

SENATE BILL No. 294

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-5-41.1; IC 6-7-3-0.5; IC 7.1-8; IC 7.1-9; IC 9-30; IC 35-31.5-2-186.4; IC 35-38-9-1.5; IC 35-46-9-6; IC 35-48-4.

Synopsis: Medical cannabis. After marijuana is removed as a federal schedule I controlled substance, permits the use of cannabis by a person with a serious medical condition as determined by the person's physician. Establishes a cannabis program (program) to permit the cultivation, processing, testing, transportation, and sale of cannabis by holders of a valid permit. Establishes the Indiana cannabis commission (ICC) as a state agency to oversee, implement, and enforce the program, and establishes the ICC advisory committee to review the effectiveness of the program. Requires that permit holders take steps to prevent diversion of cannabis to unauthorized persons. Requires that cannabis and cannabis products be properly labeled, placed in child resistant packaging, and tested by an independent testing laboratory before being made available for purchase. Prohibits packaging cannabis in a manner that is appealing to children. Authorizes research on cannabis in accordance with rules set forth by the ICC. Establishes a procedure for the expungement of a cannabis related conviction if the act constituting the conviction becomes legal. Makes conforming amendments.

Effective: July 1, 2024.

Bassler

January 16, 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. 294

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 2-5-41.1 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]:

4 **Chapter 41.1. ICC Advisory Committee**

5 **Sec. 1. The following definitions apply throughout this chapter:**

6 (1) "Advisory committee" means the ICC advisory committee
7 established by section 2 of this chapter.

8 (2) "ICC" means the Indiana cannabis commission
9 established by IC 7.1-9-2-1.

10 **Sec. 2. The ICC advisory committee is established to serve the**
11 **general assembly as a continuing committee. Except as otherwise**
12 **provided by this chapter, the advisory committee shall operate**
13 **under the rules of the legislative council.**

14 **Sec. 3. (a) The advisory committee consists of the following four**
15 **(4) voting members and eight (8) nonvoting members:**

16 (1) **One (1) legislative member, appointed as a voting member**
17 **by the speaker.**



- 1 **(2) One (1) legislative member, appointed as a voting member**
 2 **by the minority leader of the house of representatives.**
 3 **(3) One (1) legislative member, appointed as a voting member**
 4 **by the president pro tempore.**
 5 **(4) One (1) legislative member, appointed as a voting member**
 6 **by the minority leader of the senate.**
 7 **(5) One (1) representative of law enforcement, appointed as a**
 8 **nonvoting member by the speaker.**
 9 **(6) One (1) individual having experience in the treatment of**
 10 **medical conditions by means of cannabis as a patient,**
 11 **physician, or caregiver, appointed as a nonvoting member by**
 12 **the president pro tempore.**
 13 **(7) The commissioner of the department of state revenue or**
 14 **the commissioner's designee, who serves as a nonvoting**
 15 **member.**
 16 **(8) The director of the Indiana state department of**
 17 **agriculture or the director's designee, who serves as a**
 18 **nonvoting member.**
 19 **(9) The state health commissioner or the commissioner's**
 20 **designee, who serves as a nonvoting member.**
 21 **(10) One (1) representative of an Indiana based cannabis**
 22 **trade organization, appointed by the speaker as a nonvoting**
 23 **member.**
 24 **(11) One (1) representative of an experienced manufacturer**
 25 **of low THC hemp extract, appointed by the president pro**
 26 **tempore as a nonvoting member.**
 27 **(12) One (1) experienced hemp grower, appointed by the state**
 28 **seed commissioner as a nonvoting member.**
 29 **(b) The chairperson of the legislative council shall annually**
 30 **select one (1) of the voting members to serve as chairperson of the**
 31 **advisory committee. Whenever there is a new chairperson of the**
 32 **legislative council, that chairperson may select a new voting**
 33 **member to serve as chairperson of the advisory committee. The**
 34 **chairperson of the advisory committee serves at the pleasure of the**
 35 **chairperson of the legislative council.**
 36 **Sec. 4. (a) Except as otherwise provided in this chapter, the term**
 37 **of a member of the advisory committee ends on June 30 of the next**
 38 **odd-numbered year following the member's appointment.**
 39 **However, the member may be reappointed to subsequent terms.**
 40 **(b) A member of the advisory committee may be removed at any**
 41 **time by the appointing authority who appointed the member.**
 42 **(c) If a vacancy exists on the advisory committee, the appointing**



1 authority who appointed the former member whose position has
 2 become vacant shall appoint an individual to fill the vacancy. An
 3 individual appointed to fill a vacancy serves for the remainder of
 4 the term of the former member.

5 (d) If a member of the advisory committee ceases to:

6 (1) be a member of the chamber from which the member was
 7 appointed; or

8 (2) hold the member's office;

9 the member ceases to be a member of the advisory committee.

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

14 Sec. 6. (a) The advisory committee shall meet at the call of the
 15 chairperson.

16 (b) Seven (7) members of the advisory committee constitute a
 17 quorum if at least three (3) of the members present are voting
 18 members.

19 (c) The affirmative vote of a majority of the voting members
 20 appointed to the advisory committee is required for the advisory
 21 committee to take action on any measure, including final reports.

22 Sec. 7. The advisory committee shall do the following, as
 23 applicable:

24 (1) Review rules adopted by the ICC.

25 (2) Review legislative proposals suggested by the ICC.

26 (3) Evaluate the cannabis research and development program
 27 under IC 7.1-9-5.

28 (4) Evaluate the operation of the cannabis program under
 29 IC 7.1-8.

30 (5) Before the legalization date (as defined in
 31 IC 35-31.5-2-186.4), meet, adopt rules, consider testimony,
 32 make recommendations, and take any other action to prepare
 33 for and in anticipation of the legalization of medical cannabis.

34 (6) Consider any other matter that has bearing on the
 35 operation of the cannabis program under IC 7.1-8.

36 Sec. 8. All meetings of the advisory committee are open to the
 37 public in accordance with and subject to IC 5-14-1.5. All records
 38 of the advisory committee are subject to the requirements of
 39 IC 5-14-3.

40 Sec. 9. The legislative services agency shall staff the advisory
 41 committee.

42 Sec. 10. All funds necessary to carry out this chapter shall be



1 paid from appropriations to the legislative council and the
2 legislative services agency.

3 SECTION 2. IC 6-7-3-0.5 IS ADDED TO THE INDIANA CODE
4 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
5 1, 2024]: **Sec. 0.5. This chapter does not apply after the legalization
6 date (as defined in IC 35-31.5-2-186.4).**

7 SECTION 3. IC 7.1-8 IS ADDED TO THE INDIANA CODE AS A
8 NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
9 2024]:

10 **ARTICLE 8. CANNABIS**

11 **Chapter 0.5. Application**

12 **Sec. 1. This article applies on July 1 following the date that the
13 government of the United States removes marijuana as a schedule
14 I controlled substance.**

15 **Chapter 1. Definitions**

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

17 (1) "Cannabis" means any part of the plant genus *Cannabis*.

18 (2) "Cannabis organization" means a qualified retailer, a
19 grower, a processor, or a testing laboratory.

20 (3) "Caregiver" means the individual designated by a patient
21 under this article to obtain, possess, deliver, and assist in the
22 administration of cannabis to the patient.

23 (4) "Certification" means the certification issued to a patient
24 by a physician under this article.

25 (5) "Family or household member" means a person described
26 in IC 35-31.5-2-128.

27 (6) "Form of cannabis" means the characteristics of the
28 cannabis recommended for a particular patient, including the
29 method of consumption, and any particular dosage, strain,
30 variety, quantity, or percentage of cannabis or of a particular
31 active ingredient.

32 (7) "Grower" means a person that holds a permit issued by
33 the ICC to grow cannabis.

34 (8) "ICC" means the Indiana cannabis commission
35 established by IC 7.1-9-2-1.

36 (9) "ICC board" means the ICC commissioners described in
37 IC 7.1-9-2.

38 (10) "INSPECT" means the Indiana scheduled prescription
39 electronic collection and tracking program established by
40 IC 25-1-13-4.

41 (11) "Medical cannabis" means cannabis for medical use.

42 (12) "Patient" means an individual who:



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- (A) has a serious medical condition; and
 - (B) meets the requirements for certification for the use of cannabis under this article.
- (13) "Patient or caregiver identification card" means a document issued to a patient or caregiver by the ICC authorizing access to cannabis.
- (14) "Permit" means an authorization issued by the ICC to a cannabis organization to conduct activities under this article.
- (15) "Processor" means a person that holds a permit issued by the ICC to process or convert cannabis into a marketable form.
- (16) "Qualified retailer" means a person that holds a permit issued by the ICC to sell cannabis.
- (17) "Serious medical condition" means a medical condition for which, in the professional opinion of a physician, the benefits of treatment with cannabis are greater than the risks of treatment with cannabis.
- (18) "Testing laboratory" means a laboratory that analyzes cannabis.
- (19) "Transporter" means a person who transports cannabis or paraphernalia. The term includes a person who does not possess a permit or patient or caregiver identification card.

Chapter 2. Cannabis Program

Sec. 1. (a) The cannabis program is established to serve patients suffering from a serious medical condition.

(b) The ICC shall administer the program.

(c) The ICC has regulatory, enforcement, and exporting authority over the growing, processing, sale, transporting, and use of cannabis. The ICC shall contract with the state chemist for the testing and growing of cannabis.

Sec. 2. The ICC shall do the following:

- (1) Issue a permit to a qualifying cannabis organization authorizing it to grow, process, sell, or test cannabis.**
- (2) Establish and maintain an electronic data base to store and track information relating to the cannabis program. The data base must:**
 - (A) have the ability to authenticate in real time a patient or caregiver identification card presented to a qualified retailer;**
 - (B) track in real time the amount of cannabis provided to a patient or caregiver at a qualified retailer, share this information in real time with other qualified retailers to**



- 1 prevent diversion, and issue a "stop sale" warning if a
2 purchaser will exceed the allowable amount of cannabis
3 that the purchaser may possess;
4 (C) store records relating to a certification, including, if
5 applicable, the recommended form of cannabis and any
6 early expiration date recommended by the physician; and
7 (D) track the cultivation, processing, transport, storage,
8 and sale of cannabis.
- 9 (3) Maintain within the ICC's data base an electronic
10 directory of patients and caregivers approved to use or assist
11 in the administration of cannabis.
- 12 (4) Develop enforcement procedures, including announced
13 and unannounced inspections of:
14 (A) a qualified retailer;
15 (B) a grower facility;
16 (C) a processor facility; and
17 (D) all records of a cannabis organization.
- 18 (5) Establish a program to authorize the use of cannabis for
19 research purposes, and issue documents to permit a
20 researcher to obtain cannabis for research purposes.
- 21 (6) Establish and maintain public outreach programs about
22 the cannabis program, including:
23 (A) a dedicated telephone number for patients, caregivers,
24 and members of the public to obtain basic information
25 about the sale of cannabis; and
26 (B) a publicly accessible website containing information
27 similar to that described in clause (A).
- 28 (7) Collaborate as necessary with other state agencies, and
29 contract with third parties as necessary to carry out the
30 cannabis program, including public education campaigns
31 regarding the dangers of impaired driving and inappropriate
32 consumption by youth.
- 33 (8) Develop record keeping requirements for all books and
34 papers, any electronic data base or tracking system data, and
35 other information of a cannabis organization. Information
36 shall be retained for at least four (4) years unless otherwise
37 provided by the ICC.
- 38 (9) Restrict the advertising and marketing of cannabis, which
39 must be consistent with the federal regulations governing
40 prescription drug advertising and marketing.
- 41 Sec. 3. The ICC shall adopt rules under IC 4-22-2 to implement
42 this article.



1 **Sec. 4. (a) The ICC shall maintain a confidential list of patients**
 2 **and caregivers to whom it has issued patient or caregiver**
 3 **identification cards. Except as provided in subsection (b), all**
 4 **information obtained by the ICC relating to patients, caregivers,**
 5 **and other applicants is confidential.**

6 **(b) The following records are public:**

7 **(1) An application for a permit submitted by a cannabis**
 8 **organization.**

9 **(2) Information relating to penalties or other disciplinary**
 10 **actions taken against a cannabis organization for violation of**
 11 **this article.**

12 **Chapter 3. Use of Cannabis**

13 **Sec. 1. Notwithstanding any law to the contrary, the use,**
 14 **possession, delivery, distribution, transport, cultivation, or**
 15 **manufacture of:**

16 **(1) cannabis; or**

17 **(2) paraphernalia used in connection with cannabis;**
 18 **is lawful if the use or possession complies with this article.**
 19 **However, this article does not authorize a person to operate a**
 20 **motor vehicle, a motorboat, or any other device or equipment**
 21 **while under the influence of cannabis.**

22 **Sec. 2. The use of cannabis is subject to the following:**

23 **(1) Cannabis may be sold only to:**

24 **(A) a patient who receives a certification from a physician**
 25 **and is in possession of a valid patient or caregiver**
 26 **identification card issued by the ICC that authorizes sale**
 27 **of cannabis to the patient;**

28 **(B) a caregiver who possesses a valid patient or caregiver**
 29 **identification card issued by the ICC;**

30 **(C) a research facility authorized by the ICC, under terms**
 31 **and conditions established by the ICC; or**

32 **(D) a cannabis organization holding a permit issued by the**
 33 **ICC, in accordance with the terms of the permit.**

34 **(2) If a physician has ordered that cannabis be sold in a**
 35 **specific form, cannabis may be sold only in that form.**

36 **(3) An individual may not act as a caregiver for more than ten**
 37 **(10) patients.**

38 **(4) A patient may designate up to two (2) caregivers at any**
 39 **one (1) time.**

40 **(5) Cannabis that has not been used by the patient must be**
 41 **kept in the original package in which it was sold.**

42 **(6) A patient or caregiver shall possess a patient or caregiver**



1 identification card whenever the patient or caregiver is in
2 possession of cannabis.

3 **Sec. 3. A product packaged by a cannabis organization may be**
4 **identified only by:**

- 5 (1) the name of the grower or processor;
6 (2) the name of the qualified retailer;
7 (3) the form and species of cannabis;
8 (4) the percentage of tetrahydrocannabinol and cannabiniol
9 contained in the product;
10 (5) the harvest or manufacture date, as applicable; and
11 (6) any other labeling required by the ICC.

12 **Sec. 4. (a) Except as expressly otherwise provided in this article,**
13 **the possession or use of cannabis is unlawful.**

14 (b) In addition to any other penalty provided by law, the
15 unlawful possession or use of cannabis may be a crime under
16 IC 35-48-4.

17 **Sec. 5. The following acts are unlawful:**

- 18 (1) To grow cannabis unless the person:
19 (A) is a grower that has received a permit from the ICC;
20 (B) is a patient with a valid patient or caregiver
21 identification card who is authorized to cultivate cannabis
22 for personal use under this article; or
23 (C) is a research facility authorized by the ICC.
24 (2) To sell cannabis unless the qualified retailer has received
25 a permit from the ICC.

26 **Chapter 4. Physicians**

27 **Sec. 1. (a) A physician who issues a certification to a patient**
28 **under this article may not have an ownership interest in a cannabis**
29 **organization.**

30 (b) A physician may issue a certification to a patient only if the
31 physician:

- 32 (1) establishes and intends to maintain a bona fide
33 physician-patient relationship with the patient for the
34 provision of medical services that is established by an in
35 person visit and for which there is an expectation that the
36 physician will provide care to the patient on an ongoing basis;
37 or
38 (2) establishes coordination with the patient's existing
39 primary physician for treatment of the patient's serious
40 medical condition.

41 (c) A physician who violates this section may be subject to
42 professional discipline.



1 **Sec. 2. A physician may issue a certification to use cannabis to**
 2 **a patient if the following requirements are met:**

3 **(1) The physician has determined that the patient has a**
 4 **serious medical condition and has included the serious**
 5 **medical condition in the patient's health care record.**

6 **(2) The patient is under the physician's continuing care for the**
 7 **serious medical condition, except as provided in section**
 8 **1(b)(2) of this chapter.**

9 **(3) The physician has determined the patient is likely to**
 10 **receive therapeutic or palliative benefit from the use of**
 11 **cannabis.**

12 **Sec. 3. A physician issuing a certification under section 1(b)(2)**
 13 **of this chapter may not issue a certification unless the physician**
 14 **has contacted the patient's existing primary physician to discuss**
 15 **the patient's serious medical condition and which form of cannabis**
 16 **the patient is likely to benefit from.**

17 **Sec. 4. A certification must include the following information:**

18 **(1) The patient's name, date of birth, and address.**

19 **(2) The specific serious medical condition of the patient.**

20 **(3) A statement by the physician that the patient has a serious**
 21 **medical condition and the patient is under continuing care for**
 22 **the serious medical condition that is provided by:**

23 **(A) the physician; or**

24 **(B) the patient's existing primary physician (as described**
 25 **under section 1(b)(2) of this chapter).**

26 **(4) The date of issuance.**

27 **(5) The name, address, telephone number, and signature of**
 28 **the physician.**

29 **(6) Any requirement or limitation concerning the appropriate**
 30 **form of cannabis, the maximum quantity of cannabis that the**
 31 **patient may use, and any limitation on the duration of use, if**
 32 **applicable.**

33 **Sec. 5. A physician shall do the following:**

34 **(1) Provide the certification to the patient.**

35 **(2) Provide a copy of the certification to the ICC, which shall**
 36 **place the information in the patient directory within the ICC's**
 37 **electronic data base. The certification may be transmitted to**
 38 **the ICC electronically.**

39 **(3) File a copy of the certification in the patient's health care**
 40 **record.**

41 **Sec. 6. A physician may not issue a certification for the**
 42 **physician's own use or for the use of a family or household member**



1 of the physician.

2 **Chapter 5. Certification Form**

3 **Sec. 1.** The ICC shall develop a standard certification form,
4 which the ICC shall provide to a physician upon request. The form
5 must be available electronically. The form must include a
6 statement that a false statement made by a physician is punishable
7 under the penalties of perjury.

8 **Chapter 6. Patients**

9 **Sec. 1.** The ICC shall issue a patient or caregiver identification
10 card to a patient who has a valid certification and who otherwise
11 meets the requirements of this article.

12 **Sec. 2.** The ICC shall issue a patient or caregiver identification
13 card to a caregiver designated by the patient in accordance with
14 this article.

15 **Sec. 3.** Except as provided in section 4 of this chapter, a patient
16 or caregiver identification card issued to a patient authorizes the
17 patient to obtain and use cannabis as authorized by this article.
18 Except as provided in section 4 of this chapter, a patient or
19 caregiver identification card issued to a caregiver authorizes the
20 caregiver to obtain cannabis on behalf of the patient.

21 **Sec. 4. (a)** A patient holding a valid patient or caregiver
22 identification card may cultivate cannabis for the patient's own use
23 if the patient complies with the following requirements:

24 (1) The patient notifies the ICC on or before the date that the
25 patient begins cultivation and informs the ICC of the number
26 of plants the patient intends to cultivate and the location of
27 cultivation.

28 (2) The patient cultivates not more than six (6) plants.

29 (3) Not more than three (3) of the plants may be mature at
30 any one (1) time.

31 (4) Cannabis from the plant is used only for the patient's
32 personal use.

33 (5) Not later than thirty (30) days before the expected date
34 that the plants become mature, the patient notifies the ICC of
35 the anticipated maturity date.

36 (b) If the mature plants of a patient cultivating cannabis for the
37 patient's own use die, become damaged, or are otherwise unable to
38 produce cannabis for medical use, the patient shall notify the ICC,
39 which shall reinstate the person's authorization to obtain cannabis
40 from a qualified retailer not later than fifteen (15) days after
41 receipt of the notice.

42 **Chapter 7. Patient or Caregiver Identification Cards**



1 **Sec. 1. The ICC shall do the following:**

2 (1) Review applications for patient or caregiver identification
3 cards.

4 (2) Review certifications submitted by physicians.

5 (3) Issue patient or caregiver identification cards to patients
6 and caregivers.

7 (4) Note in the electronic data base if a patient or caregiver
8 identification card may not be used to obtain cannabis from
9 a qualified retailer because the patient is cultivating the
10 patient's own cannabis.

11 **Sec. 2. A patient or caregiver may apply, in a form and manner**
12 **prescribed by the ICC, for issuance or renewal of a patient or**
13 **caregiver identification card. A caregiver must submit a separate**
14 **application for issuance or renewal. Each application must include:**

15 (1) the name, address, and date of birth of the patient;

16 (2) the name, address, and date of birth of a caregiver, if
17 applicable;

18 (3) a copy of the certification issued by the physician;

19 (4) the name, address, and telephone number of the physician;

20 (5) the signature of the applicant and the date signed; and

21 (6) any other information required by the ICC.

22 **Sec. 3. The fee to apply for or to renew a patient or caregiver**
23 **identification card is fifty dollars (\$50). The ICC may waive or**
24 **reduce the fee if the applicant demonstrates financial hardship.**

25 **Sec. 4. The ICC shall make application and renewal forms**
26 **available on the ICC's website.**

27 **Sec. 5. (a) The patient or caregiver identification card of a**
28 **patient or caregiver expires one (1) year after the date of issuance,**
29 **unless a physician has specified that a patient should use cannabis**
30 **for less than one (1) year.**

31 **(b) If a physician has specified that a patient's use of cannabis**
32 **should be limited to certain forms of cannabis, the types of**
33 **cannabis must be listed on the patient or caregiver identification**
34 **card.**

35 **Sec. 6. (a) The ICC shall issue separate patient or caregiver**
36 **identification cards for a patient and a caregiver as soon as**
37 **reasonably practicable after receiving a properly completed**
38 **application.**

39 **(b) If the ICC determines that an application is incomplete or**
40 **factually inaccurate, the ICC shall promptly notify the applicant.**

41 **(c) If a patient application designates an individual as a**
42 **caregiver who is not authorized to be a caregiver, the ICC shall**



1 deny that portion of the application, but may approve the balance
2 of the application.

3 **Sec. 7. (a)** A patient or caregiver who has been issued a patient
4 or caregiver identification card shall notify the ICC not later than
5 ten (10) days after any change of name or address.

6 **(b)** A patient shall notify the ICC within ten (10) days if a
7 physician has determined the patient no longer has the serious
8 medical condition noted on the certification.

9 **Sec. 8. (a)** If the patient or caregiver identification card of a
10 patient or caregiver is lost, stolen, destroyed, or made illegible, the
11 patient or caregiver shall apply to the ICC for a replacement card
12 not later than ten (10) days after discovery of the loss or
13 defacement. The application for a replacement card must be on a
14 form furnished by the ICC and accompanied by a twenty-five
15 dollar (\$25) fee. The ICC may establish higher fees for issuance of
16 second and subsequent replacement patient or caregiver
17 identification cards.

18 **(b)** The ICC may waive or reduce the fee in cases of
19 demonstrated financial hardship.

20 **(c)** The ICC shall issue a replacement patient or caregiver
21 identification card as soon as practicable.

22 **(d)** A patient or caregiver may not obtain cannabis from a
23 qualified retailer until the ICC issues the replacement card.

24 **Sec. 9.** The patient or caregiver identification card must contain
25 the following information:

26 **(1)** The name of the patient or caregiver, as applicable. The
27 patient or caregiver identification card must also state
28 whether the individual is designated as a patient or as a
29 caregiver.

30 **(2)** The date of issuance and expiration date.

31 **(3)** A unique identification number for the patient or
32 caregiver, as applicable.

33 **(4)** A photograph of the individual to whom the patient or
34 caregiver identification card is issued.

35 **(5)** Any requirement or limitation set by the physician as to
36 the form of cannabis.

37 **(6)** Any other requirements as determined by the ICC.
38 However, the ICC may not require that a patient or caregiver
39 identification card disclose the patient's serious medical
40 condition.

41 The ICC shall establish guidelines specifying an acceptable
42 photograph under subdivision (4) and shall provide a reasonable



1 accommodation for a patient who is confined to the patient's home
2 or is in inpatient care.

3 **Sec. 10.** The ICC shall monthly transmit fees received under this
4 chapter to the state comptroller for deposit in the state general
5 fund.

6 **Chapter 8. Caregivers**

7 **Sec. 1.** (a) A caregiver must be at least eighteen (18) years of
8 age.

9 (b) A caregiver may be less than twenty-one (21) years of age
10 only if the ICC determines that it is in the best interests of the
11 patient that a specific person less than twenty-one (21) years of age
12 serves as a caregiver.

13 **Sec. 2.** (a) A patient may terminate a person's designation as
14 caregiver at any time.

15 (b) The patient shall notify the ICC that the patient has
16 terminated the person's caregiver designation as soon as
17 reasonably practicable after the termination.

18 (c) Upon learning that a patient has terminated a person's
19 caregiver designation, the ICC shall cancel the caregiver's patient
20 or caregiver identification card and notify the caregiver to return
21 the physical copy of the card.

22 **Sec. 3.** If a patient designates a caregiver, the caregiver may
23 submit an application for a patient or caregiver identification card
24 as a caregiver. The caregiver application must include:

- 25 (1) the name, address, and date of birth of the caregiver;
- 26 (2) if the caregiver has a patient or caregiver identification
27 card for the caregiver (as a patient) or another patient (as a
28 caregiver), the expiration date of each patient or caregiver
29 identification card; and
- 30 (3) any other information required by the ICC.

31 The application must be signed and dated by the caregiver
32 applicant and verified under penalties of perjury.

33 **Sec. 4.** (a) Except as provided in subsection (c), before the
34 caregiver application is approved, the caregiver must authorize the
35 ICC to perform a national criminal history background check of
36 the caregiver.

37 (b) The caregiver is responsible for the fee for the national
38 criminal history background check.

39 (c) The ICC may conduct only one (1) national criminal history
40 background check of the caregiver per year.

41 **Sec. 5.** The caregiver shall pay an application fee of fifty dollars
42 (\$50). The ICC may waive or reduce the fee in cases of



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demonstrated financial hardship.
Sec. 6. After receiving the caregiver application, the fee, and the results of the national criminal history background check, the ICC shall:

- (1) verify the information contained in the application; and
- (2) review INSPECT with respect to the applicant.

Sec. 7. The ICC shall monthly transmit fees received under this chapter to the state comptroller for deposit in the state general fund.

Chapter 9. Minor Patients

Sec. 1. If a patient is less than eighteen (18) years of age, the following apply:

- (1) The patient must have a caregiver.
- (2) The caregiver must be:
 - (A) the patient's parent or legal guardian;
 - (B) an individual designated by a parent or legal guardian;
 - or
 - (C) an appropriate individual approved by the ICC on a sufficient showing that no parent or legal guardian is appropriate or available.

Chapter 10. Suspension

Sec. 1. If a patient or caregiver knowingly, intentionally, or recklessly:

- (1) violates any provision of this article; or
- (2) transfers or sells cannabis to a person not qualified as a patient under this article;

the ICC may suspend or revoke the patient's or caregiver's patient or caregiver identification card. The suspension or revocation is in addition to any criminal or other penalty.

Chapter 11. General Prohibitions

Sec. 1. A person may not operate a motor vehicle, including a motorboat, while under the influence of cannabis.

Sec. 2. A person may not perform any employment duties in exposed high places or in confined spaces while under the influence of cannabis.

Sec. 3. A person's employer may prohibit an employee from performing any task while under the influence of cannabis. The prohibition is not an adverse employment decision or unlawful discrimination even if the prohibition results in financial harm to the employee.

Chapter 12. Cannabis Organizations

Sec. 1. The following entities may receive a permit to operate as



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a cannabis organization to grow, process, or sell cannabis:

- (1) A grower.
- (2) A processor.
- (3) A qualified retailer.

Sec. 2. (a) The ICC shall develop an application for a:

- (1) grower permit allowing the grower to grow cannabis;
- (2) qualified retailer permit allowing a qualified retailer to sell cannabis;
- (3) processor permit allowing a processor to process cannabis;

and

- (4) testing laboratory permit allowing a testing laboratory to test cannabis.

(b) The following information must be included on the permit application:

- (1) The name, address, telephone number, and other contact information for every person having an ownership interest in the cannabis organization.
- (2) Information relating to a similar permit, license, or other authorization granted in another jurisdiction, including any suspensions, revocations, or discipline in that jurisdiction.
- (3) A release authorizing the ICC to conduct a background check of the persons having an ownership interest in the cannabis organization.
- (4) A statement as to whether the applicant intends to operate as a grower, a processor, or a qualified retailer, and a concise description of the business activities in which the cannabis organization intends to engage.
- (5) The address or other location where the cannabis organization intends to operate.
- (6) A statement that no person having an ownership interest in the cannabis organization has a felony conviction related to the production, possession, or sale of marijuana that has not been expunged and that was entered within the three (3) years prior to submission of the permit application.
- (7) Any other information required by the ICC.

(c) A permit application described in this section must be verified and completed subject to the penalties of perjury.

(d) An applicant shall submit the appropriate application and permit fees at the time the applicant submits the application.

Chapter 13. Cannabis Organization Permits

Sec. 1. Subject to the limits and conditions described in section 10 of this chapter, the ICC may grant a cannabis organization



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permit if the ICC makes the following findings:

- (1) The applicant will maintain effective control of cannabis in the custody of the applicant.
- (2) The applicant will comply with all state statutes, all rules adopted by the ICC, and any ordinances adopted by a governmental unit.
- (3) The applicant has the ability to properly carry out the activity for which the permit is sought.
- (4) The applicant has sufficient financial means to acquire all property, equipment, and permits required to properly grow, process, or sell cannabis.
- (5) The applicant is able to implement and maintain appropriate security, tracking, record keeping, and surveillance systems relating to the acquisition, possession, growth, manufacture, delivery, transportation, distribution, or sale of cannabis.
- (6) The applicant satisfies any other conditions required under rules adopted by the ICC.
- (7) Granting a permit to the applicant serves the public interest.

Sec. 2. If the ICC finds that information included in the application is insufficient for the ICC to grant a permit to the cannabis organization, the ICC may request that the applicant submit additional documentation relating to one (1) or more items listed in section 1 of this chapter.

Sec. 3. (a) Except as provided under subsection (b), a permit granted under this chapter is nontransferable.

(b) A permit holder may transfer a permit to a person authorized to hold a permit in accordance with rules adopted by the ICC if:

- (1) the permit holder has held the permit for at least twenty-four (24) months; or
- (2) the transfer is necessary due to the death or disability of the permit holder or a similar severe hardship. For purposes of this subdivision, financial hardship is not a severe hardship.

Sec. 4. A permit granted under this application is valid for one (1) year after the date of issuance.

Sec. 5. (a) A permit may be renewed for one (1) or more additional one (1) year periods.

(b) The ICC shall establish deadlines for filing a renewal application that provide the ICC with sufficient time to review the application without causing an interruption in the cannabis



1 organization's activities.

2 (c) The same standards that apply for granting an initial
3 application apply to an application for renewal. In determining
4 whether the renewal of a permit serves the public interest, the ICC
5 shall consider the manner in which the renewal applicant has
6 operated the cannabis organization and complied with all relevant
7 laws.

8 **Sec. 6. A permit issued by the ICC to a cannabis organization
9 must include the following information:**

- 10 (1) The name and address of the cannabis organization.
11 (2) The type of permit.
12 (3) The activities that are permitted under the permit.
13 (4) A description of the property and facilities authorized to
14 be used by the cannabis organization.
15 (5) Any other information required by the ICC.

16 **Sec. 7. The ICC may suspend or revoke all or part of a permit
17 granted under this chapter if, following a hearing, the ICC finds
18 any of the following:**

- 19 (1) That one (1) or more of the determinations made under
20 section 1 of this chapter are no longer valid.
21 (2) That the cannabis organization knowingly or intentionally
22 sold or distributed cannabis to a person not permitted to
23 receive cannabis under this article.
24 (3) That the cannabis organization has failed to maintain
25 effective control against diversion of cannabis.
26 (4) That the cannabis organization has violated a provision of
27 this article or a rule adopted by the ICC.
28 (5) That the cannabis organization has failed to comply with
29 another law regulating controlled substances.

30 **Sec. 8. (a) An applicant for a cannabis organization permit has
31 a continuing duty to notify the ICC of any material change in facts
32 or circumstances relating to the applicant's application, including
33 a change in ownership.**

34 (b) An applicant's duty to notify the ICC begins on the date the
35 applicant submits the application and continues for as long as the
36 applicant holds a permit.

37 **Sec. 9. The ICC may, upon request of a permit holder, amend an
38 existing permit to authorize a permit holder to:**

- 39 (1) move the permit holder's operations from one (1) location
40 to another; or
41 (2) perform additional activities, or cease the performance of
42 certain activities now performed, at the permit holder's



1 facility;
 2 if the ICC finds that the amendment is reasonable under the
 3 circumstances.

4 **Sec. 10. (a) The ICC shall initially issue:**

- 5 (1) ten (10) processor permits; and
- 6 (2) one hundred (100) grower permits.

7 **(b) The ICC shall ensure that, to the extent practicable:**

- 8 (1) at least one (1) processor permit is issued for a facility
 9 located in each geographical region described in
 10 IC 10-11-2-5(d);
- 11 (2) at least three (3) grower permits are issued for cultivation
 12 in each geographical region described in IC 10-11-2-5(d); and
- 13 (3) the persons receiving a permit reflect the diversity and
 14 makeup of Indiana.

15 **(c) The ICC may issue additional permits in order to meet the**
 16 **demand for cannabis in Indiana and to ensure a competitive**
 17 **market. The ICC shall annually complete a market analysis to**
 18 **determine whether additional permits are needed to continue the**
 19 **capture of market share from illicit sources. The ICC shall hold**
 20 **public hearings as part of the market analysis to hear from**
 21 **consumers, market stakeholders, and potential new applicants.**

22 **Chapter 14. General Duties of a Permit Holder**

23 **Sec. 1. The holder of a cannabis organization permit must do the**
 24 **following:**

- 25 (1) Report the loss, theft, or unexplained disappearance of
 26 cannabis to a law enforcement agency not later than
 27 twenty-four (24) hours after the loss, theft, or disappearance
 28 is discovered.
- 29 (2) Permit announced or unannounced inspections by the ICC
 30 of all cannabis organization facilities and records.

31 **Chapter 15. Application and Permit Fees**

32 **Sec. 1. The following fees apply to a grower:**

- 33 (1) A nonrefundable grower permit application fee of five
 34 hundred dollars (\$500).
- 35 (2) A refundable grower permit fee of two thousand five
 36 hundred dollars (\$2,500).
- 37 (3) A refundable grower permit renewal fee of one thousand
 38 dollars (\$1,000).
- 39 (4) A nonrefundable permit amendment fee of two hundred
 40 fifty dollars (\$250).

41 **Sec. 2. The following fees apply to a processor:**

- 42 (1) A nonrefundable processor permit application fee of two



- 1 thousand five hundred dollars (\$2,500).
- 2 (2) A refundable processor permit fee of ten thousand dollars
- 3 (\$10,000).
- 4 (3) A refundable processor permit renewal fee of five
- 5 thousand dollars (\$5,000).
- 6 (4) A nonrefundable permit amendment fee of two hundred
- 7 fifty dollars (\$250).
- 8 **Sec. 3. The following fees apply to a qualified retailer:**
- 9 (1) A nonrefundable qualified retailer permit application fee
- 10 of two hundred dollars (\$200).
- 11 (2) A refundable qualified retailer permit fee of one thousand
- 12 dollars (\$1,000) for each qualified retailer location.
- 13 (3) A refundable qualified retailer permit renewal fee of seven
- 14 hundred fifty dollars (\$750) for each qualified retailer
- 15 location.
- 16 (4) A nonrefundable permit amendment fee of two hundred
- 17 fifty dollars (\$250).
- 18 **Sec. 4. The following fees apply to a testing laboratory:**
- 19 (1) A nonrefundable testing laboratory permit application fee
- 20 of one thousand dollars (\$1,000).
- 21 (2) A refundable testing laboratory permit fee of two
- 22 thousand five hundred dollars (\$2,500) for each testing
- 23 laboratory location.
- 24 (3) A refundable testing laboratory permit renewal fee of two
- 25 thousand dollars (\$2,000) for each testing laboratory location.
- 26 (4) A nonrefundable permit amendment fee of two hundred
- 27 fifty dollars (\$250).
- 28 **Sec. 5. An applicant must submit the application fee and permit**
- 29 **fee at the time the applicant submits the application.**
- 30 **Sec. 6. (a) The ICC shall retain the application fee even if the**
- 31 **application is not approved.**
- 32 **(b) The ICC shall refund the permit fee and renewal fee if the**
- 33 **permit or renewal is not approved. However, the permit fee and**
- 34 **renewal fee are not refundable if the permit is initially granted but**
- 35 **later suspended or revoked.**
- 36 **(c) The ICC shall retain the amendment fee even if the**
- 37 **application for amendment is not approved.**
- 38 **Sec. 7. The ICC shall transfer all fees to the state comptroller**
- 39 **for deposit in the state general fund.**
- 40 **Chapter 16. Tracking and Record Keeping**
- 41 **Sec. 1. (a) A cannabis organization must implement an**
- 42 **electronic inventory tracking system, which must be directly**



1 accessible to the ICC through an electronic data base that is
2 updated at least one (1) time each day.

3 (b) The electronic inventory tracking system must include the
4 following:

5 (1) For a grower, a seed to sale tracking system that tracks the
6 cannabis from seed to plant until the cannabis is sold or
7 transferred to its final destination.

8 (2) For a processor, a system that tracks cannabis from its
9 purchase from a grower to its transfer to a qualified retailer,
10 testing laboratory, or research facility as authorized by this
11 article.

12 (3) For a qualified retailer, a system that tracks cannabis from
13 its purchase from a grower or processor to its sale to a patient
14 or caregiver, or its transfer to a testing laboratory, research
15 facility, grower, or processor as authorized by this article.

16 (4) For a qualified retailer, a system to verify that a patient or
17 caregiver identification card presented by a patient or
18 caregiver purchasing cannabis:

19 (A) is valid; and

20 (B) authorizes the patient or caregiver to receive cannabis
21 from a qualified retailer.

22 (5) For a cannabis organization, a:

23 (A) daily log of each day's beginning inventory,
24 acquisitions, amounts purchased and sold, disbursements,
25 disposals, and ending inventory, including prices paid and
26 amounts collected from patients and caregivers;

27 (B) system to recall defective cannabis; and

28 (C) system to track the waste resulting from the growth of
29 cannabis, including the name and address of a disposal
30 service.

31 Sec. 2. A cannabis organization must implement a plan for:

32 (1) security and surveillance; and

33 (2) record keeping and record retention.

34 Sec. 3. The ICC:

35 (1) shall require a cannabis organization to make an annual
36 report to the ICC; and

37 (2) may require a cannabis organization to make a quarterly
38 report to the ICC.

39 The ICC shall determine the form and contents of the report and
40 may make all or part of the report available to the public.

41 Chapter 17. Grower Operations

42 Sec. 1. A person holding a grower permit may do all the



1 following in accordance with rules adopted by the ICC:

- 2 (1) Obtain seed and plant material from another grower.
 3 (2) Sell and transport seed and plant material to another
 4 grower or processor.
 5 (3) Sell and transport cannabis to a processor, qualified
 6 retailer, testing laboratory, or research facility authorized by
 7 the ICC.

8 The ICC may authorize a person holding a grower permit to sell
 9 and transport seed, plant material, and cannabis to a grower,
 10 processor, qualified retailer, testing laboratory, or research facility
 11 in another state.

12 Sec. 2. The ICC shall determine the manner in which cannabis
 13 may be grown, harvested, and stored at the cultivation or
 14 harvesting facility.

15 Sec. 3. The ICC shall determine the manner in which
 16 transportation of cannabis shall be conducted between or among
 17 growers, processors, qualified retailers, testing laboratories, or
 18 research facilities. Rules adopted by the ICC must include the
 19 following:

- 20 (1) Requirements relating to shipping containers and
 21 packaging.
 22 (2) The manner in which trucks, vans, trailers, or other
 23 carriers will be secured.
 24 (3) Obtaining copies of driver's licenses and registrations and
 25 other information related to security and tracking.
 26 (4) The use of a GPS tracking system.
 27 (5) Record keeping requirements for delivery and receipt of
 28 cannabis products.

29 Sec. 4. A grower shall contract with an independent testing
 30 laboratory to test the cannabis produced by the grower. The ICC
 31 shall approve the testing laboratory and require that the testing
 32 laboratory report testing results in the manner determined by the
 33 ICC. If a grower learns that the grower's sample has failed
 34 required testing, the grower must take steps to remediate the
 35 harvest to allowable levels under IC 7.1-8-20-3, or immediately
 36 dispose of the harvest.

37 Chapter 18. Processor Operations

38 Sec. 1. A person holding a processor permit may do all the
 39 following in accordance with rules adopted by the ICC:

- 40 (1) Obtain cannabis from a grower.
 41 (2) Sell and transport processed cannabis to another grower
 42 or processor.



1 (3) Sell and transport cannabis to a processor, qualified
2 retailer, testing laboratory, or research facility authorized by
3 the ICC.

4 The ICC shall authorize a person holding a processor permit to sell
5 and transport processed cannabis to a grower, processor, qualified
6 retailer, testing laboratory, or research facility in another state if
7 the person meets the requirements established by the ICC.

8 Sec. 2. The ICC shall determine the manner in which cannabis
9 may be processed or stored at the processor facility.

10 Sec. 3. The ICC shall determine the manner in which
11 transportation of cannabis shall be conducted between or among
12 cannabis organizations and research facilities. Rules adopted by
13 the ICC must include the following:

14 (1) Requirements relating to shipping containers and
15 packaging.

16 (2) The manner in which trucks, vans, trailers, or other
17 carriers will be secured.

18 (3) Obtaining copies of driver's licenses and registrations and
19 other information related to security and tracking.

20 (4) The use of a GPS tracking system.

21 (5) Record keeping requirements for delivery and receipt of
22 cannabis products.

23 Sec. 4. A processor shall develop a plan to ensure that cannabis
24 products are properly labeled, are not packaged in a manner that
25 is appealing to children, and are placed in child resistant
26 packaging.

27 Sec. 5. A processor shall include on its labeling of cannabis
28 products the following:

29 (1) The number of doses contained within the package, the
30 species, and the percentage of tetrahydrocannabinol and
31 cannabinol.

32 (2) A warning that the cannabis must be kept in the original
33 container in which it was sold.

34 (3) A warning that unauthorized use is unlawful and will
35 subject the person to criminal penalties.

36 (4) A list of ingredients.

37 (5) The manufacture or harvest date.

38 (6) Any other information required by the ICC.

39 Sec. 6. A processor shall contract with an independent testing
40 laboratory to test the cannabis product produced by the processor.
41 The testing laboratory must be approved by the ICC, and the ICC
42 shall require that the testing laboratory report testing results in the



1 manner determined by the ICC. If a processor learns that a sample
 2 submitted by the processor has failed required testing, the
 3 processor must take steps to remediate the product to allowable
 4 levels under IC 7.1-8-20-3, or immediately dispose of the batch.

5 **Chapter 19. Qualified Retailer Operations**

6 **Sec. 1. A qualified retailer holding a valid permit under this**
 7 **article may sell cannabis to a patient or caregiver upon**
 8 **presentation of a valid patient or caregiver identification card for**
 9 **that patient or caregiver and electronic verification that the patient**
 10 **or caregiver identification card is valid and authorizes the patient**
 11 **or caregiver to receive cannabis from a qualified retailer.**

12 **Sec. 2. The qualified retailer shall provide to the purchaser a**
 13 **receipt including all of the following:**

- 14 (1) The name and address of the qualified retailer.
 15 (2) The name and address of the purchaser.
 16 (3) The date the cannabis was sold.
 17 (4) Any requirement or limitation by the physician as to the
 18 form of cannabis for the patient.
 19 (5) The form and the quantity of cannabis sold.

20 **Sec. 3. A qualified retailer may not sell to a patient (or caregiver**
 21 **on behalf of a specific patient):**

- 22 (1) in any thirty (30) day period:
 23 (A) more cannabis than the maximum amount authorized
 24 by the certification; or
 25 (B) ten (10) ounces of cannabis;
 26 whichever is less;
 27 (2) subject to subdivision (1), more than two and one-half (2
 28 1/2) ounces of cannabis per day, of which not more than
 29 fifteen (15) grams may be cannabis concentrate;
 30 (3) a form of cannabis that is not authorized on the
 31 certification; or
 32 (4) cannabis, if the patient is cultivating mature cannabis
 33 plants for the patient's own use.

34 **Sec. 4. The cannabis packaging must include the following**
 35 **information:**

- 36 (1) The number of doses contained within the package, the
 37 species, and the percentage of tetrahydrocannabinol and
 38 cannabiniol.
 39 (2) A warning that the cannabis must be kept in the original
 40 container in which it was sold.
 41 (3) A warning that unauthorized use is unlawful and will
 42 subject the person to criminal penalties.



- 1 **(4) Any other information required by the ICC.**
- 2 **Sec. 5. A qualified retailer:**
- 3 **(1) may sell cannabis only in an indoor, enclosed, and secure**
- 4 **facility located in Indiana;**
- 5 **(2) may sell medical devices and instruments that are needed**
- 6 **to administer cannabis; and**
- 7 **(3) may sell services approved by the ICC related to the use of**
- 8 **cannabis.**
- 9 **Sec. 6. A qualified retailer shall post a copy of its permit in a**
- 10 **location within its facility in a manner that is easily observable by**
- 11 **the public.**
- 12 **Sec. 7. A qualified retailer shall establish a plan to:**
- 13 **(1) prevent diversion of cannabis and cannabis products; and**
- 14 **(2) ensure a patient is not sold more cannabis than is**
- 15 **permitted under this article.**
- 16 **Chapter 20. Testing Laboratory Operations**
- 17 **Sec. 1. A testing laboratory may test cannabis from a cannabis**
- 18 **organization in accordance with rules adopted by the ICC if:**
- 19 **(1) it holds a valid permit issued under this article; or**
- 20 **(2) it is already accredited as a testing laboratory to**
- 21 **International Organization for Standardization (ISO) 17025**
- 22 **by a third party accrediting body such as the American**
- 23 **Association for Laboratory Accreditation (A2LA) or Assured**
- 24 **Calibration and Laboratory Accreditation Select Services**
- 25 **(ACCLASS).**
- 26 **Sec. 2. A testing laboratory shall maintain policies and**
- 27 **procedures for the secure and proper analytical testing of**
- 28 **cannabis, which must include:**
- 29 **(1) laboratory analysis techniques, including specific**
- 30 **instrumentation and protocols necessary to perform the tests**
- 31 **required by the ICC;**
- 32 **(2) the implementation of standards and methods for**
- 33 **conducting analysis of forms of cannabis in accordance with**
- 34 **the requirements of ISO/IEC 17025 "General Requirements**
- 35 **for the Competence of Testing and Calibration**
- 36 **Laboratories"; and**
- 37 **(3) methods of testing to detect:**
- 38 **(A) potency levels of tetrahydrocannabinol and**
- 39 **cannabinol;**
- 40 **(B) microbials;**
- 41 **(C) mycotoxins;**
- 42 **(D) pesticides;**



1 (E) residual solvents; and

2 (F) any other matter as required by the ICC.

3 **Sec. 3. The ICC shall establish the allowable level of microbials,**
 4 **mycotoxins, pesticides, residual solvents, and other matter**
 5 **determined by the ICC. If a sample received from a grower or**
 6 **processor exceeds allowable levels, the testing laboratory must**
 7 **immediately notify the grower or processor from whom the testing**
 8 **laboratory received the sample.**

9 **Sec. 4. A person holding an ownership interest in a qualified**
 10 **retailer, grower, or processor permit may not have an ownership**
 11 **interest in a testing laboratory permit.**

12 **Chapter 21. Transportation**

13 **Sec. 1. A transporter may transport cannabis or paraphernalia**
 14 **from a:**

15 (1) grower or processor to a qualified retailer;

16 (2) grower or processor to a testing laboratory or research
 17 facility authorized by the ICC;

18 (3) qualified retailer to a grower or processor;

19 (4) qualified retailer to a testing laboratory or research
 20 facility authorized by the ICC;

21 (5) cannabis organization to another cannabis organization;
 22 or

23 (6) cannabis organization to another person if authorized to
 24 do so by the ICC;

25 **if the transporter complies with this chapter.**

26 **Sec. 2. No employee of a transporter under this chapter who is**
 27 **directly involved in the transport of cannabis or paraphernalia**
 28 **may have a felony conviction related to the production, possession,**
 29 **or sale of marijuana that was entered within the previous three (3)**
 30 **years and that has not been expunged.**

31 **Sec. 3. Cannabis or paraphernalia transported under this**
 32 **chapter must be:**

33 (1) packed in a tamper resistant and tamper evident package;

34 (2) clearly marked as to quantity and contents; and

35 (3) securely stored in the vehicle used for transport.

36 **Sec. 4. The transporter shall proceed as directly and**
 37 **expeditiously as practicable from the shipping location to the**
 38 **receiving location.**

39 **Sec. 5. The person who ships the cannabis or paraphernalia**
 40 **shall provide the transporter with a shipping manifest clearly**
 41 **stating the:**

42 (1) exact quantity of cannabis or paraphernalia that is being



- 1 transported;
 2 (2) address of the shipping location;
 3 (3) address of the receiving location;
 4 (4) identification of the person transporting the material; and
 5 (5) time the person transporting the material left the shipping
 6 location.

7 **Sec. 6.** The transporter shall keep the shipping manifest in the
 8 transporter's possession at all times.

9 **Sec. 7.** The ICC may adopt rules to regulate the transport of
 10 cannabis or paraphernalia. The ICC may authorize a transporter
 11 to transport cannabis or paraphernalia out of state.

12 **Chapter 22. Reports**

13 **Sec. 1.** The ICC shall, not later than December 31 of each year,
 14 submit a report concerning the cannabis program to the legislative
 15 council, the governor, and the chief justice of the supreme court.
 16 The report to the legislative council must be in an electronic format
 17 under IC 5-14-6.

18 **Chapter 23. Civil Penalties**

19 **Sec. 1.** The ICC may assess a penalty of not more than twenty
 20 thousand dollars (\$20,000) for each violation of this article or a
 21 rule adopted under this article. In addition, the ICC may impose
 22 an additional penalty of not more than two thousand five hundred
 23 dollars (\$2,500) for each day of a continuing violation.

24 **Sec. 2. (a)** In determining the amount of a civil penalty imposed
 25 under this chapter, the ICC shall consider the following:

- 26 (1) The seriousness of the violation.
 27 (2) The potential harm resulting from the violation to
 28 patients, caregivers, or the general public.
 29 (3) The willfulness of the violation.
 30 (4) Any previous violations.
 31 (5) The economic benefit that accrued to the person who
 32 committed the violation.

33 **(b)** If the ICC finds that the:

- 34 (1) violation did not threaten the safety or health of a patient,
 35 a caregiver, or the general public; and
 36 (2) violator took immediate action to remedy the violation
 37 upon learning of it;

38 the ICC may issue a written warning instead of assessing a civil
 39 penalty.

40 **Sec. 3.** In addition to the civil penalty described in this chapter
 41 and any other penalty authorized by law, the ICC may revoke or
 42 suspend a person's permit or patient or caregiver identification



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Chapter 24. Research

Sec. 1. (a) The ICC may provide assistance to universities, research facilities, pharmaceutical companies, state agencies, and similar entities that wish to conduct research concerning cannabis.

(b) The ICC may conduct research concerning cannabis.

Sec. 2. The ICC may authorize persons conducting research on cannabis to obtain, possess, transport, and use cannabis for research purposes, under terms and conditions established by the ICC. The ICC shall issue appropriate documentation to allow persons to obtain cannabis for research purposes.

Chapter 25. Employment

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

(1) "On call" means that an employee is scheduled with at least twenty-four (24) hours notice by the employee's employer to be on standby or otherwise responsible for performing tasks related to the employee's employment either at the employer's premises or other previously designated location by the employee's employer or supervisor to perform a work related task.

(2) "Workplace" means the employer's premises, including any building, real property, and parking area under the control of the employer or area used by an employee while in performance of the employee's job duties, and vehicles, whether leased, rented, or owned. The term includes another location as defined by the employer's written employment policy, to the extent that the policy is generally consistent with this subdivision.

Sec. 2. This article does not:

(1) prohibit an employer from adopting reasonable zero tolerance or drug free workplace policies, or employment policies concerning drug testing, smoking, consumption, storage, or use of cannabis in the workplace or while on call provided that the policy is applied in a nondiscriminatory manner;

(2) require an employer to permit an employee to be under the influence of or use cannabis in the employer's workplace or while performing the employee's job duties or while on call; or

(3) limit or prevent an employer from disciplining an employee or terminating employment of an employee for violating an employer's employment policies or workplace



1 **drug policy.**
 2 **Sec. 3.** For purposes of section 2 of this chapter, an employer
 3 may consider an employee to be impaired or under the influence of
 4 cannabis if the employer has a good faith belief that an employee
 5 manifests specific, articulable symptoms while working that
 6 decrease or lessen the employee's performance of the duties or
 7 tasks of the employee's job position, including symptoms of the
 8 employee's speech, physical dexterity, agility, coordination,
 9 demeanor, irrational or unusual behavior, or negligence or
 10 carelessness in operating equipment or machinery; disregard for
 11 the safety of the employee or others, or involvement in any accident
 12 that results in serious damage to equipment or property;
 13 disruption of a production or manufacturing process; or
 14 carelessness that results in any injury to the employee or others. If
 15 an employer elects to discipline an employee on the basis that the
 16 employee is under the influence of or impaired by cannabis, the
 17 employer must afford the employee a reasonable opportunity to
 18 contest the basis of the determination.

19 **Sec. 4.** This article does not create or imply a cause of action for
 20 any person against an employer for:

21 (1) actions, including subjecting an employee or applicant to
 22 reasonable drug and alcohol testing under the employer's
 23 workplace drug policy, including an employee's refusal to be
 24 tested or to cooperate in testing procedures or disciplining or
 25 termination of employment, based on the employer's good
 26 faith belief that an employee used or possessed cannabis in the
 27 employer's workplace or while performing the employee's job
 28 duties or while on call in violation of the employer's
 29 employment policies;

30 (2) actions, including discipline or termination of employment,
 31 based on the employer's good faith belief that an employee
 32 was impaired as a result of the use of cannabis, or under the
 33 influence of cannabis, while at the employer's workplace or
 34 while performing the employee's job duties or while on call in
 35 violation of the employer's workplace drug policy; or

36 (3) injury, loss, or liability to a third party if the employer
 37 neither knew nor had reason to know that the employee was
 38 impaired.

39 **Sec. 5.** This article does not enhance or diminish protections
 40 afforded by any other law.

41 **Sec. 6.** This article does not interfere with any federal, state, or
 42 local restrictions on employment, including the United States



1 Department of Transportation regulation 49 CFR 40.151(e), or
 2 impact an employer's ability to comply with federal or state law or
 3 cause it to lose a federal or state contract or funding.

4 SECTION 4. IC 7.1-9 IS ADDED TO THE INDIANA CODE AS A
 5 NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 6 2024]:

7 **ARTICLE 9. INDIANA CANNABIS COMMISSION**

8 **Chapter 1. Definitions**

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

11 **Chapter 2. General Provisions**

12 **Sec. 1. The Indiana cannabis commission (ICC) is established as**
 13 **an agency of the state for purposes of administering the cannabis**
 14 **program.**

15 **Sec. 2. (a) The ICC consists of:**

16 (1) the ICC board;

17 (2) the executive director; and

18 (3) other employees necessary to carry out the duties of the
 19 ICC.

20 (b) The ICC board is established as a continuing board of the
 21 executive branch of state government.

22 (c) The ICC board consists of three (3) commissioners, who shall
 23 direct and oversee the operation of the ICC.

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

26 (b) A commissioner serves for a term that ends June 30 of the
 27 next odd-numbered year after appointment. A commissioner is
 28 eligible for reappointment.

29 (c) Not more than two (2) commissioners may belong to the
 30 same political party.

31 (d) A commissioner serves the commissioner's term at the
 32 pleasure of the governor.

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

35 (1) The individual may not be employed by the state in any
 36 other capacity.

37 (2) The individual must have good moral character.

38 (3) The individual must have been a resident of Indiana for at
 39 least ten (10) years immediately preceding the appointment.

40 **Sec. 5. The governor shall appoint one (1) commissioner to serve**
 41 **as chairperson of the ICC board and one (1) commissioner to serve**
 42 **as vice chairperson. The vice chairperson shall act as the**



1 chairperson if the chairperson is unable to attend a meeting of the
2 ICC board. The chairperson and vice chairperson serve at the
3 pleasure of the governor.

4 Sec. 6. A commissioner appointed to fill a vacancy in the
5 membership of the ICC board shall serve only for the remainder
6 of the unexpired term. In all other respects, an appointment to fill
7 a vacancy shall be made in the same manner that an original
8 appointment is made.

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

17 (b) The expenses of the ICC board shall be paid from funds
18 appropriated to the ICC.

19 Sec. 8. Each commissioner shall execute:

- 20 (1) a surety bond in the amount of ten thousand dollars
21 (\$10,000), with surety approved by the governor; and
22 (2) an oath of office.

23 The surety bond and the oath of office must be filed in the office of
24 the secretary of state.

25 Sec. 9. The required surety bond executed and filed on behalf of
26 a commissioner must be made payable to the state of Indiana and
27 conditioned upon the faithful discharge of the commissioner's
28 duties.

29 Sec. 10. The ICC board shall hold meetings at the call of the
30 chairperson. The ICC board may establish rules governing
31 meetings.

32 Sec. 11. (a) Two (2) ICC commissioners constitute a quorum for
33 the transaction of business.

34 (b) Each commissioner has one (1) vote.

35 (c) Action of the ICC board may be taken only upon the
36 affirmative votes of at least two (2) commissioners.

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



1 **Chapter 3. Employees and Administration**

2 **Sec. 1. (a) The ICC board shall appoint an executive director to**
 3 **assist the ICC in the efficient administration of its powers and**
 4 **duties.**

5 **(b) The ICC board shall fix the salary of the executive director,**
 6 **subject to the approval of the budget agency.**

7 **Sec. 2. The ICC has the power to employ all necessary**
 8 **employees, determine their duties, and, subject to the approval of**
 9 **the ICC board and the budget agency, fix their salaries.**

10 **Chapter 4. Powers and Duties**

11 **Sec. 1. The chairperson is the presiding officer at the meetings**
 12 **of the ICC board. The chairperson, together with the executive**
 13 **director, shall prepare, certify, and authenticate all proceedings,**
 14 **minutes, records, rules, and regulations of the ICC board. The**
 15 **chairperson shall also perform all other duties as imposed on the**
 16 **chairperson by this title.**

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

20 **Sec. 3. The ICC shall adopt rules under IC 4-22-2 to prescribe**
 21 **the forms for all applications, documents, permits, patient or**
 22 **caregiver identification cards, and licenses used in the**
 23 **administration of this article and IC 7.1-8.**

24 **Sec. 4. The ICC has the following powers:**

- 25 **(1) To hold hearings before the ICC or its representative.**
 26 **(2) To take testimony and receive evidence.**
 27 **(3) To conduct inquiries with or without a hearing.**
 28 **(4) To receive reports of investigators or other governmental**
 29 **officers and employees.**
 30 **(5) To administer oaths.**
 31 **(6) To subpoena witnesses and to compel them to appear and**
 32 **testify.**
 33 **(7) To certify copies of records of the ICC or any other**
 34 **document or record on file with the ICC.**
 35 **(8) To fix the form, mode, manner, time, and number of times**
 36 **for the posting or publication of any required notices if not**
 37 **otherwise provided.**
 38 **(9) Before the legalization date (as defined in**
 39 **IC 35-31.5-2-186.4), meet, adopt rules, consider testimony,**
 40 **make recommendations, and take any other action to prepare**
 41 **for and in anticipation of the legalization of medical cannabis.**
 42 **(10) To adopt rules under IC 4-22-2 to carry out this article**



1 and IC 7.1-8.

2 **Sec. 5. (a) The ICC has the following duties:**

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

5 (2) To implement protocols for the application and issuance
6 of a patient or caregiver identification card, including
7 protocols to:

8 (A) prevent fraud;

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

11 (C) protect the privacy of an applicant.

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

14 (A) manufacture;

15 (B) cultivation;

16 (C) advertising;

17 (D) transportation; and

18 (E) sale;

19 of cannabis.

20 (4) To encourage research concerning cannabis.

21 (b) Before the legalization date (as defined in
22 IC 35-31.5-2-186.4), the ICC may perform any of the duties
23 described subsection (a) to prepare for and in anticipation of the
24 legalization of medical cannabis.

25 **Chapter 5. Research and Development**

26 **Sec. 1. To permit and encourage research concerning cannabis:**

27 (1) an accredited institution of higher education with a
28 physical presence in Indiana; and

29 (2) a pharmaceutical or agricultural business having a
30 research facility in Indiana;

31 may apply to the ICC for a license to conduct research concerning
32 cannabis.

33 **Sec. 2. An application under this chapter must include the
34 following:**

35 (1) The nature of the research project.

36 (2) The names of the individuals who will conduct the
37 research project.

38 (3) The approximate quantity of cannabis that will be used in
39 the research project.

40 (4) The security protocol to be implemented to ensure that
41 cannabis is not diverted for uses other than the research
42 project.



1 **(5) Any other information required by the ICC.**

2 **Sec. 3. Upon receipt of a completed application, the ICC may**
 3 **issue a research license to the accredited institution of higher**
 4 **education or pharmaceutical or agricultural business. The research**
 5 **license must specifically list the names of each individual**
 6 **participating in the research project who will have custody or**
 7 **control of cannabis for research purposes and the approximate**
 8 **quantity of the cannabis that will be used in the research project.**

9 **Sec. 4. The ICC may charge a reasonable fee for issuance of a**
 10 **research license.**

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

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

19 commits a Class C misdemeanor.

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

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

24 commits a Class A misdemeanor.

25 (c) A person who operates a vehicle with a controlled substance
 26 listed in schedule I or II of IC 35-48-2 or its metabolite, **after the**
 27 **legalization date (as defined in IC 35-31.5-2-186.4) not including**
 28 **THC**, in the person's blood commits a Class C misdemeanor.

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

- 30 (1) the accused person consumed the controlled substance in
 31 accordance with a valid prescription or order of a practitioner (as
 32 defined in IC 35-48-1) who acted in the course of the
 33 practitioner's professional practice; or
 34 (2) the:

- 35 (A) controlled substance is marijuana or a metabolite of
 36 marijuana;
 37 (B) person was not intoxicated;
 38 (C) person did not cause a traffic accident; and
 39 (D) substance was identified by means of a chemical test taken
 40 pursuant to IC 9-30-7.

41 **(e) This subsection applies after the legalization date (as defined**
 42 **in IC 35-31.5-2-186.4). A person who:**



1 **(1) operates a vehicle with at least five (5) nanograms per**
 2 **milliliter of THC in the person's whole blood; and**
 3 **(2) is impaired;**
 4 **commits a Class C misdemeanor.**

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

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

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

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

13 (2) with a controlled substance listed in schedule I or II of
 14 IC 35-48-2 or its metabolite, **after the legalization date (as**
 15 **defined in IC 35-31.5-2-186.4) not including THC**, in the
 16 person's blood;

17 **(3) after the legalization date (as defined in**
 18 **IC 35-31.5-2-186.4), with at least five (5) nanograms per**
 19 **milliliter of THC in the person's whole blood; or**

20 ~~(3)~~ **(4) while intoxicated;**

21 commits a Level 5 felony. However, the offense is a Level 4 felony if
 22 the person has a previous conviction of operating while intoxicated
 23 within the five (5) years preceding the commission of the offense.

24 (b) A person who violates subsection (a) commits a separate offense
 25 for each person whose serious bodily injury is caused by the violation
 26 of subsection (a).

27 (c) It is a defense under subsection (a)(2) that the accused person
 28 consumed the controlled substance in accordance with a valid
 29 prescription or order of a practitioner (as defined in IC 35-48-1) who
 30 acted in the course of the practitioner's professional practice.

31 SECTION 7. IC 9-30-5-5, AS AMENDED BY P.L.184-2019,
 32 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 JULY 1, 2024]: Sec. 5. (a) A person who causes the death or
 34 catastrophic injury of another person when operating a vehicle:

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

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

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

39 (2) with a controlled substance listed in schedule I or II of
 40 IC 35-48-2 or its metabolite, **after the legalization date (as**
 41 **defined in IC 35-31.5-2-186.4) not including THC**, in the
 42 person's blood;



1 **(3) after the legalization date (as defined in**
 2 **IC 35-31.5-2-186.4), with at least five (5) nanograms per**
 3 **milliliter of THC in the person's whole blood; or**

4 ~~(3)~~ **(4) while intoxicated;**

5 commits a Level 4 felony.

6 (b) A person who causes the death of a law enforcement animal (as
 7 defined in IC 35-46-3-4.5) when operating a vehicle:

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

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

11 (B) two hundred ten (210) liters of the person's breath; ~~or~~

12 (2) with a controlled substance listed in schedule I or II of
 13 IC 35-48-2 or its metabolite, **after the legalization date (as**
 14 **defined in IC 35-31.5-2-186.4) not including THC**, in the
 15 person's blood; or

16 **(3) after the legalization date (as defined in**
 17 **IC 35-31.5-2-186.4), with at least five (5) nanograms per**
 18 **milliliter of THC in the person's whole blood;**

19 commits a Level 6 felony.

20 (c) A person who commits an offense under subsection (a) or (b)
 21 commits a separate offense for each person or law enforcement animal
 22 whose death (or catastrophic injury, in the case of a person) is caused
 23 by the violation of subsection (a) or (b).

24 (d) It is a defense under subsection (a) or (b) that the person accused
 25 of causing the death or catastrophic injury of another person or the
 26 death of a law enforcement animal when operating a vehicle with a
 27 controlled substance listed in schedule I or II of IC 35-48-2 or its
 28 metabolite in the person's blood consumed the controlled substance in
 29 accordance with a valid prescription or order of a practitioner (as
 30 defined in IC 35-48-1) who acted in the course of the practitioner's
 31 professional practice.

32 SECTION 8. IC 9-30-6-6, AS AMENDED BY P.L.174-2021,
 33 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2024]: Sec. 6. (a) A physician, a person trained in retrieving
 35 contraband or obtaining bodily substance samples and acting under the
 36 direction of or under a protocol prepared by a physician, or a licensed
 37 health care professional acting within the professional's scope of
 38 practice and under the direction of or under a protocol prepared by a
 39 physician, who:

40 (1) obtains a blood, urine, or other bodily substance sample from
 41 a person, regardless of whether the sample is taken for diagnostic
 42 purposes or at the request of a law enforcement officer under this



- 1 section;
- 2 (2) performs a chemical test on blood, urine, or other bodily
- 3 substance obtained from a person; or
- 4 (3) searches for or retrieves contraband from the body cavity of an
- 5 individual;
- 6 shall deliver the sample or contraband or disclose the results of the test
- 7 to a law enforcement officer who requests the sample, contraband, or
- 8 results as a part of a criminal investigation. Samples, contraband, and
- 9 test results shall be provided to a law enforcement officer even if the
- 10 person has not consented to or otherwise authorized their release.
- 11 (b) A physician, a licensed health care professional, a hospital, or an
- 12 agent of a physician or hospital is not civilly or criminally liable for any
- 13 of the following:
- 14 (1) Disclosing test results in accordance with this section.
- 15 (2) Delivering contraband, or a blood, urine, or other bodily
- 16 substance sample in accordance with this section.
- 17 (3) Searching for or retrieving contraband or obtaining a blood,
- 18 urine, or other bodily substance sample in accordance with this
- 19 section.
- 20 (4) Disclosing to the prosecuting attorney or the deputy
- 21 prosecuting attorney for use at or testifying at the criminal trial of
- 22 the person as to facts observed or opinions formed.
- 23 (5) Failing to treat a person from whom contraband is retrieved or
- 24 a blood, urine, or other bodily substance sample is obtained at the
- 25 request of a law enforcement officer if the person declines
- 26 treatment.
- 27 (6) Injury to a person arising from the performance of duties in
- 28 good faith under this section. However, immunity does not apply
- 29 if the physician, licensed health care professional, hospital, or
- 30 agent of a physician or hospital acts with gross negligence or
- 31 willful or wanton misconduct.
- 32 (c) For the purposes of a criminal proceeding:
- 33 (1) the privileges arising from a patient-physician relationship do
- 34 not apply to the contraband, samples, test results, or testimony
- 35 described in this section; and
- 36 (2) contraband, samples, test results, and testimony may be
- 37 admitted in a proceeding in accordance with the applicable rules
- 38 of evidence.
- 39 (d) The exceptions to the patient-physician relationship specified in
- 40 subsection (c) do not affect those relationships in a proceeding that is
- 41 not a criminal proceeding.
- 42 (e) The contraband, test results, and samples obtained by a law



1 enforcement officer under subsection (a) may be disclosed only to a
 2 prosecuting attorney or a deputy prosecuting attorney for use as
 3 evidence in a criminal proceeding.

4 (f) This section does not require a physician or a person under the
 5 direction of a physician to perform a chemical test or to retrieve
 6 contraband.

7 (g) If the person:

8 (1) from whom the contraband is to be retrieved or the bodily
 9 substance sample is to be obtained under this section does not
 10 consent; and

11 (2) resists the retrieval of the contraband or the taking of a
 12 sample;

13 the law enforcement officer may use reasonable force to assist an
 14 individual, who must be authorized under this section to retrieve
 15 contraband or obtain a sample, in the retrieval of the contraband or the
 16 taking of the sample.

17 (h) The person authorized under this section to retrieve contraband
 18 or obtain a bodily substance sample shall take the sample or retrieve
 19 the contraband in a medically accepted manner.

20 (i) This subsection does not apply to contraband retrieved or a
 21 bodily substance sample taken at a licensed hospital (as defined in
 22 IC 16-18-2-179(a) and IC 16-18-2-179(b)). A law enforcement officer
 23 may transport the person to a place where the contraband may be
 24 retrieved or the sample may be obtained by any of the following
 25 persons who are trained in retrieving contraband or obtaining bodily
 26 substance samples and who have been engaged to retrieve contraband
 27 or obtain samples under this section:

28 (1) A physician holding an unlimited license to practice medicine
 29 or osteopathy.

30 (2) A registered nurse.

31 (3) A licensed practical nurse.

32 (4) An advanced emergency medical technician (as defined in
 33 IC 16-18-2-6.5).

34 (5) A paramedic (as defined in IC 16-18-2-266).

35 (6) Except as provided in subsections (j) through (k), any other
 36 person qualified through training, experience, or education to
 37 retrieve contraband or obtain a bodily substance sample.

38 (j) A law enforcement officer may not retrieve contraband or obtain
 39 a bodily substance sample under this section if the contraband is to be
 40 retrieved or the sample is to be obtained from another law enforcement
 41 officer as a result of the other law enforcement officer's involvement in
 42 an accident or alleged crime.



1 (k) A law enforcement officer who is otherwise qualified to obtain
 2 a bodily substance sample under this section may obtain a bodily
 3 substance sample from a person involved in an accident or alleged
 4 crime who is not a law enforcement officer only if:

5 (1) the officer obtained a bodily substance sample from an
 6 individual as part of the officer's official duties as a law
 7 enforcement officer; and

8 (2) the:

9 (A) person consents to the officer obtaining a bodily substance
 10 sample; or

11 (B) obtaining of the bodily substance sample is authorized by
 12 a search warrant.

13 (l) A physician or a person trained in obtaining bodily samples who
 14 is acting under the direction of or under a protocol prepared by a
 15 physician shall obtain a blood sample if the following conditions are
 16 satisfied:

17 (1) A law enforcement officer requests that the sample be
 18 obtained.

19 (2) The law enforcement officer has certified in writing the
 20 following:

21 (A) That the officer has probable cause to believe the person
 22 from whom the sample is to be obtained has violated
 23 IC 9-30-5-4, IC 9-30-5-5, ~~IC 35-46-9-6(b)(2)~~,
 24 **IC 35-46-9-6(c)(2)**, or ~~IC 35-46-9-6(e)~~. **IC 35-46-9-6(d)**.

25 (B) That the offense resulting in a criminal investigation
 26 described in subsection (a) occurred not more than three (3)
 27 hours before the time the sample is requested.

28 (C) That exigent circumstances exist that create pressing
 29 health, safety, or law enforcement needs that would take
 30 priority over a warrant application.

31 (3) Not more than the use of reasonable force is necessary to
 32 obtain the sample.

33 SECTION 9. IC 35-31.5-2-186.4 IS ADDED TO THE INDIANA
 34 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2024]: **Sec. 186.4. "Legalization date" means**
 36 **July 1 following the date that the government of the United States**
 37 **removes marijuana as a schedule I controlled substance.**

38 SECTION 10. IC 35-38-9-1.5 IS ADDED TO THE INDIANA
 39 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2024]: **Sec. 1.5. (a) This section applies only**
 41 **to a person convicted of one (1) or more of the following offenses**
 42 **if the act constituting the offense is now permitted under**



1 **IC 7.1-8-3:**

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

3 (2) IC 35-48-4-8.5 (dealing in paraphernalia).

4 (3) IC 35-48-4-10 (dealing in marijuana).

5 (4) IC 35-48-4-11 (possession of marijuana).

6 (b) At any time after the legalization date, a person to whom this
7 section applies may petition a court to expunge all conviction
8 records, including records contained in:

9 (1) a court's files;

10 (2) the files of the department of correction;

11 (3) the files of the bureau of motor vehicles; and

12 (4) the files of any other person who provided treatment or
13 services to the petitioning person under a court order;

14 that relate to the person's conviction, including records of a
15 collateral action.

16 (c) A petition for expungement of records must be verified and
17 filed in a circuit or superior court in the county of conviction. The
18 petition must set forth:

19 (1) the date of the conviction;

20 (2) the county of conviction;

21 (3) the court that entered the conviction;

22 (4) any other known identifying information, such as:

23 (A) the name of the arresting officer;

24 (B) the case number or court cause number;

25 (C) any aliases or other names used by the petitioner;

26 (D) the petitioner's driver's license number; and

27 (E) a list of each criminal charge and its disposition, if
28 applicable;

29 (5) the date of the petitioner's birth; and

30 (6) the petitioner's Social Security number.

31 A person who files a petition under this section is not required to
32 pay a filing fee.

33 (d) The court shall serve a copy of the petition on the
34 prosecuting attorney.

35 (e) Upon receipt of a petition for expungement, the court:

36 (1) may summarily deny the petition if the petition does not
37 meet the requirements of this section, or if the statements
38 contained in the petition indicate that the petitioner is not
39 entitled to relief; and

40 (2) shall grant the petition unless the conditions described in
41 subsection (a) have not been met.

42 (f) Whenever the petition of a person under this section is



- 1 granted:
- 2 (1) no information concerning the conviction (including
- 3 information from a collateral action that identifies the
- 4 petitioner) may be placed or retained in any state central
- 5 repository for criminal history information or in any other
- 6 alphabetically arranged criminal history information system
- 7 maintained by a local, regional, or statewide law enforcement
- 8 agency;
- 9 (2) the clerk of the supreme court shall seal or redact any
- 10 records in the clerk's possession that relate to the vacated
- 11 conviction;
- 12 (3) the records of:
- 13 (A) the sentencing court;
- 14 (B) a court that conducted a collateral action;
- 15 (C) a court of appeals; and
- 16 (D) the supreme court;
- 17 concerning the person shall be redacted or permanently
- 18 sealed; and
- 19 (4) with respect to the records of a person who is named as an
- 20 appellant or an appellee in an opinion or memorandum
- 21 decision by the supreme court or the court of appeals, or who
- 22 is identified in a collateral action, the court shall:
- 23 (A) redact the opinion or memorandum decision as it
- 24 appears on the computer gateway administered by the
- 25 office of technology so that it does not include the
- 26 petitioner's name (in the same manner that opinions
- 27 involving juveniles are redacted); and
- 28 (B) provide a redacted copy of the opinion to any publisher
- 29 or organization to whom the opinion or memorandum
- 30 decision is provided after the date of the order of
- 31 expungement.
- 32 The supreme court and the court of appeals are not required to
- 33 redact, destroy, or otherwise dispose of any existing copy of an
- 34 opinion or memorandum decision that includes the petitioner's
- 35 name.
- 36 (g) If the court issues an order granting a petition for
- 37 expungement under this section, the order must include the
- 38 information described in subsection (f).
- 39 (h) If a person whose records are expunged brings an action that
- 40 might be defended with the contents of the expunged records, the
- 41 defendant is presumed to have a complete defense to the action. In
- 42 order for the plaintiff to recover, the plaintiff must show that the



1 contents of the expunged records would not exonerate the
 2 defendant. The plaintiff may be required to state under oath
 3 whether the plaintiff had records in the criminal or juvenile justice
 4 system and whether those records were expunged. If the plaintiff
 5 denies the existence of the records, the defendant may prove their
 6 existence in any manner compatible with the law of evidence.

7 SECTION 11. IC 35-46-9-6, AS AMENDED BY P.L.184-2019,
 8 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2024]: Sec. 6. (a) Except as provided in subsections ~~(b)~~ and
 10 ~~(c)~~ and ~~(d)~~, a person who operates a motorboat while:

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

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

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

16 (2) having a controlled substance listed in schedule I or II of
 17 IC 35-48-2 or its metabolite, **after the legalization date not**
 18 **including THC**, in the person's body; or

19 (3) intoxicated;

20 commits a Class C misdemeanor.

21 **(b) This subsection applies after the legalization date. A person**
 22 **who:**

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

25 **(2) is impaired;**

26 **commits a Class C misdemeanor.**

27 ~~(b)~~ (c) The offense **under subsection (a) or (b)** is a Level 6 felony
 28 if:

29 (1) the person has a previous conviction under:

30 (A) IC 14-1-5 (repealed);

31 (B) IC 14-15-8-8 (repealed); or

32 (C) this chapter; or

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

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

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

42 SECTION 12. IC 35-48-4-8.3, AS AMENDED BY P.L.187-2015,



1 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2024]: Sec. 8.3. (a) This section does not apply to:

3 (1) a rolling paper; or

4 (2) **after the legalization date, a person, including a patient,**
5 **caregiver, cannabis organization, research facility, or**
6 **transporter described in IC 7.1-8, if the person is in**
7 **substantial compliance with the requirements of IC 7.1-8.**

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

11 (1) introducing into the person's body a controlled substance;

12 (2) testing the strength, effectiveness, or purity of a controlled
13 substance; or

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

15 commits a Class C misdemeanor. However, the offense is a Class A
16 misdemeanor if the person has a prior unrelated judgment or conviction
17 under this section.

18 SECTION 13. IC 35-48-4-8.5, AS AMENDED BY P.L.153-2018,
19 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
20 JULY 1, 2024]: Sec. 8.5. (a) A person who keeps for sale, offers for
21 sale, delivers, or finances the delivery of a raw material, an instrument,
22 a device, or other object that is intended to be or that is designed or
23 marketed to be used primarily for:

24 (1) ingesting, inhaling, or otherwise introducing into the human
25 body marijuana, hash oil, hashish, salvia, a synthetic drug, or a
26 controlled substance;

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

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

30 (4) manufacturing, compounding, converting, producing,
31 processing, or preparing marijuana, hash oil, hashish, salvia, a
32 synthetic drug, or a controlled substance;

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

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

37 commits a Class A infraction for dealing in paraphernalia.

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

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



- 1 (1) Items marketed for use in the preparation, compounding,
- 2 packaging, labeling, or other use of marijuana, hash oil, hashish,
- 3 salvia, a synthetic drug, or a controlled substance as an incident
- 4 to lawful research, teaching, or chemical analysis and not for sale.
- 5 (2) Items marketed for or historically and customarily used in
- 6 connection with the planting, propagating, cultivating, growing,
- 7 harvesting, manufacturing, compounding, converting, producing,
- 8 processing, preparing, testing, analyzing, packaging, repackaging,
- 9 storing, containing, concealing, injecting, ingesting, or inhaling
- 10 of tobacco or any other lawful substance.
- 11 (3) A qualified entity (as defined in IC 16-41-7.5-3) that provides
- 12 a syringe or needle as part of a program under IC 16-41-7.5.
- 13 (4) Any entity or person that provides funding to a qualified entity
- 14 (as defined in IC 16-41-7.5-3) to operate a program described in
- 15 IC 16-41-7.5.
- 16 **(5) After the legalization date, a person, including a patient,**
- 17 **caregiver, cannabis organization, research facility, or**
- 18 **transporter described in IC 7.1-8, if the person is in**
- 19 **substantial compliance with the requirements of IC 7.1-8.**
- 20 SECTION 14. IC 35-48-4-10, AS AMENDED BY P.L.153-2018,
- 21 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 22 JULY 1, 2024]: Sec. 10. (a) A person who:
- 23 (1) knowingly or intentionally:
- 24 (A) manufactures;
- 25 (B) finances the manufacture of;
- 26 (C) delivers; or
- 27 (D) finances the delivery of;
- 28 marijuana, hash oil, hashish, or salvia, pure or adulterated; or
- 29 (2) possesses, with intent to:
- 30 (A) manufacture;
- 31 (B) finance the manufacture of;
- 32 (C) deliver; or
- 33 (D) finance the delivery of;
- 34 marijuana, hash oil, hashish, or salvia, pure or adulterated;
- 35 commits dealing in marijuana, hash oil, hashish, or salvia, a Class A
- 36 misdemeanor, except as provided in subsections (b) through (d).
- 37 (b) A person may be convicted of an offense under subsection (a)(2)
- 38 only if:
- 39 (1) there is evidence in addition to the weight of the drug that the
- 40 person intended to manufacture, finance the manufacture of,
- 41 deliver, or finance the delivery of the drug; or
- 42 (2) the amount of the drug involved is at least:



- 1 (A) ten (10) pounds, if the drug is marijuana; or
 2 (B) three hundred (300) grams, if the drug is hash oil, hashish,
 3 or salvia.
 4 (c) The offense is a Level 6 felony if:
 5 (1) the person has a prior conviction for a drug offense and the
 6 amount of the drug involved is:
 7 (A) less than thirty (30) grams of marijuana; or
 8 (B) less than five (5) grams of hash oil, hashish, or salvia; or
 9 (2) the amount of the drug involved is:
 10 (A) at least thirty (30) grams but less than ten (10) pounds of
 11 marijuana; or
 12 (B) at least five (5) grams but less than three hundred (300)
 13 grams of hash oil, hashish, or salvia.
 14 (d) The offense is a Level 5 felony if:
 15 (1) the person has a prior conviction for a drug dealing offense
 16 and the amount of the drug involved is:
 17 (A) at least thirty (30) grams but less than ten (10) pounds of
 18 marijuana; or
 19 (B) at least five (5) grams but less than three hundred (300)
 20 grams of hash oil, hashish, or salvia;
 21 (2) the:
 22 (A) amount of the drug involved is:
 23 (i) at least ten (10) pounds of marijuana; or
 24 (ii) at least three hundred (300) grams of hash oil, hashish,
 25 or salvia; or
 26 (B) offense involved a sale to a minor; or
 27 (3) the:
 28 (A) person is a retailer;
 29 (B) marijuana, hash oil, hashish, or salvia is packaged in a
 30 manner that appears to be low THC hemp extract; and
 31 (C) person knew or reasonably should have known that the
 32 product was marijuana, hash oil, hashish, or salvia.
 33 **(e) After the legalization date, this section does not apply to a**
 34 **person, including a patient, caregiver, cannabis organization,**
 35 **research facility, or transporter described in IC 7.1-8, if the person**
 36 **is in substantial compliance with the requirements of IC 7.1-8.**
 37 SECTION 15. IC 35-48-4-11, AS AMENDED BY P.L.153-2018,
 38 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2024]: Sec. 11. (a) A person who:
 40 (1) knowingly or intentionally possesses (pure or adulterated)
 41 marijuana, hash oil, hashish, or salvia;
 42 (2) knowingly or intentionally grows or cultivates marijuana; or



- 1 (3) knowing that marijuana is growing on the person's premises,
2 fails to destroy the marijuana plants;
3 commits possession of marijuana, hash oil, hashish, or salvia, a Class
4 B misdemeanor, except as provided in subsections (b) through (c).
5 (b) The offense described in subsection (a) is a Class A
6 misdemeanor if:
7 (1) the person has a prior conviction for a drug offense; or
8 (2) the:
9 (A) marijuana, hash oil, hashish, or salvia is packaged in a
10 manner that appears to be low THC hemp extract; and
11 (B) person knew or reasonably should have known that the
12 product was marijuana, hash oil, hashish, or salvia.
13 (c) The offense described in subsection (a) is a Level 6 felony if:
14 (1) the person has a prior conviction for a drug offense; and
15 (2) the person possesses:
16 (A) at least thirty (30) grams of marijuana; or
17 (B) at least five (5) grams of hash oil, hashish, or salvia.
18 **(d) After the legalization date, this section does not apply to a**
19 **person, including a patient, caregiver, cannabis organization,**
20 **research facility, or transporter described in IC 7.1-8, if the person**
21 **is in substantial compliance with the requirements of IC 7.1-8.**

