana; or~~  
 38 ~~(B) at least five (5) grams but less than three hundred (300)~~  
 39 ~~grams. of hash oil, hashish, or salvia.~~
- 40 (d) The offense is a Level 5 felony if:  
 41 (1) the person has a prior conviction for a drug dealing offense  
 42 and 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 (2) the:  
 6 (A) amount of the drug involved is  
 7 (i) at least ten (10) pounds of ~~marijuana~~; or  
 8 (ii) at least three hundred (300) grams; ~~of hash oil, hashish,~~  
 9 ~~or salvia~~; or  
 10 (B) offense involved a sale to a minor; or  
 11 (3) the:  
 12 (A) person is a retailer;  
 13 (B) ~~marijuana~~, hash oil, hashish, or salvia is packaged in a  
 14 manner that appears to be low THC hemp extract; and  
 15 (C) person knew or reasonably should have known that the  
 16 product was ~~marijuana~~, hash oil, hashish, or salvia.  
 17 SECTION 42. IC 35-48-4-11, AS AMENDED BY P.L.153-2018,  
 18 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 19 JULY 1, 2023]: Sec. 11. (a) A person who (~~+~~) knowingly or  
 20 intentionally possesses (pure or adulterated) ~~marijuana~~, hash oil,  
 21 hashish, or salvia  
 22 (~~2~~) knowingly or intentionally grows or cultivates ~~marijuana~~; or  
 23 (~~3~~) knowing that ~~marijuana~~ is growing on the person's premises;  
 24 fails to destroy the ~~marijuana~~ plants;  
 25 commits possession of ~~marijuana~~, hash oil, hashish, or salvia, a Class  
 26 B misdemeanor, except as provided in subsections (b) through (c).  
 27 (b) The offense described in subsection (a) is a Class A  
 28 misdemeanor if:  
 29 (1) the person has a prior conviction for a drug offense; or  
 30 (2) the:  
 31 (A) ~~marijuana~~, hash oil, hashish, or salvia is packaged in a  
 32 manner that appears to be low THC hemp extract; and  
 33 (B) person knew or reasonably should have known that the  
 34 product was ~~marijuana~~, hash oil, hashish, or salvia.  
 35 (c) The offense described in subsection (a) is a Level 6 felony if:  
 36 (1) the person has a prior conviction for a drug offense; and  
 37 (2) the person possesses  
 38 (A) at least thirty (30) grams of ~~marijuana~~; or  
 39 (B) at least five (5) grams. ~~of hash oil, hashish, or salvia~~.  
 40 SECTION 43. IC 35-48-4-18 IS ADDED TO THE INDIANA  
 41 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 42 [EFFECTIVE JULY 1, 2023]: **Sec. 18. (a) A person who knowingly**



1 or intentionally sells or delivers cannabis to a child less than  
 2 eighteen (18) years of age commits providing cannabis to a child,  
 3 a Class A misdemeanor.

4 (b) A child less than eighteen (18) years of age who possesses  
 5 cannabis commits possession of cannabis by a child, a Class B  
 6 misdemeanor.

7 (c) It is a defense to a prosecution under this section that the  
 8 minor has been issued a valid medical cannabis identification card  
 9 (as described in IC 16-19-3-33).

10 SECTION 44. IC 35-50-2-2.2, AS AMENDED BY P.L.119-2021,  
 11 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2023]: Sec. 2.2. (a) Except as provided in subsection (b) or  
 13 (c), the court may suspend any part of a sentence for a felony.

14 (b) If a person is convicted of a Level 2 felony or a Level 3 felony  
 15 and has any prior unrelated felony conviction, other than a conviction  
 16 for a felony involving marijuana (**before July 1, 2023**), hashish, hash  
 17 oil, or salvia divinorum, the court may suspend only that part of a  
 18 sentence that is in excess of the minimum sentence for the:

- 19 (1) Level 2 felony; or
- 20 (2) Level 3 felony.

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

24 SECTION 45. IC 35-50-5-3, AS AMENDED BY P.L.111-2018,  
 25 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2023]: Sec. 3. (a) Except as provided in subsection (i), (j), (l),  
 27 or (m), in addition to any sentence imposed under this article for a  
 28 felony or misdemeanor, the court may, as a condition of probation or  
 29 without placing the person on probation, order the person to make  
 30 restitution to the victim of the crime, the victim's estate, or the family  
 31 of a victim who is deceased. The court shall base its restitution order  
 32 upon a consideration of:

- 33 (1) property damages of the victim incurred as a result of the  
 34 crime, based on the actual cost of repair (or replacement if repair  
 35 is inappropriate);
- 36 (2) medical and hospital costs incurred by the victim (before the  
 37 date of sentencing) as a result of the crime;
- 38 (3) the cost of medical laboratory tests to determine if the crime  
 39 has caused the victim to contract a disease or other medical  
 40 condition;
- 41 (4) earnings lost by the victim (before the date of sentencing) as  
 42 a result of the crime including earnings lost while the victim was



- 1 hospitalized or participating in the investigation or trial of the  
 2 crime; and  
 3 (5) funeral, burial, or cremation costs incurred by the family or  
 4 estate of a homicide victim as a result of the crime.
- 5 (b) A restitution order under subsection (a), (i), (j), (l), or (m) is a  
 6 judgment lien that:  
 7 (1) attaches to the property of the person subject to the order;  
 8 (2) may be perfected;  
 9 (3) may be enforced to satisfy any payment that is delinquent  
 10 under the restitution order by the person in whose favor the order  
 11 is issued or the person's assignee; and  
 12 (4) expires;  
 13 in the same manner as a judgment lien created in a civil proceeding.
- 14 (c) When a restitution order is issued under subsection (a), the  
 15 issuing court may order the person to pay the restitution, or part of the  
 16 restitution, directly to:  
 17 (1) the victim services division of the Indiana criminal justice  
 18 institute in an amount not exceeding:  
 19 (A) the amount of the award, if any, paid to the victim under  
 20 IC 5-2-6.1; and  
 21 (B) the cost of the reimbursements, if any, for emergency  
 22 services provided to the victim under IC 16-10-1.5 (before its  
 23 repeal) or IC 16-21-8; or  
 24 (2) a probation department that shall forward restitution or part of  
 25 restitution to:  
 26 (A) a victim of a crime;  
 27 (B) a victim's estate; or  
 28 (C) the family of a victim who is deceased.
- 29 The victim services division of the Indiana criminal justice institute  
 30 shall deposit the restitution it receives under this subsection in the  
 31 violent crime victims compensation fund established by IC 5-2-6.1-40.
- 32 (d) When a restitution order is issued under subsection (a), (i), (j),  
 33 (l), or (m), the issuing court shall send a certified copy of the order to  
 34 the clerk of the circuit court in the county where the felony or  
 35 misdemeanor charge was filed. The restitution order must include the  
 36 following information:  
 37 (1) The name and address of the person that is to receive the  
 38 restitution.  
 39 (2) The amount of restitution the person is to receive.
- 40 Upon receiving the order, the clerk shall enter and index the order in  
 41 the circuit court judgment docket in the manner prescribed by  
 42 IC 33-32-3-2. The clerk shall also notify the department of insurance



- 1 of an order of restitution under subsection (i).
- 2 (e) An order of restitution under subsection (a), (i), (j), (l), or (m)
- 3 does not bar a civil action for:
- 4 (1) damages that the court did not require the person to pay to the
- 5 victim under the restitution order but arise from an injury or
- 6 property damage that is the basis of restitution ordered by the
- 7 court; and
- 8 (2) other damages suffered by the victim.
- 9 (f) Regardless of whether restitution is required under subsection (a)
- 10 as a condition of probation or other sentence, the restitution order is not
- 11 discharged by the completion of any probationary period or other
- 12 sentence imposed for a felony or misdemeanor.
- 13 (g) A restitution order under subsection (a), (i), (j), (l), or (m) is not
- 14 discharged by the liquidation of a person's estate by a receiver under
- 15 IC 32-30-5 (or IC 34-48-1, IC 34-48-4, IC 34-48-5, IC 34-48-6,
- 16 IC 34-1-12, or IC 34-2-7 before their repeal).
- 17 (h) The attorney general may pursue restitution ordered by the court
- 18 under subsections (a) and (c) on behalf of the victim services division
- 19 of the Indiana criminal justice institute established under IC 5-2-6-8.
- 20 (i) The court may order the person convicted of an offense under
- 21 IC 35-43-9 to make restitution to the victim of the crime. The court
- 22 shall base its restitution order upon a consideration of the amount of
- 23 money that the convicted person converted, misappropriated, or
- 24 received, or for which the convicted person conspired. The restitution
- 25 order issued for a violation of IC 35-43-9 must comply with
- 26 subsections (b), (d), (e), and (g), and is not discharged by the
- 27 completion of any probationary period or other sentence imposed for
- 28 a violation of IC 35-43-9.
- 29 (j) The court may order the person convicted of an offense under
- 30 IC 35-43-5-3.5 to make restitution to the victim of the crime, the
- 31 victim's estate, or the family of a victim who is deceased. The court
- 32 shall base its restitution order upon a consideration of the amount of
- 33 fraud or harm caused by the convicted person and any reasonable
- 34 expenses (including lost wages) incurred by the victim in correcting the
- 35 victim's credit report and addressing any other issues caused by the
- 36 commission of the offense under IC 35-43-5-3.5. If, after a person is
- 37 sentenced for an offense under IC 35-43-5-3.5, a victim, a victim's
- 38 estate, or the family of a victim discovers or incurs additional expenses
- 39 that result from the convicted person's commission of the offense under
- 40 IC 35-43-5-3.5, the court may issue one (1) or more restitution orders
- 41 to require the convicted person to make restitution, even if the court
- 42 issued a restitution order at the time of sentencing. For purposes of



1 entering a restitution order after sentencing, a court has continuing  
 2 jurisdiction over a person convicted of an offense under IC 35-43-5-3.5  
 3 for five (5) years after the date of sentencing. Each restitution order  
 4 issued for a violation of IC 35-43-5-3.5 must comply with subsections  
 5 (b), (d), (e), and (g), and is not discharged by the completion of any  
 6 probationary period or other sentence imposed for an offense under  
 7 IC 35-43-5-3.5.

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

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

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

15 (A) the federal Fair Labor Standards Act of 1938, as amended  
 16 (29 U.S.C. 201-209); or

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

18 whichever is greater.

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

20 (1) is convicted of dealing in methamphetamine under  
 21 IC 35-48-4-1.1 or manufacturing methamphetamine under  
 22 IC 35-48-4-1.2; and

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

25 to pay liquidated damages to the property owner in the amount of ten  
 26 thousand dollars (\$10,000) or to pay actual damages to the property  
 27 owner, including lost rent and the costs of decontamination by a  
 28 qualified inspector certified under IC 16-19-3.1.

29 (m) The court shall order a person who:

30 (1) is convicted of dealing in marijuana under  
 31 IC 35-48-4-10(a)(1)(A) (**before July 1, 2023**); and

32 (2) manufactured the marijuana on property owned by another  
 33 person, without the consent of the property owner;

34 to pay liquidated damages to the property owner in the amount of two  
 35 thousand dollars (\$2,000).

