

# SENATE BILL No. 231

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 2-5-46; IC 5-2-8; IC 6-7-3; IC 7.1-8; IC 7.1-9; IC 15-16-7-8; IC 33-37; IC 35-48-4; IC 35-52-7-97.

**Synopsis:** Medical marijuana. Establishes a medical marijuana program (program), and permits caregivers and patients who have received a physician recommendation to possess a certain quantity of marijuana for treatment of certain medical conditions. Establishes a regulatory agency to oversee the program, and creates the regulatory agency advisory committee to review the effectiveness of the program and to consider recommendations from the regulatory agency. Authorizes the regulatory agency to grant research licenses to research facilities with a physical presence in Indiana. Repeals the controlled substance excise tax and the marijuana eradication program. Makes conforming amendments.

**Effective:** July 1, 2022.

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## Taylor G

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January 6, 2022, read first time and referred to Committee on Commerce and Technology.

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Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

# SENATE BILL No. 231

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 2-5-46 IS ADDED TO THE INDIANA CODE AS
- 2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2022]:
- 4 **Chapter 46. Regulatory Agency Advisory Committee**
- 5 **Sec. 1. The following definitions apply throughout this chapter:**
- 6 (1) "Advisory committee" means the regulatory agency
- 7 advisory committee established by section 2 of this chapter.
- 8 (2) "Regulatory agency" means the regulatory agency
- 9 established by IC 7.1-9-2-1.
- 10 **Sec. 2. The regulatory agency advisory committee is established.**
- 11 **Sec. 3. (a) The advisory committee consists of the following four**
- 12 **(4) voting members and five (5) nonvoting members:**
- 13 (1) One (1) legislative member appointed by the speaker of the
- 14 house of representatives.
- 15 (2) One (1) legislative member appointed by the minority
- 16 leader of the house of representatives.
- 17 (3) One (1) legislative member appointed by the president pro



1 tempore of the senate.

2 (4) One (1) legislative member appointed by the minority  
3 leader of the senate.

4 (5) One (1) representative of law enforcement, appointed as a  
5 nonvoting member by the speaker of the house of  
6 representatives.

7 (6) One (1) individual having experience in the treatment of  
8 medical conditions by means of medical marijuana as a  
9 patient, physician, or caregiver, appointed as a nonvoting  
10 member by the president pro tempore of the senate.

11 (7) The commissioner of the department of state revenue or  
12 the commissioner's designee, who serves as a nonvoting  
13 member.

14 (8) The director of the department of agriculture or the  
15 director's designee, who serves as a nonvoting member.

16 (9) The state health commissioner or the commissioner's  
17 designee, who serves as a nonvoting member.

18 (b) The chairperson of the legislative council shall annually  
19 select one (1) of the voting members to serve as chairperson.

20 Sec. 4. (a) A legislative member of the advisory committee may  
21 be removed at any time by the appointing authority who appointed  
22 the legislative member.

23 (b) If a vacancy exists on the advisory committee, the appointing  
24 authority who appointed the former member whose position has  
25 become vacant shall appoint an individual to fill the vacancy.

26 Sec. 5. Each member of the advisory committee is entitled to  
27 receive the same per diem, mileage, and travel allowances paid to  
28 individuals who serve as legislative and lay members, respectively,  
29 of interim study committees established by the legislative council.

30 Sec. 6. The affirmative votes of a majority of the voting  
31 members appointed to the advisory committee are required for the  
32 advisory committee to take action on any measure, including final  
33 reports.

34 Sec. 7. The advisory committee shall do the following:

35 (1) Review rules adopted by the regulatory agency.

36 (2) Review legislative proposals suggested by the regulatory  
37 agency.

38 (3) Evaluate the medical marijuana research and development  
39 program under IC 7.1-9-5.

40 (4) Evaluate the operation of the medical marijuana program.

41 (5) Consider any other matter that has bearing on the  
42 operation of the medical marijuana program.



1 SECTION 2. IC 5-2-8-5, AS AMENDED BY P.L.217-2017,  
 2 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2022]: Sec. 5. (a) There is established the state police training  
 4 fund. The fund consists of amounts collected under ~~IC 33-37-4-1(b)(4)~~,  
 5 **IC 33-37-4-1(b)(3)**, IC 33-37-4-2(b)(3), and ~~IC 33-37-4-3(b)(4)~~  
 6 **IC 33-37-4-3(b)(3)** on behalf of the state police department.

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

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

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

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

- 25 (1) Duties of a law enforcement officer in enforcing restraining  
 26 orders, protective orders, temporary injunctions, and permanent  
 27 injunctions involving abuse.
- 28 (2) Guidelines for making felony and misdemeanor arrests in  
 29 cases involving abuse.
- 30 (3) Techniques for handling incidents of abuse that:
  - 31 (A) minimize the likelihood of injury to the law enforcement  
 32 officer; and
  - 33 (B) promote the safety of a victim.
- 34 (4) Information about the nature and extent of the abuse.
- 35 (5) Information about the legal rights of and remedies available  
 36 to victims of abuse.
- 37 (6) How to document and collect evidence in an abuse case.
- 38 (7) The legal consequences of abuse.
- 39 (8) The impact on children of law enforcement intervention in  
 40 abuse cases.
- 41 (9) Services and facilities available to victims of abuse and  
 42 abusers.



- 1 (10) Verification of restraining orders, protective orders,  
 2 temporary injunctions, and permanent injunctions.  
 3 (11) Policies concerning arrest or release of suspects in abuse  
 4 cases.  
 5 (12) Emergency assistance to victims of abuse and criminal  
 6 justice options for victims of abuse.  
 7 (13) Landlord-tenant concerns in abuse cases.  
 8 (14) The taking of an abused child into protective custody.  
 9 (15) Assessment of a situation in which a child may be seriously  
 10 endangered if the child is left in the child's home.  
 11 (16) Assessment of a situation involving an endangered adult (as  
 12 defined in IC 12-10-3-2).  
 13 (17) Response to a sudden, unexpected infant death.

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

16 SECTION 3. IC 5-2-8-7, AS AMENDED BY P.L.217-2017,  
 17 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 18 JULY 1, 2022]: Sec. 7. (a) There is established the conservation  
 19 officers training fund. The department of natural resources shall  
 20 administer the fund. The fund consists of amounts collected under  
 21 ~~IC 33-37-4-1(b)(4)~~; **IC 33-37-4-1(b)(3)**, IC 33-37-4-2(b)(3), and  
 22 ~~IC 33-37-4-3(b)(4)~~ **IC 33-37-4-3(b)(3)** on behalf of the department of  
 23 natural resources.

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

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

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

37 SECTION 4. IC 5-2-8-8, AS AMENDED BY P.L.217-2017,  
 38 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2022]: Sec. 8. (a) There is established the alcoholic beverage  
 40 enforcement officers' training fund. The alcohol and tobacco  
 41 commission shall administer the fund. The fund consists of amounts  
 42 collected under ~~IC 33-37-4-1(b)(4)~~; **IC 33-37-4-1(b)(3)**,



1 IC 33-37-4-2(b)(3), and ~~IC 33-37-4-3(b)(4)~~ **IC 33-37-4-3(b)(3)** on  
2 behalf of the alcohol and tobacco commission.

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

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

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

16 SECTION 5. IC 6-7-3 IS REPEALED [EFFECTIVE JULY 1, 2022].  
17 (Controlled Substance Excise Tax).

18 SECTION 6. IC 7.1-8 IS ADDED TO THE INDIANA CODE AS A  
19 NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
20 2022]:

21 **ARTICLE 8. MEDICAL MARIJUANA**

22 **Chapter 1. Definitions**

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

24 (1) "Adequate supply for treatment" means the amount of  
25 marijuana necessary to provide care for a treatable medical  
26 condition for a thirty (30) day period, as determined by a  
27 physician recommendation.

28 (2) "Regulatory agency" means the regulatory agency  
29 established by IC 7.1-9-2-1.

30 (3) "Regulatory agency committee" means the regulatory  
31 agency commissioners described in IC 7.1-9-2.

32 (4) "Marijuana" means any part of the plant genus *Cannabis*.

33 (5) "Medical marijuana card" means a valid card issued by  
34 the regulatory agency that authorizes the individual to whom  
35 the card is issued to possess marijuana.

36 (6) "Physician" means an individual holding an unlimited  
37 license to practice medicine in Indiana.

38 (7) "Physician recommendation" means a written  
39 recommendation that the use of marijuana may benefit a  
40 particular patient suffering from a treatable medical  
41 condition. A physician recommendation may specify an  
42 adequate supply for treatment.



1 (8) "Qualified patient" means an individual who has been  
2 issued a medical marijuana card by the regulatory agency.

3 (9) "Qualified primary caregiver" means the primary  
4 caregiver for a qualified patient who has been issued a  
5 medical marijuana card by the regulatory agency on behalf of  
6 the qualified patient.

7 (10) "Treatable medical condition" means an illness or other  
8 condition, the symptoms of which (including the side effects  
9 and symptoms caused by any other treatment for the  
10 condition) may be treated by the use of marijuana. The term  
11 includes the following:

12 (A) Acquired immune deficiency syndrome (AIDS) or  
13 positive status for the human immunodeficiency virus  
14 (HIV).

15 (B) Anorexia.

16 (C) Arthritis.

17 (D) Cachexia.

18 (E) Chronic cancer pain.

19 (F) Glaucoma.

20 (G) Migraine.

21 (H) Persistent muscle spasms, including spasms associated  
22 with multiple sclerosis, Crohn's disease, or related  
23 conditions.

24 (I) Seizures, including those characteristic of epilepsy.

25 (J) Severe nausea.

26 (K) Posttraumatic stress disorder.

27 (L) Any persistent or chronic illness or condition that, in  
28 the opinion of a physician:

29 (i) substantially limits the ability of an individual to  
30 conduct one (1) or more major life activities; or

31 (ii) may cause serious harm to a patient's safety or  
32 mental or physical health if not alleviated;

33 if the illness or condition may be improved by the use of  
34 marijuana.

35 (M) Any other illness or condition determined by the  
36 regulatory agency to be a treatable medical condition.

37 **Chapter 2. Qualified Patients and Qualified Primary Caregivers**

38 **Sec. 1. (a) An individual may apply to the regulatory agency to**  
39 **be a qualified patient if the individual suffers from a treatable**  
40 **medical condition. An individual may apply to the regulatory**  
41 **agency to be a qualified primary caregiver if the individual for**  
42 **whom the individual provides care suffers from a treatable medical**



- 1 condition.
- 2 (b) To be approved as a qualified patient, an individual must
- 3 submit to the regulatory agency a physician recommendation
- 4 stating that the individual suffers from a treatable medical
- 5 condition. To be approved as a qualified primary caregiver, an
- 6 individual must submit to the regulatory agency a physician
- 7 recommendation stating that the individual for whom the caregiver
- 8 provides care suffers from a treatable medical condition.
- 9 (c) The regulatory agency shall issue to an individual a medical
- 10 marijuana card indicating that the individual is a qualified patient
- 11 or a qualified primary caregiver after:
- 12 (1) receipt of a:
- 13 (A) completed application; and
- 14 (B) physician recommendation;
- 15 (2) verification that the individual who tendered the physician
- 16 recommendation is a licensed physician; and
- 17 (3) compliance with any other rule adopted by the regulatory
- 18 agency.
- 19 (d) An application for a medical marijuana card may be denied
- 20 for the following reasons:
- 21 (1) The application is not complete or required information is
- 22 missing.
- 23 (2) The applicant submits false information.
- 24 (3) The applicant does not meet the criteria required to obtain
- 25 a medical marijuana card.
- 26 (4) The individual who tendered the physician
- 27 recommendation is not a licensed physician.
- 28 (e) A medical marijuana card issued under this section is valid
- 29 for two (2) years, unless the physician recommendation expressly
- 30 recommends a shorter period.
- 31 (f) The regulatory agency may charge a reasonable fee, not to
- 32 exceed one hundred dollars (\$100), to apply for a medical
- 33 marijuana card. The fee shall be deposited in the state general
- 34 fund.
- 35 (g) Except as provided in subsection (h), for purposes of
- 36 IC 5-14-3-4(a)(1), the following information is confidential, may
- 37 not be published, and is not open to public inspection:
- 38 (1) Information submitted by an individual under this section
- 39 to obtain a medical marijuana card.
- 40 (2) Information obtained by a federal, state, or local
- 41 government entity in the course of an investigation concerning
- 42 an individual who applies to obtain a medical marijuana card.





1 (3) The name and address of the individual, and any other  
 2 information that may be used to identify an individual, who  
 3 holds a medical marijuana card.

4 (h) Notwithstanding subsection (g):

5 (1) any information concerning an individual who applies for,  
 6 or an individual who holds, a medical marijuana card may be  
 7 released to a federal, state, or local government entity:

8 (A) for law enforcement purposes; or

9 (B) to determine the validity of a medical marijuana card;  
 10 and

11 (2) general information concerning the issuance of a medical  
 12 marijuana card in Indiana may be released to a person  
 13 conducting journalistic or academic research (including the  
 14 research described in IC 7.1-9-5), but only if all personal  
 15 information that may be used to identify any individual who  
 16 applies for or holds a medical marijuana card issued under  
 17 this chapter has been removed from the general information.

18 (i) A person who knowingly or intentionally violates this section  
 19 by releasing confidential information commits a disclosure of  
 20 confidential medical information, a Class B misdemeanor.

21 (j) A person who knowingly makes a material misstatement in  
 22 an application for a medical marijuana card under this section  
 23 commits fraudulent application for a medical marijuana card, a  
 24 Class B misdemeanor.

25 Sec. 2. A qualified patient or qualified primary caregiver may:

26 (1) possess the greater of:

27 (A) eight (8) ounces or less of dried marijuana; or

28 (B) an adequate supply for treatment as set forth in a  
 29 physician recommendation; and

30 (2) possess, grow, or cultivate not more than twelve (12)  
 31 marijuana plants.

32 Sec. 3. (a) A qualified primary caregiver may deliver to, or  
 33 possess with intent to deliver to, a qualified patient for whom the  
 34 caregiver is the primary caregiver:

35 (1) the greater of:

36 (A) eight (8) ounces or less of dried marijuana; or

37 (B) an adequate supply for treatment as set forth in a  
 38 physician recommendation; and

39 (2) not more than twelve (12) marijuana plants.

40 (b) A qualified primary caregiver may possess, grow, or  
 41 cultivate not more than twelve (12) marijuana plants for use by a  
 42 qualified patient for whom the individual is the primary caregiver.



1           **Sec. 4. The medical licensing board may not take an adverse**  
 2 **action against a physician who makes a physician recommendation**  
 3 **in good faith under this article if the sole basis for taking the**  
 4 **adverse action is the physician recommendation.**

5           SECTION 7. IC 7.1-9 IS ADDED TO THE INDIANA CODE AS A  
 6 **NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,**  
 7 **2022]:**

8           **ARTICLE 9. REGULATION OF MEDICAL MARIJUANA**

9           **Chapter 1. Definitions**

10          **Sec. 1. The definitions in IC 7.1-8-1-1 apply throughout this**  
 11 **article.**

12          **Chapter 2. General Provisions**

13          **Sec. 1. A regulatory agency to be named later is established as**  
 14 **an agency of the state for purposes of administering the medical**  
 15 **marijuana program.**

16          **Sec. 2. (a) The regulatory agency consists of:**

- 17           (1) the regulatory agency committee;  
 18           (2) the executive director; and  
 19           (3) other employees necessary to carry out the duties of the  
 20 regulatory agency.

21          **(b) The regulatory agency committee consists of four (4)**  
 22 **commissioners, who shall direct and oversee the operation of the**  
 23 **regulatory agency.**

24          **Sec. 3. (a) The regulatory agency commissioners shall be**  
 25 **appointed by the governor.**

26           **(b) A commissioner is eligible for reappointment.**

27           **(c) Not more than two (2) commissioners may belong to the**  
 28 **same political party.**

29           **(d) A commissioner shall be appointed to a four (4) year term.**

30           **(e) A commissioner serves the commissioner's term at the**  
 31 **pleasure of the governor.**

32          **Sec. 4. To be eligible for appointment as a commissioner, an**  
 33 **individual must have the following qualifications:**

- 34           (1) The individual may not be employed by the state in any  
 35 other capacity.  
 36           (2) The individual must have good moral character.  
 37           (3) The individual must have been a resident of Indiana for at  
 38 least ten (10) years immediately preceding the appointment.

39          **Sec. 5. The governor shall appoint one (1) commissioner to serve**  
 40 **as chairperson of the regulatory agency committee, and one (1)**  
 41 **commissioner to serve as vice chairperson. The vice chairperson**  
 42 **shall act as the chairperson if the chairperson is unable to attend**



1 a meeting of the regulatory agency committee.

2 **Sec. 6. A commissioner appointed to fill a vacancy in the**  
 3 **membership of the regulatory agency committee shall serve only**  
 4 **for the unexpired part of the original, vacated term. In all other**  
 5 **respects, an appointment to fill a vacancy shall be made in the**  
 6 **same manner that an original appointment is made.**

7 **Sec. 7. As compensation for services, each commissioner is**  
 8 **entitled to the minimum salary per diem provided by**  
 9 **IC 4-10-11-2.1(b). A commissioner is also entitled to**  
 10 **reimbursement for traveling expenses as provided under**  
 11 **IC 4-13-1-4 and other expenses actually incurred in connection**  
 12 **with the commissioner's duties as provided in the state policies and**  
 13 **procedures established by the Indiana department of**  
 14 **administration and approved by the budget agency.**

15 **Sec. 8. Each commissioner shall execute:**

- 16 (1) a surety bond in the amount of ten thousand dollars  
 17 (\$10,000), with surety approved by the governor; and  
 18 (2) an oath of office.

19 **The surety bond and the oath of office shall be filed in the office of**  
 20 **the secretary of state.**

21 **Sec. 9. The required surety bond executed and filed on behalf of**  
 22 **a commissioner shall be made payable to the state of Indiana and**  
 23 **conditioned upon the faithful discharge of the commissioner's**  
 24 **duties.**

25 **Sec. 10. The regulatory agency committee shall hold meetings at**  
 26 **the call of the chairperson. The regulatory agency committee may**  
 27 **establish rules governing meetings.**

28 **Sec. 11. (a) Three (3) regulatory agency commissioners**  
 29 **constitute a quorum for the transaction of business.**

30 **(b) Each commissioner has one (1) vote.**

31 **(c) Action of the regulatory agency committee may be taken**  
 32 **only upon the affirmative votes of at least two (2) commissioners.**  
 33 **If a vote is a tie, the position for which the chairperson voted**  
 34 **prevails, as long as that position has received the affirmative votes**  
 35 **of at least two (2) commissioners.**

36 **Sec. 12. A commissioner may not solicit or accept a political**  
 37 **contribution from a qualified patient, qualified primary caregiver,**  
 38 **or any individual or entity that has a permit or has applied for a**  
 39 **permit issued by the regulatory agency. However, the right of a**  
 40 **commissioner to vote as the commissioner chooses and to express**  
 41 **the commissioner's opinions on political subjects and candidates**  
 42 **may not be impaired.**



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**Chapter 3. Employees and Administration**

**Sec. 1. (a) The regulatory agency committee shall appoint an executive director to assist the regulatory agency in the efficient administration of its powers and duties.**

**(b) The regulatory agency committee shall fix the salary of the executive director, subject to the approval of the budget agency.**

**Sec. 2. The regulatory agency has the power to employ all necessary employees, determine their duties, and, subject to the approval of the regulatory agency committee and the budget agency, fix their salaries.**

**Chapter 4. Powers and Duties**

**Sec. 1. The chairperson is the presiding officer at the meetings of the regulatory agency committee. The chairperson, together with the executive director, shall prepare, certify, and authenticate all proceedings, minutes, records, rules, and regulations of the regulatory agency committee. The chairperson shall also perform all other duties as imposed on the chairperson by this article.**

**Sec. 2. The regulatory agency has the power to organize its work, to enforce and administer this article and IC 7.1-8, and to enforce and administer the rules adopted by the regulatory agency.**

**Sec. 3. The regulatory agency shall adopt rules under IC 4-22-2 to prescribe the forms for all applications, documents, permits, medical marijuana cards, and licenses used in the administration of this article and IC 7.1-8.**

**Sec. 4. The regulatory agency has the following powers:**

- (1) To hold hearings before the regulatory agency or its representative.**
- (2) To take testimony and receive evidence.**
- (3) To conduct inquiries with or without a hearing.**
- (4) To receive reports of investigators or other governmental officers and employees.**
- (5) To administer oaths.**
- (6) To subpoena witnesses and to compel them to appear and testify.**
- (7) To certify copies of records of the regulatory agency or any other document or record on file with the regulatory agency.**
- (8) To fix the form, mode, manner, time, and number of times for the posting or publication of any required notices if not otherwise provided.**
- (9) To adopt rules under IC 4-22-2 to carry out this article and IC 7.1-8.**



1           **Sec. 5. The regulatory agency has the following duties:**

2           **(1) To establish the medical marijuana program described in**  
 3           **IC 7.1-8 and to adopt all necessary rules to implement the**  
 4           **program.**

5           **(2) To implement protocols for the application and issuance**  
 6           **of a medical marijuana card, including protocols to:**

7               **(A) prevent fraud;**

8               **(B) ensure the accuracy of information contained in the**  
 9               **application; and**

10              **(C) protect the privacy of an applicant.**

11           **(3) To advise the general assembly concerning the**  
 12           **establishment of a program for the:**

13               **(A) manufacture;**

14               **(B) cultivation;**

15               **(C) transportation; and**

16               **(D) dispensing;**

17           **of medical marijuana.**

18           **(4) To encourage research concerning medical marijuana and**  
 19           **issue licenses as described in IC 7.1-9-5.**

20           **Chapter 5. Research and Development**

21           **Sec. 1. To permit and encourage research concerning medical**  
 22           **marijuana:**

23               **(1) an accredited institution of higher education with a**  
 24               **physical presence in Indiana; and**

25               **(2) a pharmaceutical or agricultural business having a**  
 26               **research facility in Indiana;**

27           **may apply to the regulatory agency for a license to conduct**  
 28           **research concerning medical marijuana.**

29           **Sec. 2. An application under this chapter must include the**  
 30           **following:**

31               **(1) The nature of the research project.**

32               **(2) The names of the individuals who will conduct the**  
 33               **research project.**

34               **(3) The approximate quantity of marijuana that will be used**  
 35               **in the research project.**

36               **(4) The security protocol to be implemented to ensure that**  
 37               **marijuana is not diverted for uses other than the research**  
 38               **project.**

39               **(5) Any other information required by the regulatory agency.**

40           **Sec. 3. Upon receipt of a completed application, the regulatory**  
 41           **agency may issue a research license to the accredited institution of**  
 42           **higher education or pharmaceutical or agricultural business. The**



1 **research license must specifically list the names of each individual**  
 2 **participating in the research project who will have custody or**  
 3 **control of marijuana for research purposes and the approximate**  
 4 **quantity of the marijuana that will be used in the research project.**

5 **Sec. 4. The regulatory agency may charge a reasonable fee for**  
 6 **issuance of a research license.**

7 SECTION 8. IC 15-16-7-8 IS REPEALED [EFFECTIVE JULY 1,  
 8 2022]. ~~Sec. 8: In addition to the weed control board's powers and duties~~  
 9 ~~under section 7 of this chapter, the weed control board may establish~~  
 10 ~~a marijuana eradication program to eliminate and destroy wild~~  
 11 ~~marijuana plants within the county. The program is funded by amounts~~  
 12 ~~appropriated by the county:~~

13 ~~(1) under IC 33-37-8; and~~

14 ~~(2) from the county general fund.~~

15 SECTION 9. IC 33-37-4-1, AS AMENDED BY P.L.24-2018,  
 16 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 17 JULY 1, 2022]: Sec. 1. (a) For each action that results in a felony  
 18 conviction under IC 35-50-2 or a misdemeanor conviction under  
 19 IC 35-50-3, the clerk shall collect from the defendant a criminal costs  
 20 fee of one hundred twenty dollars (\$120).

21 (b) In addition to the criminal costs fee collected under this section,  
 22 the clerk shall collect from the defendant the following fees if they are  
 23 required under IC 33-37-5:

24 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or  
 25 IC 33-37-5-4).

26 ~~(2) A marijuana eradication program fee (IC 33-37-5-7).~~

27 ~~(3) (2) An alcohol and drug services program fee~~  
 28 ~~(IC 33-37-5-8(b)).~~

29 ~~(4) (3) A law enforcement continuing education program fee~~  
 30 ~~(IC 33-37-5-8(c)).~~

31 ~~(5) (4) A drug abuse, prosecution, interdiction, and correction fee~~  
 32 ~~(IC 33-37-5-9).~~

33 ~~(6) (5) An alcohol and drug countermeasures fee (IC 33-37-5-10).~~

34 ~~(7) (6) A child abuse prevention fee (IC 33-37-5-12).~~

35 ~~(8) (7) A domestic violence prevention and treatment fee~~  
 36 ~~(IC 33-37-5-13).~~

37 ~~(9) (8) A highway worksite zone fee (IC 33-37-5-14).~~

38 ~~(10) (9) A deferred prosecution fee (IC 33-37-5-17).~~

39 ~~(11) (10) A document storage fee (IC 33-37-5-20).~~

40 ~~(12) (11) An automated record keeping fee (IC 33-37-5-21).~~

41 ~~(13) (12) A late payment fee (IC 33-37-5-22).~~

42 ~~(14) (13) A sexual assault victims assistance fee (IC 33-37-5-23).~~



- 1           (+5) **(14)** A public defense administration fee (IC 33-37-5-21.2).  
 2           (+6) **(15)** A judicial insurance adjustment fee (IC 33-37-5-25).  
 3           (+7) **(16)** A judicial salaries fee (IC 33-37-5-26).  
 4           (+8) **(17)** A court administration fee (IC 33-37-5-27).  
 5           (+9) **(18)** A DNA sample processing fee (IC 33-37-5-26.2).  
 6           (c) Instead of the criminal costs fee prescribed by this section,  
 7           except for the automated record keeping fee (IC 33-37-5-21), the clerk  
 8           shall collect a pretrial diversion program fee if an agreement between  
 9           the prosecuting attorney and the accused person entered into under  
 10          IC 33-39-1-8 requires payment of those fees by the accused person.  
 11          The pretrial diversion program fee is:  
 12              (1) an initial user's fee of fifty dollars (\$50) for a misdemeanor  
 13              offense;  
 14              (2) an initial user's fee of seventy-five dollars (\$75) for a felony  
 15              offense;  
 16              (3) a monthly user's fee of twenty dollars (\$20) for each month  
 17              that the person remains in the pretrial diversion program; and  
 18              (4) any additional program fee or cost that is:  
 19                  (A) reasonably related to the person's rehabilitation; and  
 20                  (B) approved by the court.  
 21          A monthly user fee may not be collected beyond the maximum length  
 22          of the possible sentence.  
 23          (d) The clerk shall transfer to the county auditor or city or town  
 24          fiscal officer the following fees, not later than thirty (30) days after the  
 25          fees are collected:  
 26              (1) The pretrial diversion fee.  
 27              ~~(2) The marijuana eradication program fee.~~  
 28              ~~(3) (2)~~ The alcohol and drug services program fee.  
 29              ~~(4) (3)~~ The law enforcement continuing education program fee.  
 30          The auditor or fiscal officer shall deposit fees transferred under this  
 31          subsection in the appropriate user fee fund established under  
 32          IC 33-37-8.  
 33          (e) Unless otherwise directed by a court, if a clerk collects only part  
 34          of a criminal costs fee from a defendant under this section, the clerk  
 35          shall distribute the partial payment of the criminal costs fee as follows:  
 36              (1) The clerk shall apply the partial payment to general court  
 37              costs.  
 38              (2) If there is money remaining after the partial payment is  
 39              applied to general court costs under subdivision (1), the clerk  
 40              shall distribute the remainder of the partial payment for deposit in  
 41              the appropriate county user fee fund.  
 42              (3) If there is money remaining after distribution under



1 subdivision (2), the clerk shall distribute the remainder of the  
2 partial payment for deposit in the state user fee fund.

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

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

9 SECTION 10. IC 33-37-4-3, AS AMENDED BY P.L.85-2017,  
10 SECTION 110, IS AMENDED TO READ AS FOLLOWS  
11 [EFFECTIVE JULY 1, 2022]: Sec. 3. (a) The clerk shall collect a  
12 juvenile costs fee of one hundred twenty dollars (\$120) for each action  
13 filed under any of the following:

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

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

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

17 (b) In addition to the juvenile costs fee collected under this section,  
18 the clerk shall collect the following fees, if they are required under  
19 IC 33-37-5:

20 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or  
21 IC 33-37-5-4).

22 ~~(2) A marijuana eradication program fee (IC 33-37-5-7).~~

23 ~~(3)~~ **(2)** An alcohol and drug services program fee  
24 (IC 33-37-5-8(b)).

25 ~~(4)~~ **(3)** A law enforcement continuing education program fee  
26 (IC 33-37-5-8(c)).

27 ~~(5)~~ **(4)** An alcohol and drug countermeasures fee (IC 33-37-5-10).

28 ~~(6)~~ **(5)** A document storage fee (IC 33-37-5-20).

29 ~~(7)~~ **(6)** An automated record keeping fee (IC 33-37-5-21).

30 ~~(8)~~ **(7)** A late payment fee (IC 33-37-5-22).

31 ~~(9)~~ **(8)** A public defense administration fee (IC 33-37-5-21.2).

32 ~~(10)~~ **(9)** A judicial insurance adjustment fee (IC 33-37-5-25).

33 ~~(11)~~ **(10)** A judicial salaries fee (IC 33-37-5-26).

34 ~~(12)~~ **(11)** A court administration fee (IC 33-37-5-27).

35 ~~(13)~~ **(12)** A DNA sample processing fee (IC 33-37-5-26.2).

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

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

40 ~~(2)~~ **(1)** The alcohol and drug services program fee  
41 (IC 33-37-5-8(b)).

42 ~~(3)~~ **(2)** The law enforcement continuing education program fee





1 (IC 33-37-5-8(c)).

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

4 SECTION 11. IC 33-37-5-7 IS REPEALED [EFFECTIVE JULY 1,  
5 2022]. ~~Sec. 7: (a) This section applies to criminal actions:~~

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

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

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

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

14 SECTION 12. IC 33-37-7-2, AS AMENDED BY P.L.165-2021,  
15 SECTION 193, IS AMENDED TO READ AS FOLLOWS  
16 [EFFECTIVE JULY 1, 2022]: Sec. 2. (a) The clerk of a circuit court  
17 shall distribute semiannually to the auditor of state as the state share for  
18 deposit in the homeowner protection unit account established by  
19 IC 4-6-12-9 one hundred percent (100%) of the automated record  
20 keeping fees collected under IC 33-37-5-21 with respect to actions  
21 resulting in the accused person entering into a pretrial diversion  
22 program agreement under IC 33-39-1-8 or a deferral program  
23 agreement under IC 34-28-5-1 and for deposit in the state general fund  
24 seventy percent (70%) of the amount of fees collected under the  
25 following:

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

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

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

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

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

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

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

33 (b) The clerk of a circuit court shall distribute semiannually to the  
34 auditor of state for deposit in the state user fee fund established in  
35 IC 33-37-9-2 the following:

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

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



- 1 (3) One hundred percent (100%) of the child abuse prevention  
 2 fees collected under ~~IC 33-37-4-1(b)(7)~~. **IC 33-37-4-1(b)(6)**.  
 3 (4) One hundred percent (100%) of the domestic violence  
 4 prevention and treatment fees collected under ~~IC 33-37-4-1(b)(8)~~.  
 5 **IC 33-37-4-1(b)(7)**.  
 6 (5) One hundred percent (100%) of the highway worksite zone  
 7 fees collected under ~~IC 33-37-4-1(b)(9)~~ **IC 33-37-4-1(b)(8)** and  
 8 IC 33-37-4-2(b)(5).  
 9 (6) Seventy-five percent (75%) of the safe schools fee collected  
 10 under IC 33-37-5-18.  
 11 (7) One hundred percent (100%) of the automated record keeping  
 12 fee collected under IC 33-37-5-21 not distributed under  
 13 subsection (a).  
 14 (c) The clerk of a circuit court shall distribute monthly to the county  
 15 auditor the following:  
 16 (1) Seventy-five percent (75%) of the drug abuse, prosecution,  
 17 interdiction, and correction fees collected under  
 18 ~~IC 33-37-4-1(b)(5)~~. **IC 33-37-4-1(b)(4)**.  
 19 (2) Seventy-five percent (75%) of the alcohol and drug  
 20 countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~;  
 21 **IC 33-37-4-1(b)(5)**, IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5)~~.  
 22 **IC 33-37-4-3(b)(4)**.  
 23 The county auditor shall deposit fees distributed by a clerk under this  
 24 subsection into the county drug free community fund established under  
 25 IC 5-2-11.  
 26 (d) The clerk of a circuit court shall distribute monthly to the county  
 27 auditor one hundred percent (100%) of the late payment fees collected  
 28 under IC 33-37-5-22. The county auditor shall deposit fees distributed  
 29 by a clerk under this subsection as follows:  
 30 (1) If directed to do so by an ordinance adopted by the county  
 31 fiscal body, the county auditor shall deposit forty percent (40%)  
 32 of the fees in the clerk's record perpetuation fund established  
 33 under IC 33-37-5-2 and sixty percent (60%) of the fees in the  
 34 county general fund.  
 35 (2) If the county fiscal body has not adopted an ordinance  
 36 described in subdivision (1), the county auditor shall deposit all  
 37 the fees in the county general fund.  
 38 (e) The clerk of the circuit court shall distribute semiannually to the  
 39 auditor of state for deposit in the sexual assault victims assistance fund  
 40 established by IC 5-2-6-23(d) one hundred percent (100%) of the  
 41 sexual assault victims assistance fees collected under IC 33-37-5-23.  
 42 (f) The clerk of a circuit court shall distribute monthly to the county



- 1 auditor the following:
- 2 (1) One hundred percent (100%) of the support and maintenance
- 3 fees for cases designated as non-Title IV-D child support cases in
- 4 the Indiana support enforcement tracking system (ISETS) or the
- 5 successor statewide automated support enforcement system
- 6 collected under IC 33-37-5-6.
- 7 (2) The percentage share of the support and maintenance fees for
- 8 cases designated as Title IV-D child support cases in ISETS or the
- 9 successor statewide automated support enforcement system
- 10 collected under IC 33-37-5-6 that is reimbursable to the county at
- 11 the federal financial participation rate.
- 12 The county clerk shall distribute monthly to the department of child
- 13 services the percentage share of the support and maintenance fees for
- 14 cases designated as Title IV-D child support cases in ISETS, or the
- 15 successor statewide automated support enforcement system, collected
- 16 under IC 33-37-5-6 that is not reimbursable to the county at the
- 17 applicable federal financial participation rate.
- 18 (g) The clerk of a circuit court shall distribute monthly to the county
- 19 auditor the following:
- 20 (1) One hundred percent (100%) of the small claims service fee
- 21 under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in
- 22 the county general fund.
- 23 (2) One hundred percent (100%) of the small claims garnishee
- 24 service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for
- 25 deposit in the county general fund.
- 26 (3) Twenty-five percent (25%) of the safe schools fee collected
- 27 under IC 33-37-5-18 for deposit in the county general fund.
- 28 (h) This subsection does not apply to court administration fees
- 29 collected in small claims actions filed in a court described in IC 33-34.
- 30 The clerk of a circuit court shall semiannually distribute to the auditor
- 31 of state for deposit in the state general fund one hundred percent
- 32 (100%) of the following:
- 33 (1) The public defense administration fee collected under
- 34 IC 33-37-5-21.2.
- 35 (2) The judicial salaries fees collected under IC 33-37-5-26.
- 36 (3) The DNA sample processing fees collected under
- 37 IC 33-37-5-26.2.
- 38 (4) The court administration fees collected under IC 33-37-5-27.
- 39 (5) The judicial insurance adjustment fee collected under
- 40 IC 33-37-5-25.
- 41 (i) The proceeds of the service fee collected under
- 42 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as



- 1 follows:
- 2 (1) The clerk shall distribute one hundred percent (100%) of the
- 3 service fees collected in a circuit, superior, county, or probate
- 4 court to the county auditor for deposit in the county general fund.
- 5 (2) The clerk shall distribute one hundred percent (100%) of the
- 6 service fees collected in a city or town court to the city or town
- 7 fiscal officer for deposit in the city or town general fund.
- 8 (j) The proceeds of the garnishee service fee collected under
- 9 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as
- 10 follows:
- 11 (1) The clerk shall distribute one hundred percent (100%) of the
- 12 garnishee service fees collected in a circuit, superior, county, or
- 13 probate court to the county auditor for deposit in the county
- 14 general fund.
- 15 (2) The clerk shall distribute one hundred percent (100%) of the
- 16 garnishee service fees collected in a city or town court to the city
- 17 or town fiscal officer for deposit in the city or town general fund.
- 18 (k) The clerk of the circuit court shall distribute semiannually to the
- 19 auditor of state for deposit in the home ownership education account
- 20 established by IC 5-20-1-27 one hundred percent (100%) of the
- 21 following:
- 22 (1) The mortgage foreclosure counseling and education fees
- 23 collected under IC 33-37-5-33 (before its expiration on July 1,
- 24 2017).
- 25 (2) Any civil penalties imposed and collected by a court for a
- 26 violation of a court order in a foreclosure action under
- 27 IC 32-30-10.5.
- 28 (l) The clerk of a circuit court shall distribute semiannually to the
- 29 auditor of state one hundred percent (100%) of the pro bono legal
- 30 services fees collected before July 1, 2022, under IC 33-37-5-31. The
- 31 auditor of state shall transfer semiannually the pro bono legal services
- 32 fees to the Indiana Bar Foundation (or a successor entity) as the entity
- 33 designated to organize and administer the interest on lawyers trust
- 34 accounts (IOLTA) program under Rule 1.15 of the Rules of
- 35 Professional Conduct of the Indiana supreme court. The Indiana Bar
- 36 Foundation shall:
- 37 (1) deposit in an appropriate account and otherwise manage the
- 38 fees the Indiana Bar Foundation receives under this subsection in
- 39 the same manner the Indiana Bar Foundation deposits and
- 40 manages the net earnings the Indiana Bar Foundation receives
- 41 from IOLTA accounts; and
- 42 (2) use the fees the Indiana Bar Foundation receives under this



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

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

8 SECTION 13. IC 33-37-7-8, AS AMENDED BY P.L.165-2021,  
9 SECTION 194, IS AMENDED TO READ AS FOLLOWS  
10 [EFFECTIVE JULY 1, 2022]: Sec. 8. (a) The clerk of a city or town  
11 court shall distribute semiannually to the auditor of state as the state  
12 share for deposit in the homeowner protection unit account established  
13 by IC 4-6-12-9 one hundred percent (100%) of the automated record  
14 keeping fees collected under IC 33-37-5-21 with respect to actions  
15 resulting in the accused person entering into a pretrial diversion  
16 program agreement under IC 33-39-1-8 or a deferral program  
17 agreement under IC 34-28-5-1 and for deposit in the state general fund  
18 fifty-five percent (55%) of the amount of fees collected under the  
19 following:

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

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

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

33 (c) The city or town fiscal officer shall retain twenty-five percent  
34 (25%) as the city or town share of the fees collected under the  
35 following:

- 36 (1) IC 33-37-4-1(a) (criminal costs fees).
- 37 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 38 (3) IC 33-37-4-4(a) (civil costs fees).
- 39 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 40 (5) IC 33-37-5-17 (deferred prosecution fees).

41 (d) The clerk of a city or town court shall distribute semiannually to  
42 the auditor of state for deposit in the state user fee fund established in



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



1 the auditor of state for deposit in the state general fund one hundred  
2 percent (100%) of the following:

3 (1) The public defense administration fee collected under  
4 IC 33-37-5-21.2.

5 (2) The DNA sample processing fees collected under  
6 IC 33-37-5-26.2.

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

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

10 (h) The clerk of a city or town court shall semiannually distribute to  
11 the auditor of state for deposit in the state general fund seventy-five  
12 percent (75%) of the judicial salaries fee collected under  
13 IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five  
14 percent (25%) of the judicial salaries fee collected under  
15 IC 33-37-5-26. The funds retained by the city or town shall be  
16 prioritized to fund city or town court operations.

17 (i) The clerk of a city or town court shall distribute semiannually to  
18 the auditor of state one hundred percent (100%) of the pro bono legal  
19 services fees collected before July 1, 2022, under IC 33-37-5-31. The  
20 auditor of state shall transfer semiannually the pro bono legal services  
21 fees to the Indiana Bar Foundation (or a successor entity) as the entity  
22 designated to organize and administer the interest on lawyers trust  
23 accounts (IOLTA) program under Rule 1.15 of the Rules of  
24 Professional Conduct of the Indiana supreme court. The Indiana Bar  
25 Foundation shall:

26 (1) deposit in an appropriate account and otherwise manage the  
27 fees the Indiana Bar Foundation receives under this subsection in  
28 the same manner the Indiana Bar Foundation deposits and  
29 manages the net earnings the Indiana Bar Foundation receives  
30 from IOLTA accounts; and

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

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

39 SECTION 14. IC 33-37-8-5, AS AMENDED BY P.L.187-2011,  
40 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
41 JULY 1, 2022]: Sec. 5. (a) A county user fee fund is established in each  
42 county to finance various program services. The county fund is



1 administered by the county auditor.

2 (b) The county fund consists of the following fees collected by a  
3 clerk under this article and by the probation department for the juvenile  
4 court under IC 31-37-9-9:

- 5 (1) The pretrial diversion program fee.  
6 (2) The informal adjustment program fee.  
7 ~~(3) The marijuana eradication program fee.~~  
8 ~~(4) (3) The alcohol and drug services program fee.~~  
9 ~~(5) (4) The law enforcement continuing education program fee.~~  
10 ~~(6) (5) The deferral program fee.~~  
11 ~~(7) (6) The jury fee.~~  
12 ~~(8) (7) The problem solving court fee.~~

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

16 SECTION 15. IC 35-48-4-8.3, AS AMENDED BY P.L.187-2015,  
17 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JULY 1, 2022]: Sec. 8.3. (a) This section does not apply to a rolling  
19 paper.

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

- 23 (1) introducing into the person's body a controlled substance;  
24 (2) testing the strength, effectiveness, or purity of a controlled  
25 substance; or  
26 (3) enhancing the effect of a controlled substance;

27 commits a Class C misdemeanor. However, the offense is a Class A  
28 misdemeanor if the person has a prior unrelated judgment or conviction  
29 under this section.

30 **(c) It is a defense to an action or prosecution under this section**  
31 **that:**

- 32 **(1) the person who possesses the instrument, device, or other**  
33 **object is a:**  
34 **(A) qualified patient (as defined in IC 7.1-8-1) or qualified**  
35 **primary caregiver (as defined in IC 7.1-8-1); or**  
36 **(B) person listed on a valid marijuana research license**  
37 **issued by the regulatory agency under IC 7.1-9; and**  
38 **(2) the instrument, device, or other object is for the use of**  
39 **medical marijuana or research relating to the use of medical**  
40 **marijuana.**

41 SECTION 16. IC 35-48-4-10, AS AMENDED BY P.L.153-2018,  
42 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE





- 1 JULY 1, 2022]: Sec. 10. (a) A person who:  
 2 (1) knowingly or intentionally:  
 3 (A) manufactures;  
 4 (B) finances the manufacture of;  
 5 (C) delivers; or  
 6 (D) finances the delivery of;  
 7 marijuana, hash oil, hashish, or salvia, pure or adulterated; or  
 8 (2) possesses, with intent to:  
 9 (A) manufacture;  
 10 (B) finance the manufacture of;  
 11 (C) deliver; or  
 12 (D) finance the delivery of;  
 13 marijuana, hash oil, hashish, or salvia, pure or adulterated;  
 14 commits dealing in marijuana, hash oil, hashish, or salvia, a Class A  
 15 misdemeanor, except as provided in subsections (b) through (d).  
 16 (b) A person may be convicted of an offense under subsection (a)(2)  
 17 only if:  
 18 (1) there is evidence in addition to the weight of the drug that the  
 19 person intended to manufacture, finance the manufacture of,  
 20 deliver, or finance the delivery of the drug; or  
 21 (2) the amount of the drug involved is at least:  
 22 (A) ten (10) pounds, if the drug is marijuana; or  
 23 (B) three hundred (300) grams, if the drug is hash oil, hashish,  
 24 or salvia.  
 25 (c) The offense is a Level 6 felony if:  
 26 (1) the person has a prior conviction for a drug offense and the  
 27 amount of the drug involved is:  
 28 (A) less than thirty (30) grams of marijuana; or  
 29 (B) less than five (5) grams of hash oil, hashish, or salvia; or  
 30 (2) the amount of the drug involved is:  
 31 (A) at least thirty (30) grams but less than ten (10) pounds of  
 32 marijuana; or  
 33 (B) at least five (5) grams but less than three hundred (300)  
 34 grams of hash oil, hashish, or salvia.  
 35 (d) The offense is a Level 5 felony if:  
 36 (1) the person has a prior conviction for a drug dealing offense  
 37 and the amount of the drug involved is:  
 38 (A) at least thirty (30) grams but less than ten (10) pounds of  
 39 marijuana; or  
 40 (B) at least five (5) grams but less than three hundred (300)  
 41 grams of hash oil, hashish, or salvia;  
 42 (2) the:



- 1 (A) amount of the drug involved is:  
 2 (i) at least ten (10) pounds of marijuana; or  
 3 (ii) at least three hundred (300) grams of hash oil, hashish,  
 4 or salvia; or  
 5 (B) offense involved a sale to a minor; or  
 6 (3) the:  
 7 (A) person is a retailer;  
 8 (B) marijuana, hash oil, hashish, or salvia is packaged in a  
 9 manner that appears to be low THC hemp extract; and  
 10 (C) person knew or reasonably should have known that the  
 11 product was marijuana, hash oil, hashish, or salvia.  
 12 **(e) It is a defense to a prosecution under this section for an**  
 13 **offense involving marijuana, hash oil, or hashish that the person is**  
 14 **a:**  
 15 **(1) qualified primary caregiver (as defined in IC 7.1-8-1), if:**  
 16 **(A) the possession or delivery of the marijuana, hash oil, or**  
 17 **hashish is permitted under IC 7.1-8-2-3; and**  
 18 **(B) the quantity of marijuana, hash oil, or hashish**  
 19 **possessed or delivered does not exceed the permissible**  
 20 **amounts set forth in IC 7.1-8-2-3; or**  
 21 **(2) person listed on a valid marijuana research license issued**  
 22 **by the regulatory agency under IC 7.1-9, if:**  
 23 **(A) the possession or delivery of the marijuana, hash oil, or**  
 24 **hashish is permitted by the research license issued by the**  
 25 **regulatory agency under IC 7.1-9-5; and**  
 26 **(B) the quantity of marijuana, hash oil, or hashish**  
 27 **possessed or delivered does not exceed the permissible**  
 28 **quantity authorized by the research license issued by the**  
 29 **regulatory agency.**  
 30 SECTION 17. IC 35-48-4-11, AS AMENDED BY P.L.153-2018,  
 31 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2022]: Sec. 11. (a) A person who:  
 33 (1) knowingly or intentionally possesses (pure or adulterated)  
 34 marijuana, hash oil, hashish, or salvia;  
 35 (2) knowingly or intentionally grows or cultivates marijuana; or  
 36 (3) knowing that marijuana is growing on the person's premises,  
 37 fails to destroy the marijuana plants;  
 38 commits possession of marijuana, hash oil, hashish, or salvia, a Class  
 39 B misdemeanor, except as provided in subsections (b) through (c).  
 40 (b) The offense described in subsection (a) is a Class A  
 41 misdemeanor if:  
 42 (1) the person has a prior conviction for a drug offense; or



- 1 (2) the:
- 2 (A) marijuana, hash oil, hashish, or salvia is packaged in a
- 3 manner that appears to be low THC hemp extract; and
- 4 (B) person knew or reasonably should have known that the
- 5 product was marijuana, hash oil, hashish, or salvia.
- 6 (c) The offense described in subsection (a) is a Level 6 felony if:
- 7 (1) the person has a prior conviction for a drug offense; and
- 8 (2) the person possesses:
- 9 (A) at least thirty (30) grams of marijuana; or
- 10 (B) at least five (5) grams of hash oil, hashish, or salvia.
- 11 **(d) It is a defense to a prosecution under this section for an**
- 12 **offense involving marijuana, hash oil, or hashish that the person is**
- 13 **a:**
- 14 **(1) qualified patient (as defined in IC 7.1-8-1) or qualified**
- 15 **primary caregiver (as defined in IC 7.1-8-1), if:**
- 16 **(A) the possession of the marijuana, hash oil, or hashish is**
- 17 **permitted under IC 7.1-8-2-2; and**
- 18 **(B) the quantity of marijuana, hash oil, or hashish**
- 19 **possessed or cultivated does not exceed the permissible**
- 20 **amounts set forth in IC 7.1-8-2-2; or**
- 21 **(2) person listed on a valid marijuana research license issued**
- 22 **by the regulatory agency under IC 7.1-9, if:**
- 23 **(A) the possession or cultivation of the marijuana, hash oil,**
- 24 **or hashish is permitted by the research license issued by**
- 25 **the regulatory agency under IC 7.1-9-5; and**
- 26 **(B) the quantity of marijuana, hash oil, or hashish**
- 27 **possessed or cultivated does not exceed the permissible**
- 28 **quantity authorized by the research license issued by the**
- 29 **regulatory agency.**
- 30 SECTION 18. IC 35-52-7-97 IS ADDED TO THE INDIANA
- 31 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 32 [EFFECTIVE JULY 1, 2022]: **Sec. 97. IC 7.1-8-2-1 defines crimes**
- 33 **concerning medical marijuana.**

