

SENATE BILL No. 107

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-2.5-8-7; IC 6-8.1-1-1; IC 6-11; IC 7.1-8; IC 9-30-5; IC 10-10.5-1-3; IC 10-13-8-5; IC 11-12-3.7-3; 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 34-24-1-1; IC 34-30-2.1-73.5; IC 35-31.5-2-185; IC 35-45-6-1; IC 35-46-9-6; IC 35-48; IC 35-50-5-3; IC 35-52-7; IC 36-1-8.5-4.

Synopsis: Cannabis regulation. Establishes a procedure for the lawful production and sale of cannabis in Indiana. Makes conforming amendments.

Effective: July 1, 2024.

Niezgodski

January 8, 2024, read first time and referred to Committee on Commerce and Technology.



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. 107



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 6-2.5-8-7, AS AMENDED BY P.L.194-2023,
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 7. (a) The department may, for good cause, revoke
4 a certificate issued under section 1 or 4 of this chapter. However, the
5 department must give the certificate holder at least five (5) days notice
6 before it revokes the certificate under this subsection. Good cause for
7 revocation may include the following:
8 (1) Failure to:
9 (A) file a return required under this chapter or for any tax
10 collected for the state in trust; or
11 (B) remit any tax collected for the state in trust.
12 (2) Being charged with a violation of any provision under IC 35.
13 (3) Being subject to a court order under IC 7.1-2-6-7,
14 IC 32-30-6-8, IC 32-30-7, or IC 32-30-8.
15 (4) Being charged with a violation of IC 23-15-12.
16 (5) Operating as a retail merchant where the certificate issued
17 under section 1 of this chapter could have been denied under



- 1 section 1(e) of this chapter prior to its issuance.
 2 The department may revoke a certificate before a criminal adjudication
 3 or without a criminal charge being filed. If the department gives notice
 4 of an intent to revoke based on an alleged violation of subdivision (2),
 5 the department shall hold a public hearing to determine whether good
 6 cause exists. If the department finds in a public hearing by a
 7 preponderance of the evidence that a person has committed a violation
 8 described in subdivision (2), the department shall proceed in
 9 accordance with subsection (i) (if the violation resulted in a criminal
 10 conviction) or subsection (j) (if the violation resulted in a judgment for
 11 an infraction).
- 12 (b) The department shall revoke a certificate issued under section
 13 1 or 4 of this chapter if, for a period of three (3) years, the certificate
 14 holder fails to:
- 15 (1) file the returns required by IC 6-2.5-6-1; or
 - 16 (2) report the collection of any state gross retail or use tax on the
 17 returns filed under IC 6-2.5-6-1.
- 18 However, the department must give the certificate holder at least five
 19 (5) days notice before it revokes the certificate.
- 20 (c) The department may, for good cause, revoke a certificate issued
 21 under section 1 of this chapter after at least five (5) days notice to the
 22 certificate holder if:
- 23 (1) the certificate holder is subject to an innkeeper's tax under
 24 IC 6-9; and
 - 25 (2) a board, bureau, or commission established under IC 6-9 files
 26 a written statement with the department.
- 27 (d) The statement filed under subsection (c) must state that:
- 28 (1) information obtained by the board, bureau, or commission
 29 under IC 6-8.1-7-1 indicates that the certificate holder has not
 30 complied with IC 6-9; and
 - 31 (2) the board, bureau, or commission has determined that
 32 significant harm will result to the county from the certificate
 33 holder's failure to comply with IC 6-9.
- 34 (e) The department shall revoke or suspend a certificate issued
 35 under section 1 of this chapter after at least five (5) days notice to the
 36 certificate holder if:
- 37 (1) the certificate holder owes taxes, penalties, fines, interest, or
 38 costs due under IC 6-1.1 that remain unpaid at least sixty (60)
 39 days after the due date under IC 6-1.1; and
 - 40 (2) the treasurer of the county to which the taxes are due requests
 41 the department to revoke or suspend the certificate.
- 42 (f) The department shall reinstate a certificate suspended under



1 subsection (e) if the taxes and any penalties due under IC 6-1.1 are paid
 2 or the county treasurer requests the department to reinstate the
 3 certificate because an agreement for the payment of taxes and any
 4 penalties due under IC 6-1.1 has been reached to the satisfaction of the
 5 county treasurer.

6 (g) The department shall revoke a certificate issued under section
 7 1 of this chapter after at least five (5) days notice to the certificate
 8 holder if the department finds in a public hearing by a preponderance
 9 of the evidence that the certificate holder has violated IC 35-45-5-3,
 10 IC 35-45-5-3.5, or IC 35-45-5-4.

11 (h) If a person makes a payment for the certificate under section 1
 12 of this chapter with a check, credit card, debit card, or electronic funds
 13 transfer, and the department is unable to obtain payment of the check,
 14 credit card, debit card, or electronic funds transfer for its full face
 15 amount when the check, credit card, debit card, or electronic funds
 16 transfer is presented for payment through normal banking channels, the
 17 department shall notify the person by mail that the check, credit card,
 18 debit card, or electronic funds transfer was not honored and that the
 19 person has five (5) days after the notice is mailed to pay the fee in cash,
 20 by certified check, or other guaranteed payment. If the person fails to
 21 make the payment within the five (5) day period, the department shall
 22 revoke the certificate.

23 (i) If the department finds in a public hearing by a preponderance of
 24 the evidence that a person has a conviction for an offense under
 25 IC 35-48-4 and the conviction involved the sale of or the offer to sell,
 26 in the normal course of business, a synthetic drug (as defined in
 27 IC 35-31.5-2-321), a synthetic drug lookalike substance (as defined in
 28 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)), a controlled
 29 substance analog (as defined in IC 35-48-1-9.3), or a substance
 30 represented to be a controlled substance (as described in
 31 IC 35-48-4-4.6) by a retail merchant in a place of business for which
 32 the retail merchant has been issued a registered retail merchant
 33 certificate under section 1 of this chapter, the department:

34 (1) shall suspend the registered retail merchant certificate for the
 35 place of business for one (1) year; and

36 (2) may not issue another retail merchant certificate under section
 37 1 of this chapter for one (1) year to any person:

38 (A) that:

39 (i) applied for; or

40 (ii) made a retail transaction under;

41 the retail merchant certificate suspended under subdivision
 42 (1); or



- 1 (B) that:
- 2 (i) owned or co-owned, directly or indirectly; or
- 3 (ii) was an officer, a director, a manager, or a partner of;
- 4 the retail merchant that was issued the retail merchant
- 5 certificate suspended under subdivision (1).
- 6 (j) If the department finds in a public hearing by a preponderance of
- 7 the evidence that a person has a judgment for a violation of
- 8 IC 35-48-4-10.5 (before its repeal on July 1, 2019) as an infraction and
- 9 the violation involved the sale of or the offer to sell, in the normal
- 10 course of business, a synthetic drug or a synthetic drug lookalike
- 11 substance by a retail merchant in a place of business for which the
- 12 retail merchant has been issued a registered retail merchant certificate
- 13 under section 1 of this chapter, the department:
- 14 (1) may suspend the registered retail merchant certificate for the
- 15 place of business for six (6) months; and
- 16 (2) may withhold issuance of another retail merchant certificate
- 17 under section 1 of this chapter for six (6) months to any person:
- 18 (A) that:
- 19 (i) applied for; or
- 20 (ii) made a retail transaction under;
- 21 the retail merchant certificate suspended under subdivision
- 22 (1); or
- 23 (B) that:
- 24 (i) owned or co-owned, directly or indirectly; or
- 25 (ii) was an officer, a director, a manager, or a partner of;
- 26 the retail merchant that was issued the retail merchant
- 27 certificate suspended under subdivision (1).
- 28 (k) If the department finds in a public hearing by a preponderance
- 29 of the evidence that a person has a conviction for a violation of
- 30 ~~IC 35-48-4-10(d)(3)~~ **IC 35-48-4-10(e)** and the conviction involved an
- 31 offense committed by a retail merchant in a place of business for which
- 32 the retail merchant has been issued a registered retail merchant
- 33 certificate under section 1 of this chapter, the department:
- 34 (1) shall suspend the registered retail merchant certificate for the
- 35 place of business for one (1) year; and
- 36 (2) may not issue another retail merchant certificate under section
- 37 1 of this chapter for one (1) year to any person:
- 38 (A) that:
- 39 (i) applied for; or
- 40 (ii) made a retail transaction under;
- 41 the retail merchant certificate suspended under subdivision
- 42 (1); or



1 (B) that:

2 (i) owned or co-owned, directly or indirectly; or

3 (ii) was an officer, a director, a manager, or a partner of;
 4 the retail merchant that was issued the retail merchant
 5 certificate suspended under subdivision (1).

6 SECTION 2. IC 6-8.1-1-1, AS AMENDED BY P.L.1-2023,
 7 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2024]: Sec. 1. "Listed taxes" or "taxes" includes only the
 9 pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the supplemental
 10 wagering tax (IC 4-33-12); the riverboat wagering tax (IC 4-33-13); the
 11 slot machine wagering tax (IC 4-35-8); the type II gambling game
 12 excise tax (IC 4-36-9); the gross income tax (IC 6-2.1) (repealed); the
 13 utility receipts and utility services use taxes (IC 6-2.3) (repealed); the
 14 state gross retail and use taxes (IC 6-2.5); the adjusted gross income tax
 15 (IC 6-3); the pass through entity tax (IC 6-3-2.1); the supplemental net
 16 income tax (IC 6-3-8) (repealed); the county adjusted gross income tax
 17 (IC 6-3.5-1.1) (repealed); the county option income tax (IC 6-3.5-6)
 18 (repealed); the county economic development income tax (IC 6-3.5-7)
 19 (repealed); the local income tax (IC 6-3.6); the auto rental excise tax
 20 (IC 6-6-9); the financial institutions tax (IC 6-5.5); the gasoline tax (IC
 21 6-6-1.1); the special fuel tax (IC 6-6-2.5); the motor carrier fuel tax (IC
 22 6-6-4.1); a motor fuel tax collected under a reciprocal agreement under
 23 IC 6-8.1-3; the vehicle excise tax (IC 6-6-5); the aviation fuel excise
 24 tax (IC 6-6-13); the commercial vehicle excise tax (IC 6-6-5.5); the
 25 excise tax imposed on recreational vehicles and truck campers (IC
 26 6-6-5.1); the hazardous waste disposal tax (IC 6-6-6.6) (repealed); the
 27 heavy equipment rental excise tax (IC 6-6-15); the vehicle sharing
 28 excise tax (IC 6-6-16); the cigarette tax (IC 6-7-1); the closed system
 29 cartridge tax (IC 6-7-2-7.5); the electronic cigarette tax (IC 6-7-4); **the**
 30 **cannabis excise tax (IC 6-11)**; the beer excise tax (IC 7.1-4-2); the
 31 liquor excise tax (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard
 32 cider excise tax (IC 7.1-4-4.5); the petroleum severance tax (IC 6-8-1);
 33 the various innkeeper's taxes (IC 6-9); the various food and beverage
 34 taxes (IC 6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28);
 35 the oil inspection fee (IC 16-44-2); the penalties assessed for oversize
 36 vehicles (IC 9-20-3 and IC 9-20-18); the fees and penalties assessed for
 37 overweight vehicles (IC 9-20-4 and IC 9-20-18); and any other tax or
 38 fee that the department is required to collect or administer.

39 SECTION 3. IC 6-11 IS ADDED TO THE INDIANA CODE AS A
 40 **NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,**
 41 **2024]:**

42 **ARTICLE 11. CANNABIS EXCISE TAX**



1 **Chapter 1. Imposition and Collection of Tax**

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

- 3 (1) "Department" refers to the department of state revenue.
 4 (2) "Person" has the meaning set forth in IC 6-2.5-1-3.
 5 (3) "Retailer permittee" means a person who holds a cannabis
 6 retailer permit issued under IC 7.1-8-15.

7 **Sec. 2. A tax is imposed upon the privilege of selling cannabis at**
 8 **a rate of ten percent (10%) of the sales price per ounce of cannabis.**
 9 **This tax shall be paid to the department by the retailer permittee**
 10 **who sells the cannabis.**

11 **Sec. 3. (a) Every person subject to the tax under this article shall**
 12 **remit the tax owed to the department before the fifteenth day of**
 13 **the month following the month in which the cannabis is sold.**

14 **(b) The department shall prescribe the return to be filed for the**
 15 **payment of the tax.**

16 **Sec. 4. The amounts received from the tax imposed by this**
 17 **article shall be transferred by the state comptroller to the cannabis**
 18 **regulation fund established by IC 7.1-8-2-12.**

19 **Sec. 5. The department has full power to administer and enforce**
 20 **this chapter, to collect all taxes and penalties due, and to dispose of**
 21 **taxes and penalties so collected as provided by law. The tax is a**
 22 **listed tax for purposes of IC 6-8.1.**

23 **Sec. 6. Except as otherwise provided in this article, a tax**
 24 **imposed under this chapter shall be imposed, paid, and collected in**
 25 **the same manner that the state gross retail tax is imposed, paid,**
 26 **and collected under IC 6-2.5.**

27 **Sec. 7. The department shall adopt rules under IC 4-22-2 to**
 28 **implement this article.**

29 **SECTION 4. IC 7.1-8 IS ADDED TO THE INDIANA CODE AS A**
 30 **NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,**
 31 **2024]:**

32 **ARTICLE 8. CANNABIS**

33 **Chapter 1. Definitions**

34 **Sec. 1. The following definitions apply throughout this article**
 35 **unless the context clearly requires otherwise:**

- 36 (1) "Applicant" means a person who applies for a permit
 37 under this article.
 38 (2) "Batch" means cannabis plants that have been grown
 39 together.
 40 (3) "Cannabis" means any part of the plant genus *Cannabis*
 41 whether growing or not, the seeds thereof, and any compound,
 42 manufacture, salt, derivative, mixture, or preparation of the



- 1 **plant or its seeds. However, the term does not include:**
2 **(A) the mature stalks of the plant;**
3 **(B) fiber produced from the stalks;**
4 **(C) oil or cake made from the seeds of the plant;**
5 **(D) any other compound, manufacture, salt, derivative,**
6 **mixture, or preparation of the mature stalks (except the**
7 **resin extracted therefrom);**
8 **(E) the sterilized seed of the plant which is incapable of**
9 **germination;**
10 **(F) hemp (as defined in IC 15-15-13-6);**
11 **(G) low THC hemp extract (as defined in IC 35-48-1-17.5);**
12 **or**
13 **(H) smokable hemp (as defined in IC 35-48-1-26.6).**
14 **(4) "Cannabis canopy" means the surface area used to grow**
15 **cannabis plants calculated in square feet and measured using**
16 **the outside boundaries of any area that includes cannabis**
17 **plants, including all of the space within the boundaries. If**
18 **cannabis is grown in a multi-level grow facility, the surface**
19 **area used to grow cannabis on each level shall be calculated**
20 **separately and added together to determine the size of the**
21 **cannabis canopy.**
22 **(5) "Cannabis permittee" means an individual, partnership,**
23 **company, or corporation permitted to grow, process,**
24 **transport, or sell cannabis for commercial purposes in**
25 **Indiana.**
26 **(6) "Carrier" means a person who is engaged in the**
27 **transportation of cannabis or cannabis products between a**
28 **grower, a processor, and a retailer and holds a permit issued**
29 **under IC 7.1-8-14.**
30 **(7) "Commission" means the cannabis commission established**
31 **by IC 7.1-8-2-1.**
32 **(8) "Crop" means any cannabis grown under a single permit.**
33 **(9) "Grower" means an individual, partnership, company, or**
34 **corporation that produces cannabis for commercial purposes**
35 **and that holds a permit issued under IC 7.1-8-12.**
36 **(10) "Integrated permittee" means a permittee who**
37 **simultaneously holds a grower permit, a processor permit,**
38 **and a retailer permit.**
39 **(11) "Permit" means a written authorization issued by the**
40 **commission entitling the holder to grow, process, transport,**
41 **sell, test, or otherwise deal in cannabis, as provided in this**
42 **article.**



- 1 (12) "Permittee" means a person who holds a valid permit
2 under this article, including an agent of, employee of, or
3 another person acting on behalf of a permittee.
- 4 (13) "Personally cultivate" means to grow cannabis for
5 personal household use.
- 6 (14) "Processor" means an individual, partnership, company,
7 or corporation holding a permit issued under IC 7.1-8-13 that
8 obtains cannabis from a grower and:
- 9 (A) extracts botanical compounds or cannabinoids from
10 the cannabis;
- 11 (B) creates a cannabis infused product; or
- 12 (C) prepares or packages cannabis or cannabis products
13 for retail sale for sale or transfer.
- 14 (15) "Retailer" means an individual, partnership, company,
15 or corporation that holds a permit under IC 7.1-8-15 and that,
16 in the ordinary course of the person's regular trade or
17 business:
- 18 (A) acquires any form of cannabis for the purpose of
19 resale; and
- 20 (B) transfers the cannabis or cannabis products to another
21 person for money or other consideration.
- 22 (16) "Statewide monitoring system" means the statewide
23 cannabis tracking and monitoring system established under
24 IC 7.1-8-17.
- 25 **Chapter 2. Cannabis Commission**
- 26 **Sec. 1. The cannabis commission is established as an agency of**
27 **the executive branch of state government for purposes of**
28 **regulating the production and sale of cannabis or cannabis**
29 **products.**
- 30 **Sec. 2. The commission consists of four (4) members.**
- 31 **Sec. 3. (a) The commissioners shall be appointed by the**
32 **governor.**
- 33 **(b) A commissioner serves for a term that ends June 30 of the**
34 **next odd-numbered year after appointment. A commissioner is**
35 **eligible for reappointment.**
- 36 **(c) Not more than two (2) commissioners may belong to the**
37 **same political party.**
- 38 **(d) A commissioner may only be removed for cause.**
- 39 **Sec. 4. To be eligible for appointment as a commissioner an**
40 **individual must have the following qualifications:**
- 41 **(1) The individual may not be employed by the state in any**
42 **other capacity.**



- 1 **(2) The individual must have been an Indiana resident for at**
 2 **least ten (10) years immediately preceding the appointment.**
 3 **(3) The individual may not have a financial interest in a**
 4 **cannabis permittee or in an entity governed by:**
 5 **(A) this title;**
 6 **(B) IC 4-29;**
 7 **(C) IC 4-29.5;**
 8 **(D) IC 4-31;**
 9 **(E) IC 4-32.3;**
 10 **(F) IC 4-33;**
 11 **(G) IC 4-35; or**
 12 **(H) IC 4-36.**
 13 **(4) The individual may not have been convicted within ten**
 14 **(10) years before the date of appointment of:**
 15 **(A) a federal crime having a sentence of greater than one**
 16 **(1) year;**
 17 **(B) a Class A, Class B, or Class C felony (for a crime**
 18 **committed before July 1, 2014) or a Level 1, Level 2, Level**
 19 **3, Level 4, or Level 5 felony (for a crime committed after**
 20 **June 30, 2014); or**
 21 **(C) a crime in another state that is substantially similar to**
 22 **a crime described in clause (B).**
 23 **Sec. 5. The governor shall appoint one (1) of the commissioners**
 24 **to serve as chairperson of the commission. The governor also shall**
 25 **appoint one (1) of the commissioners to serve as chairperson pro**
 26 **tempore in the absence of the chairperson. The chairperson and**
 27 **chairperson pro tempore serve at the pleasure of the governor.**
 28 **Sec. 6. A commissioner appointed to fill a vacancy shall serve**
 29 **only for the remainder of the unexpired term.**
 30 **Sec. 7. (a) As compensation for services, each commissioner is**
 31 **entitled to the minimum salary per diem provided by**
 32 **IC 4-10-11-2.1(b). A commissioner is also entitled to**
 33 **reimbursement for traveling expenses as provided under**
 34 **IC 4-13-1-4 and other expenses actually incurred in connection**
 35 **with the commissioner's duties as provided in the state policies and**
 36 **procedures established by the Indiana department of**
 37 **administration and approved by the budget agency.**
 38 **(b) The expenses of the commission shall be paid from funds**
 39 **appropriated to the commission.**
 40 **Sec. 8. (a) Each commissioner shall execute:**
 41 **(1) a surety bond in the amount of ten thousand dollars**
 42 **(\$10,000), with surety approved by the governor; and**



- 1 **(2) an oath of office.**
 2 **The surety bond and the oath of office shall be filed in the office of**
 3 **the secretary of state.**
- 4 **(b) The required surety bond executed and filed on behalf of a**
 5 **commissioner, an enforcement officer (under IC 7.1-8-5), or the**
 6 **prosecutor (under IC 7.1-8-3) shall be made payable to the state of**
 7 **Indiana and conditioned upon the faithful discharge of the bonded**
 8 **party's respective duties.**
- 9 **Sec. 9. (a) Three (3) members of the commission constitute a**
 10 **quorum for the transaction of business.**
- 11 **(b) Each commissioner has one (1) vote.**
- 12 **(c) Action of the commission may be taken only upon the**
 13 **affirmative votes of at least two (2) commissioners. If a vote of the**
 14 **commission is a tie, the position for which the chairperson voted**
 15 **prevails, as long as that position has received the affirmative votes**
 16 **of at least two (2) commissioners.**
- 17 **Sec. 10. The commission shall hold regular meetings on at least**
 18 **a quarterly basis. The commission may hold special meetings**
 19 **whenever the commission deems it necessary. The procedure for**
 20 **the calling of a special meeting shall be provided for in the rules of**
 21 **the commission. The commission has the power to adjourn, from**
 22 **time to time, both regular and special meetings. In no event,**
 23 **however, shall the adjournment be later than the next regular**
 24 **meeting date.**
- 25 **Sec. 11. A commissioner may not solicit or accept a political**
 26 **contribution from any person or entity that has a permit or has**
 27 **applied for a permit issued by the commission. However, the right**
 28 **of a commissioner to vote as the commissioner chooses and to**
 29 **express the commissioner's opinions on political subjects and**
 30 **candidates may not be impaired.**
- 31 **Sec. 12. (a) As used in this section, "fund" means the cannabis**
 32 **regulation fund established by subsection (b).**
- 33 **(b) The cannabis regulation fund is established for the purpose**
 34 **of implementing, administering, and enforcing this article. The**
 35 **fund shall be administered by the commission.**
- 36 **(c) The fund consists of taxes, fees, and civil penalties collected**
 37 **under this article.**
- 38 **(d) The expenses of administering the fund shall be paid from**
 39 **money in the fund.**
- 40 **(e) The treasurer of state shall invest money in the fund not**
 41 **currently needed to meet the obligations of the fund in the same**
 42 **manner as other public money may be invested. Interest that**



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accrues from these investments shall be deposited in the fund.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund. However, the treasurer of state shall distribute money in the fund at the end of a state fiscal year as follows:

(1) Fifteen percent (15%) to prosecuting attorneys in counties in which a cannabis retail facility is located, allocated in proportion to the number of cannabis retail facilities within the county as compared to the total number of cannabis retail facilities in Indiana.

(2) Fifteen percent (15%) to cities, towns, and counties (if a facility is not located in a city or town) in which a cannabis growing facility, processing facility, or retail facility is located, allocated in proportion to the number of growing facilities, processing facilities, and retail facilities in Indiana.

(3) Twenty percent (20%) to the Indiana department of health to be used to develop, in consultation with the department of education, a cannabis abuse prevention and education program for youth.

(4) Twenty-five percent (25%) to the Indiana department of health for use by the division of mental health and addiction.

(5) Twenty-five percent (25%) to the state police department.

Chapter 3. Office of the Prosecutor

Sec. 1. The office of the prosecutor is established within the commission.

Sec. 2. The prosecutor shall be appointed by the governor for a term of four (4) years to be served at the pleasure of the governor. The prosecutor must be a resident of Indiana and licensed to practice law in Indiana.

Sec. 3. The prosecutor shall execute a surety bond in the amount of five thousand dollars (\$5,000), with surety approved by the governor, and an oath of office, both of which shall be filed in the office of the secretary of state.

Sec. 4. As compensation for services, the prosecutor shall receive an annual salary to be fixed in the same manner that the salaries of other state officials are fixed. In addition to the annual salary, the prosecutor shall be reimbursed for traveling and other expenses necessarily incurred while away from the office carrying out prosecutorial duties.

Sec. 5. The prosecutor has the following powers and duties:

(1) To prosecute before the commission all violations of laws pertaining to cannabis or cannabis products.



- 1 **(2) To prosecute before the commission all violations of the**
- 2 **rules of the commission.**
- 3 **(3) To assist the prosecuting attorneys of the various judicial**
- 4 **circuits in the investigation and prosecution of violations of**
- 5 **laws pertaining to cannabis or cannabis products.**
- 6 **(4) To appear before grand juries to assist in their**
- 7 **investigations into matters pertaining to cannabis or cannabis**
- 8 **products.**
- 9 **(5) To establish a seal of office.**
- 10 **(6) To administer oaths and to do all other acts authorized by**
- 11 **law for notaries public.**
- 12 **(7) To employ, with the consent of the commission and at**
- 13 **salaries fixed by the commission in its budget, the clerical staff**
- 14 **required to effectively discharge the duties of the prosecutor.**

15 **Sec. 6. The commission shall provide the prosecutor with**
 16 **appropriate office space and all necessary office supplies and**
 17 **services. All claims for salaries and necessary expenses of the office**
 18 **of the prosecutor shall be allowed and approved and paid by the**
 19 **commission.**

20 **Chapter 4. Executive Director**

21 **Sec. 1. The commission shall employ an executive director to aid**
 22 **the commission in the efficient administration of its powers and**
 23 **duties.**

24 **Sec. 2. The executive director's compensation shall be approved**
 25 **annually by the commission.**

26 **Sec. 3. The commission may by resolution assign to the executive**
 27 **director any duty imposed upon the commission by this article.**

28 **Sec. 4. The executive director shall perform the duties assigned**
 29 **to the executive director by the commission. The executive director**
 30 **may exercise any power conferred upon the commission by this**
 31 **article that is consistent with the duties assigned to the executive**
 32 **director under this chapter.**

33 **Sec. 5. In addition to any salary paid under this chapter, the**
 34 **executive director is entitled to reimbursement for traveling**
 35 **expenses and other expenses actually incurred in connection with**
 36 **the executive director's duties, as provided in the state policies and**
 37 **procedures established by the Indiana department of**
 38 **administration and approved by the budget agency.**

39 **Chapter 5. Enforcement Officers**

40 **Sec. 1. The commission may employ a superintendent of the**
 41 **enforcement officers and qualified individuals to serve as**
 42 **enforcement officers of the commission.**



1 **Sec. 2. The superintendent of the enforcement officers must**
2 **have at least ten (10) years experience as an active law enforcement**
3 **officer, at least five (5) years of which must have been in a**
4 **management capacity.**

5 **Sec. 3. An enforcement officer who has completed the required**
6 **training at the Indiana law enforcement academy is vested with full**
7 **police powers and duties to enforce:**

8 **(1) the provisions of this article; and**

9 **(2) any other Indiana law relating to cannabis and cannabis**
10 **products.**

11 **Sec. 4. An enforcement officer may issue a summons for**
12 **infraction or misdemeanor violations if the defendant promises to**
13 **appear by signing the summons. A defendant who fails to appear**
14 **is subject to the penalties provided by IC 35-44.1-2-10. Upon**
15 **failure to appear, the court shall issue a warrant for the arrest of**
16 **the defendant.**

17 **Sec. 5. An enforcement officer may act as an officer for the**
18 **arrest of offenders against Indiana law if the enforcement officer**
19 **reasonably believes that a crime is or is about to be committed or**
20 **attempted in the enforcement officer's presence.**

21 **Sec. 6. Each enforcement officer shall execute a surety bond in**
22 **the amount of one thousand dollars (\$1,000), with surety approved**
23 **by the commission, and an oath of office, both of which shall be**
24 **filed with the commission.**

25 **Sec. 7. An eligible enforcement officer who retires with at least**
26 **twenty (20) years of service as an enforcement officer may retain**
27 **the officer's service weapon. The officer is entitled to receive, in**
28 **recognition of the officer's service to the commission and to the**
29 **public, a badge that indicates that the officer is retired. The**
30 **commission shall issue the officer who is retiring an identification**
31 **card stating the officer's name and rank, signifying that the officer**
32 **is retired, and noting the officer's authority to retain the service**
33 **weapon.**

34 **Sec. 8. The commission has the power to employ and remove at**
35 **will all necessary employees, and to fix their duties, authority, and,**
36 **with proper approval, compensation.**

37 **Sec. 9. The superintendent of the enforcement officers may**
38 **discharge a nonprobationary enforcement officer for just cause.**
39 **The commission shall adopt rules to establish a probationary**
40 **period and a procedure for the adjudication of the propriety of the**
41 **discharge of a nonprobationary enforcement officer.**

42 **Sec. 10. (a) The commission shall categorize salaries of**



1 enforcement officers within each rank based upon the rank held
 2 and the number of years of service in the commission through the
 3 twentieth year. The salary ranges that the commission assigns to
 4 each rank shall be divided into a base salary and twenty (20)
 5 increments above the base salary with:

6 (1) the base salary in the rank paid to a person with less than
 7 one (1) year of service in the commission; and

8 (2) the highest salary in the rank paid to a person with at least
 9 twenty (20) years of service in the commission.

10 (b) The salary matrix prescribed by this section shall be
 11 reviewed and approved by the budget agency before
 12 implementation.

13 (c) The salary matrix prescribed by this section must have
 14 parity with the salary matrix prescribed by the natural resources
 15 commission under IC 14-9-8 for conservation officers of the
 16 department of natural resources. The budget agency shall approve
 17 a salary matrix that meets the parity requirement of this
 18 subsection.

19 **Chapter 6. Duties and Responsibilities of the Commission**

20 **Sec. 1.** The chairperson is the presiding officer at the meetings
 21 of the commission. The chairperson shall prepare, certify, and
 22 authenticate all proceedings, minutes, records, and rules of the
 23 commission. The chairperson or the chairperson's designee also
 24 shall perform all other duties as imposed by this article.

25 **Sec. 2.** The commission has the power to organize its work and
 26 carry on the functions of the commission and to enforce and
 27 administer the provisions of this article and the rules of the
 28 commission.

29 **Sec. 3.** The commission, in accordance with IC 5-15-5.1, has the
 30 power to prescribe the forms for all applications, permits, licenses,
 31 certificates, and other documents and records used in the
 32 administration of this article.

33 **Sec. 4.** The commission has the power to:

34 (1) hold hearings before the commission or its representative;

35 (2) take testimony and receive evidence;

36 (3) conduct inquiries with or without hearings;

37 (4) receive reports of investigators or other governmental
 38 officers and employees;

39 (5) administer oaths;

40 (6) subpoena witnesses and compel them to appear and
 41 testify;

42 (7) issue and enforce subpoenas duces tecum;



- 1 (8) take or institute proceedings to enforce subpoenas and the
 2 rules, orders, or requirements of the commission or its
 3 representative;
 4 (9) fix the compensation paid to witnesses appearing before
 5 the commission;
 6 (10) establish and use the seal of the commission;
 7 (11) certify copies of records of the commission or any other
 8 document or record on file with the commission;
 9 (12) fix the form, mode, manner, time, and number of times
 10 for the posting or publication of any required notices if not
 11 otherwise provided in this article;
 12 (13) issue letters of extension as authorized by this article; and
 13 (14) hold permits on deposit as authorized by this article.

14 **Sec. 5. (a) The commission shall prepare a quarterly report that**
 15 **describes the violations by permittees subject to an enforcement**
 16 **action under this article. Beginning in January 2025, the**
 17 **commission shall issue the quarterly reports on or before the**
 18 **fifteenth day of:**

- 19 (1) January, concerning violations committed during the
 20 preceding quarter consisting of the months of October
 21 through December;
 22 (2) April, concerning violations committed during the
 23 preceding quarter consisting of the months of January
 24 through March;
 25 (3) July, concerning violations committed during the
 26 preceding quarter consisting of the months of April through
 27 June; and
 28 (4) October, concerning violations committed during the
 29 preceding quarter consisting of the months of July through
 30 September.

31 (b) The commission's quarterly report must provide
 32 noncompliance violations by:

- 33 (1) business listing;
 34 (2) permit type; and
 35 (3) county.

36 (c) The commission shall post the quarterly reports on the
 37 commission's website. The commission shall:

- 38 (1) prepare a report annually that compiles the violations for
 39 the preceding calendar year; and
 40 (2) provide the report to the legislative council not later than
 41 February 1 of each year in an electronic format under
 42 IC 5-14-6.



1 **Sec. 6. The commission has the authority to petition the circuit**
2 **or superior court of the county in which the hearing or**
3 **investigation is being held to compel obedience to the lawful**
4 **requirements of its subpoena under this chapter.**

5 **Sec. 7. The commission is responsible for the enforcement and**
6 **administration of this article.**

7 **Sec. 8. The commission shall adopt rules in accordance with**
8 **IC 4-22-2 to implement and administer this article.**

9 **Sec. 9. The commission has the power to adopt rules governing**
10 **the following:**

11 **(1) The conduct of the meetings and business of the**
12 **commission.**

13 **(2) The conduct of hearings before any of the commission's**
14 **representatives.**

15 **(3) The conduct of the business of a permittee authorized or**
16 **governed by the provisions of this article.**

17 **(4) The enforcement of the provisions of this article and of the**
18 **rules of the commission.**

19 **(5) The standards of purity and methods of processing used in**
20 **the production of cannabis and cannabis products.**

21 **(6) The prevention of misbranding or adulteration of cannabis**
22 **and cannabis products.**

23 **(7) The prevention of fraud, evasion, trickery, or deceit in the**
24 **processing, labeling, advertisement, transportation, or sale of**
25 **cannabis or cannabis products, or the evasion of other**
26 **Indiana law relating to cannabis or cannabis products.**

27 **Sec. 10. The commission shall adopt rules to do the following:**

28 **(1) Establish safety and security standards for facilities used**
29 **for the growth, processing, testing, storage, or sale of**
30 **cannabis.**

31 **(2) Mandate periodic training for persons employed in a**
32 **facility used for the growth, processing, testing, storage, or**
33 **sale of cannabis.**

34 **(3) Establish or approve training and other programming for**
35 **persons employed in a facility used for the growth, processing,**
36 **testing, storage, or sale of cannabis.**

37 **Chapter 7. Regulation of Permits and Permittees**

38 **Sec. 1. The commission has the discretionary authority to issue,**
39 **deny, suspend, revoke, or not renew all permits and certificates**
40 **authorized by this article, unless the exercise of discretion or**
41 **authority is limited by applicable provisions of this article.**

42 **Sec. 2. (a) The commission shall prepare and maintain, available**



1 for public inspection, a registry of all permits issued by the
 2 commission, categorized by type of permit and by the type of
 3 establishment to which the permit is issued. The registry of permits
 4 must:

5 (1) be subdivided on a county by county basis, and further
 6 subdivided by city, town, and unincorporated area;

7 (2) contain the number of permits authorized by the quota,
 8 and the number of permits currently issued;

9 (3) contain the name of the owner of the permit, the address
 10 of the permitted premises, the assumed business name under
 11 which the business is conducted, and, if a corporation, the
 12 names of the president and secretary; and

13 (4) be made current annually, to indicate by specific notation
 14 any new permits that were issued or any existing permits that
 15 were transferred in any manner within the prior year.

16 (b) The registry of permits is a public record.

17 Sec. 3. The commission has the power to investigate applicants
 18 and permittees, and any violation of a provision of this article and
 19 of the rules of the commission, and to report its findings to the
 20 prosecuting attorney or the grand jury of the county in which the
 21 violation occurred, or to the attorney general.

22 Sec. 4. The commission has the power to prohibit the sale,
 23 transportation, or movement of cannabis or cannabis products
 24 when, in the judgment of the commission, it is necessary during a
 25 time of public emergency, civil disturbance, riot, or epidemic. The
 26 prohibition may be imposed without prior notice or advertisement
 27 and may be continued in force as long as the need continues.

28 Sec. 5. (a) The commission has the power to examine, inspect,
 29 and search a permitted premises or a vehicle where cannabis or
 30 cannabis products are kept, processed, or sold.

31 (b) The commission has the power to seize cannabis or cannabis
 32 products, or any other personal property when the seizure is lawful
 33 under the provisions of this article.

34 Sec. 6. The commission has the power to prevent a part of the
 35 premises connected with, or in any way used in connection with, a
 36 permitted premises, from being used as a subterfuge or means of
 37 evading the provisions of this article or of the rules of the
 38 commission.

39 Sec. 7. The commission has the power to set standards of
 40 cleanliness and sanitation for a permitted premises and for the
 41 apparatus, equipment, utensils, accessories, articles, and fixtures
 42 used or employed in the permitted premises.



1 **Sec. 8. The commission has the power to require the destruction**
2 **or removal of cases, containers, apparatuses, or devices, used or**
3 **likely to be used, in evading, violating, or preventing the**
4 **enforcement of the provisions of this article or of the rules of the**
5 **commission.**

6 **Sec. 9. (a) The commission has the power to regulate and**
7 **prohibit advertising, signs, displays, posters, and designs intended**
8 **to advertise cannabis, a cannabis product, or the place where**
9 **cannabis or cannabis products are sold.**

10 **(b) The commission may not exercise the prohibition power**
11 **contained in subsection (a) as to any advertisement broadcast over**
12 **licensed radio and television stations.**

13 **(c) All advertisements relating to cannabis or cannabis products**
14 **must conform to the rules of the commission.**

15 **(d) The commission shall not exercise the prohibition power**
16 **contained in subsection (a) as to advertising in the official program**
17 **of the Indianapolis 500 Race.**

18 **(e) Notwithstanding any other law, the commission may not**
19 **prohibit the use of an illuminated sign advertising cannabis or**
20 **cannabis products by brand name that is displayed within the**
21 **interior or on the exterior of the premises covered by the permit,**
22 **regardless of whether the sign is illuminated constantly or**
23 **intermittently.**

24 **(f) The commission may not prohibit the advertisement of:**

25 **(1) cannabis or cannabis products; or**

26 **(2) a place where cannabis or cannabis products may be**
27 **obtained;**

28 **in a program, scorecard, handbill, throw-away newspaper, or**
29 **menu. However, advertisements described in this subsection must**
30 **conform to the rules of the commission.**

31 **(g) Cannabis or cannabis products must be marketed or**
32 **advertised as "cannabis" for use only by persons at least**
33 **twenty-one (21) years of age.**

34 **(h) Cannabis or cannabis products may not be marketed or**
35 **advertised to persons less than twenty-one (21) years of age. The**
36 **commission shall determine whether a sponsorship is marketed or**
37 **advertised to a person less than twenty-one (21) years of age.**

38 **(i) Cannabis or cannabis products may not be advertised on any**
39 **television program, radio program, website, or print publication**
40 **unless there is reliable evidence that seventy percent (70%) of the**
41 **audience is reasonably expected to be at least twenty-one (21) years**
42 **of age.**



1 (j) Any cannabis or cannabis products advertised must bear a
2 warning label stating the following:

3 "For use by adults only. Keep out of reach of children. It is
4 illegal to drive a motor vehicle while under the influence of
5 cannabis. National Poison Control Center 1-800-222-1222."

6 Sec. 10. (a) As used in this section, "facility" includes the
7 following:

8 (1) A facility permitted under this article.

9 (2) A tract that contains a premises permitted under this
10 article.

11 (3) A horse track or satellite facility.

12 (4) A riverboat or racetrack.

13 (5) A tract that contains an entertainment complex.

14 (b) As used in this section, "tract" has the meaning set forth in
15 IC 6-1.1-1-22.5.

16 (c) A facility may advertise cannabis or cannabis products:

17 (1) in the facility's interior; or

18 (2) on the facility's exterior.

19 (d) The commission may not exercise the prohibition power
20 contained in this chapter on advertising by a permittee in or on a
21 facility.

22 (e) A facility may provide advertising to a permittee in exchange
23 for compensation from that permittee.

24 Sec. 11. The commission has the power to require the
25 registration of all brands, formulas, analyses, and labels used or
26 proposed to be used in selling or advertising cannabis or cannabis
27 products. The commission does not have the power to require the
28 disclosure of formulas that are verified trade secrets.

29 Sec. 12. The commission has the power to regulate the modes
30 and methods of dealing in, and the transportation of, cannabis and
31 cannabis products.

32 Sec. 13. The commission has the power to:

33 (1) prescribe the manner and methods by which all records
34 relating to cannabis or cannabis products are kept and
35 preserved;

36 (2) inspect all records relating to cannabis or cannabis
37 products; and

38 (3) require true copies of any record to be made and furnished
39 to the commission.

40 Sec. 14. The commission may require that, before the
41 transportation of cannabis or cannabis products into Indiana by an
42 authorized permittee, the permittee shall submit written, verified



1 information concerning the proposed transportation and execute
 2 and file any documents required. The commission has the power to
 3 inspect the shipments in transit and the vehicle used in the
 4 transportation.

5 Sec. 15. The commission, unless otherwise specifically
 6 prohibited, may delegate the powers and duties conferred on it in
 7 this article to responsible employees of the commission. However,
 8 the commission bears ultimate responsibility.

9 Sec. 16. The members of the commission and their officers and
 10 employees are immune from civil liability for an act or omission
 11 done under the authority, or the color of authority, conferred by
 12 this article or by a rule or order of the commission, unless the act
 13 or omission constitutes gross negligence or willful or wanton
 14 misconduct.

15 Sec. 17. The commission and the chairperson have, in addition
 16 to the express powers enumerated in this article, the authority to
 17 exercise all powers necessary and proper to carry out the policies
 18 of this article and to promote efficient administration by the
 19 commission.

20 Chapter 8. Searches and Seizures

21 Sec. 1. A circuit or superior court may issue a warrant to search
 22 a house or other place for cannabis, cannabis products, or another
 23 article that is being possessed, kept, sold, bartered, given away,
 24 used, or transported in violation of this article.

25 Sec. 2. The warrant shall be directed to the officer, agent, or
 26 employee of the commission who filed the affidavit for the warrant
 27 and otherwise it shall be directed to any officer who has the power
 28 to serve criminal process. The warrant shall be served by the
 29 person to whom it was issued in the daytime or nighttime and the
 30 return made within twenty (20) days from the date of issue.

31 Sec. 3. The officer who serves the warrant shall seize any article
 32 described in the warrant and any other article found during the
 33 search that is used in the violation of a provision of this article and
 34 hold the article in the same manner as other items seized pursuant
 35 to a search warrant are held.

36 Sec. 4. A person has no property right of any kind in:

- 37 (1) cannabis or a cannabis product possessed contrary to law;
- 38 (2) a receptacle or container holding cannabis or a cannabis
 39 product possessed contrary to law;
- 40 (3) an unlawful or prohibited receptacle or container; or
- 41 (4) a receptacle or container that violates a rule of the
 42 commission or that is being used in a manner that violates a



1 rule of the commission.

2 **Sec. 5. Testimony concerning the appearance, taste, or odor of**
 3 **cannabis or a cannabis product is admissible as evidence in a**
 4 **criminal prosecution or in a proceeding before the commission.**

5 **Sec. 6. An unbroken cannabis container with a label altered so**
 6 **that it does not describe the cannabis accurately is admissible as**
 7 **evidence in a court.**

8 **Sec. 7. The court shall receive oral testimony upon a matter**
 9 **referred to in this chapter for the purpose of showing a violation of**
 10 **this article whether the container is offered in evidence or not.**

11 **Sec. 8. (a) If a substance is removed or destroyed before it is**
 12 **able to be seized under this chapter, the trier of fact may infer that**
 13 **the substance was cannabis or a cannabis product possessed in**
 14 **violation of this article.**

15 **(b) Proof of the possession of an empty container permits a trier**
 16 **of fact to infer that the person who possessed the container**
 17 **possessed cannabis or a cannabis product.**

18 **Chapter 9. Public Nuisances**

19 **Sec. 1. The following are declared to be a public nuisance:**

20 **(1) A premises, vehicle, or place of any kind where at least one**
 21 **(1) of the following occurs:**

22 **(A) Cannabis or a cannabis product of any type is**
 23 **possessed in violation of Indiana law or a rule of the**
 24 **commission.**

25 **(B) A person is permitted to use the premises, vehicle, or**
 26 **place for the purpose of consuming cannabis or cannabis**
 27 **products in violation of Indiana law or a rule of the**
 28 **commission.**

29 **(2) A place where cannabis or cannabis products are kept for**
 30 **delivery in violation of Indiana law or in violation of a rule of**
 31 **the commission.**

32 **(3) The business property of a person who knowingly or**
 33 **intentionally possesses cannabis or cannabis products in**
 34 **violation of Indiana law or a rule of the commission.**

35 **Sec. 2. The plaintiff in an action to abate a public nuisance**
 36 **under this chapter must prove that the owner of the business had**
 37 **actual knowledge of the actions alleged to constitute a nuisance.**

38 **Sec. 3. In determining whether an owner should be held liable**
 39 **for failing to abate a public nuisance under this chapter, the court**
 40 **shall consider the efforts the owner took to abate the public**
 41 **nuisance, including whether the law enforcement agency that**
 42 **serves the owner's property was notified by the owner or the**



1 owner's employee of the actions alleged to constitute the public
2 nuisance.

3 **Sec. 4. If a permittee violates this article on a premises or in a**
4 **vehicle where cannabis or a cannabis product is kept, the premises**
5 **or vehicle is a public nuisance.**

6 **Sec. 5. Untaxed cannabis, the receptacle in which it is contained,**
7 **and the premises or vehicle where it is kept constitute a public**
8 **nuisance.**

9 **Sec. 6. (a) The following may bring an action to abate a common**
10 **nuisance or a violation of this article:**

11 (1) The commission.

12 (2) The chairperson of the commission.

13 (3) The attorney general.

14 (4) The prosecuting attorney exercising jurisdiction in the
15 county where the common nuisance or violation occurs.

16 (5) A permittee.

17 (6) A resident of the county where the common nuisance or
18 violation occurs.

19 (b) The court may grant a temporary restraining order, a
20 preliminary injunction, a permanent injunction, and any other
21 relief authorized under Indiana law.

22 **Sec. 7. A prevailing plaintiff in an action brought to abate a**
23 **nuisance is entitled to, at the discretion of the court:**

24 (1) an order that the premises be closed for a period of one (1)
25 year; or

26 (2) an order that the premises be closed for a period of less
27 than one (1) year and an award of liquidated damages in an
28 amount of not less than one thousand dollars (\$1,000) and not
29 more than twenty-five thousand dollars (\$25,000) to the state
30 of Indiana.

31 **Sec. 8. An action authorized by this chapter shall be brought in**
32 **the name of the state of Indiana on the relation of the commission.**
33 **The commission may be represented by an attorney selected by it,**
34 **by the attorney general, or by a deputy or assistant attorney**
35 **general assigned by the attorney general for the purpose of**
36 **instituting or conducting the action, or by both.**

37 **Sec. 9. The remedies authorized by this chapter are cumulative**
38 **and nonexclusive. The remedies provided in this article do not**
39 **affect the power of the commission to revoke a permit.**

40 **Chapter 10. Jurisdiction and Miscellaneous Judicial**
41 **Proceedings**

42 **Sec. 1. An action brought against the commission, or against the**



1 chairperson as the chairperson, shall be brought in the circuit or
 2 superior court of Marion County unless otherwise specifically
 3 provided in this article.

4 Sec. 2. The commission may bring an action for declaratory
 5 judgment under IC 34-14-1-1.

6 Chapter 11. Issuance of Permits Generally

7 Sec. 1. The following definitions apply throughout this chapter:

8 (1) "Minority" means a person identified as:

- 9 (A) Black;
- 10 (B) Native American;
- 11 (C) Asian American; or
- 12 (D) Hispanic.

13 (2) "Owned and controlled" means:

- 14 (A) ownership of at least fifty-one percent (51%) of the
- 15 enterprise, including corporate stock of a corporation;
- 16 (B) control over the management and being active in the
- 17 day to day operations of the business; and
- 18 (C) an interest in the capital, assets, and profits and losses
- 19 of the business proportionate to the percentage of
- 20 ownership.

21 (3) "Veteran" means an individual who:

- 22 (A) has previously:
 - 23 (i) served on active duty in any branch of the armed
 - 24 forces of the United States or their reserves, or in the
 - 25 Indiana National Guard; and
 - 26 (ii) received an honorable discharge from service; or
- 27 (B) is currently serving in:
 - 28 (i) any branch of the armed forces of the United States or
 - 29 their reserves; or
 - 30 (ii) the Indiana National Guard.

31 Sec. 2. (a) The commission may issue only the types of permits
 32 authorized by this article subject to the applicable provisions of
 33 this article.

34 (b) Beginning July 1, 2024, the commission shall accept
 35 applications for cannabis permits.

36 Sec. 3. A permit:

- 37 (1) is a revocable privilege granted by the state; and
- 38 (2) is not a property right.

39 Sec. 4. The commission may issue a permit under this article
 40 only to:

- 41 (1) an individual;
- 42 (2) a partnership;



1 (3) a limited liability company; or
 2 (4) a corporation organized and existing under Indiana law.
 3 Sec. 5. (a) Except as provided in subsection (b), the commission
 4 shall issue not less than fifteen percent (15%) of allowable permits
 5 under this article to businesses owned and controlled by one (1) or
 6 more:
 7 (1) minorities; or
 8 (2) veterans.
 9 (b) If an insufficient number of qualifying applications are by a
 10 person described in subsection (a), the commission shall issue
 11 permits in the usual way.
 12 Sec. 6. (a) Except as otherwise provided in this article, a permit
 13 issued by the commission is valid for one (1) calendar year,
 14 including the day upon which it is granted. At the end of the one (1)
 15 year period, the permit expires and is void.
 16 (b) The commission shall timely process a permittee's
 17 application for renewal of a permit unless the permittee receives a
 18 notice of a violation from the office of the prosecutor.
 19 (c) The commission may timely process an application for
 20 renewal of a permit filed by a permittee that receives notice of a
 21 violation as described in subsection (f) if the chairperson or the
 22 chairperson's designee authorizes the application for renewal of
 23 the permit to be timely processed.
 24 (d) A permittee may file an application for renewal of a permit
 25 not later than thirty (30) days after the date the permit expires.
 26 (e) If a permittee does not file an application for renewal of a
 27 permit within the time provided in subsection (d), the permit
 28 reverts to the commission. At least thirty (30) days before the date
 29 that a permit reverts to the commission, the commission shall
 30 provide written notice to the permittee informing the permittee of
 31 the date that the permittee's permit will revert to the commission.
 32 (f) The chairperson or the chairperson's designee may allow the
 33 permittee to renew the permit after the date the permit expires
 34 only if the permittee provides evidence that the permittee is
 35 engaged in an administrative or court proceeding that prevents the
 36 permittee from renewing the permit.
 37 (g) A permit is effective upon the final approval of the
 38 commission. Upon final approval of a permit, and upon the request
 39 of the permittee, the commission shall provide the permittee with
 40 a letter of authority to operate. The letter of authority to operate
 41 constitutes authorization for the permittee to perform the actions
 42 allowed under the permit until the date the permittee receives the



1 permit issued by the commission.

2 Sec. 7. (a) The chairperson or the chairperson's designee may
3 issue an original letter of extension extending the term of a permit
4 for a maximum period of ninety (90) days for good cause shown
5 upon the written request of the permittee and payment of the fee,
6 if required.

7 (b) Upon the expiration of an original letter of extension, or any
8 renewal thereof, if good cause still exists, subsequent renewals of
9 the extension may be granted to the permittee only upon the
10 affirmative vote of a majority of the members of the commission.

11 Sec. 8. The commission shall issue a permit authorized by this
12 article only upon proper application. The application shall be in
13 writing, and verified, upon forms prescribed and furnished by the
14 commission. The application shall contain the terms and
15 information required by this article or by the rules of the
16 commission. The appropriate surety bond, if required, must be
17 submitted with the application.

18 Sec. 9. An application for a permit shall contain the express
19 statement of the applicant that, if a permit is issued to the
20 applicant, the applicant consents for the duration of the permit
21 term to the entrance, inspection, and search by an enforcement
22 officer, without a warrant or other process, of the applicant's
23 permitted premises and vehicles to determine whether the
24 applicant is complying with the provisions of this article. The
25 consent required by this section is renewed and continued by the
26 retention of a permit or its use by a permittee.

27 Sec. 10. An application for a permit to sell cannabis or cannabis
28 products of any kind, and the required publication of notice, must
29 disclose the name of the applicant and the specific property
30 address where the cannabis or cannabis products are to be sold,
31 and any assumed business name under which the business will be
32 conducted. The application and notice also must disclose:

33 (1) the names of the executive officers of the corporation,
34 company, or other entity responsible for the sale of cannabis
35 or the cannabis product to the public; and

36 (2) the website where a member of the public may access the
37 information in subdivision (1).

38 Sec. 11. An applicant must have a vested legal interest in the
39 property address listed on the permit application.

40 Sec. 12. (a) As used in this section, "immediate family member"
41 means a spouse, parent, child, sibling, father-in-law, or
42 mother-in-law.



1 (b) The commission may not issue a permit under this chapter
2 to an individual who is an immediate family member of a current
3 permittee.

4 Sec. 13. (a) On receipt of a completed permit application under
5 this chapter, the commission shall forward a copy of the
6 application to the state police department.

7 (b) The state police department shall perform a national
8 criminal history background check of the applicant and return the
9 application to the commission along with the results from the
10 national criminal history background check. The commission is
11 responsible for the cost of the national criminal history
12 background check.

13 (c) The commission shall review the permit application after
14 receipt of the results from the state police department. The
15 commission shall grant or deny a completed application for a
16 permit within sixty (60) days after receipt of the application. If the
17 commission determines that:

- 18 (1) all the requirements under this article have been met; and
19 (2) the applicant has not been convicted within ten (10) years
20 before the date of application of:

21 (A) a federal crime having a sentence of more than one (1)
22 year;

23 (B) a Class A, Class B, or Class C felony (for a crime
24 committed before July 1, 2014) or a Level 1, Level 2, Level
25 3, Level 4, or Level 5 felony (for a crime committed after
26 June 30, 2014); or

27 (C) a crime in another state that is substantially similar to
28 a crime described in clause (B);

29 the commission shall approve the application for issuance of the
30 permit.

31 (d) The commission may deny a permit application if it finds
32 that the applicant has been adjudicated against in a civil
33 proceeding regarding the cannabis or hemp industry.

34 (e) If the completed application for a permit is denied, the
35 commission must state the reasons for the denial. If a completed
36 application is denied under this section, the applicant may reapply
37 within thirty (30) days after the date of the denial. There is no
38 application fee for a reapplication under this subsection.

39 (f) A permit issued under this chapter expires one (1) year after
40 the date on which the permit was issued, unless revoked.

41 Sec. 14. An applicant for a permit issued pursuant to this article
42 shall file with the commission a surety bond in the sum of fifteen



1 thousand dollars (\$15,000).

2 **Sec. 15. (a) The required surety bond of an applicant must be**
 3 **approved by the commission. The bond must be made payable to**
 4 **the state and may be forfeited if the applicant:**

5 (1) violates a provision of this article or a rule of the
 6 commission that relates to the permit; or

7 (2) fails to pay all taxes and fees imposed by this article on the
 8 activities authorized under the permit.

9 (b) A permittee shall keep the bond in full force and effect
 10 continuously in order to keep the permit in force.

11 **Sec. 16. (a) Except as provided in subsection (b), the commission**
 12 **may recover not more than two hundred fifty dollars (\$250) in any**
 13 **one (1) action on a permittee's surety bond for the violation of a**
 14 **rule of the commission. Except as provided in subsection (b), the**
 15 **commission may recover not more than five hundred dollars (\$500)**
 16 **in any one (1) action on the surety bond for the violation of a**
 17 **provision of this article. All violations committed before the**
 18 **commission brings an action on the bond are considered one (1)**
 19 **violation. Funds recovered on a bond shall be deposited in the**
 20 **cannabis regulation fund established by IC 7.1-8-2-12.**

21 (b) The state may recover the full amount of all taxes and fees
 22 due and owed by the permittee under this article in a single action
 23 on the bond. No person may bring an action on the bond except the
 24 commission. Funds recovered under this section shall be deposited
 25 in the state general fund.

26 **Sec. 17. The commission shall ensure that a surety bond filed**
 27 **under this article is securely stored. The commission may not**
 28 **approve a surety bond unless the surety company is solvent and**
 29 **qualified to do business in Indiana. The commission, before**
 30 **approving a surety bond, shall require the commissioner of the**
 31 **department of insurance to furnish to the commission copies of**
 32 **reports of the surety company and other information concerning**
 33 **the reserves and reliability of the company.**

34 **Sec. 18. Cash or bonds of the United States, or both, may be**
 35 **tendered to the commission instead of a surety bond required by**
 36 **the provisions of this article if it is tendered on the same terms and**
 37 **conditions as a surety bond.**

38 **Sec. 19. A surety may not cancel or annul a surety bond filed in**
 39 **accordance with the provisions of this article after it has been**
 40 **approved by the commission. However, a surety, with the consent**
 41 **of the commission, may cancel a bond and be released from**
 42 **liability accruing after the effective date of the cancellation. The**



1 commission may not approve a cancellation until the surety has
 2 paid and discharged in full its liability to the state on the bond to
 3 the date of the approval of the cancellation.

4 Sec. 20. (a) As used in this section, "credit card" means a:

- 5 (1) credit card;
- 6 (2) debit card;
- 7 (3) charge card; or
- 8 (4) stored value card.

9 (b) The commission shall accept a payment to the commission
 10 for any purpose by any of the following financial instruments:

- 11 (1) Cash.
- 12 (2) Certified check.
- 13 (3) Cashier's check.
- 14 (4) Check drawn on the bank deposit of a business.
- 15 (5) Valid postal money order of the United States.
- 16 (6) Bank draft.
- 17 (7) Money order.
- 18 (8) Bank card or credit card.
- 19 (9) Electronic funds transfer.
- 20 (10) Any other financial instrument authorized by the
 21 commission.

22 (c) If there is a charge to the commission for the use of a
 23 financial instrument, the commission may collect a sum equal to
 24 the amount of the charge from the person who uses the financial
 25 instrument.

26 (d) A procedure authorized for a particular type of payment
 27 must be uniformly applied to all payments of the same type.

28 (e) The commission may contract with a bank card or credit
 29 card vendor for acceptance of bank cards or credit cards.
 30 However, if there is a vendor transaction charge or discount fee,
 31 whether billed to the commission or charged directly to the
 32 commission's account, the commission may collect from the person
 33 using the card:

- 34 (1) an official fee that may not exceed the transaction charge
 35 or discount fee charged to the commission by bank or credit
 36 card vendors; or
- 37 (2) a reasonable convenience fee that:
 - 38 (A) may not exceed three dollars (\$3); and
 - 39 (B) must be uniform regardless of the bank card or credit
 40 card used.

41 The fees described in subdivisions (1) and (2) may be collected
 42 regardless of retail merchant agreements between the bank and



1 credit card vendors that may prohibit such fees. These fees are
2 permitted additional charges under IC 24-4.5-3-202.

3 (f) The commission may pay any applicable bank card or credit
4 card service charge associated with the use of a bank card or credit
5 card under this section.

6 Sec. 21. (a) Except as provided in subsection (d), if publication
7 of notice of application for a permit is required under this article,
8 the publication shall be made in one (1) newspaper of general
9 circulation published in the county where the permit is to be in
10 effect.

11 (b) Publication required under subsection (a) may be made in
12 any newspaper of general circulation published one (1) or more
13 times each week.

14 (c) The rates to be paid for the advertising of a notice required
15 under this article shall be those required to be paid in case of other
16 notices published for or on behalf of the state.

17 (d) If:

18 (1) the commission is unable to procure advertising of a notice
19 as required under subsection (a) at the rates set forth in
20 IC 5-3-1; or

21 (2) the newspaper published in the county as described in
22 subsection (a) refuses to publish the notice;
23 the commission may, instead of publication in a newspaper as
24 required under subsection (a), post the notice on the commission's
25 website.

26 Sec. 22. Whenever the character of the business in which an
27 applicant is engaged is material to the applicant being issued a
28 permit under this article, or is material to the applicant being
29 qualified to continue to hold the permit, it must be made to appear
30 to the satisfaction of the commission that a substantial portion of
31 the business carried on, or to be carried on, in the premises in
32 respect to which a permit is applied for is in the nature of the
33 applicant's main business function in the premises.

34 Sec. 23. A person to whom a permit has been issued to carry on
35 any of the activities authorized by this article shall, before being
36 fully qualified to do business, post and display, and keep posted
37 and displayed, in the most conspicuous place in the person's
38 permitted premises the person's permit to do business.

39 Sec. 24. A permit issued under this article may not be
40 transferred from:

41 (1) the permit holder to another person; or

42 (2) the location for which the permit was approved or



1 renewed to another location;
 2 unless otherwise authorized by this article or approved by the
 3 commission.

4 Sec. 25. (a) As used in this section, "disqualifying event" means
 5 an occurrence that would render the planned cannabis permittee
 6 location illegal under this article.

7 (b) If a disqualifying event occurs while a permit application is
 8 pending before the commission, the applicant may transfer the
 9 permit location within six (6) months of the disqualifying event.

10 Sec. 26. If the information required for an initial or renewal
 11 permit changes, the applicant or permit holder shall notify the
 12 commission within ten (10) business days of the change. If any
 13 change in the information required for an application results in a
 14 violation of this article, the commission may impose a penalty as
 15 provided in this article.

16 Sec. 27. (a) A person may simultaneously hold:

- 17 (1) a grower permit and a processor permit;
- 18 (2) a grower permit and a retailer permit; or
- 19 (3) a processor permit and a retailer permit.

20 However, a person may not simultaneously hold a grower permit,
 21 a processor permit, or a retailer permit unless the person is an
 22 integrated permittee.

23 (b) A person holding a transport permit may not hold any other
 24 type of permit, and a person holding a safety compliance facility
 25 permit may not hold any other type of permit.

26 (c) Except as otherwise provided in this section, an integrated
 27 permittee is subject to all the requirements of the laws and
 28 regulations governing each permit.

29 (d) The commission shall impose an annual fee of one million
 30 dollars (\$1,000,000) on an integrated permittee. This fee includes
 31 the separate grower, retailer, and processor fees. If the prospective
 32 permittee is a veteran or minority owned business under section 5
 33 of this chapter, the commission may permit this fee to be paid in
 34 installments.

35 (e) The commission may award an integrated processor permit
 36 only if the prospective permittee demonstrates that the permittee
 37 has a proven capital reserve of at least five million dollars
 38 (\$5,000,000). If the prospective permittee is a veteran or minority
 39 owned business under section 5 of this chapter, the commission
 40 may permit alternate capital reserve.

41 (f) An integrated permittee is entitled to:

- 42 (1) twenty-five (25) retailer permits; and



1 **(2) ten (10) grower permits, consisting of:**

2 **(A) six (6) small grower permits under IC 7.1-8-12-7(a);**

3 **(B) three (3) medium grower permits under**
4 **IC 7.1-8-12-7(b); and**

5 **(C) one (1) large grower permit under IC 7.1-8-12-7(c).**

6 **However, an integrated permittee is not entitled to a permit if no**
7 **additional permits of that type are available.**

8 **(g) An integrated permittee to whom a permit has been issued**
9 **under this section may deposit that permit with the commission for**
10 **a period of:**

11 **(1) two (2) years, in the case of a grower and processor**
12 **permit; and**

13 **(2) three (3) years, in the case of a retailer permit;**

14 **if the permittee is unable to immediately operate the business to**
15 **which the permit applies.**

16 **(h) If a permittee is unable to use the permit issued under this**
17 **article within the period described in subsection (g), the permit is**
18 **forfeited to the commission, unless the commission finds that a**
19 **reasonable extension is necessary due to construction delays or fire,**
20 **flood, tornado, or other natural disasters or acts of God.**

21 **Chapter 12. Grower Permits**

22 **Sec. 1. The growth of cannabis is authorized in Indiana. The**
23 **growing and handling of cannabis is subject to regulation by the**
24 **commission. The commission shall adopt rules under IC 4-22-2 to**
25 **oversee the permitting, production, and management of:**

26 **(1) cannabis; and**

27 **(2) cannabis seed.**

28 **Sec. 2. (a) Except as expressly provided in this article, a**
29 **cannabis grower may not grow or sell cannabis in Indiana without**
30 **a permit issued by the commission under this article.**

31 **(b) Except as otherwise provided in this article, cannabis**
32 **produced by a grower permittee under this article may be grown**
33 **and sold in Indiana.**

34 **(c) A grower issued a permit under this chapter:**

35 **(1) must grow at least eighty percent (80%) of the cannabis**
36 **canopy in an indoor grow facility; and**

37 **(2) may grow not more than twenty percent (20%) of the**
38 **cannabis canopy outdoors, if:**

39 **(A) the outdoor grow area is adjacent to the indoor grow**
40 **facility; and**

41 **(B) is not:**

42 **(i) accessible to a member of the general public; or**



1 (ii) visible from any street adjacent to the property by a
 2 normal person with 20/20 eyesight without the use of any
 3 device to assist in improving viewing distance or vantage
 4 point.

5 (d) Nothing in this chapter prohibits a grower permittee from:

6 (1) selling cannabis cultivated by the grower to another
 7 grower permittee in Indiana;

8 (2) packaging, trimming, and placing cannabis cultivated by
 9 the grower in containers for retail sale; or

10 (3) selling and delivering cannabis cultivated by the grower to
 11 a person holding a retailer permit issued under this article.

12 However, a grower may not use a chemical process to extract or
 13 transform cannabis.

14 (e) Nothing in this chapter prohibits a grower permittee from
 15 exporting cannabis outside Indiana as permitted by federal law.

16 Sec. 3. (a) A grower to whom a permit has been issued under
 17 this chapter may deposit that permit with the commission for a
 18 period of two (2) years if the permittee is unable to immediately
 19 operate the business to which the permit applies.

20 (b) If a permittee is unable to use the permit issued under this
 21 article within two (2) years, the permit is forfeited to the
 22 commission, unless the commission finds that a reasonable
 23 extension is necessary due to construction delays or fire, flood,
 24 tornado, or other natural disasters or acts of God.

25 Sec. 4. (a) As used in this section, "household" means a
 26 residential dwelling that is the principal place of residence of a
 27 person or a family unit whose members are related by birth,
 28 marriage, or adoption and who share a common living
 29 arrangement. It does not include any industrial, commercial, or
 30 other nonresidential building.

31 (b) An individual may personally cultivate cannabis in Indiana
 32 for personal use without a permit.

33 (c) A person may not personally cultivate more than four (4)
 34 plants per household at one (1) time.

35 (d) All cannabis personally cultivated under this section must be
 36 grown on real property owned by the person or on real property
 37 for which the person has the property owner's written permission
 38 to personally cultivate cannabis on the property.

39 (e) A person who personally cultivates cannabis may not use
 40 extraction equipment or extraction processes if the equipment or
 41 process uses butane, propane, carbon dioxide, or any potentially
 42 hazardous material in a residential property.



1 **Sec. 5. (a)** For purposes of this section, "visible" means viewable
 2 by a normal person with 20/20 eyesight without the use of any
 3 device to assist in improving viewing distance or vantage point.

4 **(b)** All cannabis personally cultivated under this chapter must
 5 be cultivated so that the cannabis is not accessible to a member of
 6 the general public. No cannabis may be visible from any street
 7 adjacent to the property.

8 **(c)** In consultation with the state police department, the
 9 commission shall adopt rules under IC 4-22-2 governing the
 10 security of a cannabis personal cultivation site.

11 **(d)** Cannabis plants personally cultivated in violation of this
 12 section may be seized and destroyed.

13 **Sec. 6.** In addition to the other requirements of this article, an
 14 initial or renewal application for a grower permit must include the
 15 following:

16 **(1)** The global positioning system coordinates and legal
 17 description of the property used for the cannabis grow
 18 operation.

19 **(2)** The planned size of the cannabis canopy.

20 **(3)** A site plan of the proposed grow facility.

21 **(4)** A nonrefundable application fee.

22 **Sec. 7. (a)** For a permittee who grows less than five thousand
 23 (5,000) square feet of cannabis canopy, the commission shall
 24 impose an annual fee of thirty thousand dollars (\$30,000).

25 **(b)** For a permittee who grows at least five thousand (5,000)
 26 square feet of cannabis canopy and less than fifteen thousand
 27 (15,000) square feet of cannabis canopy, the commission shall
 28 impose an annual fee of one hundred thousand dollars (\$100,000).

29 **(c)** For a permittee who grows at least fifteen thousand (15,000)
 30 square feet of cannabis canopy, the commission shall impose an
 31 annual fee of two hundred thousand dollars (\$200,000).

32 **(d)** Not more than:

33 **(1)** twenty-five (25) grower permits may be issued under
 34 subsection (a) at one (1) time;

35 **(2)** fifteen (15) grower permits may be issued under subsection
 36 (b) at one (1) time; and

37 **(3)** four (4) grower permits may be issued under subsection (c)
 38 at one (1) time.

39 **(e)** A permittee, or permittee who is directly or indirectly
 40 controlled by another permittee, may not possess more than one (1)
 41 grower permit at one (1) time.

42 **(f)** The fees set forth in this section are due to the commission



1 within thirty (30) days of the date the initial or renewal grower
 2 permit is issued, and shall be deposited in the cannabis regulation
 3 fund established by IC 7.1-8-2-12.

4 **Sec. 8. (a)** A grower shall uniquely identify each immature plant
 5 batch with a single permanent plant tag and record the
 6 information in the statewide monitoring system established under
 7 IC 7.1-8-17. Each immature plant batch must consist of not more
 8 than one hundred (100) immature plants.

9 (b) A grower shall separate the plants as the plants go through
 10 different growth stages and ensure that the plant tag is always
 11 identified with the plant throughout the growth span so that all
 12 plants can be easily identified and inspected. A grower shall ensure
 13 that the identification information is recorded in the statewide
 14 monitoring system.

15 (c) After a tagged plant is harvested, it is part of a harvest batch
 16 so that a sample of the harvest batch can be tested in accordance
 17 with this article. A grower shall quarantine a harvest batch from
 18 other plants or batches that have test results pending. A harvest
 19 batch must be easily distinguishable from other harvest batches
 20 until the harvest batch is broken down into packages.

21 (d) After test results show a passed test and the harvest batch is
 22 packaged, the grower shall destroy the individual plant tags. Each
 23 package must have a permanent package tag attached. A grower
 24 shall ensure this information is placed in the statewide monitoring
 25 system in accordance with this article and rules adopted by the
 26 commission.

27 **Sec. 9. (a)** In addition to any other liability or penalty provided
 28 by law, the commission may revoke or refuse to issue or renew a
 29 grower permit and may impose a civil penalty for a violation of:

- 30 (1) a permit requirement;
- 31 (2) permit terms or conditions; or
- 32 (3) a rule relating to growing cannabis.

33 (b) The commission may not impose a civil penalty under this
 34 section that exceeds two thousand five hundred dollars (\$2,500).

35 (c) Any civil penalties collected under this section shall be
 36 deposited in the cannabis regulation fund established by
 37 IC 7.1-8-2-12.

38 **Sec. 10. (a)** Except as provided in subsection (b), the commission
 39 shall give a person who negligently violates this chapter a
 40 reasonable time, determined by the commission, to correct the
 41 violation without imposing a penalty under this chapter. However,
 42 the commission may require the person who committed the



1 violation to comply with a corrective action plan determined by the
 2 commission and report to the commission on compliance with the
 3 corrective action plan.

4 (b) A person who commits a negligent violation of this chapter
 5 three (3) times in a five (5) year period shall immediately be
 6 ineligible to hold or work under a grower permit for five (5) years.

7 (c) If the commission believes that a person has knowingly or
 8 intentionally violated this chapter, the commission shall notify:

9 (1) the superintendent of the state police department; and

10 (2) the prosecuting attorney of the county in which the
 11 violation occurred;

12 of the violation.

13 (d) A person who commits a negligent violation under this
 14 chapter is subject to a late fee as established by rules adopted by
 15 the commission.

16 Sec. 11. The commission shall adopt rules under IC 4-22-2 to
 17 implement and administer this chapter.

18 Sec. 12. (a) The commission may keep the:

19 (1) names of growers who are permitted under this chapter;
 20 and

21 (2) locations of permitted cannabis crops;

22 confidential for purposes of IC 5-14-3.

23 (b) The commission may share confidential information under
 24 subsection (a) with the state police department and law
 25 enforcement officers (as defined in IC 35-31.5-2-185).

26 Sec. 13. A person not permitted under this chapter who
 27 knowingly or intentionally:

28 (1) grows or sells cannabis; or

29 (2) sells cannabis seed;

30 commits a Level 6 felony.

31 Chapter 13. Processor Permits

32 Sec. 1. The commission may issue a cannabis processor permit
 33 to a person who desires to process cannabis or cannabis products.

34 Sec. 2. The holder of a processor permit may do the following:

35 (1) Process cannabis or cannabis products.

36 (2) Place cannabis or cannabis products in containers for
 37 retail sale.

38 (3) Sell and deliver cannabis or cannabis products to a person
 39 holding a retailer permit issued under this article.

40 Sec. 3. (a) A processor to whom a permit has been issued under
 41 this chapter may deposit that permit with the commission for a
 42 period of up to two (2) years if the permittee is unable to



1 immediately operate the business to which the permit applies.

2 (b) If a permittee is unable to use the permit issued under this
3 article within two (2) years, the permit is forfeited to the
4 commission, unless the commission finds that a reasonable
5 extension is necessary due to construction delays or fire, flood,
6 tornado, or other natural disasters or acts of God.

7 **Sec. 4. Cannabis or cannabis products must be transported and**
8 **distributed to and from a processor in packaging that contains the**
9 **following information:**

10 (1) A scannable bar code or QR code linked to a document
11 that contains the:

12 (A) batch identification number of the cannabis or
13 cannabis products;

14 (B) product name;

15 (C) batch date;

16 (D) expiration date, which must be not more than two (2)
17 years from the date of manufacture;

18 (E) batch size;

19 (F) total quantity produced;

20 (G) ingredients used, including the:

21 (i) ingredient name;

22 (ii) name of the company that manufactured the
23 ingredient;

24 (iii) company or product identification number or code,
25 if applicable; and

26 (iv) ingredient lot number; and

27 (H) results of the quality assurance test conducted under
28 IC 7.1-8-18.

29 (2) The batch number.

30 (3) The Internet address of a website to obtain batch
31 information.

32 (4) The expiration date.

33 (5) The total number of milligrams of
34 delta-9-tetrahydrocannabinol (THC), including precursors.

35 (6) The grower.

36 **Sec. 5. The commission shall impose an annual fee of thirty**
37 **thousand dollars (\$30,000) on a processor permittee.**

38 **Chapter 14. Transport Permits**

39 **Sec. 1. The commission may issue a cannabis transport permit**
40 **to a person who is a carrier upon a showing of the reliability and**
41 **responsibility of the carrier and the appropriateness of issuing the**
42 **permit.**



1 **Sec. 2. The transportation of cannabis and cannabis products**
 2 **for sale in Indiana is subject to the rules of the commission.**
 3 **Cannabis and cannabis products may be transported and delivered**
 4 **only in containers that are lawful under this article and permissible**
 5 **under the rules of the commission.**

6 **Sec. 3. A transport permit is required for the transportation of**
 7 **cannabis or cannabis products on a public highway in Indiana.**

8 **Sec. 4. (a) A carrier must hold a transport permit before the**
 9 **carrier may transport cannabis or cannabis products on a public**
 10 **highway.**

11 **(b) A person that is a direct or beneficial owner of a grower,**
 12 **processor, retailer, or safety compliance facility permit issued**
 13 **under this article may not hold a transport permit.**

14 **Sec. 5. (a) A carrier to whom a permit has been issued under**
 15 **this chapter may deposit that permit with the commission for a**
 16 **period of one (1) year if the permittee is unable to immediately**
 17 **operate the business to which the permit applies.**

18 **(b) If a permittee is unable to use the permit issued under this**
 19 **article within one (1) year, the permit is forfeited to the**
 20 **commission, unless the commission finds that a reasonable**
 21 **extension is necessary due to construction delays or fire, flood,**
 22 **tornado, or other natural disasters or acts of God.**

23 **Sec. 6. (a) A carrier may not transport cannabis or cannabis**
 24 **products on a vehicle owned or operated by the carrier unless the**
 25 **carrier has filed a description of the vehicle with the commission.**

26 **(b) The description of a vehicle used to transport cannabis or**
 27 **cannabis products must include:**

- 28 **(1) the engine number;**
- 29 **(2) the date of manufacture;**
- 30 **(3) the approximate weight;**
- 31 **(4) the vehicle identification number;**
- 32 **(5) the license plate number;**
- 33 **(6) the capacity; and**
- 34 **(7) any other information that the commission may require.**

35 **(c) The permittee may alter or add to the number of vehicles**
 36 **included under the permit at any time.**

37 **Sec. 7. (a) A carrier must transmit a copy of its route plan and**
 38 **manifest to the safety compliance facility as required by**
 39 **IC 7.1-8-18, and a copy of each must be carried in the transporting**
 40 **vehicle and presented to a law enforcement officer or commission**
 41 **enforcement officer upon request.**

42 **(b) The commission may inspect shipments of cannabis or**



1 cannabis products in transit and the vehicle used in the
2 transportation.

3 **Sec. 8.** The commission shall impose an annual fee of five
4 thousand dollars (\$5,000) on a carrier.

5 **Sec. 9.** A transport permittee who knowingly or intentionally
6 transports cannabis or cannabis products in a vehicle for which the
7 permittee has not filed a description under this chapter commits a
8 Class A misdemeanor.

9 **Chapter 15. Retailer Permits**

10 **Sec. 1.** The commission may issue a cannabis retailer permit to
11 a person who desires to sell cannabis or cannabis products to
12 customers for consumption.

13 **Sec. 2. (a)** The commission may grant only one (1) retailer
14 permit per twenty-five thousand (25,000) persons statewide.

15 **(b)** Only two hundred sixty-nine (269) active retailer permits
16 may be issued at any one (1) time.

17 **(c)** A county may not have more permits than its census
18 population divided by twenty-five thousand (25,000).

19 **(d)** No single retailer permittee may own more than twenty-five
20 percent (25%) of available permits.

21 **Sec. 3. (a)** The holder of a retailer permit may purchase
22 cannabis or cannabis products only from a permittee permitted
23 under this article. A retailer may possess cannabis or cannabis
24 products and sell it at retail for consumption to a customer who is
25 at least twenty-one (21) years of age.

26 **(b)** A retailer may sell cannabis or cannabis products at
27 wholesale.

28 **(c)** A retailer may sell and deliver cannabis or cannabis
29 products for carry out and for at home delivery without a
30 transport permit.

31 **Sec. 4. (a)** A retailer to which a permit has been issued under
32 this chapter may deposit the permit with the commission for a
33 period of one (1) year if the permittee is unable to immediately
34 operate the business to which the permit applies.

35 **(b)** If a permittee is unable to use the permit issued under this
36 article within one (1) year, the permit is forfeited to the
37 commission, unless the commission finds that a reasonable
38 extension is necessary due to construction delays or fire, flood,
39 tornado, or other natural disasters or acts of God.

40 **Sec. 5. (a)** A retailer may not:

41 (1) operate within one thousand (1,000) feet of an elementary
42 or secondary school;



- 1 (2) allow a customer to sample or consume cannabis or a
- 2 cannabis product on the premises;
- 3 (3) permit a customer to purchase more than four (4) ounces
- 4 of cannabis or twenty-five (25) grams of cannabis concentrate
- 5 per day; or
- 6 (4) sell cannabis or a cannabis product in a unitary
- 7 transaction (as defined in IC 6-2.5-1-1) or bundled transaction
- 8 (as defined in IC 6-2.5-1-11.5).

9 (b) A person who knowingly or intentionally violates this section
 10 commits a Level 6 felony.

11 Sec. 6. The commission shall impose an annual fee of one
 12 thousand dollars (\$1,000) on a retailer permittee.

13 Sec. 7. (a) All sales of cannabis and cannabis products must be
 14 accompanied by an invoice showing the following:

- 15 (1) The name and address of the seller and the purchaser.
- 16 (2) The date of sale.
- 17 (3) The name of each brand sold.
- 18 (4) The number of packages, if any.
- 19 (5) The number of cases by size and type of container.
- 20 (6) The quantity of each kind of cannabis or cannabis product
- 21 sold.

22 (b) The permittee must transmit an invoice to the commission
 23 in accordance with rules adopted by the commission.

24 Sec. 8. Except as provided in IC 7.1-8-16, a unit may not
 25 regulate cannabis or cannabis products.

26 **Chapter 16. Referendum to Prohibit Retail Sale of Cannabis**

27 Sec. 1. (a) Before July 1, 2025, the legislative body of a county
 28 may adopt a resolution to place a public question on the ballot to
 29 prohibit cannabis retail licensure within the county. The legislative
 30 body shall determine whether to place the public question on the
 31 primary election ballot, on the general election ballot, or on a
 32 special election ballot.

33 (b) As soon as practicable after adopting the resolution under
 34 subsection (a), the legislative body shall send a certified copy of the
 35 resolution to the commission and the county circuit court clerk.

36 Sec. 2. A prohibition against cannabis retail licensure under this
 37 chapter prevails if a majority of the individuals who vote on the
 38 public question approves the prohibition.

39 Sec. 3. The public question to be submitted to the voters must
 40 read as follows:

41 "Shall the county prohibit cannabis retail licensure for five (5)
 42 years immediately following the holding of the referendum?"



- 1 **If this public question is approved by the voters, cannabis**
 2 **retailers will be prohibited from licensing premises in the**
 3 **county for five (5) years."**
- 4 **Sec. 4. Each circuit court clerk shall, upon receiving the**
 5 **question approved by the legislative body of a county under this**
 6 **chapter, call a meeting of the county election board to certify the**
 7 **question and make arrangements for the referendum.**
- 8 **Sec. 5. (a) The referendum shall be held in the next primary**
 9 **election or general election in which all the registered voters who**
 10 **are residents of the county are entitled to vote after adoption of the**
 11 **resolution under section 1 of this chapter. The certification of the**
 12 **question must occur not later than noon:**
- 13 **(1) seventy-four (74) days before a primary election if the**
 14 **question is to be placed on the primary election ballot; or**
 15 **(2) August 1 if the question is to be placed on the general**
 16 **election ballot.**
- 17 **(b) However, if a primary election or general election will not be**
 18 **held during the first year in which the public question is eligible to**
 19 **be placed on the ballot under this chapter, and if the county**
 20 **requests the public question to be placed on the ballot at a special**
 21 **election, the public question shall be placed on the ballot at a**
 22 **special election to be held on the first Tuesday after the first**
 23 **Monday in May or November of the year. The certification must**
 24 **occur not later than noon:**
- 25 **(1) sixty (60) days before a special election to be held in May**
 26 **(if the special election is to be held in May); or**
 27 **(2) August 1 (if the special election is to be held in November).**
- 28 **(c) If the referendum is not conducted at a primary election or**
 29 **general election, the county in which the special election is to be**
 30 **held shall pay all the costs of holding the special election.**
- 31 **Sec. 6. Each county election board shall cause:**
- 32 **(1) the question certified to the circuit court clerk by the**
 33 **governing body of a county to be placed on the ballot in the**
 34 **form prescribed by IC 3-10-9; and**
 35 **(2) an adequate supply of ballots and voting equipment to be**
 36 **delivered to the precinct election board of each precinct in**
 37 **which the referendum is to be held.**
- 38 **Sec. 7. (a) Except as provided in subsection (b), every registered**
 39 **voter who resides in the county may vote on the public question.**
- 40 **(b) An individual who changes residence from a location within**
 41 **a county to a location outside of the county less than thirty (30)**
 42 **days before an election under this chapter may not vote on the**



1 public question.

2 Sec. 8. Each precinct election board shall count the affirmative
3 votes and the negative votes cast concerning the public question,
4 and shall certify those two (2) totals to the county election board of
5 the county. The circuit court clerk shall, immediately after the
6 votes have been counted, certify the results of the public question
7 to the commission and the county legislative body.

8 Sec. 9. (a) Except as otherwise provided in this section, during
9 the period beginning with the adoption of a resolution by the
10 legislative body of a county to place a public question on the ballot
11 and continuing through the day on which the public question is
12 submitted to the voters, the county legislative body may not
13 promote a position on the referendum by doing any of the
14 following:

15 (1) Using facilities or equipment, including mail and
16 messaging systems, owned by the county to promote a position
17 on the public question, unless equal access to the facilities or
18 equipment is given to persons with a position opposite to that
19 of the county legislative body.

20 (2) Making an expenditure of money from a fund controlled
21 by the county to promote a position on the public question.

22 (3) Using an employee to promote a position on the public
23 question during the employee's normal working hours or paid
24 overtime, or otherwise compelling an employee to promote a
25 position on the public question at any time. However, if a
26 person described in subsection (c) is advocating for or against
27 a position on the public question or discussing the public
28 question as authorized under subsection (c), an employee of
29 the county may assist the person in presenting information on
30 the public question, if requested to do so by the person
31 described in subsection (c).

32 However, this section does not prohibit an official or employee of
33 the county from carrying out duties with respect to a public
34 question that are part of the normal and regular conduct of the
35 official's or employee's office or agency, including the furnishing
36 of factual information regarding the public question in response to
37 inquiries from any person.

38 (b) This subsection does not apply to:

39 (1) a personal expenditure to promote a position on a public
40 question by an employee of a county whose employment is
41 governed by a collective bargaining contract or an
42 employment contract; or



1 **(2) an expenditure to promote a position on a public question**
 2 **by a person or an organization that has a contract or an**
 3 **arrangement (whether formal or informal) with the county**
 4 **solely for the use of the county's facilities.**

5 **A person or an organization that has a contract or arrangement**
 6 **(whether formal or informal) with a county to provide goods or**
 7 **services to the county may not spend any money to promote a**
 8 **position on the public question. A violation of this subsection is a**
 9 **Class A infraction.**

10 **(c) Notwithstanding any other law, an elected or appointed**
 11 **member of the county governing body may at any time:**

12 **(1) personally advocate for or against a position on a public**
 13 **question; or**

14 **(2) discuss the public question with any individual, group, or**
 15 **organization or personally advocate for or against a position**
 16 **on a public question before any individual, group, or**
 17 **organization;**

18 **so long as it is not done by using public funds. Advocacy or**
 19 **discussion allowed under this subsection is not considered a use of**
 20 **public funds.**

21 **Chapter 17. Statewide Monitoring System**

22 **Sec. 1. The commission shall establish a statewide monitoring**
 23 **system for use as an integrated cannabis tracking, inventory, and**
 24 **verification system. The statewide monitoring system must allow**
 25 **for interface with third party inventory control and tracking**
 26 **systems to provide for access by the state, permittees, and law**
 27 **enforcement personnel, to the extent that they need and are**
 28 **authorized to receive or submit the information, to comply with,**
 29 **enforce, or administer this article.**

30 **Sec. 2. At a minimum, the statewide monitoring system must be**
 31 **capable of storing and providing access to information that, in**
 32 **conjunction with one (1) or more third party inventory control and**
 33 **tracking systems, allows the following:**

34 **(1) Retention of a record of the date, time, quantity, and price**
 35 **of each sale or transfer of cannabis or cannabis products.**

36 **(2) Determination of whether a particular sale or transfer**
 37 **transaction will exceed the permissible limit established under**
 38 **this article.**

39 **(3) Effective monitoring of cannabis seed to sale transfers.**

40 **(4) Receipt and integration of information from third party**
 41 **inventory control and tracking systems.**

42 **Sec. 3. The commission shall seek bids under IC 5-22 to**



1 establish, operate, and maintain the statewide monitoring system
2 under this chapter. The commission shall do the following:

3 (1) Evaluate bidders based on the cost of the service and the
4 ability to meet all requirements of this article.

5 (2) Give strong consideration to the bidder's ability to prevent
6 fraud, abuse, and other unlawful or prohibited activities
7 associated with the commercial trade in cannabis, and the
8 ability to provide additional tools for the administration and
9 enforcement of this article.

10 (3) Institute procedures to ensure that the contract awardee
11 does not disclose or use the information in the statewide
12 monitoring system for any use or purpose except for the
13 enforcement, oversight, and implementation of this article.

14 (4) Require the contract awardee to deliver the functioning
15 system within one hundred twenty (120) days after award of
16 the contract.

17 Sec. 4. The commission shall adopt rules under IC 4-22-2 to
18 implement this chapter.

19 Chapter 18. Safety Compliance Facility Permit

20 Sec. 1. The commission may issue a cannabis safety compliance
21 facility permit to a person who desires to test cannabis and
22 cannabis products for transfer, sale, and consumption in Indiana.

23 Sec. 2. A person who has a direct or indirect ownership interest
24 in a grower, processor, transport, or retailer permit may not have
25 a direct or indirect ownership interest in a safety compliance
26 facility or a safety compliance facility permit.

27 Sec. 3. The commission shall adopt rules under IC 4-22-2 to
28 establish a proficiency testing program and designate safety
29 compliance facility participation that, at a minimum, comply with
30 reasonable and customary industry standards.

31 Sec. 4. (a) A safety compliance facility to which a permit has
32 been issued under this chapter may deposit that permit with the
33 commission for a period of one (1) year if the permittee is unable
34 to immediately operate the facility.

35 (b) If a permittee is unable to use the permit issued under this
36 article within one (1) year, the permit is forfeited to the
37 commission.

38 Sec. 5. (a) A safety compliance facility must test samples as
39 provided in this chapter and pursuant to rules adopted by the
40 commission.

41 (b) A safety compliance facility shall collect samples of cannabis
42 and cannabis products from another cannabis permittee. Every



1 cannabis permittee shall permit and assist the safety compliance
2 facility in the collection of samples for testing.

3 (c) The safety compliance facility shall take a physical sample of
4 the cannabis or cannabis product from another cannabis permittee
5 to be tested at the safety compliance facility.

6 (d) The safety compliance facility must develop a statistically
7 valid sampling method to collect a representative sample from each
8 batch of cannabis or cannabis product.

9 **Sec. 6. (a) A safety compliance facility must comply with all the
10 following:**

11 (1) The safety compliance facility shall ensure that samples of
12 the cannabis or cannabis product are identified in the
13 statewide monitoring system and placed in secured, sealed
14 containers that bear the labeling required under the rules.

15 (2) A carrier's route plan and manifest that have been
16 transmitted to the facility must be entered into the statewide
17 monitoring system.

18 (3) The cannabis or cannabis product must be transported in
19 one (1) or more sealed containers and not be accessible while
20 in transit.

21 (4) The vehicle a safety compliance facility uses to transport
22 samples of cannabis or cannabis products may not bear
23 markings or other indication that it is carrying cannabis or a
24 cannabis product.

25 (b) Except as otherwise required by the commission, the safety
26 compliance facility shall collect a sample size that is:

27 (1) sufficient to complete all required analyses; and

28 (2) not less than one-half percent (0.5%) of the weight of the
29 harvest batch.

30 (c) At least fifty percent (50%) of the sample taken must be
31 homogenized for testing.

32 (d) The safety compliance facility shall report all testing results
33 to the commission on a quarterly basis, including the rate of
34 failure.

35 **Sec. 7. A safety compliance facility must do all of the following:**

36 (1) Become fully accredited to the International Organization
37 for Standardization (ISO), ISO/IEC 17025, by an ISO 17011,
38 ILAC recognized accreditation body or by an entity approved
39 by the commission within one (1) year after the date the
40 permit is issued, and agree to have the inspections and reports
41 of the ISO made available to the commission.

42 (2) Maintain internal standard operating procedures.



1 **(3) Maintain a quality control and quality assurance program.**

2 **Sec. 8. The commission may publish sample sizes for other**
3 **cannabis or cannabis products being tested.**

4 **Sec. 9. A cannabis permittee must allow the safety compliance**
5 **facility to have access to its entire batch for the purposes of**
6 **sampling.**

7 **Sec. 10. (a) An employee of the cannabis permittee from which**
8 **the cannabis or cannabis product test samples are being taken shall**
9 **be physically present to observe the safety compliance facility**
10 **employee collect the samples of cannabis or cannabis product for**
11 **testing. The employee shall ensure that the correct sample**
12 **increments are taken from throughout the batch.**

13 **(b) An employee of a cannabis permittee may not:**

14 **(1) be directly involved in the testing performed by the safety**
15 **compliance facility employee; or**

16 **(2) touch the cannabis or cannabis product or the sampling**
17 **equipment while the safety compliance facility employee is**
18 **obtaining the sample.**

19 **Sec. 11. (a) After samples have been selected, both the employee**
20 **of the cannabis permittee and the employee of the safety**
21 **compliance facility shall sign and date a chain of custody form,**
22 **attesting to the accuracy of the following sample information:**

23 **(1) The name of the cannabis or cannabis product.**

24 **(2) The weight of the cannabis or cannabis product.**

25 **(3) That all cannabis and cannabis products and samples are**
26 **correctly identified in the statewide monitoring system.**

27 **(4) If the cannabis or cannabis product test sample is obtained**
28 **for a retest, the safety compliance facility confirms that it is**
29 **not accepting a cannabis or cannabis product test sample that**
30 **is prohibited from being retested.**

31 **(b) The cannabis permittee shall enter in the statewide**
32 **monitoring system the cannabis or cannabis product test sample**
33 **that is collected by a permitted safety compliance facility, including**
34 **the date and time the cannabis or cannabis product is collected and**
35 **transferred. The safety compliance facility shall enter into the**
36 **statewide monitoring system the test results within three (3)**
37 **business days of test completion.**

38 **(c) If a testing sample is collected from a cannabis permittee for**
39 **testing in the statewide monitoring system, that cannabis permittee**
40 **shall quarantine the cannabis or cannabis product that is**
41 **undergoing the testing from any other cannabis or cannabis**
42 **products at the cannabis permittee location. The quarantined**



1 cannabis or cannabis product must not be packaged, transferred,
 2 or sold until passing test results are entered into the statewide
 3 monitoring system.

4 (d) A safety compliance facility may collect additional sample
 5 material from the same permittee from which the original sample
 6 was collected for the purposes of completing the required safety
 7 tests as long as the requirements of this chapter are met.

8 (e) The commission may publish guidance that shall be followed
 9 by cannabis permittees for chain of custody documentation.

10 Sec. 12. A safety compliance facility shall use analytical testing
 11 methodologies for the required quality assurance tests under this
 12 chapter that are validated. The tests may be monitored on an
 13 ongoing basis by the commission. The facility's methodology must
 14 follow one (1) of the following:

15 (1) The most current version of the Cannabis Inflorescence:
 16 Standards of Identity, Analysis, and Quality Control
 17 monograph published by the American Herbal
 18 Pharmacopoeia.

19 (2) An alternative testing methodology approved by the
 20 commission and validated by an independent third party that
 21 the methodology followed by the safety compliance facility
 22 produces scientifically accurate results as quality assurance
 23 for each test it conducts.

24 Sec. 13. A safety compliance facility shall conduct quality
 25 assurance tests that test for all of the following:

- 26 (1) Moisture content.
 27 (2) Potency analysis.
 28 (3) Tetrahydrocannabinol level.
 29 (4) Tetrahydrocannabinol acid level.
 30 (5) Cannabidiol and cannabidiol acid levels.
 31 (6) Foreign matter inspection.
 32 (7) Microbial and mycotoxin screening.
 33 (8) Pesticides.
 34 (9) Chemical residue.
 35 (10) Fungicides.
 36 (11) Insecticides.
 37 (12) Metals screening.
 38 (13) Residual solvents levels.
 39 (14) Terpene analysis.
 40 (15) Water activity content.

41 Sec. 14. The commission, in consultation with the state seed
 42 commissioner and the department of agriculture, shall publish a



1 list of approved pesticides for use in the growing and production of
 2 cannabis and cannabis products to be sold or transferred in
 3 Indiana.

4 **Sec. 15.** The commission shall take immediate disciplinary
 5 action against any safety compliance facility that fails to comply
 6 with the provisions of this article or falsifies records related to this
 7 article, including any sanctions or fines, or both.

8 **Sec. 16.** A safety compliance facility is prohibited from doing
 9 any of the following:

- 10 (1) Desiccating samples.
 11 (2) Dry labeling samples.
 12 (3) Pretesting samples.

13 **Sec. 17.** A safety compliance facility shall comply with random
 14 quality assurance compliance checks upon the request of the
 15 commission. The commission or its authorized agents may collect
 16 a random sample of cannabis or cannabis product from a safety
 17 compliance facility or designate another safety compliance facility
 18 to collect a random sample of cannabis or cannabis product in a
 19 secure manner to test that sample for quality assurance compliance
 20 pursuant to this rule.

21 **Sec. 18. (a)** A safety compliance facility may retest cannabis or
 22 cannabis products that have failed initial safety testing, except as
 23 indicated under subsection (c).

24 (b) A failed cannabis product must pass two (2) separate retests
 25 with new samples consecutively to be eligible to proceed to sale or
 26 transfer.

27 (c) The commission may publish a remediation protocol that
 28 addresses, among other things, the sale or transfer of cannabis or
 29 cannabis products after a failed safety test.

30 (d) The cannabis permittee that provided the sample is
 31 responsible for all costs involved in a retest.

32 **Sec. 19. (a)** As used in this section, "research and development
 33 testing" means optional testing performed before final compliance
 34 testing.

35 (b) The commission may not take punitive action against a
 36 cannabis permittee for conducting research and development
 37 testing.

38 (c) The commission may adopt rules or publish guidance for
 39 research and development testing.

40 (d) A permittee conducting research and development testing
 41 must enter the testing and any other information required by the
 42 commission into the statewide monitoring system.



1 **Chapter 19. Violations**

2 **Sec. 1. If a permit holder violates this article, the permit holder**
 3 **may be publicly reprimanded, assessed a civil penalty, or have the**
 4 **permit revoked or suspended.**

5 **Sec. 2. (a) The commission may assess a civil penalty for a**
 6 **violation of this article in an amount that does not exceed fifty**
 7 **thousand dollars (\$50,000). A civil penalty may be assessed in**
 8 **addition to other penalties allowed under this article.**

9 **(b) A civil penalty assessed under this section shall be deposited**
 10 **in the cannabis regulation fund established by IC 7.1-8-2-12.**

11 **Sec. 3. A person who recklessly, knowingly, or intentionally**
 12 **provides cannabis or cannabis products to a person less than**
 13 **twenty-one (21) years of age commits a Class B misdemeanor.**
 14 **However, the offense is:**

15 **(1) a Class A misdemeanor if the person has a prior unrelated**
 16 **conviction under this section; and**

17 **(2) a Level 6 felony if the use of the cannabis or cannabis**
 18 **products is the proximate cause of the serious bodily injury or**
 19 **death of any person.**

20 **Sec. 4. (a) A person who knowingly or intentionally:**

21 **(1) rents property; or**

22 **(2) provides or arranges for the use of property;**

23 **for the purpose of allowing or enabling a person less than**
 24 **twenty-one (21) years of age to use cannabis or cannabis products**
 25 **on the property commits a Class C infraction. However, the**
 26 **violation is a Class B misdemeanor if the person has a prior**
 27 **unrelated adjudication or conviction for a violation of this section**
 28 **within the previous five (5) years.**

29 **(b) This section may not be construed to impose civil or criminal**
 30 **liability upon any postsecondary educational institution, including**
 31 **public and private universities and colleges, business schools,**
 32 **vocational schools, and schools for continuing education, or its**
 33 **agents for injury to any person or property sustained in**
 34 **consequence of a violation of this section unless the institution or**
 35 **its agent:**

36 **(1) sells, barter, exchanges, provides, or furnishes cannabis**
 37 **or cannabis products to a person less than twenty-one (21)**
 38 **years of age; or**

39 **(2) either:**

40 **(A) rents property; or**

41 **(B) provides or arranges for the use of property;**

42 **for the purpose of allowing or enabling a person less than**



- 1 twenty-one (21) years of age to consume cannabis or cannabis
2 products on the property.
- 3 **Sec. 5. (a) It is a Class C infraction for a person less than**
4 **twenty-one (21) years of age to enter the premises of a retailer or**
5 **other location where cannabis or cannabis products are provided.**
- 6 **(b) It is a Class C infraction for a parent, guardian, trustee, or**
7 **other person having custody of a child less than eighteen (18) years**
8 **of age to take that child into a retailer or other location where**
9 **cannabis or cannabis products are provided.**
- 10 **(c) It is a Class C infraction for a permittee to permit the parent,**
11 **guardian, trustee, or other person having custody of a child less**
12 **than eighteen (18) years of age to be with the child in a retailer or**
13 **other location where cannabis or cannabis products are provided.**
- 14 **Sec. 6. A person who knowingly or intentionally employs a**
15 **person less than twenty-one (21) years of age:**
- 16 **(1) where cannabis or cannabis products are provided; and**
17 **(2) in a capacity which requires or allows the person less than**
18 **twenty-one (21) years of age to provide or otherwise deal in**
19 **cannabis or cannabis products;**
- 20 **commits a Class B misdemeanor.**
- 21 **Sec. 7. A person who is at least twenty-one (21) years of age who**
22 **knowingly or intentionally aids, induces, or causes a person less**
23 **than twenty-one (21) years of age to unlawfully possess cannabis or**
24 **cannabis products commits a Class C infraction.**
- 25 **Sec. 8. (a) Notwithstanding any other law, an enforcement**
26 **officer with police powers may engage a person who is:**
- 27 **(1) at least eighteen (18) years of age; and**
28 **(2) less than twenty-one (21) years of age;**
- 29 **to receive or purchase cannabis or cannabis products as part of an**
30 **enforcement action under this article.**
- 31 **(b) The initial or contemporaneous receipt or purchase of**
32 **cannabis or cannabis products under this section by a person**
33 **described in subsection (a) must:**
- 34 **(1) occur under the direction of an enforcement officer vested**
35 **with full police powers and duties; and**
36 **(2) be a part of the enforcement action.**
- 37 **Chapter 20. Professional Services**
- 38 **Sec. 1. A person licensed under IC 25 does not commit a crime**
39 **or an infraction under Indiana law solely for providing**
40 **professional services to persons permitted to engage in an activity**
41 **authorized by this article.**
- 42 **Chapter 21. Employment**



1 **Sec. 1. Nothing in this article prohibits an employer from**
 2 **mandating drug screening for employees or from taking an adverse**
 3 **employment action against an employee who tests positive for**
 4 **cannabis use.**

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

- 11 (1) one hundred (100) milliliters of the person's blood; or
 12 (2) two hundred ten (210) liters of the person's breath;

13 commits a Class C misdemeanor.

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

- 16 (1) one hundred (100) milliliters of the person's blood; or
 17 (2) two hundred ten (210) liters of the person's breath;

18 commits a Class A misdemeanor.

19 (c) A person who operates a vehicle with a controlled substance
 20 listed in schedule I or II of IC 35-48-2 or its metabolite in the person's
 21 blood commits a Class C misdemeanor.

22 (d) It is a defense to subsection (c) that:

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

27 (2) the:

28 (A) controlled substance is marijuana or a metabolite of
 29 marijuana; **and**

30 (B) person was not intoxicated.

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

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

34 SECTION 6. IC 9-30-5-4, AS AMENDED BY P.L.184-2019,
 35 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2024]: Sec. 4. (a) A person who causes serious bodily injury
 37 to another person when operating a vehicle:

38 (1) with an alcohol concentration equivalent to at least
 39 eight-hundredths (0.08) gram of alcohol per:

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

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

42 (2) with a controlled substance listed in schedule I or II of



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



1 (d) It is a defense under subsection (a) or (b) that the person accused
 2 of causing the death or catastrophic injury of another person or the
 3 death of a law enforcement animal when operating a vehicle with a
 4 controlled substance listed in schedule I or II of IC 35-48-2 or its
 5 metabolite in the person's blood:

6 (1) consumed the controlled substance in accordance with a valid
 7 prescription or order of a practitioner (as defined in IC 35-48-1)
 8 who acted in the course of the practitioner's professional practice;

9 **or**

10 **(2) the:**

11 **(A) controlled substance is marijuana or a metabolite of**
 12 **marijuana; and**

13 **(B) person was not intoxicated.**

14 SECTION 8. IC 10-10.5-1-3, AS AMENDED BY P.L.122-2023,
 15 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2024]: Sec. 3. "Law enforcement officer" means any of the
 17 following:

18 (1) A state police officer, enforcement officer of the alcohol and
 19 tobacco commission, **enforcement officer of the cannabis**
 20 **commission**, or conservation officer.

21 (2) A county, city, town, or tribal police officer.

22 (3) A police officer appointed by a state educational institution
 23 under IC 21-39-4 or school corporation under IC 20-26-16.

24 (4) A gaming agent under IC 4-33-4.5 or a gaming control officer
 25 under IC 4-33-20.

26 (5) A hospital police officer employed by a hospital police
 27 department established under IC 16-18-4.

28 SECTION 9. IC 10-13-8-5, AS AMENDED BY P.L.122-2023,
 29 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2024]: Sec. 5. As used in this chapter, "law enforcement
 31 officer" means any of the following:

32 (1) A state police officer.

33 (2) A county sheriff.

34 (3) A county police officer.

35 (4) A correctional officer.

36 (5) An excise police officer, **including an enforcement officer**
 37 **of the cannabis commission.**

38 (6) A county police reserve officer.

39 (7) A city police officer.

40 (8) A city police reserve officer.

41 (9) A conservation enforcement officer.

42 (10) A town marshal.



- 1 (11) A deputy town marshal.
 2 (12) A probation officer.
 3 (13) A state educational institution police officer appointed under
 4 IC 21-39-4.
 5 (14) A gaming agent of the Indiana gaming commission.
 6 (15) A person employed by a political subdivision (as defined in
 7 IC 36-1-2-13) and appointed as a special deputy under
 8 IC 36-8-10-10.6.
 9 (16) A school corporation police officer appointed under
 10 IC 20-26-16.
 11 (17) A police officer of a public or private postsecondary
 12 educational institution whose board of trustees has established a
 13 police department under IC 21-17-5-2 or IC 21-39-4-2.
 14 (18) A tribal police officer.
 15 (19) A hospital police officer employed by a hospital police
 16 department established under IC 16-18-4.
 17 (20) A conservancy district marshal.
 18 (21) A deputy conservancy district marshal.

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

- 23 (1) Dealing in cocaine or a narcotic drug (IC 35-48-4-1), unless
 24 the person received only minimal consideration as a result of the
 25 drug transaction.
 26 (2) Dealing in methamphetamine (IC 35-48-4-1.1), unless the
 27 person received only minimal consideration as a result of the drug
 28 transaction.
 29 (3) Dealing in a schedule I, II, III, IV, or V controlled substance
 30 (IC 35-48-4-2 through IC 35-48-4-4), unless the person received
 31 only minimal consideration as a result of the drug transaction.
 32 (4) Dealing in ~~marijuana, hash oil, hashish,~~ salvia or a ~~synthetic~~
 33 ~~cannabinoid~~ or **mislabeled low THC hemp extract** (IC
 34 35-48-4-10) unless the person received only minimal
 35 consideration as a result of the drug transaction.

36 SECTION 11. IC 16-31-3-14, AS AMENDED BY P.L.170-2022,
 37 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2024]: Sec. 14. (a) A person holding a certificate or license
 39 issued under this article must comply with the applicable standards and
 40 rules established under this article. A certificate holder or license
 41 holder is subject to disciplinary sanctions under subsection (b) if the
 42 department of homeland security determines that the certificate holder



- 1 or license holder:
- 2 (1) engaged in or knowingly cooperated in fraud or material
- 3 deception in order to obtain a certificate or license, including
- 4 cheating on a certification or licensure 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 required under this article or rules adopted
- 11 under this article;
- 12 (5) is convicted of a crime, if the act that resulted in the
- 13 conviction has a direct bearing on determining if the certificate
- 14 holder or license holder should be entrusted to provide emergency
- 15 medical services;
- 16 (6) is convicted of violating IC 9-19-14.5;
- 17 (7) fails to comply and maintain compliance with or violates any
- 18 applicable provision, standard, or other requirement of this article
- 19 or rules adopted under this article;
- 20 (8) continues to practice if the certificate holder or license holder
- 21 becomes unfit to practice due to:
- 22 (A) professional incompetence that includes the undertaking
- 23 of professional activities that the certificate holder or license
- 24 holder is not qualified by training or experience to undertake;
- 25 (B) failure to keep abreast of current professional theory or
- 26 practice;
- 27 (C) physical or mental disability; or
- 28 (D) addiction to, abuse of, or dependency on alcohol or other
- 29 drugs that endanger the public by impairing the certificate
- 30 holder's or license holder's ability to practice safely;
- 31 (9) engages in a course of lewd or immoral conduct in connection
- 32 with the delivery of services to the public;
- 33 (10) allows the certificate holder's or license holder's name or a
- 34 certificate or license issued under this article to be used in
- 35 connection with a person who renders services beyond the scope
- 36 of that person's training, experience, or competence;
- 37 (11) is subjected to disciplinary action in another state or
- 38 jurisdiction on grounds similar to those contained in this chapter.
- 39 For purposes of this subdivision, a certified copy of a record of
- 40 disciplinary action constitutes prima facie evidence of a
- 41 disciplinary action in another jurisdiction;
- 42 (12) assists another person in committing an act that would



1 constitute a ground for disciplinary sanction under this chapter;
 2 (13) allows a certificate or license issued by the commission to
 3 be:

4 (A) used by another person; or

5 (B) displayed to the public when the certificate or license is
 6 expired, inactive, invalid, revoked, or suspended; or

7 (14) fails to notify the department in writing of any misdemeanor
 8 or felony criminal conviction, except traffic related misdemeanors
 9 other than operating a motor vehicle under the influence of a drug
 10 or alcohol, within ninety (90) days after the entry of an order or
 11 judgment. A certified copy of the order or judgment with a letter
 12 of explanation must be submitted to the department along with the
 13 written notice.

14 (b) The department of homeland security may issue an order under
 15 IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if
 16 the department of homeland security determines that a certificate
 17 holder or license holder is subject to disciplinary sanctions under
 18 subsection (a):

19 (1) Revocation of a certificate holder's certificate or license
 20 holder's license for a period not to exceed seven (7) years.

21 (2) Suspension of a certificate holder's certificate or license
 22 holder's license for a period not to exceed seven (7) years.

23 (3) Censure of a certificate holder or license holder.

24 (4) Issuance of a letter of reprimand.

25 (5) Assessment of a civil penalty against the certificate holder or
 26 license holder in accordance with the following:

27 (A) The civil penalty may not exceed five hundred dollars
 28 (\$500) per day per violation.

29 (B) If the certificate holder or license holder fails to pay the
 30 civil penalty within the time specified by the department of
 31 homeland security, the department of homeland security may
 32 suspend the certificate holder's certificate or license holder's
 33 license without additional proceedings.

34 (6) Placement of a certificate holder or license holder on
 35 probation status and requirement of the certificate holder or
 36 license holder to:

37 (A) report regularly to the department of homeland security
 38 upon the matters that are the basis of probation;

39 (B) limit practice to those areas prescribed by the department
 40 of homeland security;

41 (C) continue or renew professional education approved by the
 42 department of homeland security until a satisfactory degree of



- 1 skill has been attained in those areas that are the basis of the
2 probation; or
3 (D) perform or refrain from performing any acts, including
4 community restitution or service without compensation, that
5 the department of homeland security considers appropriate to
6 the public interest or to the rehabilitation or treatment of the
7 certificate holder or license holder.
- 8 The department of homeland security may withdraw or modify
9 this probation if the department of homeland security finds after
10 a hearing that the deficiency that required disciplinary action is
11 remedied or that changed circumstances warrant a modification
12 of the order.
- 13 (c) If an applicant or a certificate holder or license holder has
14 engaged in or knowingly cooperated in fraud or material deception to
15 obtain a certificate or license, including cheating on the certification or
16 licensure examination, the department of homeland security may
17 rescind the certificate or license if it has been granted, void the
18 examination or other fraudulent or deceptive material, and prohibit the
19 applicant from reapplying for the certificate or license for a length of
20 time established by the department of homeland security.
- 21 (d) The department of homeland security may deny certification or
22 licensure to an applicant who would be subject to disciplinary sanctions
23 under subsection (b) if that person were a certificate holder or license
24 holder, has had disciplinary action taken against the applicant or the
25 applicant's certificate or license to practice in another state or
26 jurisdiction, or has practiced without a certificate or license in violation
27 of the law. A certified copy of the record of disciplinary action is
28 conclusive evidence of the other jurisdiction's disciplinary action.
- 29 (e) The department of homeland security may order a certificate
30 holder or license holder to submit to a reasonable physical or mental
31 examination if the certificate holder's or license holder's physical or
32 mental capacity to practice safely and competently is at issue in a
33 disciplinary proceeding. Failure to comply with a department of
34 homeland security order to submit to a physical or mental examination
35 makes a certificate holder or license holder liable to temporary
36 suspension under subsection (i).
- 37 (f) Except as provided under subsection (a), subsection (g), and
38 section 14.5 of this chapter, a certificate or license may not be denied,
39 revoked, or suspended because the applicant, certificate holder, or
40 license holder has been convicted of an offense. The acts from which
41 the applicant's, certificate holder's, or license holder's conviction
42 resulted may be considered as to whether the applicant or certificate



1 holder or license holder should be entrusted to serve the public in a
2 specific capacity.

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

7 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.

8 (2) Possession of methamphetamine under IC 35-48-4-6.1.

9 (3) Possession of a controlled substance under IC 35-48-4-7(a).

10 (4) Fraudulently obtaining a controlled substance under
11 IC 35-48-4-7(c).

12 (5) Manufacture of paraphernalia as a Class D felony (for a crime
13 committed before July 1, 2014) or Level 6 felony (for a crime
14 committed after June 30, 2014) under IC 35-48-4-8.1(b).

15 (6) Dealing in paraphernalia as a Class D felony (for a crime
16 committed before July 1, 2014) or Level 6 felony (for a crime
17 committed after June 30, 2014) under IC 35-48-4-8.5(b).

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

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

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

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

29 (B) possession of a synthetic drug lookalike substance (as
30 defined in IC 35-31.5-2-321.5 (before its repeal on July 1,
31 2019)) as a:

32 (i) Class D felony (for a crime committed before July 1,
33 2014); or

34 (ii) Level 6 felony (for a crime committed after June 30,
35 2014);

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

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

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

42 (11) An offense relating to registration, labeling, and prescription



1 forms under IC 35-48-4-14.

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

5 (i) The department of homeland security may temporarily suspend
6 a certificate holder's certificate or license holder's license under
7 IC 4-21.5-4 before a final adjudication or during the appeals process if
8 the department of homeland security finds that a certificate holder or
9 license holder would represent a clear and immediate danger to the
10 public's health, safety, or property if the certificate holder or license
11 holder were allowed to continue to practice.

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

17 (k) The department of homeland security shall conduct a factfinding
18 investigation as the department of homeland security considers proper
19 in relation to the complaint.

20 (l) The department of homeland security may reinstate a certificate
21 or license that has been suspended under this section if the department
22 of homeland security is satisfied that the applicant is able to practice
23 with reasonable skill, competency, and safety to the public. As a
24 condition of reinstatement, the department of homeland security may
25 impose disciplinary or corrective measures authorized under this
26 chapter.

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

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

33 (o) A certificate holder may not surrender the certificate holder's
34 certificate, and a license holder may not surrender the license holder's
35 license, without the written approval of the department of homeland
36 security, and the department of homeland security may impose any
37 conditions appropriate to the surrender or reinstatement of a
38 surrendered certificate or license.

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

- 41 (1) an unlimited certificate;
42 (2) a limited or probationary certificate; or



- 1 (3) an inactive certificate.
- 2 (q) For purposes of this section, "license holder" means a person
3 who holds:
- 4 (1) an unlimited license;
- 5 (2) a limited or probationary license; or
- 6 (3) an inactive license.
- 7 SECTION 12. IC 16-31-3-14.5, AS AMENDED BY P.L.142-2020,
8 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2024]: Sec. 14.5. The department of homeland security may
10 issue an order under IC 4-21.5-3-6 to deny an applicant's request for
11 certification or licensure or permanently revoke a certificate or license
12 under procedures provided by section 14 of this chapter if the
13 individual who holds the certificate or license issued under this title is
14 convicted of any of the following:
- 15 (1) Dealing in a controlled substance resulting in death under
16 IC 35-42-1-1.5.
- 17 (2) Dealing in or manufacturing cocaine or a narcotic drug under
18 IC 35-48-4-1.
- 19 (3) Dealing in methamphetamine under IC 35-48-4-1.1.
- 20 (4) Manufacturing methamphetamine under IC 35-48-4-1.2.
- 21 (5) Dealing in a schedule I, II, or III controlled substance under
22 IC 35-48-4-2.
- 23 (6) Dealing in a schedule IV controlled substance under
24 IC 35-48-4-3.
- 25 (7) Dealing in a schedule V controlled substance under
26 IC 35-48-4-4.
- 27 (8) Dealing in a substance represented to be a controlled
28 substance under IC 35-48-4-4.5 (repealed).
- 29 (9) Knowingly or intentionally manufacturing, advertising,
30 distributing, or possessing with intent to manufacture, advertise,
31 or distribute a substance represented to be a controlled substance
32 under IC 35-48-4-4.6.
- 33 (10) Dealing in a counterfeit substance under IC 35-48-4-5.
- 34 (11) Dealing in ~~marijuana, hash oil, hashish, or salvia~~ **or**
35 **mislabeled low THC hemp extract** as a felony under
36 IC 35-48-4-10.
- 37 (12) An offense under IC 35-48-4 involving the manufacture or
38 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
39 synthetic drug lookalike substance (as defined in
40 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
41 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
42 substance analog (as defined in IC 35-48-1-9.3), or a substance



1 represented to be a controlled substance (as described in
2 IC 35-48-4-4.6).
3 (13) A crime of violence (as defined in IC 35-50-1-2(a)).
4 SECTION 13. IC 16-42-27-2, AS AMENDED BY P.L.36-2023,
5 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2024]: Sec. 2. (a) A prescriber may, directly or by standing
7 order, prescribe or dispense an overdose intervention drug without
8 examining the individual to whom it may be administered if all of the
9 following conditions are met:
10 (1) The overdose intervention drug is dispensed or prescribed to:
11 (A) a person at risk of experiencing an opioid-related
12 overdose; or
13 (B) a family member, a friend, or any other individual or entity
14 in a position to assist an individual who, there is reason to
15 believe, is at risk of experiencing an opioid-related overdose.
16 (2) The prescriber instructs the individual receiving the overdose
17 intervention drug or prescription to summon emergency services
18 either immediately before or immediately after administering the
19 overdose intervention drug to an individual experiencing an
20 opioid-related overdose.
21 (3) The prescriber provides education and training on drug
22 overdose response and treatment, including the administration of
23 an overdose intervention drug.
24 (4) The prescriber provides drug addiction treatment information
25 and referrals to drug treatment programs, including programs in
26 the local area and programs that offer medication assisted
27 treatment that includes a federal Food and Drug Administration
28 approved long acting, nonaddictive medication for the treatment
29 of opioid or alcohol dependence.
30 (b) A prescriber may provide a prescription of an overdose
31 intervention drug to an individual as a part of the individual's addiction
32 treatment plan.
33 (c) An individual described in subsection (a)(1) may administer an
34 overdose intervention drug to an individual who is suffering from an
35 overdose.
36 (d) An individual described in subsection (a)(1) may not be
37 considered to be practicing medicine without a license in violation of
38 IC 25-22.5-8-2, if the individual, acting in good faith, does the
39 following:
40 (1) Obtains the overdose intervention drug from a prescriber or
41 entity acting under a standing order issued by a prescriber.
42 (2) Administers the overdose intervention drug to an individual



- 1 who is experiencing an apparent opioid-related overdose.
- 2 (3) Attempts to summon emergency services either immediately
- 3 before or immediately after administering the overdose
- 4 intervention drug.
- 5 (e) An entity acting under a standing order issued by a prescriber
- 6 must do the following:
- 7 (1) Annually register with either the:
- 8 (A) state department; or
- 9 (B) local health department in the county where services will
- 10 be provided by the entity;
- 11 in a manner prescribed by the state department.
- 12 (2) Provide education and training on drug overdose response and
- 13 treatment, including the administration of an overdose
- 14 intervention drug.
- 15 (3) Provide drug addiction treatment information and referrals to
- 16 drug treatment programs, including programs in the local area and
- 17 programs that offer medication assisted treatment that includes a
- 18 federal Food and Drug Administration approved long acting,
- 19 nonaddictive medication for the treatment of opioid or alcohol
- 20 dependence.
- 21 (4) Submit an annual report to the state department containing:
- 22 (A) the number of sales of the overdose intervention drug
- 23 dispensed;
- 24 (B) the dates of sale of the overdose intervention drug
- 25 dispensed; and
- 26 (C) any additional information requested by the state
- 27 department.
- 28 (f) The state department shall ensure that a statewide standing order
- 29 for the dispensing of an overdose intervention drug in Indiana is issued
- 30 under this section. The state health commissioner or a designated
- 31 public health authority who is a licensed prescriber may, as part of the
- 32 individual's official capacity, issue a statewide standing order that may
- 33 be used for the dispensing of an overdose intervention drug under this
- 34 section. A statewide standing order issued under this section must
- 35 allow for choice in the:
- 36 (1) purchasing;
- 37 (2) dispensing; and
- 38 (3) distributing;
- 39 of any formulation or dosage of a naloxone product that is approved by
- 40 the federal Food and Drug Administration. The immunity provided in
- 41 IC 34-13-3-3 applies to an individual described in this subsection.
- 42 (g) A law enforcement officer may not take an individual into



1 custody based solely on the commission of an offense described in
 2 subsection (h), if the law enforcement officer, after making a
 3 reasonable determination and considering the facts and surrounding
 4 circumstances, reasonably believes that the individual:

5 (1) obtained the overdose intervention drug as described in
 6 subsection (a)(1);

7 (2) complied with the provisions in subsection (d);

8 (3) administered an overdose intervention drug to an individual
 9 who appeared to be experiencing an opioid-related overdose;

10 (4) provided:

11 (A) the individual's full name; and

12 (B) any other relevant information requested by the law
 13 enforcement officer;

14 (5) remained at the scene with the individual who reasonably
 15 appeared to be in need of medical assistance until emergency
 16 medical assistance arrived;

17 (6) cooperated with emergency medical assistance personnel and
 18 law enforcement officers at the scene; and

19 (7) came into contact with law enforcement because the
 20 individual requested emergency medical assistance for another
 21 individual who appeared to be experiencing an opioid-related
 22 overdose.

23 (h) An individual who meets the criteria in subsection (g) is immune
 24 from criminal prosecution for the following:

25 (1) IC 35-48-4-6 (possession of cocaine).

26 (2) IC 35-48-4-6.1 (possession of methamphetamine).

27 (3) IC 35-48-4-7 (possession of a controlled substance).

28 (4) IC 35-48-4-8.3 (possession of paraphernalia).

29 (5) IC 35-48-4-11 (possession of ~~marijuana~~: **salvia**).

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

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

42 (1) The secretary of education.



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

5 (3) The presiding officer of the governing body of the school
 6 corporation that employs the licensed employee, if the convicted
 7 licensed employee is the superintendent of the school corporation.

8 (b) The superintendent of a school corporation, presiding officer of
 9 the governing body, or equivalent authority for a nonpublic school shall
 10 immediately notify the secretary of education when the individual
 11 knows that a current or former licensed employee of the public school
 12 or nonpublic school has been convicted of an offense listed in
 13 subsection (c), or when the governing body or equivalent authority for
 14 a nonpublic school takes any final action in relation to an employee
 15 who engaged in any offense listed in subsection (c).

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

19 (1) The following felonies:

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

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

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

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

25 (E) Dealing in or manufacturing cocaine or a narcotic drug (IC
 26 35-48-4-1).

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

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

29 (H) Dealing in a schedule I, II, or III controlled substance (IC
 30 35-48-4-2).

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

33 (J) Dealing in a schedule V controlled substance (IC
 34 35-48-4-4).

35 (K) Dealing in a counterfeit substance (IC 35-48-4-5).

36 (L) Dealing in ~~marijuana, hash oil, hashish, or salvia~~ **or**
 37 **misabeled low THC hemp extract** as a felony (IC
 38 35-48-4-10).

39 (M) An offense under IC 35-48-4 involving the manufacture
 40 or 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
 2 controlled substance analog (as defined in IC 35-48-1-9.3), or
 3 a substance represented to be a controlled substance (as
 4 described in IC 35-48-4-4.6).
 5 (N) Homicide (IC 35-42-1).
 6 (O) Voluntary manslaughter (IC 35-42-1-3).
 7 (P) Reckless homicide (IC 35-42-1-5).
 8 (Q) Battery as any of the following:
 9 (i) A Class A felony (for a crime committed before July 1,
 10 2014) or a Level 2 felony (for a crime committed after June
 11 30, 2014).
 12 (ii) A Class B felony (for a crime committed before July 1,
 13 2014) or a Level 3 felony (for a crime committed after June
 14 30, 2014).
 15 (iii) A Class C felony (for a crime committed before July 1,
 16 2014) or a Level 5 felony (for a crime committed after June
 17 30, 2014).
 18 (R) Aggravated battery (IC 35-42-2-1.5).
 19 (S) Robbery (IC 35-42-5-1).
 20 (T) Carjacking (IC 35-42-5-2) (before its repeal).
 21 (U) Arson as a Class A felony or Class B felony (for a crime
 22 committed before July 1, 2014) or as a Level 2, Level 3, or
 23 Level 4 felony (for a crime committed after June 30, 2014) (IC
 24 35-43-1-1(a)).
 25 (V) Burglary as a Class A felony or Class B felony (for a crime
 26 committed before July 1, 2014) or as a Level 1, Level 2, Level
 27 3, or Level 4 felony (for a crime committed after June 30,
 28 2014) (IC 35-43-2-1).
 29 (W) Human trafficking (IC 35-42-3.5).
 30 (X) Dealing in a controlled substance resulting in death (IC
 31 35-42-1-1.5).
 32 (Y) Attempt under IC 35-41-5-1 to commit an offense listed in
 33 this subsection.
 34 (Z) Conspiracy under IC 35-41-5-2 to commit an offense listed
 35 in this subsection.
 36 (2) Public indecency (IC 35-45-4-1) committed:
 37 (A) after June 30, 2003; or
 38 (B) before July 1, 2003, if the person committed the offense
 39 by, in a public place:
 40 (i) engaging in sexual intercourse or other sexual conduct
 41 (as defined in IC 35-31.5-2-221.5);
 42 (ii) appearing in a state of nudity with the intent to arouse



1 the sexual desires of the person or another person, or being
 2 at least eighteen (18) years of age, with the intent to be seen
 3 by a child less than sixteen (16) years of age; or
 4 (iii) fondling the person's genitals or the genitals of another
 5 person.

6 (d) The department shall permanently revoke the license of a person
 7 who is known by the department to have been convicted of a federal
 8 offense or an offense in another state that is comparable to a felony or
 9 misdemeanor listed in subsection (c).

10 (e) A license may be suspended by the secretary of education as
 11 specified in IC 20-28-7.5.

12 (f) The department shall develop a data base of information on
 13 school corporation employees who have been reported to the
 14 department under this section.

15 (g) Upon receipt of information from the office of judicial
 16 administration in accordance with IC 33-24-6-3 concerning persons
 17 convicted of an offense listed in subsection (c), the department shall:

- 18 (1) cross check the information received from the office of
 19 judicial administration with information concerning licensed
 20 teachers (as defined in IC 20-18-2-22(b)) maintained by the
 21 department; and
- 22 (2) if a licensed teacher (as defined in IC 20-18-2-22(b)) has been
 23 convicted of an offense described in subsection (c), revoke the
 24 licensed teacher's license.

25 SECTION 15. IC 22-15-5-16, AS AMENDED BY P.L.142-2020,
 26 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 27 JULY 1, 2024]: Sec. 16. (a) A practitioner shall comply with the
 28 standards established under this licensing program. A practitioner is
 29 subject to the exercise of the disciplinary sanctions under subsection
 30 (b) if the department finds that a practitioner has:

- 31 (1) engaged in or knowingly cooperated in fraud or material
 32 deception in order to obtain a license to practice, including
 33 cheating on a licensing examination;
- 34 (2) engaged in fraud or material deception in the course of
 35 professional services or activities;
- 36 (3) advertised services or goods in a false or misleading manner;
- 37 (4) falsified or knowingly allowed another person to falsify
 38 attendance records or certificates of completion of continuing
 39 education courses provided under this chapter;
- 40 (5) been convicted of a crime that has a direct bearing on the
 41 practitioner's ability to continue to practice competently;
- 42 (6) knowingly violated a state statute or rule or federal statute or



- 1 regulation regulating the profession for which the practitioner is
 2 licensed;
- 3 (7) continued to practice although the practitioner has become
 4 unfit to practice due to:
- 5 (A) professional incompetence;
- 6 (B) failure to keep abreast of current professional theory or
 7 practice;
- 8 (C) physical or mental disability; or
- 9 (D) addiction to, abuse of, or severe dependency on alcohol or
 10 other drugs that endanger the public by impairing a
 11 practitioner's ability to practice safely;
- 12 (8) engaged in a course of lewd or immoral conduct in connection
 13 with the delivery of services to the public;
- 14 (9) allowed the practitioner's name or a license issued under this
 15 chapter to be used in connection with an individual or business
 16 who renders services beyond the scope of that individual's or
 17 business's training, experience, or competence;
- 18 (10) had disciplinary action taken against the practitioner or the
 19 practitioner's license to practice in another state or jurisdiction on
 20 grounds similar to those under this chapter;
- 21 (11) assisted another person in committing an act that would
 22 constitute a ground for disciplinary sanction under this chapter;
 23 or
- 24 (12) allowed a license issued by the department to be:
- 25 (A) used by another person; or
- 26 (B) displayed to the public when the license has expired, is
 27 inactive, is invalid, or has been revoked or suspended.
- 28 For purposes of subdivision (10), a certified copy of a record of
 29 disciplinary action constitutes prima facie evidence of a disciplinary
 30 action in another jurisdiction.
- 31 (b) The department may impose one (1) or more of the following
 32 sanctions if the department finds that a practitioner is subject to
 33 disciplinary sanctions under subsection (a):
- 34 (1) Permanent revocation of a practitioner's license.
- 35 (2) Suspension of a practitioner's license.
- 36 (3) Censure of a practitioner.
- 37 (4) Issuance of a letter of reprimand.
- 38 (5) Assessment of a civil penalty against the practitioner in
 39 accordance with the following:
- 40 (A) The civil penalty may not be more than one thousand
 41 dollars (\$1,000) for each violation listed in subsection (a),
 42 except for a finding of incompetency due to a physical or



1 mental disability.

2 (B) When imposing a civil penalty, the department shall
3 consider a practitioner's ability to pay the amount assessed. If
4 the practitioner fails to pay the civil penalty within the time
5 specified by the department, the department may suspend the
6 practitioner's license without additional proceedings. However,
7 a suspension may not be imposed if the sole basis for the
8 suspension is the practitioner's inability to pay a civil penalty.

9 (6) Placement of a practitioner on probation status and
10 requirement of the practitioner to:

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

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

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

17 (D) perform or refrain from performing any acts, including
18 community restitution or service without compensation, that
19 the department considers appropriate to the public interest or
20 to the rehabilitation or treatment of the practitioner.

21 The department may withdraw or modify this probation if the
22 department finds after a hearing that the deficiency that required
23 disciplinary action has been remedied or that changed
24 circumstances warrant a modification of the order.

25 (c) If an applicant or a practitioner has engaged in or knowingly
26 cooperated in fraud or material deception to obtain a license to
27 practice, including cheating on the licensing examination, the
28 department may rescind the license if it has been granted, void the
29 examination or other fraudulent or deceptive material, and prohibit the
30 applicant from reapplying for the license for a length of time
31 established by the department.

32 (d) The department may deny licensure to an applicant who has had
33 disciplinary action taken against the applicant or the applicant's license
34 to practice in another state or jurisdiction or who has practiced without
35 a license in violation of the law. A certified copy of the record of
36 disciplinary action is conclusive evidence of the other jurisdiction's
37 disciplinary action.

38 (e) The department may order a practitioner to submit to a
39 reasonable physical or mental examination if the practitioner's physical
40 or mental capacity to practice safely and competently is at issue in a
41 disciplinary proceeding. Failure to comply with a department order to
42 submit to a physical or mental examination makes a practitioner liable



1 to temporary suspension under subsection (j).

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

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

11 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.

12 (2) Possession of methamphetamine under IC 35-48-4-6.1.

13 (3) Possession of a controlled substance under IC 35-48-4-7(a).

14 (4) Fraudulently obtaining a controlled substance under
15 IC 35-48-4-7(b) (for a crime committed before July 1, 2014) or
16 IC 35-48-4-7(c) (for a crime committed after June 30, 2014).

17 (5) Manufacture of paraphernalia as a Class D felony (for a crime
18 committed before July 1, 2014) or a Level 6 felony (for a crime
19 committed after June 30, 2014) under IC 35-48-4-8.1(b).

20 (6) Dealing in paraphernalia as a Class D felony (for a crime
21 committed before July 1, 2014) or a Level 6 felony (for a crime
22 committed after June 30, 2014) under IC 35-48-4-8.5(b).

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

27 (8) Possession of ~~marijuana, hash oil, hashish, or~~ salvia as a Class
28 D felony (for a crime committed before July 1, 2014) or a Level
29 6 felony (for a crime committed after June 30, 2014) under
30 IC 35-48-4-11.

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

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

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

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



- 1 (11) An offense relating to registration, labeling, and prescription
 2 forms under IC 35-48-4-14.
- 3 (h) The department shall deny, revoke, or suspend a license issued
 4 under this chapter if the individual who holds the license is convicted
 5 of any of the following:
- 6 (1) Dealing in a controlled substance resulting in death under
 7 IC 35-42-1-1.5.
- 8 (2) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.
- 9 (3) Dealing in methamphetamine under IC 35-48-4-1.1.
- 10 (4) Manufacturing methamphetamine under IC 35-48-4-1.2.
- 11 (5) Dealing in a schedule I, II, or III controlled substance under
 12 IC 35-48-4-2.
- 13 (6) Dealing in a schedule IV controlled substance under
 14 IC 35-48-4-3.
- 15 (7) Dealing in a schedule V controlled substance under
 16 IC 35-48-4-4.
- 17 (8) Dealing in a substance represented to be a controlled
 18 substance under IC 35-48-4-4.5 (repealed).
- 19 (9) Knowingly or intentionally manufacturing, advertising,
 20 distributing, or possessing with intent to manufacture, advertise,
 21 or distribute a substance represented to be a controlled substance
 22 under IC 35-48-4-4.6.
- 23 (10) Dealing in a counterfeit substance under IC 35-48-4-5.
- 24 (11) Dealing in ~~marijuana, hash oil, hashish, or salvia or~~
 25 **mislabeled low THC hemp extract** as a felony under
 26 IC 35-48-4-10.
- 27 (12) An offense under IC 35-48-4 involving the manufacture or
 28 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
 29 synthetic drug lookalike substance (as defined in
 30 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
 31 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
 32 substance analog (as defined in IC 35-48-1-9.3), or a substance
 33 represented to be a controlled substance (as described in
 34 IC 35-48-4-4.6).
- 35 (13) A violation of any federal or state drug law or rule related to
 36 wholesale legend drug distributors licensed under IC 25-26-14.
- 37 (i) A decision of the department under subsections (b) through (h)
 38 may be appealed to the commission under IC 4-21.5-3-7.
- 39 (j) The department may temporarily suspend a practitioner's license
 40 under IC 4-21.5-4 before a final adjudication or during the appeals
 41 process if the department finds that a practitioner represents a clear and
 42 immediate danger to the public's health, safety, or property if the



1 practitioner is allowed to continue to practice.

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

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

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

12 (n) The department may reinstate a license that has been suspended
13 under this section if, after a hearing, the department is satisfied that the
14 applicant is able to practice with reasonable skill, safety, and
15 competency to the public. As a condition of reinstatement, the
16 department may impose disciplinary or corrective measures authorized
17 under this chapter.

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

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

26 (q) A practitioner may petition the department to accept the
27 surrender of the practitioner's license instead of having a hearing before
28 the commission. The practitioner may not surrender the practitioner's
29 license without the written approval of the department, and the
30 department may impose any conditions appropriate to the surrender or
31 reinstatement of a surrendered license.

32 (r) A practitioner who has been subjected to disciplinary sanctions
33 may be required by the commission to pay the costs of the proceeding.
34 The practitioner's ability to pay shall be considered when costs are
35 assessed. If the practitioner fails to pay the costs, a suspension may not
36 be imposed solely upon the practitioner's inability to pay the amount
37 assessed. The costs are limited to costs for the following:

- 38 (1) Court reporters.
39 (2) Transcripts.
40 (3) Certification of documents.
41 (4) Photo duplication.
42 (5) Witness attendance and mileage fees.



- 1 (6) Postage.
 2 (7) Expert witnesses.
 3 (8) Depositions.
 4 (9) Notarizations.
- 5 SECTION 16. IC 25-1-1.1-2, AS AMENDED BY P.L.142-2020,
 6 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2024]: Sec. 2. Notwithstanding IC 25-1-7, a board, a
 8 commission, or a committee may suspend, deny, or revoke a license or
 9 certificate issued under this title by the board, the commission, or the
 10 committee without an investigation by the office of the attorney general
 11 if the individual who holds the license or certificate is convicted of any
 12 of the following and the board, commission, or committee determines,
 13 after the individual has appeared in person, that the offense affects the
 14 individual's ability to perform the duties of the profession:
- 15 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
 16 (2) Possession of methamphetamine under IC 35-48-4-6.1.
 17 (3) Possession of a controlled substance under IC 35-48-4-7(a).
 18 (4) Fraudulently obtaining a controlled substance under
 19 IC 35-48-4-7(c).
 20 (5) Manufacture of paraphernalia as a Class D felony (for a crime
 21 committed before July 1, 2014) or a Level 6 felony (for a crime
 22 committed after June 30, 2014) under IC 35-48-4-8.1(b).
 23 (6) Dealing in paraphernalia as a Class D felony (for a crime
 24 committed before July 1, 2014) or a Level 6 felony (for a crime
 25 committed after June 30, 2014) under IC 35-48-4-8.5(b).
 26 (7) Possession of paraphernalia as a Class D felony (for a crime
 27 committed before July 1, 2014) or a Level 6 felony (for a crime
 28 committed after June 30, 2014) under IC 35-48-4-8.3(b) (before
 29 its amendment on July 1, 2015).
 30 (8) Possession of ~~marijuana, hash oil, hashish, or~~ salvia as a Class
 31 D felony (for a crime committed before July 1, 2014) or a Level
 32 6 felony (for a crime committed after June 30, 2014) under
 33 IC 35-48-4-11.
 34 (9) A felony offense under IC 35-48-4 involving possession of a
 35 synthetic drug (as defined in IC 35-31.5-2-321), possession of a
 36 controlled substance analog (as defined in IC 35-48-1-9.3), or
 37 possession of a synthetic drug lookalike substance (as defined in
 38 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:
 39 (A) Class D felony for a crime committed before July 1, 2014;
 40 or
 41 (B) Level 6 felony for a crime committed after June 30, 2014;
 42 under IC 35-48-4-11.5 (before its repeal on July 1, 2019).



- 1 (10) Maintaining a common nuisance under IC 35-48-4-13
 2 (repealed) or IC 35-45-1-5, if the common nuisance involves a
 3 controlled substance.
 4 (11) An offense relating to registration, labeling, and prescription
 5 forms under IC 35-48-4-14.
 6 (12) A sex crime under IC 35-42-4.
 7 (13) A felony that reflects adversely on the individual's fitness to
 8 hold a professional license.
- 9 SECTION 17. IC 25-1-1.1-3, AS AMENDED BY P.L.142-2020,
 10 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2024]: Sec. 3. A board, a commission, or a committee shall
 12 revoke or suspend a license or certificate issued under this title by the
 13 board, the commission, or the committee if the individual who holds
 14 the license or certificate is convicted of any of the following:
- 15 (1) Dealing in a controlled substance resulting in death under
 16 IC 35-42-1-1.5.
 17 (2) Dealing in or manufacturing cocaine or a narcotic drug under
 18 IC 35-48-4-1.
 19 (3) Dealing in methamphetamine under IC 35-48-4-1.1.
 20 (4) Manufacturing methamphetamine under IC 35-48-4-1.2.
 21 (5) Dealing in a schedule I, II, or III controlled substance under
 22 IC 35-48-4-2.
 23 (6) Dealing in a schedule IV controlled substance under
 24 IC 35-48-4-3.
 25 (7) Dealing in a schedule V controlled substance under
 26 IC 35-48-4-4.
 27 (8) Dealing in a substance represented to be a controlled
 28 substance under IC 35-48-4-4.5 (before its repeal on July 1,
 29 2019).
 30 (9) Knowingly or intentionally manufacturing, advertising,
 31 distributing, or possessing with intent to manufacture, advertise,
 32 or distribute a substance represented to be a controlled substance
 33 under IC 35-48-4-4.6.
 34 (10) Dealing in a counterfeit substance under IC 35-48-4-5.
 35 (11) Dealing in ~~marijuana, hash oil, hashish, or salvia~~ **or**
 36 **mislabeled low THC hemp extract** as a felony under
 37 IC 35-48-4-10.
 38 (12) An offense under IC 35-48-4 involving the manufacture or
 39 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
 40 synthetic drug lookalike substance (as defined in
 41 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
 42 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled



1 substance analog (as defined in IC 35-48-1-9.3), or a substance
 2 represented to be a controlled substance (as described in
 3 IC 35-48-4-4.6).

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

6 SECTION 18. IC 34-24-1-1, AS AMENDED BY P.L.185-2023,
 7 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 8 JULY 1, 2024]: Sec. 1. (a) The following may be seized:

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

13 (A) A controlled substance for the purpose of committing,
 14 attempting to commit, or conspiring to commit any of the
 15 following:

16 (i) Dealing in or manufacturing cocaine or a narcotic drug
 17 (IC 35-48-4-1).

18 (ii) Dealing in methamphetamine (IC 35-48-4-1.1).

19 (iii) Manufacturing methamphetamine (IC 35-48-4-1.2).

20 (iv) Dealing in a schedule I, II, or III controlled substance
 21 (IC 35-48-4-2).

22 (v) Dealing in a schedule IV controlled substance (IC
 23 35-48-4-3).

24 (vi) Dealing in a schedule V controlled substance (IC
 25 35-48-4-4).

26 (vii) Dealing in a counterfeit substance (IC 35-48-4-5).

27 (viii) Possession of cocaine or a narcotic drug (IC
 28 35-48-4-6).

29 (ix) Possession of methamphetamine (IC 35-48-4-6.1).

30 (x) Dealing in paraphernalia (IC 35-48-4-8.5).

31 (xi) Dealing in ~~marijuana, hash oil, hashish, or salvia~~ **or**
 32 **mislabeled low THC hemp extract** (IC 35-48-4-10).

33 (xii) An offense under IC 35-48-4 involving a synthetic drug
 34 (as defined in IC 35-31.5-2-321), a synthetic drug lookalike
 35 substance (as defined in IC 35-31.5-2-321.5 (before its
 36 repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its
 37 repeal on July 1, 2019), a controlled substance analog (as
 38 defined in IC 35-48-1-9.3), or a substance represented to be
 39 a controlled substance (as described in IC 35-48-4-4.6).

40 **(xiii) A violation of IC 7.1-8.**

41 (B) Any stolen (IC 35-43-4-2 or IC 35-43-4-2.2) or converted
 42 property (IC 35-43-4-3) if the retail or repurchase value of that



- 1 property is one hundred dollars (\$100) or more.
 2 (C) Any hazardous waste in violation of IC 13-30-10-1.5.
 3 (D) A bomb (as defined in IC 35-31.5-2-31) or weapon of
 4 mass destruction (as defined in IC 35-31.5-2-354) used to
 5 commit, used in an attempt to commit, or used in a conspiracy
 6 to commit a felony terrorist offense (as defined in
 7 IC 35-50-2-18) or an offense under IC 35-47 as part of or in
 8 furtherance of an act of terrorism (as defined by
 9 IC 35-31.5-2-329).
- 10 (2) All money, negotiable instruments, securities, weapons,
 11 communications devices, or any property used to commit, used in
 12 an attempt to commit, or used in a conspiracy to commit a felony
 13 terrorist offense (as defined in IC 35-50-2-18) or an offense under
 14 IC 35-47 as part of or in furtherance of an act of terrorism or
 15 commonly used as consideration for a violation of IC 35-48-4
 16 (other than items subject to forfeiture under IC 16-42-20-5 or
 17 IC 16-6-8.5-5.1, before its repeal):
 18 (A) furnished or intended to be furnished by any person in
 19 exchange for an act that is in violation of a criminal statute;
 20 (B) used to facilitate any violation of a criminal statute; or
 21 (C) traceable as proceeds of the violation of a criminal statute.
- 22 (3) Any portion of real or personal property purchased with
 23 money that is traceable as a proceed of a violation of a criminal
 24 statute.
- 25 (4) A vehicle that is used by a person to:
 26 (A) commit, attempt to commit, or conspire to commit;
 27 (B) facilitate the commission of; or
 28 (C) escape from the commission of;
 29 murder (IC 35-42-1-1), dealing in a controlled substance resulting
 30 in death (IC 35-42-1-1.5), kidnapping (IC 35-42-3-2), criminal
 31 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting
 32 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense
 33 under IC 35-47 as part of or in furtherance of an act of terrorism.
- 34 (5) Real property owned by a person who uses it to commit any of
 35 the following as a Level 1, Level 2, Level 3, Level 4, or Level 5
 36 felony:
 37 (A) Dealing in or manufacturing cocaine or a narcotic drug (IC
 38 35-48-4-1).
 39 (B) Dealing in methamphetamine (IC 35-48-4-1.1).
 40 (C) Manufacturing methamphetamine (IC 35-48-4-1.2).
 41 (D) Dealing in a schedule I, II, or III controlled substance (IC
 42 35-48-4-2).



- 1 (E) Dealing in a schedule IV controlled substance (IC
2 35-48-4-3).
- 3 (F) Dealing in ~~marijuana, hash oil, hashish, or salvia~~ **or**
4 **mislabeled low THC hemp extract** (IC 35-48-4-10).
- 5 (G) Dealing in a synthetic drug (as defined in
6 IC 35-31.5-2-321) or synthetic drug lookalike substance (as
7 defined in IC 35-31.5-2-321.5 (before its repeal on July 1,
8 2019)) under IC 35-48-4-10.5 (before its repeal on July 1,
9 2019).
- 10 (H) Dealing in a controlled substance resulting in death (IC
11 35-42-1-1.5).
- 12 (6) Equipment and recordings used by a person to commit fraud
13 under IC 35-43-5.
- 14 (7) Recordings sold, rented, transported, or possessed by a person
15 in violation of IC 24-4-10.
- 16 (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as
17 defined by IC 35-45-6-1) that is the object of a corrupt business
18 influence violation (IC 35-45-6-2).
- 19 (9) Unlawful telecommunications devices (as defined in
20 IC 35-45-13-6) and plans, instructions, or publications used to
21 commit an offense under IC 35-45-13.
- 22 (10) Any equipment, including computer equipment and cellular
23 telephones, used for or intended for use in preparing,
24 photographing, recording, videotaping, digitizing, printing,
25 copying, or disseminating matter in violation of IC 35-42-4.
- 26 (11) Destructive devices used, possessed, transported, or sold in
27 violation of IC 35-47.5.
- 28 (12) Tobacco products that are sold in violation of IC 24-3-5,
29 tobacco products that a person attempts to sell in violation of
30 IC 24-3-5, and other personal property owned and used by a
31 person to facilitate a violation of IC 24-3-5.
- 32 (13) Property used by a person to commit counterfeiting or
33 forgery in violation of IC 35-43-5-2.
- 34 (14) After December 31, 2005, if a person is convicted of an
35 offense specified in IC 25-26-14-26(b) or IC 35-43-10, the
36 following real or personal property:
- 37 (A) Property used or intended to be used to commit, facilitate,
38 or promote the commission of the offense.
- 39 (B) Property constituting, derived from, or traceable to the
40 gross proceeds that the person obtained directly or indirectly
41 as a result of the offense.
- 42 (15) Except as provided in subsection (e), a vehicle used by a



1 person who operates the vehicle:

2 (A) while intoxicated, in violation of IC 9-30-5-1 through
3 IC 9-30-5-5, if in the previous five (5) years the person has two
4 (2) or more prior unrelated convictions for operating a motor
5 vehicle while intoxicated in violation of IC 9-30-5-1 through
6 IC 9-30-5-5; or

7 (B) on a highway while the person's driving privileges are
8 suspended in violation of IC 9-24-19-2 through IC 9-24-19-3,
9 if in the previous five (5) years the person has two (2) or more
10 prior unrelated convictions for operating a vehicle while
11 intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5.

12 If a court orders the seizure of a vehicle under this subdivision,
13 the court shall transmit an order to the bureau of motor vehicles
14 recommending that the bureau not permit a vehicle to be
15 registered in the name of the person whose vehicle was seized
16 until the person possesses a current driving license (as defined in
17 IC 9-13-2-41).

18 **(16) Cannabis and cannabis products grown, processed, sold,
19 or offered for sale in violation of IC 7.1-8.**

20 ~~(16)~~ **(17)** The following real or personal property:

21 (A) Property used or intended to be used to commit, facilitate,
22 or promote the commission of an offense specified in
23 IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or
24 IC 30-2-13-38(f).

25 (B) Property constituting, derived from, or traceable to the
26 gross proceeds that a person obtains directly or indirectly as a
27 result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b),
28 IC 30-2-10-9(b), or IC 30-2-13-38(f).

29 ~~(17)~~ **(18)** Real or personal property, including a vehicle, that is
30 used by a person to:

31 (A) commit, attempt to commit, or conspire to commit;

32 (B) facilitate the commission of; or

33 (C) escape from the commission of;

34 a violation of IC 35-42-3.5-1 through IC 35-42-3.5-1.4 (human
35 trafficking) or IC 35-45-4-4 (promoting prostitution).

36 (b) A vehicle used by any person as a common or contract carrier in
37 the transaction of business as a common or contract carrier is not
38 subject to seizure under this section, unless it can be proven by a
39 preponderance of the evidence that the owner of the vehicle knowingly
40 permitted the vehicle to be used to engage in conduct that subjects it to
41 seizure under subsection (a).

42 (c) Equipment under subsection (a)(10) may not be seized unless it



1 can be proven by a preponderance of the evidence that the owner of the
 2 equipment knowingly permitted the equipment to be used to engage in
 3 conduct that subjects it to seizure under subsection (a)(10).

4 (d) Money, negotiable instruments, securities, weapons,
 5 communications devices, or any property commonly used as
 6 consideration for a violation of IC 35-48-4 found near or on a person
 7 who is committing, attempting to commit, or conspiring to commit any
 8 of the following offenses shall be admitted into evidence in an action
 9 under this chapter as prima facie evidence that the money, negotiable
 10 instrument, security, or other thing of value is property that has been
 11 used or was to have been used to facilitate the violation of a criminal
 12 statute or is the proceeds of the violation of a criminal statute:

13 (1) IC 35-42-1-1.5 (dealing in a controlled substance resulting in
 14 death).

15 (2) IC 35-48-4-1 (dealing in or manufacturing cocaine or a
 16 narcotic drug).

17 (3) IC 35-48-4-1.1 (dealing in methamphetamine).

18 (4) IC 35-48-4-1.2 (manufacturing methamphetamine).

19 (5) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled
 20 substance).

21 (6) IC 35-48-4-3 (dealing in a schedule IV controlled substance).

22 (7) IC 35-48-4-4 (dealing in a schedule V controlled substance)
 23 as a Level 4 felony.

24 (8) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a
 25 Level 3, Level 4, or Level 5 felony.

26 (9) IC 35-48-4-6.1 (possession of methamphetamine) as a Level
 27 3, Level 4, or Level 5 felony.

28 (10) IC 35-48-4-10 (dealing in ~~marijuana, hash oil, hashish, or~~
 29 ~~salvia~~ **or mislabeled low THC hemp extract**) as a Level 5
 30 felony.

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

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

36 (1) an owner of the vehicle; or

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

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

42 SECTION 19. IC 34-30-2.1-73.5 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2024]: **Sec. 73.5. IC 7.1-8-7-16 (Concerning**
 3 **acts and omissions of the members of the cannabis commission and**
 4 **their officers and employees).**

5 SECTION 20. IC 35-31.5-2-185, AS AMENDED BY P.L.122-2023,
 6 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2024]: Sec. 185. (a) "Law enforcement officer" means:

8 (1) a police officer (including a tribal police officer, a correctional
 9 police officer, and a hospital police officer employed by a hospital
 10 police department established under IC 16-18-4), sheriff,
 11 constable, marshal, prosecuting attorney, special prosecuting
 12 attorney, special deputy prosecuting attorney, the securities
 13 commissioner, or the inspector general;

14 (2) a deputy of any of those persons;

15 (3) an investigator for a prosecuting attorney or for the inspector
 16 general;

17 (4) a conservation officer;

18 (5) an enforcement officer of the alcohol and tobacco commission
 19 **or of the cannabis commission;**

20 (6) an enforcement officer of the securities division of the office
 21 of the secretary of state; or

22 (7) a gaming agent employed under IC 4-33-4.5 or a gaming
 23 control officer employed by the gaming control division under
 24 IC 4-33-20.

25 (b) "Law enforcement officer", for purposes of IC 35-42-2-1,
 26 includes an alcoholic beverage enforcement officer, as set forth in
 27 IC 35-42-2-1.

28 (c) "Law enforcement officer", for purposes of IC 35-45-15,
 29 includes a federal enforcement officer, as set forth in IC 35-45-15-3.

30 (d) "Law enforcement officer", for purposes of IC 35-44.1-3-1 and
 31 IC 35-44.1-3-2, includes a school resource officer (as defined in
 32 IC 20-26-18.2-1) and a school corporation police officer appointed
 33 under IC 20-26-16.

34 (e) "Law enforcement officer", for purposes of IC 35-40.5, has the
 35 meaning set forth in IC 35-40.5-1-1.

36 SECTION 21. IC 35-45-6-1, AS AMENDED BY P.L.185-2023,
 37 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2024]: Sec. 1. (a) The definitions in this section apply
 39 throughout this chapter.

40 (b) "Documentary material" means any document, drawing,
 41 photograph, recording, or other tangible item containing compiled data
 42 from which information can be either obtained or translated into a



- 1 usable form.
- 2 (c) "Enterprise" means:
- 3 (1) a sole proprietorship, corporation, limited liability company,
- 4 partnership, business trust, or governmental entity; or
- 5 (2) a union, an association, or a group, whether a legal entity or
- 6 merely associated in fact.
- 7 (d) "Pattern of racketeering activity" means engaging in at least two
- 8 (2) incidents of racketeering activity that have the same or similar
- 9 intent, result, accomplice, victim, or method of commission, or that are
- 10 otherwise interrelated by distinguishing characteristics that are not
- 11 isolated incidents. However, the incidents are a pattern of racketeering
- 12 activity only if at least one (1) of the incidents occurred after August
- 13 31, 1980, and if the last of the incidents occurred within five (5) years
- 14 after a prior incident of racketeering activity.
- 15 (e) "Racketeering activity" means to commit, to attempt to commit,
- 16 to conspire to commit a violation of, or aiding and abetting in a
- 17 violation of any of the following:
- 18 (1) A provision of IC 23-19, or of a rule or order issued under
- 19 IC 23-19.
- 20 (2) A violation of IC 35-45-9.
- 21 (3) A violation of IC 35-47.
- 22 (4) A violation of IC 35-49-3.
- 23 (5) Murder (IC 35-42-1-1).
- 24 (6) Battery as a Class C felony before July 1, 2014, or a Level 5
- 25 felony after June 30, 2014 (IC 35-42-2-1).
- 26 (7) Kidnapping (IC 35-42-3-2).
- 27 (8) Human and sexual trafficking crimes (IC 35-42-3.5).
- 28 (9) Child exploitation (IC 35-42-4-4).
- 29 (10) Robbery (IC 35-42-5-1).
- 30 (11) Carjacking (IC 35-42-5-2) (before its repeal).
- 31 (12) Arson (IC 35-43-1-1).
- 32 (13) Burglary (IC 35-43-2-1).
- 33 (14) Theft (IC 35-43-4-2).
- 34 (15) Receiving stolen property (IC 35-43-4-2) (before its
- 35 amendment on July 1, 2018).
- 36 (16) Forgery (IC 35-43-5-2).
- 37 (17) An offense under IC 35-43-5.
- 38 (18) Bribery (IC 35-44.1-1-2).
- 39 (19) Official misconduct (IC 35-44.1-1-1).
- 40 (20) Conflict of interest (IC 35-44.1-1-4).
- 41 (21) Perjury (IC 35-44.1-2-1).
- 42 (22) Obstruction of justice (IC 35-44.1-2-2).



- 1 (23) Intimidation (IC 35-45-2-1).
 2 (24) Promoting prostitution (IC 35-45-4-4).
 3 (25) Professional gambling (IC 35-45-5-3).
 4 (26) Maintaining a professional gambling site (IC
 5 35-45-5-3.5(b)).
 6 (27) Promoting professional gambling (IC 35-45-5-4).
 7 (28) Dealing in or manufacturing cocaine or a narcotic drug (IC
 8 35-48-4-1).
 9 (29) Dealing in methamphetamine (IC 35-48-4-1.1).
 10 (30) Manufacturing methamphetamine (IC 35-48-4-1.2).
 11 (31) Dealing in a schedule I, II, or III controlled substance (IC
 12 35-48-4-2).
 13 (32) Dealing in a schedule IV controlled substance (IC
 14 35-48-4-3).
 15 (33) Dealing in a schedule V controlled substance (IC 35-48-4-4).
 16 (34) Dealing in ~~marijuana, hash oil, hashish, or salvia or~~
 17 **mislabeled low THC hemp extract** (IC 35-48-4-10).
 18 (35) Money laundering (IC 35-45-15-5).
 19 (36) A violation of IC 35-47.5-5.
 20 (37) A violation of any of the following:
 21 (A) IC 23-14-48-9.
 22 (B) IC 30-2-9-7(b).
 23 (C) IC 30-2-10-9(b).
 24 (D) IC 30-2-13-38(f).
 25 (38) Practice of law by a person who is not an attorney (IC
 26 33-43-2-1).
 27 (39) An offense listed in IC 35-48-4 involving the manufacture or
 28 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
 29 synthetic drug lookalike substance (as defined in
 30 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
 31 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
 32 substance analog (as defined in IC 35-48-1-9.3), or a substance
 33 represented to be a controlled substance (as described in
 34 IC 35-48-4-4.6).
 35 (40) Dealing in a controlled substance resulting in death (IC
 36 35-42-1-1.5).
 37 (41) Organized retail theft (IC 35-43-4-2.2).
 38 SECTION 22. IC 35-46-9-6, AS AMENDED BY P.L.184-2019,
 39 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2024]: Sec. 6. (a) Except as provided in subsections (b) and
 41 (c), a person who operates a motorboat while:
 42 (1) having an alcohol concentration equivalent (as defined in



- 1 IC 9-13-2-2.4) to at least eight-hundredths (0.08) gram of alcohol
 2 per:
- 3 (A) one hundred (100) milliliters of the person's blood; or
 - 4 (B) two hundred ten (210) liters of the person's breath;
 - 5 (2) having a controlled substance listed in schedule I or II of
 - 6 IC 35-48-2 or its metabolite in the person's body; or
 - 7 (3) intoxicated;
- 8 commits a Class C misdemeanor.
- 9 (b) The offense is a Level 6 felony if:
 - 10 (1) the person has a previous conviction under:
 - 11 (A) IC 14-1-5 (repealed);
 - 12 (B) IC 14-15-8-8 (repealed); or
 - 13 (C) this chapter; or
 - 14 (2) the offense results in serious bodily injury to another person.
 - 15 (c) The offense is a Level 5 felony if the offense results in the death
 16 or catastrophic injury of another person.
 - 17 (d) It is a defense to a prosecution under subsection (a)(2) that:
 - 18 (1) the accused person consumed the controlled substance in
 19 accordance with a valid prescription or order of a practitioner (as
 20 defined in IC 35-48-1-24) who acted in the course of the
 21 practitioner's professional practice; **or**
 - 22 (2) **the:**
 - 23 (A) **controlled substance is marijuana or a metabolite of**
 24 **marijuana; and**
 - 25 (B) **person was not intoxicated.**
- 26 SECTION 23. IC 35-48-2-4, AS AMENDED BY P.L.48-2023,
 27 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2024]: Sec. 4. (a) The controlled substances listed in this
 29 section are included in schedule I.
- 30 (b) Opiates. Any of the following opiates, including their isomers,
 31 esters, ethers, salts, and salts of isomers, esters, and ethers, unless
 32 specifically excepted by rule of the board or unless listed in another
 33 schedule, whenever the existence of these isomers, esters, ethers, and
 34 salts is possible within the specific chemical designation:
 - 35 4-fluoroisobutyryl fentanyl
 - 36 A c e t y l - a l p h a - m e t h y l f e n t a n y l
 - 37 (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide)
 - 38 (9815)
 - 39 Acetyl fentanyl (Other names include:
 - 40 N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)
 - 41 Acetylmethadol (9601)
 - 42 Acrylfentanyl. Other name: N-(1-phenethylpiperidin-4-yl)-



1	N-phenylacrylamide
2	Allylprodine (9602)
3	Alpha-methylthiofentanyl (N-[1-methyl-2-(2-
4	thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide) (9832)
5	Alphacetylmethadol (9603)
6	Alphameprodine (9604)
7	Alphamethadol (9605)
8	Alphamethylfentanyl (9814)
9	Benzethidine (9606)
10	Beta-hydroxy-3-methylfentanyl (9831). Other name:
11	N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl
12]-N-phenylpropanamide
13	Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-
14	phenethyl)-4-piperidinyl]-N-phenylpropanamide) (9830)
15	Betacetylmethadol (9607)
16	Betameprodine (9608)
17	Betamethadol (9609)
18	Betaprodine (9611)
19	2-(2-(4-butoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)-N,N-dieth-
20	ylethan-1-amine (butonitazene); other name: butoxynitazene
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	N,N-diethyl-2-(2-(4-flouorobenzyl)-5-nitro-1H-benzimidazol-1-y-
28	l)ethan-1-amine (flunitazene)
29	N,N-diethyl-2-(2-(4-methoxybenzyl)-1H-benzimidazol-1-yl)eth-
30	an-1-amine (metodesnitazene)
31	N,N-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1H-benzimidazol-
32	1-yl)ethan-1-amine (metonitazene)
33	N,N-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1H-benzimidazol-
34	1-yl)ethan-1-amine (protonitazene); other name: pronitazene
35	Difenoxin (9168)
36	Dimenoxadol (9617)
37	Dimepheptanol (9618)
38	Dimethylthiambutene (9619)
39	Dioxaphetyl butyrate (9621)
40	D i p i p a n o n e
41	(9622)2-(2-(4-ethoxybenzyl)-1H-benzimidazol-1-yl)-N,N-diethy-
42	lethan-1-amine (etodesnitazene; etazene)



1	2-(4-ethoxybenzyl)5-nitro-1(2-(pyrrolidin-1-yl)ethyl)-1H-benzimidazol (N-pyrrolidino etonizatene; etonitazepyne)
2	
3	Ethylmethylthiambutene (9623)
4	Etonitazene (9624)
5	Etoxidine (9625)
6	Fentanyl related substances.
7	Furanyl fentanyl.
8	Furethidine (9626)
9	Hydroxypethidine (9627)
10	Isobutyryl fentanyl. Other name:
11	N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide
12	Isotonitazene. Other name: N,N-diethyl-2-
13	(2-(4 isopropoxybenzyl)-5-nitro-1H-benzimidazol-
14	1-yl)ethan-1-amine)
15	Ketobemidone (9628)
16	Levomoramide (9629)
17	Levophenacymorphan (9631)
18	Methoxyacetyl fentanyl. Other name:
19	2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide
20	3-Methylfentanyl [N-[3-methyl-1-(2-phenylethyl)-4-
21	piperidyl]-N-phenyl-propanamide](9813)
22	3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-
23	piperidinyl]-N-phenylpropanamide) (9833)
24	MPPP (1-methyl-4-phenyl-4-propionoxypiperidine) (9961)
25	Morpheridine (9632)
26	N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl),
27	including any isomers, salts, or salts of isomers (9818)
28	N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl] 25 piperidin-4-yl]-
29	N-phenylpropionamide, also known as N-[1-[2-hydroxy-2-
30	(2-thienyl)ethyl] -4- piperidinyl]- N-phenylpropanamide,
31	(beta-hydroxythiofentanyl)
32	N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl) isobutyramide
33	(para-chloroisobutyryl fentanyl)
34	N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)
35	acetamide (ocfentanil)
36	N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4 -yl) butyramide
37	(para-fluorobutyryl fentanyl)
38	N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide, also known
39	as N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide, (butyryl
40	fentanyl)
41	N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide (valeryl
42	fentanyl)



1 N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl) butyramide
 2 (para-methoxybutyryl fentanyl)
 3 N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide
 4 (thenylfentanyl), including any isomers, salts, or salts of isomers
 5 (9834)N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide
 6 (isobutyryl fentanyl)
 7 N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide
 8 (cyclopentyl fentanyl)
 9 Noracymethadol (9633)
 10 Norlevorphanol (9634)
 11 Normethadone (9635)
 12 Norpipanone (9636)
 13 O c f e n t a n i l . O t h e r n a m e :
 14 N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)
 15 acetamide
 16 Ortho-fluorofentanyl or 2-fluorofentanyl. Other name:
 17 N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide
 18 Para-chloroisobutyryl fentanyl. Other name:
 19 N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide
 20 Para-fluorobutyryl fentanyl. Other name:
 21 N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide
 22 Para-fluorofentanyl (N-(4-fluorophenyl)-N-
 23 [1-(2-phenethyl)-4-piperidinyl] propanamide (9812)
 24 Para-methoxybutyryl fentanyl. Other name:
 25 N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide
 26 Phenadoxone (9637)
 27 Phenampromide (9638)
 28 Phenomorphan (9647)
 29 Phenoperidine (9641)
 30 PEPAP [1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine] (9663)
 31 Piritramide (9642)
 32 Proheptazine (9643)
 33 Properidine (9644)
 34 Propiram (9649)
 35 Racemoramide (9645)
 36 Tetrahydrofuranyl fentanyl. Other name:
 37 N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carb
 38 oxamide
 39 Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-
 40 piperidinyl]-propanamide) (9835)
 41 Tianeptine (7-[(3-chloro-6-methyl-5,5-dioxo-1H-benzo[c]
 42 [2,1]benzothiazepin-11-yl)amino]heptanoic acid)



- 1 Tilidine (9750)
 2 Trimeperidine (9646)
 3 U47700 (3,4-dichloro- N- [2-dimethylamino)cyclohexyl]-
 4 N-methyl- benzamide)
 5 Valeryl fentanyl. Other name :
 6 N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide
 7 Zipeprol (1-methoxy-3-[4-(2-methoxy-2-phenylethyl) piperazin-
 8 1-yl]- 1- phenylpropan- 2-ol)
 9 (c) Opium derivatives. Any of the following opium derivatives, their
 10 salts, isomers, and salts of isomers, unless specifically excepted by rule
 11 of the board or unless listed in another schedule, whenever the
 12 existence of these salts, isomers, and salts of isomers is possible within
 13 the specific chemical designation:
 14 Acetorphine (9319)
 15 Acetyldihydrocodeine (9051)
 16 Benzylmorphine (9052)
 17 Codeine methylbromide (9070)
 18 Codeine-N-Oxide (9053)
 19 Cyprenorphine (9054)
 20 Desomorphine (9055)
 21 Dihydromorphine (9145)
 22 Drotebanol (9335)
 23 Etorphine (except hydrochloride salt) (9056)
 24 Heroin (9200)
 25 Hydromorphanol (9301)
 26 Methyldesorphine (9302)
 27 Methyldihydromorphine (9304)
 28 Morphine methylbromide (9305)
 29 Morphine methylsulfonate (9306)
 30 Morphine-N-Oxide (9307)
 31 Myrophine (9308)
 32 Nicocodeine (9309)
 33 Nicomorphine (9312)
 34 Normorphine (9313)
 35 Pholcodine (9314)
 36 Thebacon (9315)
 37 (d) Hallucinogenic substances. Unless specifically excepted or
 38 unless listed in another schedule, any material, compound, mixture, or
 39 preparation which contains any quantity of the following
 40 hallucinogenic, psychedelic, or psychogenic substances, their salts,
 41 isomers, and salts of isomers whenever the existence of these salts,
 42 isomers, and salts of isomers is possible within the specific chemical



- 1 designation (for purposes of this subsection only, the term "isomer"
 2 includes the optical, position, and geometric isomers):
- 3 (1) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (7473). Other name:
 4 TCPy.
- 5 (2) 4-Bromo-2, 5-Dimethoxyamphetamine (7391). Some trade or
 6 other names: 4-Bromo-2, 5-Dimethoxy-a-methylphenethylamine;
 7 4-Bromo-2, 5-DMA.
- 8 (3) 4-Bromo-2, 5-dimethoxyphenethylamine (7392). Some trade
 9 or other names:
 10 2-[4-bromo-2,5-dimethoxyphenyl]-1-aminoethane;
 11 alpha-desmethyl DOB; 2C-B, Nexus.
- 12 (4) 2, 5-Dimethoxy-4-ethylamphet-amine (7399). Other name:
 13 DOET.
- 14 (5) 2, 5-Dimethoxy-4-(n)-propylthiophenethylamine (7348).
 15 Other name: 2C-T-7.
- 16 (6) 2, 5-Dimethoxyamphetamine (7396). Some trade or other
 17 names: 2, 5-Dimethoxy-a-methylphenethylamine; 2, 5-DMA.
- 18 (7) 4-Methoxyamphetamine (7411). Some trade or other names:
 19 4-Methoxy-a-methylphenethylamine; Paramethoxyamphetamine;
 20 PMA.
- 21 (8) 5-Methoxy-3, 4-methylenedioxy amphetamine (7401). Other
 22 Name: MMDA.
- 23 (9) 5-Methoxy-N, N-diisopropyltryptamine, including any
 24 isomers, salts, or salts of isomers (7439). Other name:
 25 5-MeO-DIPT.
- 26 (10) 4-methyl-2, 5-dimethoxyamphetamine (7395). Some trade
 27 and other names: 4-methyl-2,
 28 5-dimethoxy-a-methylphenethylamine; DOM; and STP.
- 29 (11) 3, 4-methylenedioxy amphetamine (7400). Other name:
 30 MDA.
- 31 (12) 3,4-methylenedioxy-N-ethylamphetamine (7404). Other
 32 names: N-ethyl-alpha-methyl-3,4(methylenedioxy)
 33 phenethylamine; N-ethyl MDA; MDE; and MDEA.
- 34 (13) 3, 4-methylenedioxymethamphetamine (MDMA) (7405).
- 35 (14) 3, 4, 5-trimethoxy amphetamine (7390). Other name: TMA.
- 36 (15) Alpha-ethyltryptamine (7249). Some trade and other names:
 37 Etryptamine; Monase; [alpha]-ethyl-1H-indole-3-ethanamine;
 38 3-(2-aminobutyl) indole; [alpha]-ET; and AET.
- 39 (16) Alpha-methyltryptamine (7432). Other name: AMT.
- 40 (17) Bufotenine (7433). Some trade and other names:
 41 3-(B-Dimethylaminoethyl)-5-hydroxyindole;
 42 3-(2-dimethylaminonethyl)-5-indolol; N, N-dimethylserotonin;



- 1 5-hydroxy-N, N-dimethyltryptamine; mappine.
 2 (18) Diethyltryptamine (7434). Some trade or other names: N,
 3 N-Diethyltryptamine; DET.
 4 (19) Dimethyltryptamine (7435). Some trade or other names:
 5 DMT.
 6 (20) Ibogaine (7260). Some trade and other names: 7-Ethyl-6, 6b,
 7 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-pyrido
 8 (1', 2': 1, 2, azepino 4, 5-b) indole; tabernanthe iboga.
 9 (21) Lysergic acid diethylamide (7315). Other name: LSD.
 10 ~~(22) Marijuana (7360):~~
 11 ~~(23) (22) Mescaline (7381).~~
 12 ~~(24) (23) Methoxetamine[2-(ethylamino)-2-(3-methoxyphenyl)~~
 13 ~~cyclohexan-1-one or 2-(3-methoxyphenyl)-2-(ethylamino)-~~
 14 ~~cyclohexanone].~~
 15 ~~(25) (24) Parahexyl (7374). Some trade or other names:~~
 16 ~~3-Hexyl-1-hydroxy-7, 8, 9, 10-Tetrahydro-6, 6,~~
 17 ~~9-trimethyl-6H-dibenzo (b,d) pyran; Snyhexyl.~~
 18 ~~(26) (25) Peyote (7415), including:~~
 19 (A) all parts of the plant that are classified botanically as
 20 lophophora williamsii lemaire, whether growing or not;
 21 (B) the seeds thereof;
 22 (C) any extract from any part of the plant; and
 23 (D) every compound, manufacture, salt, derivative, mixture, or
 24 preparation of the plant, its seeds, or extracts.
 25 ~~(27) (26) N-ethyl-3-piperidyl benzilate (7482). Other name:~~
 26 ~~DMZ.~~
 27 ~~(28) (27) N-hydroxy-3,4-methylenedioxyamphetamine (7402).~~
 28 ~~Other names: N-hydroxy-alpha-methyl-3,4~~
 29 ~~(methylenedioxy)phenethylamine; and N-hydroxy MDA.~~
 30 ~~(29) (28) N-methyl-3-piperidyl benzilate (7484). Other name:~~
 31 ~~LBJ.~~
 32 ~~(30) (29) Psilocybin (7437).~~
 33 ~~(31) (30) Psilocyn (7438).~~
 34 ~~(32) (31) Tetrahydrocannabinols (7370), including synthetic~~
 35 ~~equivalents of the substances contained in the plant, or in the~~
 36 ~~resinous extractives of Cannabis, sp. and synthetic substances,~~
 37 ~~derivatives, and their isomers with similar chemical structure and~~
 38 ~~pharmacological activity such as:~~
 39 (A) π^1 cis or trans tetrahydrocannabinol, and their optical
 40 isomers;
 41 (B) π^6 cis or trans tetrahydrocannabinol, and their optical
 42 isomers; and



- 1 (C) π^3_4 cis or trans tetrahydrocannabinol, and their optical
 2 isomers.
 3 Since nomenclature of these substances is not internationally
 4 standardized, compounds of these structures, regardless of
 5 numerical designation of atomic positions are covered. Other
 6 name: THC.
 7 ~~(33)~~ **(32)** Ethylamine analog of phencyclidine (7455). Some trade
 8 or other names: N-Ethyl-1-phenylcyclohexylamine;
 9 (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl)
 10 ethylamine; cyclohexamine; PCE.
 11 ~~(34)~~ **(33)** Pyrrolidine analog of phencyclidine (7458). Some trade
 12 or other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCP_y; PHP.
 13 ~~(35)~~ **(34)** Thiophene analog of phencyclidine (7470). Some trade
 14 or other names: 1-(1-(2-thienyl) cyclohexyl) piperidine; 2-Thienyl
 15 Analog of Phencyclidine; TPCP.
 16 ~~(36)~~ **(35)** *Salvia divinorum* or salvinorin A, including:
 17 (A) all parts of the plant that are classified botanically as *salvia*
 18 *divinorum*, whether growing or not;
 19 (B) the seeds of the plant;
 20 (C) any extract from any part of the plant; and
 21 (D) every compound, manufacture, salt, derivative, mixture, or
 22 preparation of the plant, its seeds, or extracts.
 23 ~~(37)~~ **(36)** 5-Methoxy-N,N-Dimethyltryptamine. Some trade
 24 or other names: 5-methoxy-3-[2- (dimethylamino)ethyl]indole;
 25 5-MeO-DMT.
 26 ~~(38)~~ **(37)** 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).
 27 ~~(39)~~ **(38)** 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).
 28 ~~(40)~~ **(39)** 2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine (2C-C).
 29 ~~(41)~~ **(40)** 2-(4-Iodo-2,5-dimethoxyphenyl) ethanamine (2C-I).
 30 ~~(42)~~ **(41)** 2-[4-(Ethylthio)-2,5-dimethoxyphenyl] ethanamine
 31 (2C-T-2).
 32 ~~(43)~~ **(42)** 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl] ethanamine
 33 (2C-T-4).
 34 ~~(44)~~ **(43)** 2-(2,5-Dimethoxyphenyl) ethanamine (2C-H).
 35 ~~(45)~~ **(44)** 2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine (2C-N).
 36 ~~(46)~~ **(45)** 2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine
 37 (2C-P).
 38 ~~(47)~~ **(46)** Deschloroketamine (2-Phenyl-2-
 39 (methylamino)cyclohexanone).
 40 ~~(48)~~ **(47)** 4-Hydroxy-MET (4-Hydroxy-N-methyl-N-
 41 ethyltryptamine).
 42 ~~(49)~~ **(48)** N-methyltryptamine (1H-Indole-3-ethanamine,



- 1 N-methyl-).
 2 (e) Depressants. Unless specifically excepted in a rule adopted by
 3 the board or unless listed in another schedule, any material, compound,
 4 mixture, or preparation which contains any quantity of the following
 5 substances having a depressant effect on the central nervous system,
 6 including its salts, isomers, and salts of isomers whenever the existence
 7 of such salts, isomers, and salts of isomers is possible within the
 8 specific chemical designation:
 9 Etizolam (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-
 10 thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine) (other names
 11 include: Etilaam, Etizest, Depas, Etizola, Sedekopan, and
 12 Pasaden)
 13 Flubromazolam (8-bromo-6-(2-fluorophenyl)-1-methyl-
 14 4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine)
 15 Gamma-hydroxybutyric acid (other names include GHB;
 16 gamma-hydroxybutyrate; 4-hydroxybutanoic acid; sodium
 17 oxybate; sodium oxybutyrate) (2010)
 18 Mecloqualone (2572)
 19 Methaqualone (2565)
 20 (f) Stimulants. Unless specifically excepted or unless listed in
 21 another schedule, any material, compound, mixture, or preparation that
 22 contains any quantity of the following substances having a stimulant
 23 effect on the central nervous system, including its salts, isomers, and
 24 salts of isomers:
 25 ([+/-] cis-4-methylaminorex (([+/-]cis-4,5-
 26 dihydro-4-methyl-5-phenyl-2-oxazolamine) (1590)
 27 Amineptine (7-[(10,11-dihydro-5H-dibenzo[a,d]cyclohepten-5-
 28 yl)amino] heptanoic acid).
 29 Aminorex (1585). Other names: aminoxaphen;
 30 2-amino-5-phenyl-2-oxazoline; or
 31 4,5-dihydro-5-phenyl-2-oxazolamine.
 32 4,4'-Dimethylaminorex (4,4'-DMAR; 4,5-dihydro-4-methyl-5-(4-
 33 methylphenyl)-2-oxazolamine; 4-methyl-5-(4-methylphenyl)-
 34 4,5-dihydro-1,3-oxazol-2-amine).
 35 Benzylone, 1-(1,3-benzodioxol-5-yl)-2-(benzylamino)propan-
 36 -1-one. Synonyms: BMDP, N-benzyl methylone,
 37 3,4-Methylene diox-N-benzylcathinone,
 38 N-benzyl-3,4-methylenedioxycathinone.
 39 Cathinone (1235). Some trade or other names:
 40 2-amino-1-phenyl-1-propanone; alpha-aminopropiophenone;
 41 2-aminopropiophenone; and norephedrone.
 42 Fenethylamine (1503).



1 N-Benzylpiperazine (7493). Other names: BZP; and
 2 1-benzylpiperazine.
 3 N-ethylamphetamine (1475).
 4 M e s o c a r b (N - p h e n y l - N - (3 - (1 -
 5 phenylpropan-2-yl)-1,2,3-oxadiazol-3-ium-5yl)carbamimidate).
 6 Methcathinone (1237). Some other trade names:
 7 2-Methylamino-1-Phenylpropan-1-one; Ephedrone;
 8 Monomethylpropion; UR 1431.
 9 N, N-dimethylamphetamine (1480). Other names: N,
 10 N-alpha-trimethyl-benzeneethanamine; and N,
 11 N-alpha-trimethylphenethylamine.
 12 N-methyl-1-(thiophen-2-yl)propan-2-amine (methiopropamine).

13 (g) Synthetic drugs as defined in IC 35-31.5-2-321.

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

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

33 commits a Class A infraction for dealing in paraphernalia.

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

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

- 39 (1) Items marketed for use in the preparation, compounding,
 40 packaging, labeling, or other use of marijuana, hash oil, hashish,
 41 salvia, a synthetic drug, or a controlled substance as an incident
 42 to lawful research, teaching, or chemical analysis and not for sale.



- 1 (2) Items marketed for or historically and customarily used in
 2 connection with the planting, propagating, cultivating, growing,
 3 harvesting, manufacturing, compounding, converting, producing,
 4 processing, preparing, testing, analyzing, packaging, repackaging,
 5 storing, containing, concealing, injecting, ingesting, or inhaling
 6 of tobacco or any other lawful substance.
 7 (3) A qualified entity (as defined in IC 16-41-7.5-3) that provides
 8 a syringe or needle as part of a program under IC 16-41-7.5.
 9 (4) Any entity or person that provides funding to a qualified entity
 10 (as defined in IC 16-41-7.5-3) to operate a program described in
 11 IC 16-41-7.5.

12 SECTION 25. IC 35-48-4-10, AS AMENDED BY P.L.153-2018,
 13 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2024]: Sec. 10. (a) A person who:

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



- 1 (2) the amount of the drug involved is
 2 (A) at least thirty ~~(30)~~ grams but less than ten ~~(10)~~ pounds of
 3 marijuana; or
 4 ~~(B)~~ at least five (5) grams but less than three hundred (300)
 5 grams of hash oil; hashish; or salvia.
 6 (d) The offense is a Level 5 felony if:
 7 (1) the person has a prior conviction for a drug dealing offense
 8 and the amount of the drug involved is
 9 (A) at least thirty ~~(30)~~ grams but less than ten ~~(10)~~ pounds of
 10 marijuana; or
 11 ~~(B)~~ at least five (5) grams but less than three hundred (300)
 12 grams of hash oil; hashish; or salvia; or
 13 (2) the:
 14 (A) amount of the drug involved is
 15 (i) at least ten ~~(10)~~ pounds of marijuana; or
 16 (ii) at least three hundred (300) grams of hash oil; hashish;
 17 or salvia; or
 18 (B) offense involved a sale to a minor. or
 19 ~~(3)~~ the:
 20 (A) person is a retailer;
 21 (B) marijuana, hash oil, hashish, or salvia is packaged in a
 22 manner that appears to be low THC hemp extract; and
 23 (C) person knew or reasonably should have known that the
 24 product was marijuana, hash oil, hashish, or salvia.
 25 (e) A retailer who:
 26 (1) knowingly or intentionally:
 27 (A) manufactures;
 28 (B) finances the manufacture of;
 29 (C) delivers; or
 30 (D) finances the delivery of;
 31 marijuana, hash oil, hashish, or salvia, pure or adulterated,
 32 that is packaged in a manner that appears to be low THC
 33 hemp extract; or
 34 (2) possesses, with intent to:
 35 (A) manufacture;
 36 (B) finance the manufacture of;
 37 (C) deliver; or
 38 (D) finance the delivery of;
 39 marijuana, hash oil, hashish, or salvia, pure or adulterated,
 40 that is packaged in a manner that appears to be low THC
 41 hemp extract;
 42 commits dealing in mislabeled low THC hemp extract, a Level 5



1 **felony, if the retailer knew or reasonably should have known that**
 2 **the product was marijuana, hash oil, hashish, or salvia.**

3 SECTION 26. IC 35-48-4-11, AS AMENDED BY P.L.153-2018,
 4 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2024]: Sec. 11. (a) A person who

6 ~~(1)~~ knowingly or intentionally possesses (pure or adulterated)
 7 ~~marijuana, hash oil, hashish, or salvia~~

8 ~~(2) knowingly or intentionally grows or cultivates marijuana; or~~

9 ~~(3) knowing that marijuana is growing on the person's premises;~~
 10 ~~fails to destroy the marijuana plants;~~

11 commits possession of ~~marijuana, hash oil, hashish, or salvia~~, a Class
 12 B misdemeanor, except as provided in subsections (b) through (c).

13 (b) The offense described in subsection (a) is a Class A
 14 misdemeanor if

15 ~~(1)~~ the person has a prior conviction for a drug offense. ~~or~~

16 ~~(2) the:~~

17 ~~(A) marijuana, hash oil, hashish, or salvia is packaged in a~~
 18 ~~manner that appears to be low THC hemp extract; and~~

19 ~~(B) person knew or reasonably should have known that the~~
 20 ~~product was marijuana, hash oil, hashish, or salvia.~~

21 (c) The offense described in subsection (a) is a Level 6 felony if:

22 (1) the person has a prior conviction for a drug offense; and

23 (2) the person possesses

24 ~~(A) at least thirty (30) grams of marijuana; or~~

25 ~~(B) at least five (5) grams of hash oil, hashish, or salvia.~~

26 **(d) A person who:**

27 **(1) knowingly or intentionally possesses (pure or adulterated)**
 28 **marijuana, hash oil, hashish, or salvia that is packaged in a**
 29 **manner that appears to be low THC hemp extract; and**

30 **(2) knew or reasonably should have known that the product**
 31 **was marijuana, hash oil, hashish, or salvia;**

32 **commits possession of mislabeled low THC hemp extract, a Class**
 33 **A misdemeanor.**

34 SECTION 27. IC 35-50-5-3, AS AMENDED BY P.L.111-2018,
 35 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2024]: Sec. 3. (a) Except as provided in subsection (i), (j), **or**

37 ~~(l), or (m)~~, in addition to any sentence imposed under this article for a
 38 felony or misdemeanor, the court may, as a condition of probation or
 39 without placing the person on probation, order the person to make
 40 restitution to the victim of the crime, the victim's estate, or the family
 41 of a victim who is deceased. The court shall base its restitution order
 42 upon a consideration of:



- 1 (1) property damages of the victim incurred as a result of the
 2 crime, based on the actual cost of repair (or replacement if repair
 3 is inappropriate);
 4 (2) medical and hospital costs incurred by the victim (before the
 5 date of sentencing) as a result of the crime;
 6 (3) the cost of medical laboratory tests to determine if the crime
 7 has caused the victim to contract a disease or other medical
 8 condition;
 9 (4) earnings lost by the victim (before the date of sentencing) as
 10 a result of the crime including earnings lost while the victim was
 11 hospitalized or participating in the investigation or trial of the
 12 crime; and
 13 (5) funeral, burial, or cremation costs incurred by the family or
 14 estate of a homicide victim as a result of the crime.

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

- 17 (1) attaches to the property of the person subject to the order;
 18 (2) may be perfected;
 19 (3) may be enforced to satisfy any payment that is delinquent
 20 under the restitution order by the person in whose favor the order
 21 is issued or the person's assignee; and
 22 (4) expires;

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

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

- 27 (1) the victim services division of the Indiana criminal justice
 28 institute in an amount not exceeding:
 29 (A) the amount of the award, if any, paid to the victim under
 30 IC 5-2-6.1; and
 31 (B) the cost of the reimbursements, if any, for emergency
 32 services provided to the victim under IC 16-10-1.5 (before its
 33 repeal) or IC 16-21-8; or
 34 (2) a probation department that shall forward restitution or part of
 35 restitution to:
 36 (A) a victim of a crime;
 37 (B) a victim's estate; or
 38 (C) the family of a victim who is deceased.

39 The victim services division of the Indiana criminal justice institute
 40 shall deposit the restitution it receives under this subsection in the
 41 violent crime victims compensation fund established by IC 5-2-6.1-40.

42 (d) When a restitution order is issued under subsection (a), (i), (j),



1 ~~or (l), or (m)~~; the issuing court shall send a certified copy of the order
 2 to the clerk of the circuit court in the county where the felony or
 3 misdemeanor charge was filed. The restitution order must include the
 4 following information:

5 (1) The name and address of the person that is to receive the
 6 restitution.

7 (2) The amount of restitution the person is to receive.

8 Upon receiving the order, the clerk shall enter and index the order in
 9 the circuit court judgment docket in the manner prescribed by
 10 IC 33-32-3-2. The clerk shall also notify the department of insurance
 11 of an order of restitution under subsection (i).

12 (e) An order of restitution under subsection (a), (i), (j), ~~or (l) or (m)~~
 13 does not bar a civil action for:

14 (1) damages that the court did not require the person to pay to the
 15 victim under the restitution order but arise from an injury or
 16 property damage that is the basis of restitution ordered by the
 17 court; and

18 (2) other damages suffered by the victim.

19 (f) Regardless of whether restitution is required under subsection (a)
 20 as a condition of probation or other sentence, the restitution order is not
 21 discharged by the completion of any probationary period or other
 22 sentence imposed for a felony or misdemeanor.

23 (g) A restitution order under subsection (a), (i), (j), ~~or (l) or (m)~~ is
 24 not discharged by the liquidation of a person's estate by a receiver
 25 under IC 32-30-5 (or IC 34-48-1, IC 34-48-4, IC 34-48-5, IC 34-48-6,
 26 IC 34-1-12, or IC 34-2-7 before their repeal).

27 (h) The attorney general may pursue restitution ordered by the court
 28 under subsections (a) and (c) on behalf of the victim services division
 29 of the Indiana criminal justice institute established under IC 5-2-6-8.

30 (i) The court may order the person convicted of an offense under
 31 IC 35-43-9 to make restitution to the victim of the crime. The court
 32 shall base its restitution order upon a consideration of the amount of
 33 money that the convicted person converted, misappropriated, or
 34 received, or for which the convicted person conspired. The restitution
 35 order issued for a violation of IC 35-43-9 must comply with
 36 subsections (b), (d), (e), and (g), and is not discharged by the
 37 completion of any probationary period or other sentence imposed for
 38 a violation of IC 35-43-9.

39 (j) The court may order the person convicted of an offense under
 40 IC 35-43-5-3.5 to make restitution to the victim of the crime, the
 41 victim's estate, or the family of a victim who is deceased. The court
 42 shall base its restitution order upon a consideration of the amount of



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

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

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

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

25 (A) the federal Fair Labor Standards Act of 1938, as amended
 26 (29 U.S.C. 201-209); or

27 (B) IC 22-2-2 (Minimum Wage);
 28 whichever is greater.

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

30 (1) is convicted of dealing in methamphetamine under
 31 IC 35-48-4-1.1 or manufacturing methamphetamine under
 32 IC 35-48-4-1.2; and

33 (2) manufactured the methamphetamine on property owned by
 34 another person, without the consent of the property owner;
 35 to pay liquidated damages to the property owner in the amount of ten
 36 thousand dollars (\$10,000) or to pay actual damages to the property
 37 owner, including lost rent and the costs of decontamination by a
 38 qualified inspector certified under IC 16-19-3.1.

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

40 (1) is convicted of dealing in marijuana under
 41 IC 35-48-4-10(a)(1)(A); and

42 (2) manufactured the marijuana on property owned by another



1 person, without the consent of the property owner;
 2 to pay liquidated damages to the property owner in the amount of two
 3 thousand dollars (\$2,000).

4 SECTION 28. IC 35-52-7-97 IS ADDED TO THE INDIANA
 5 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2024]: **Sec. 97. IC 7.1-8-12-13 defines a crime**
 7 **concerning cannabis.**

8 SECTION 29. IC 35-52-7-98 IS ADDED TO THE INDIANA
 9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2024]: **Sec. 98. IC 7.1-8-14-9 defines a crime**
 11 **concerning cannabis.**

12 SECTION 30. IC 35-52-7-99 IS ADDED TO THE INDIANA
 13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE JULY 1, 2024]: **Sec. 99. IC 7.1-8-15-5 defines a crime**
 15 **concerning cannabis.**

16 SECTION 31. IC 35-52-7-100 IS ADDED TO THE INDIANA
 17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2024]: **Sec. 100. IC 7.1-8-19-3 defines a crime**
 19 **concerning cannabis.**

20 SECTION 32. IC 35-52-7-101 IS ADDED TO THE INDIANA
 21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2024]: **Sec. 101. IC 7.1-8-19-4 defines a crime**
 23 **concerning cannabis.**

24 SECTION 33. IC 35-52-7-102 IS ADDED TO THE INDIANA
 25 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2024]: **Sec. 102. IC 7.1-8-19-6 defines a crime**
 27 **concerning cannabis.**

28 SECTION 34. IC 36-1-8.5-4, AS AMENDED BY P.L.122-2023,
 29 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2024]: Sec. 4. As used in this chapter, "law enforcement
 31 officer" means an individual who is employed or was formerly
 32 employed as:

- 33 (1) a police officer (including a tribal police officer, a correctional
 34 police officer, and a hospital police officer employed by a hospital
 35 police department established under IC 16-18-4), sheriff,
 36 constable, marshal, prosecuting attorney, special prosecuting
 37 attorney, special deputy prosecuting attorney, the securities
 38 commissioner, or the inspector general;
 39 (2) a deputy of any of the persons specified in subdivision (1);
 40 (3) an investigator for a prosecuting attorney or for the inspector
 41 general;
 42 (4) a conservation officer;



- 1 (5) an enforcement officer of the alcohol and tobacco commission
- 2 **or of the cannabis commission;** or
- 3 (6) an enforcement officer of the securities division of the office
- 4 of the secretary of state.

