

SENATE BILL No. 96

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-31.5-2-130.7; IC 35-48-4-8.3.

Synopsis: Possession of controlled substance paraphernalia. Defines "fentanyl test strip". Provides that the possession of a fentanyl test strip is not a crime.

Effective: July 1, 2024.

Breaux

January 8, 2024, read first time and referred to Committee on Corrections and Criminal Law.



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

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

SENATE BILL No. 96



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 35-31.5-2-130.7 IS ADDED TO THE INDIANA
- 2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2024]: **Sec. 130.7. "Fentanyl test strip"**
- 4 **means an instrument, a device, or another object that detects the**
- 5 **presence of fentanyl.**
- 6 SECTION 2. IC 35-48-4-8.3, AS AMENDED BY P.L.187-2015,
- 7 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8 JULY 1, 2024]: Sec. 8.3. (a) This section does not apply to **the**
- 9 **following:**
- 10 (1) A rolling paper.
- 11 (2) **A fentanyl test strip.**
- 12 (b) A person who knowingly or intentionally possesses an
- 13 instrument, a device, or another object that the person intends to use
- 14 for:
- 15 (1) introducing into the person's body a controlled substance;
- 16 (2) testing the strength, effectiveness, or purity of a controlled
- 17 substance; or



1 (3) enhancing the effect of a controlled substance;
2 commits a Class C misdemeanor. However, the offense is a Class A
3 misdemeanor if the person has a prior unrelated judgment or conviction
4 under this section.

