

# SENATE BILL No. 336

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-2.5-8-7; IC 6-8.1-1-1; IC 6-11; IC 7.1-8; IC 9-30-5; IC 10-10.5-1-3; IC 10-13-8-5; IC 11-12-3.7-3; IC 16-31-3; IC 16-42-27-2; IC 20-28-5-8; IC 22-15-5-16; IC 25-1-1.1; IC 34-24-1-1; IC 34-30-2.1-73.5; IC 35-31.5-2-185; IC 35-45-6-1; IC 35-46-9-6; IC 35-48; IC 35-50-5-3; IC 35-52-7; IC 36-1-8.5-4.

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

**Effective:** July 1, 2023.

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## Niezgodski

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January 19, 2023, read first time and referred to Committee on Commerce and Technology.

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

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

# SENATE BILL No. 336



A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 6-2.5-8-7, AS AMENDED BY P.L.156-2020,  
2 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2023]: Sec. 7. (a) The department may, for good cause, revoke  
4 a certificate issued under section 1, 3, or 4 of this chapter. However,  
5 the department must give the certificate holder at least five (5) days  
6 notice before it revokes the certificate under this subsection. Good  
7 cause for revocation may include the following:  
8 (1) Failure to:  
9 (A) file a return required under this chapter or for any tax  
10 collected for the state in trust; or  
11 (B) remit any tax collected for the state in trust.  
12 (2) Being charged with a violation of any provision under IC 35.  
13 (3) Being subject to a court order under IC 7.1-2-6-7,  
14 IC 32-30-6-8, IC 32-30-7, or IC 32-30-8.  
15 (4) Being charged with a violation of IC 23-15-12.  
16 (5) Operating as a retail merchant where the certificate issued  
17 under section 1 of this chapter could have been denied under



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



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

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

11 (h) If a person makes a payment for the certificate under section 1  
 12 or 3 of this chapter with a check, credit card, debit card, or electronic  
 13 funds transfer, and the department is unable to obtain payment of the  
 14 check, credit card, debit card, or electronic funds transfer for its full  
 15 face amount when the check, credit card, debit card, or electronic funds  
 16 transfer is presented for payment through normal banking channels, the  
 17 department shall notify the person by mail that the check, credit card,  
 18 debit card, or electronic funds transfer was not honored and that the  
 19 person has five (5) days after the notice is mailed to pay the fee in cash,  
 20 by certified check, or other guaranteed payment. If the person fails to  
 21 make the payment within the five (5) day period, the department shall  
 22 revoke the certificate.

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

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

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

38 (A) that:

39 (i) applied for; or

40 (ii) made a retail transaction under;

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



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



1 (B) that:

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

3 (ii) was an officer, a director, a manager, or a partner of;

4 the retail merchant that was issued the retail merchant  
5 certificate suspended under subdivision (1).

6 SECTION 2. IC 6-8.1-1-1, AS AMENDED BY P.L.138-2022,  
7 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2023]: Sec. 1. "Listed taxes" or "taxes" includes only the  
9 pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the supplemental  
10 wagering tax (IC 4-33-12); the riverboat wagering tax (IC 4-33-13); the  
11 slot machine wagering tax (IC 4-35-8); the type II gambling game  
12 excise tax (IC 4-36-9); the gross income tax (IC 6-2.1) (repealed); the  
13 utility receipts and utility services use taxes (IC 6-2.3) (repealed); the  
14 state gross retail and use taxes (IC 6-2.5); the adjusted gross income tax  
15 (IC 6-3); the supplemental net income tax (IC 6-3-8) (repealed); the  
16 county adjusted gross income tax (IC 6-3.5-1.1) (repealed); the county  
17 option income tax (IC 6-3.5-6) (repealed); the county economic  
18 development income tax (IC 6-3.5-7) (repealed); the local income tax  
19 (IC 6-3.6); the auto rental excise tax (IC 6-6-9); the financial  
20 institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the special fuel  
21 tax (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor fuel tax  
22 collected under a reciprocal agreement under IC 6-8.1-3; the vehicle  
23 excise tax (IC 6-6-5); the aviation fuel excise tax (IC 6-6-13); the  
24 commercial vehicle excise tax (IC 6-6-5.5); the excise tax imposed on  
25 recreational vehicles and truck campers (IC 6-6-5.1); the hazardous  
26 waste disposal tax (IC 6-6-6.6) (repealed); the heavy equipment rental  
27 excise tax (IC 6-6-15); the vehicle sharing excise tax (IC 6-6-16); the  
28 cigarette tax (IC 6-7-1); the closed system cartridge tax (IC 6-7-2-7.5);  
29 the electronic cigarette tax (IC 6-7-4); **the cannabis excise tax (IC**  
30 **6-11)**; the beer excise tax (IC 7.1-4-2); the liquor excise tax (IC  
31 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard cider excise tax (IC  
32 7.1-4-4.5); the petroleum severance tax (IC 6-8-1); the various  
33 innkeeper's taxes (IC 6-9); the various food and beverage taxes (IC  
34 6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28); the oil  
35 inspection fee (IC 16-44-2); the penalties assessed for oversize vehicles  
36 (IC 9-20-3 and IC 9-20-18); the fees and penalties assessed for  
37 overweight vehicles (IC 9-20-4 and IC 9-20-18); and any other tax or  
38 fee that the department is required to collect or administer.

39 SECTION 3. IC 6-11 IS ADDED TO THE INDIANA CODE AS A  
40 NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
41 2023]:

42 **ARTICLE 11. CANNABIS EXCISE TAX**



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

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

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

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

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

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

16 **Sec. 4. The amounts received from the tax imposed by this**  
 17 **article shall be transferred by the auditor of state to the cannabis**  
 18 **regulation fund established by IC 7.1-8-2-10.**

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

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

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

29 **SECTION 4. IC 7.1-8 IS ADDED TO THE INDIANA CODE AS A**  
 30 **NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,**  
 31 **2023]:**

32 **ARTICLE 8. CANNABIS**

33 **Chapter 1. Definitions**

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

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



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





1 personal household use.

2 (14) "Processor" means an individual, partnership, company,  
3 or corporation holding a permit issued under IC 7.1-8-13 that  
4 obtains cannabis from a grower and:

5 (A) extracts botanical compounds or cannabinoids from  
6 the cannabis;

7 (B) creates a cannabis infused product; or

8 (C) prepares or packages cannabis for retail sale for sale  
9 or transfer.

10 (15) "Retailer" means an individual, partnership, company,  
11 or corporation that holds a permit under IC 7.1-8-15 and that,  
12 in the ordinary course of the person's regular trade or  
13 business:

14 (A) acquires any form of cannabis for the purpose of  
15 resale; and

16 (B) transfers the cannabis to another person for money or  
17 other consideration.

18 (16) "Statewide monitoring system" means the statewide  
19 cannabis tracking and monitoring system established under  
20 IC 7.1-8-17.

21 **Chapter 2. Cannabis Commission**

22 **Sec. 1. The cannabis commission is established.**

23 **Sec. 2. The commission consists of:**

24 (1) five (5) voting members appointed by the governor with  
25 the advice and consent of the legislative council; and

26 (2) the executive director of the commission or the executive  
27 director's designee, who serves ex officio as a nonvoting  
28 member.

29 **Sec. 3. (a) A commissioner is eligible for reappointment.**

30 (b) Not more than three (3) commissioners may be members of  
31 the same political party.

32 (c) A commissioner shall be appointed to a four (4) year term  
33 and may be removed only for cause. An appointment to fill a  
34 vacancy shall be made in the same manner that an original  
35 appointment is made. A member appointed to fill a vacancy in the  
36 membership of the commission may serve only for the unexpired  
37 portion of the original, vacated term, but may be reappointed.

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

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

42 (2) The individual must have been an Indiana resident for at



1           **least ten (10) years immediately preceding the appointment.**

2           **(3) The individual may not have a financial interest in a**  
 3           **cannabis permittee or in an entity governed by:**

4           **(A) this title;**

5           **(B) IC 4-29;**

6           **(C) IC 4-29.5;**

7           **(D) IC 4-31;**

8           **(E) IC 4-32.3;**

9           **(F) IC 4-33;**

10          **(G) IC 4-35; or**

11          **(H) IC 4-36.**

12          **(4) The individual may not have been convicted within ten**  
 13          **(10) years before the date of appointment of:**

14          **(A) a federal crime having a sentence of greater than one**  
 15          **(1) year;**

16          **(B) a Class A, Class B, or Class C felony (for a crime**  
 17          **committed before July 1, 2014) or a Level 1, Level 2, Level**  
 18          **3, Level 4, or Level 5 felony (for a crime committed after**  
 19          **June 30, 2014); or**

20          **(C) a crime in another state that is substantially similar to**  
 21          **a crime described in clause (B).**

22          **Sec. 5. As compensation for services, each commissioner is**  
 23          **entitled to the minimum salary per diem provided by**  
 24          **IC 4-10-11-2.1(b). A commissioner is also entitled to**  
 25          **reimbursement for traveling expenses as provided under**  
 26          **IC 4-13-1-4 and other expenses actually incurred in connection**  
 27          **with the commissioner's duties as provided in the state policies and**  
 28          **procedures established by the department of administration and**  
 29          **approved by the budget agency.**

30          **Sec. 6. (a) Each commissioner shall execute a surety bond in the**  
 31          **amount of ten thousand dollars (\$10,000), with surety approved by**  
 32          **the governor, and an oath of office, both of which shall be filed in**  
 33          **the office of the secretary of state.**

34          **(b) The required surety bond executed and filed on behalf of a**  
 35          **commissioner, an enforcement officer (under IC 7.1-8-5), or the**  
 36          **prosecutor (under IC 7.1-8-3) shall be made payable to the State of**  
 37          **Indiana and conditioned upon the faithful discharge of the bonded**  
 38          **party's respective duties.**

39          **Sec. 7. The commission shall hold regular meetings on at least**  
 40          **a quarterly basis. The commission may hold special meetings**  
 41          **whenever the commission deems it necessary. The procedure for**  
 42          **the calling of a special meeting shall be provided for in the rules of**



1 the commission. The commission has the power to adjourn, from  
 2 time to time, both regular and special meetings. In no event,  
 3 however, shall the adjournment be later than the next regular  
 4 meeting date.

5 **Sec. 8. (a) Three (3) members of the commission constitute a**  
 6 **quorum for the transaction of business.**

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

8 **(c) Action of the commission may be taken only upon the**  
 9 **affirmative votes of at least two (2) commissioners. If a vote of the**  
 10 **commission is a tie, the position for which the chairperson voted**  
 11 **prevails, as long as that position has received the affirmative votes**  
 12 **of at least two (2) commissioners.**

13 **Sec. 9. A commissioner may not solicit or accept a political**  
 14 **contribution from any person or entity that has a permit or has**  
 15 **applied for a permit issued by the commission. However, the right**  
 16 **of a commissioner to vote as the commissioner chooses and to**  
 17 **express the commissioner's opinions on political subjects and**  
 18 **candidates may not be impaired.**

19 **Sec. 10. (a) As used in this section, "fund" means the cannabis**  
 20 **regulation fund established by subsection (b).**

21 **(b) The cannabis regulation fund is established for the purpose**  
 22 **of implementing, administering, and enforcing this article. The**  
 23 **fund shall be administered by the commission.**

24 **(c) The fund consists of taxes, fees, and civil penalties collected**  
 25 **under this article.**

26 **(d) The expenses of administering the fund shall be paid from**  
 27 **money in the fund.**

28 **(e) The treasurer of state shall invest the money in the fund not**  
 29 **currently needed to meet the obligations of the fund in the same**  
 30 **manner as other public money may be invested. Interest that**  
 31 **accrues from these investments shall be deposited in the fund.**

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

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

41 **(2) Fifteen percent (15%) to cities, towns, and counties (if a**  
 42 **facility is not located in a city or town) in which a cannabis**



- 1 growing facility, processing facility, or retail facility is
- 2 located, allocated in proportion to the number of growing
- 3 facilities, processing facilities, and retail facilities in Indiana.
- 4 (3) Twenty percent (20%) to the Indiana department of health
- 5 to be used to develop, in consultation with the department of
- 6 education, a cannabis abuse prevention and education
- 7 program for youth.
- 8 (4) Twenty-five percent (25%) to the Indiana department of
- 9 health for use by the division of mental health and addiction.
- 10 (5) Twenty-five percent (25%) to the state police department.

11 **Chapter 3. Office of the Prosecutor**

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

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

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

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

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

- 29 (1) To prosecute before the commission all violations of laws
- 30 pertaining to cannabis or cannabis products.
- 31 (2) To prosecute before the commission all violations of the
- 32 rules of the commission.
- 33 (3) To assist the prosecuting attorneys of the various judicial
- 34 circuits in the investigation and prosecution of violations of
- 35 laws pertaining to cannabis or cannabis products.
- 36 (4) To appear before grand juries to assist in their
- 37 investigations into matters pertaining to cannabis or cannabis
- 38 products.
- 39 (5) To establish a seal of office.
- 40 (6) To administer oaths and to do all other acts authorized by
- 41 law for notaries public.
- 42 (7) To employ, with the consent of the commission and at



1 salaries fixed by the commission in its budget, the clerical staff  
2 required to effectively discharge the duties of the prosecutor.

3 **Sec. 6. The commission shall provide the prosecutor with**  
4 **appropriate office space and all necessary office supplies and**  
5 **services. All claims for salaries and necessary expenses of the office**  
6 **of the prosecutor shall be allowed and approved and paid by the**  
7 **commission.**

8 **Chapter 4. Executive Director**

9 **Sec. 1. The commission shall employ an executive director to aid**  
10 **the commission in the efficient administration of its powers and**  
11 **duties.**

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

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

16 **Sec. 4. The executive director shall perform the duties assigned**  
17 **to the executive director by the commission. The executive director**  
18 **may exercise any power conferred upon the commission by this**  
19 **article that is consistent with the duties assigned to the executive**  
20 **director under this chapter.**

21 **Sec. 5. In addition to any salary paid under this chapter, the**  
22 **executive director is entitled to reimbursement for traveling**  
23 **expenses and other expenses actually incurred in connection with**  
24 **the executive director's duties, as provided in the state travel**  
25 **policies and procedures established by the department of**  
26 **administration and approved by the budget agency.**

27 **Chapter 5. Enforcement Officers**

28 **Sec. 1. The commission may employ a superintendent of the**  
29 **enforcement officers and qualified individuals to serve as**  
30 **enforcement officers of the commission.**

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

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

38 (1) the provisions of this article; and

39 (2) any other Indiana law relating to cannabis and cannabis  
40 products.

41 **Sec. 4. An enforcement officer may issue a summons for**  
42 **infraction or misdemeanor violations if the defendant promises to**



1 appear by signing the summons. A defendant who fails to appear  
 2 is subject to the penalties provided by IC 35-44.1-2-10. Upon  
 3 failure to appear, the court shall issue a warrant for the arrest of  
 4 the defendant.

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

9 Sec. 6. Each enforcement officer shall execute a surety bond in  
 10 the amount of one thousand dollars (\$1,000), with surety approved  
 11 by the commission, and an oath of office, both of which shall be  
 12 filed with the executive secretary of the commission.

13 Sec. 7. An eligible enforcement officer who retires with at least  
 14 twenty (20) years of service as an enforcement officer may retain  
 15 the officer's service weapon. The officer is entitled to receive, in  
 16 recognition of the officer's service to the commission and to the  
 17 public, a badge that indicates that the officer is retired. The  
 18 commission shall issue the officer who is retiring an identification  
 19 card stating the officer's name and rank, signifying that the officer  
 20 is retired, and noting the officer's authority to retain the service  
 21 weapon.

22 Sec. 8. (a) The commission has the power to employ and remove  
 23 at will all necessary employees, and to fix their duties, authority,  
 24 and, with proper approval, their compensation.

25 (b) The commission shall employ at least one (1) enforcement  
 26 officer with police powers for every six (6) permits issued.

27 Sec. 9. The superintendent of the enforcement officers may  
 28 discharge a nonprobationary enforcement officer for just cause.  
 29 The commission shall adopt rules to establish a probationary  
 30 period and a procedure for the adjudication of the propriety of the  
 31 discharge of a nonprobationary enforcement officer.

32 Sec. 10. (a) The commission shall categorize salaries of  
 33 enforcement officers within each rank based upon the rank held  
 34 and the number of years of service in the commission through the  
 35 twentieth year. The salary ranges that the commission assigns to  
 36 each rank shall be divided into a base salary and twenty (20)  
 37 increments above the base salary with:

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

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

42 (b) The salary matrix prescribed by this section shall be



1 reviewed and approved by the budget agency before  
2 implementation.

3 (c) The salary matrix prescribed by this section must have  
4 parity with the salary matrix prescribed by the natural resources  
5 commission under IC 14-9-8 for conservation officers of the  
6 department of natural resources. The budget agency shall approve  
7 a salary matrix that meets the parity requirement of this  
8 subsection.

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

10 **Sec. 1. The chairperson is the presiding officer at the meetings**  
11 **of the commission. The chairperson, together with the executive**  
12 **director, shall prepare, certify, and authenticate all proceedings,**  
13 **minutes, records, and rules of the commission. The chairperson or**  
14 **the chairperson's designee also shall perform all other duties as**  
15 **imposed by this article.**

16 **Sec. 2. The commission has the power to organize its work and**  
17 **carry on the functions of the commission and to enforce and**  
18 **administer the provisions of this article and the rules of the**  
19 **commission.**

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

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

- 25 (1) hold hearings before the commission or its representative;  
26 (2) take testimony and receive evidence;  
27 (3) conduct inquiries with or without hearings;  
28 (4) receive reports of investigators or other governmental  
29 officers and employees;  
30 (5) administer oaths;  
31 (6) subpoena witnesses and compel them to appear and  
32 testify;  
33 (7) issue and enforce subpoenas duces tecum;  
34 (8) take or institute proceedings to enforce subpoenas and the  
35 rules, orders, or requirements of the commission or its  
36 representative;  
37 (9) fix the compensation paid to witnesses appearing before  
38 the commission;  
39 (10) establish and use the seal of the commission;  
40 (11) certify copies of records of the commission or any other  
41 document or record on file with the commission;  
42 (12) fix the form, mode, manner, time, and number of times



1 for the posting or publication of any required notices if not  
2 otherwise provided in this article;

3 (13) issue letters of extension as authorized by this article; and

4 (14) hold permits on deposit as authorized by this article.

5 **Sec. 5. (a) The commission shall prepare a quarterly report that**  
6 **describes the violations by permittees subject to an enforcement**  
7 **action under this article. Beginning in January 2024, the**  
8 **commission shall issue the quarterly reports on or before the**  
9 **fifteenth day of:**

10 (1) January, concerning violations committed during the  
11 preceding quarter consisting of the months of October  
12 through December;

13 (2) April, concerning violations committed during the  
14 preceding quarter consisting of the months of January  
15 through March;

16 (3) July, concerning violations committed during the  
17 preceding quarter consisting of the months of April through  
18 June; and

19 (4) October, concerning violations committed during the  
20 preceding quarter consisting of the months of July through  
21 September.

22 (b) The commission's quarterly report must provide  
23 noncompliance violations by:

24 (1) business listing;

25 (2) permit type; and

26 (3) county.

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

29 (1) prepare a report annually that compiles the violations for  
30 the preceding calendar year; and

31 (2) provide the report to the legislative council not later than  
32 February 1 of each year in an electronic format under  
33 IC 5-14-6.

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

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

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

42 **Sec. 9. The commission has the power to adopt rules governing**





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the following:

- (1) The conduct of the meetings and business of the commission.
- (2) The conduct of hearings before any of the commission's representatives.
- (3) The conduct of the business of a permittee authorized or governed by the provisions of this article.
- (4) The enforcement of the provisions of this article and of the rules of the commission.
- (5) The standards of purity and methods of processing used in the production of cannabis and cannabis products.
- (6) The prevention of misbranding or adulteration of cannabis and cannabis products.
- (7) The prevention of fraud, evasion, trickery, or deceit in the processing, labeling, advertisement, transportation, or sale of cannabis or cannabis products, or the evasion of other Indiana law relating to cannabis or cannabis products.

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

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

**Sec. 2. (a)** The commission shall prepare and maintain, available for public inspection, a registry of all permits issued by the commission, categorized by type of permit and by the type of establishment to which the permit is issued. The registry of permits must:

- (1) be subdivided on a county by county basis, and further subdivided by city, town, and unincorporated area;
- (2) contain the number of permits authorized by the quota, and the number of permits currently issued;
- (3) contain the name of the owner of the permit, the address of the permitted premises, the assumed business name under which the business is conducted, and, if a corporation, the names of the president and secretary; and
- (4) be made current annually, to indicate by specific notation any new permits that were issued or any existing permits that were transferred in any manner within the prior year.

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

**Sec. 3.** The commission has the power to investigate applicants and permittees, and any violation of a provision of this article and of the rules of the commission, and to report its findings to the



1 prosecuting attorney or the grand jury of the county in which the  
2 violation occurred, or to the attorney general.

3 **Sec. 4. The commission has the power to prohibit the sale,**  
4 **transportation, or movement of cannabis when, in the judgment of**  
5 **the commission, it is necessary during a time of public emergency,**  
6 **civil disturbance, riot, or epidemic. The prohibition may be**  
7 **imposed without prior notice or advertisement and may be**  
8 **continued in force as long as the need continues.**

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

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

15 **Sec. 6. The commission has the power to prevent a part of the**  
16 **premises connected with, or in any way used in connection with, a**  
17 **permitted premises, from being used as a subterfuge or means of**  
18 **evading the provisions of this article or of the rules of the**  
19 **commission.**

20 **Sec. 7. The commission has the power to set standards of**  
21 **cleanliness and sanitation for a permitted premises and for the**  
22 **apparatus, equipment, utensils, accessories, articles, and fixtures**  
23 **used or employed in the permitted premises.**

24 **Sec. 8. The commission has the power to require the destruction**  
25 **or removal of cases, containers, apparatus, or devices, used or**  
26 **likely to be used, in evading, violating, or preventing the**  
27 **enforcement of the provisions of this article or of the rules of the**  
28 **commission.**

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

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

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

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

41 **(e) Notwithstanding any other law, the commission may not**  
42 **prohibit the use of an illuminated sign advertising cannabis or**



1 cannabis products by brand name that is displayed within the  
 2 interior or on the exterior of the premises covered by the permit,  
 3 regardless of whether the sign is illuminated constantly or  
 4 intermittently.

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

6 (1) cannabis or cannabis products; or

7 (2) a place where cannabis or cannabis products may be  
 8 obtained;

9 in a program, scorecard, handbill, throw-away newspaper, or  
 10 menu. However, advertisements described in this subsection must  
 11 conform to the rules of the commission.

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

15 (h) Cannabis or cannabis products may not be marketed or  
 16 advertised to persons less than twenty-one (21) years of age. The  
 17 commission shall determine whether a sponsorship is marketed or  
 18 advertised to a person less than twenty-one (21) years of age.

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

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

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

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

31 (1) A facility permitted under this article.

32 (2) A tract that contains a premises permitted under this  
 33 article.

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

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

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

38 (2) on the facility's exterior.

39 (d) The commission may not exercise the prohibition power  
 40 contained in this chapter on advertising by a permittee in or on a  
 41 facility.

42 (e) A facility may provide advertising to a permittee in exchange



1 for compensation from that permittee.

2 Sec. 11. The commission has the power to require the  
3 registration of all brands, formulas, analyses, and labels used or  
4 proposed to be used in selling or advertising cannabis or cannabis  
5 products. The commission does not have the power to require the  
6 disclosure of formulas that are verified trade secrets.

7 Sec. 12. The commission has the power to regulate the modes  
8 and methods of dealing in, and the transportation of, cannabis and  
9 cannabis products.

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

11 (1) prescribe the manner and methods by which all records  
12 relating to cannabis or cannabis products are kept and  
13 preserved;

14 (2) inspect all records relating to cannabis or cannabis  
15 products; and

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

18 Sec. 14. The commission may require that, before the  
19 transportation of cannabis or cannabis products into Indiana by an  
20 authorized permittee, the permittee shall submit written, verified  
21 information concerning the proposed transportation and execute  
22 and file any documents required. The commission has the power to  
23 inspect the shipments in transit and the vehicle used in the  
24 transportation.

25 Sec. 15. The commission, unless otherwise specifically  
26 prohibited, may delegate the powers and duties conferred on it in  
27 this article to responsible employees of the commission. However,  
28 the commission bears ultimate responsibility.

29 Sec. 16. The members of the commission and their officers and  
30 employees are immune from civil liability for an act or omission  
31 done under the authority, or the color of authority, conferred by  
32 this article or by a rule or order of the commission, unless the act  
33 or omission constitutes gross negligence or willful or wanton  
34 misconduct.

35 Sec. 17. The commission and the chairperson have, in addition  
36 to the express powers enumerated in this article, the authority to  
37 exercise all powers necessary and proper to carry out the policies  
38 of this article and to promote efficient administration by the  
39 commission.

40 Chapter 8. Searches and Seizures

41 Sec. 1. A circuit or superior court may issue a warrant to search  
42 a house or other place for cannabis, cannabis products, or another



1 article that is being possessed, kept, sold, bartered, given away,  
2 used, or transported in violation of this article.

3 **Sec. 2.** The warrant shall be directed to the officer, agent, or  
4 employee of the commission who filed the affidavit for the warrant  
5 and otherwise it shall be directed to any officer who has the power  
6 to serve criminal process. The warrant shall be served by the  
7 person to whom it was issued in the daytime or nighttime and the  
8 return made within twenty (20) days from the date of issue.

9 **Sec. 3.** The officer who serves the warrant shall seize any article  
10 described in the warrant and any other article found during the  
11 search that is used in the violation of a provision of this article and  
12 hold in the same manner as other items seized pursuant to a search  
13 warrant are held.

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

- 15 (1) cannabis or a cannabis product possessed contrary to law;
- 16 (2) a receptacle or container holding cannabis or a cannabis  
17 product possessed contrary to law;
- 18 (3) an unlawful or prohibited receptacle or container; or
- 19 (4) a receptacle or container that violates a rule of the  
20 commission or that is being used in a manner that violates a  
21 rule of the commission.

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

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

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

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

35 **(b)** Proof of the possession of an empty container permits a trier  
36 of fact to infer that the person who possessed the container  
37 possessed cannabis.

### 38 **Chapter 9. Public Nuisances**

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

- 40 (1) A premises, vehicle, or place of any kind where at least one  
41 (1) of the following occurs:  
42 (A) Cannabis or a cannabis product of any type is



1            possessed in violation of Indiana law or a rule of the  
2            commission.  
3            (B) A person is permitted to use the premises, vehicle, or  
4            place for the purpose of consuming cannabis or cannabis  
5            products in violation of Indiana law or a rule of the  
6            commission.  
7            (2) A place where cannabis or cannabis products are kept for  
8            delivery in violation of Indiana law or in violation of a rule of  
9            the commission.  
10           (3) The business property of a person who knowingly or  
11           intentionally possesses cannabis or cannabis products in  
12           violation of Indiana law or a rule of the commission.  
13           Sec. 2. The plaintiff in an action to abate a public nuisance  
14           under this chapter must prove that the owner of the business had  
15           actual knowledge of the actions alleged to constitute a nuisance.  
16           Sec. 3. In determining whether an owner should be held liable  
17           for failing to abate a public nuisance under this chapter, the court  
18           shall consider the efforts the owner took to abate the public  
19           nuisance, including whether the law enforcement agency that  
20           serves the owner's property was notified by the owner or the  
21           owner's employee of the actions alleged to constitute the public  
22           nuisance.  
23           Sec. 4. If a permittee violates this article on a premises or in a  
24           vehicle where cannabis or a cannabis product is kept, the premises  
25           or vehicle is a public nuisance.  
26           Sec. 5. Untaxed cannabis, the receptacle in which it is contained,  
27           and the premises or vehicle where it is kept constitute a public  
28           nuisance.  
29           Sec. 6. (a) The following may bring an action to abate a common  
30           nuisance or a violation of this article:  
31           (1) The commission.  
32           (2) The chairperson of the commission.  
33           (3) The attorney general.  
34           (4) The prosecuting attorney exercising jurisdiction in the  
35           county where the common nuisance or violation occurs.  
36           (5) A permittee.  
37           (6) A resident of the county where the common nuisance or  
38           violation occurs.  
39           (b) The court may grant a temporary restraining order, a  
40           preliminary injunction, a permanent injunction, and any other  
41           relief authorized under Indiana law.  
42           Sec. 7. A prevailing plaintiff in an action brought to abate a



1 nuisance is entitled to, at the discretion of the court:

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

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

9 Sec. 8. An action authorized by this chapter shall be brought in  
10 the name of the state on the relation of the commission. The  
11 commission may be represented by an attorney selected by it, by  
12 the attorney general, or by a deputy or assistant attorney general  
13 assigned by the attorney general for the purpose of instituting or  
14 conducting the action, or by both.

15 Sec. 9. The remedies authorized by this chapter are cumulative  
16 and nonexclusive. The remedies provided in this article do not  
17 affect the power of the commission to revoke a permit.

18 **Chapter 10. Jurisdiction and Miscellaneous Judicial**  
19 **Proceedings**

20 Sec. 1. An action brought against the commission, or against the  
21 chairperson as the chairperson, shall be brought in the circuit or  
22 superior court of Marion County unless otherwise specifically  
23 provided in this article.

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

26 **Chapter 11. Issuance of Permits Generally**

27 Sec. 1. (a) The commission may issue only the types of permits  
28 authorized by this article subject to the applicable provisions of  
29 this article.

30 (b) Beginning January 1, 2024, the commission shall accept  
31 applications for cannabis permits.

32 Sec. 2. A permit:

33 (1) is a revocable privilege granted by the state; and

34 (2) is not a property right.

35 Sec. 3. The commission may issue a permit under this article  
36 only to:

37 (1) an individual;

38 (2) a partnership;

39 (3) a limited liability company; or

40 (4) a corporation organized and existing under Indiana law.

41 Sec. 4. The following definitions apply throughout this chapter:

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



- 1           **(A) Black;**  
 2           **(B) Native American;**  
 3           **(C) Asian American; or**  
 4           **(D) Hispanic.**  
 5           **(2) "Owned and controlled" means:**  
 6           **(A) ownership of at least fifty-one percent (51%) of the**  
 7           **enterprise, including corporate stock of a corporation;**  
 8           **(B) control over the management and being active in the**  
 9           **day to day operations of the business; and**  
 10           **(C) an interest in the capital, assets, and profits and losses**  
 11           **of the business proportionate to the percentage of**  
 12           **ownership.**  
 13           **(3) "Veteran" means an individual who:**  
 14           **(A) has previously:**  
 15               **(i) served on active duty in any branch of the armed**  
 16               **forces of the United States or their reserves, or in the**  
 17               **national guard; and**  
 18               **(ii) received an honorable discharge from service; or**  
 19           **(B) is currently serving in:**  
 20               **(i) any branch of the armed forces of the United States or**  
 21               **their reserves; or**  
 22               **(ii) the national guard.**  
 23           **Sec. 5. (a) Except as provided in subsection (b), the commission**  
 24           **shall issue not less than fifteen percent (15%) of allowable permits**  
 25           **under this article to businesses owned and controlled by one (1) or**  
 26           **more:**  
 27               **(1) minorities; or**  
 28               **(2) veterans.**  
 29           **(b) If an insufficient number of qualifying applications are by a**  
 30           **person described in subsection (a), the commission shall issue**  
 31           **permits in the usual way.**  
 32           **Sec. 6. (a) Except as otherwise provided in this article, a permit**  
 33           **issued by the commission is valid for one (1) calendar year,**  
 34           **including the day upon which it is granted. At the end of the one (1)**  
 35           **year period, the permit expires and is void.**  
 36           **(b) The commission shall timely process a permittee's**  
 37           **application for renewal of a permit unless the permittee receives a**  
 38           **notice of a violation from the office of the prosecutor.**  
 39           **(c) The commission may timely process an application for**  
 40           **renewal of a permit filed by a permittee that receives notice of a**  
 41           **violation as described in subsection (f) if the chairperson or the**  
 42           **chairperson's designee authorizes the application for renewal of**





1 the permit to be timely processed.

2 (d) A permittee may file an application for renewal of a permit  
3 not later than thirty (30) days after the date the permit expires.

4 (e) If a permittee does not file an application for renewal of a  
5 permit within the time provided in subsection (d), the permit  
6 reverts to the commission. At least thirty (30) days before the date  
7 that a permit reverts to the commission, the commission shall  
8 provide written notice to the permittee informing the permittee of  
9 the date that the permittee's permit will revert to the commission.

10 (f) The chairperson or the chairperson's designee may allow the  
11 permittee to renew the permit after the date the permit expires  
12 only if the permittee provides evidence that the permittee is  
13 engaged in an administrative or court proceeding that prevents the  
14 permittee from renewing the permit.

15 (g) A permit is effective upon the final approval of the  
16 commission. Upon final approval of a permit, and upon the request  
17 of the permittee, the commission shall provide the permittee with  
18 a letter of authority to operate. The letter of authority to operate  
19 constitutes authorization for the permittee to perform the actions  
20 allowed under the permit until the date the permittee receives the  
21 permit issued by the commission.

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

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

31 Sec. 8. The commission shall issue a permit authorized by this  
32 article only upon proper application. The application shall be in  
33 writing, and verified, upon forms prescribed and furnished by the  
34 commission. The application shall contain the terms and  
35 information required by this article or by the rules of the  
36 commission. The appropriate surety bond, if required, must be  
37 submitted with the application.

38 Sec. 9. An application for a permit shall contain the express  
39 statement of the applicant that, if a permit is issued to the  
40 applicant, the applicant consents for the duration of the permit  
41 term to the entrance, inspection, and search by an enforcement  
42 officer, without a warrant or other process, of the applicant's



1 permitted premises and vehicles to determine whether the  
 2 applicant is complying with the provisions of this article. The  
 3 consent required by this section is renewed and continued by the  
 4 retention of a permit or its use by a permittee.

5 **Sec. 10.** An application for a permit to sell cannabis or cannabis  
 6 products of any kind, and the required publication of notice, must  
 7 disclose the name of the applicant and the specific property  
 8 address where the cannabis or cannabis products are to be sold,  
 9 and any assumed business name under which the business will be  
 10 conducted. The application and notice also must disclose:

11 (1) the names of the executive officers of the corporation,  
 12 company, or other entity responsible to the public for the sale  
 13 of cannabis or the cannabis product; and

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

16 **Sec. 11.** An applicant must have a vested legal interest in the  
 17 property address listed on the permit application.

18 **Sec. 12. (a)** As used in this section, "immediate family member"  
 19 means a spouse, parent, child, sibling, father-in-law, or  
 20 mother-in-law.

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

24 **Sec. 13. (a)** On receipt of a completed permit application under  
 25 this chapter, the commission shall forward a copy of the  
 26 application to the state police department.

27 (b) The state police department shall perform a national  
 28 criminal history background check of the applicant and return the  
 29 application to the commission along with the results from the  
 30 national criminal history background check. The commission is  
 31 responsible for the cost of the national criminal history  
 32 background check.

33 (c) The commission shall review the permit application after  
 34 receipt of the results from the state police department. The  
 35 commission shall grant or deny a completed application for a  
 36 permit within sixty (60) days after receipt of the application. If the  
 37 commission determines that:

38 (1) all the requirements under this article have been met; and

39 (2) the applicant has not been convicted within ten (10) years  
 40 before the date of application of:

41 (A) a federal crime having a sentence of more than one (1)  
 42 year;



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

5           **(C) a crime in another state that is substantially similar to**  
 6           **a crime described in clause (B);**

7           **the commission shall approve the application for issuance of**  
 8           **the permit.**

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

12          **(e) If the completed application for a permit is denied, the**  
 13          **commission must state the reasons for the denial. If a completed**  
 14          **application is denied under this section, the applicant may reapply**  
 15          **within thirty (30) days after the date of the denial. There is no**  
 16          **application fee for a reapplication under this subsection.**

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

19          **Sec. 14. An applicant for a permit issued pursuant to this article**  
 20          **shall file with the commission a surety bond in the sum of fifteen**  
 21          **thousand dollars (\$15,000).**

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

25               **(1) violates a provision of this article or a rule of the**  
 26               **commission that relates to the permit; or**

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

29          **(b) A permittee shall keep the bond in full force and effect**  
 30          **continuously in order to keep the permit in force.**

31          **Sec. 16. (a) Except as provided in subsection (b), the commission**  
 32          **may recover not more than two hundred fifty dollars (\$250) in any**  
 33          **one (1) action on a permittee's surety bond for the violation of a**  
 34          **rule of the commission. Except as provided in subsection (b), the**  
 35          **commission may recover not more than five hundred dollars (\$500)**  
 36          **in any one (1) action on the surety bond for the violation of a**  
 37          **provision of this article. All violations committed before the**  
 38          **commission brings an action on the bond are considered one (1)**  
 39          **violation. Funds recovered on a bond shall be deposited in the**  
 40          **cannabis regulation fund established by IC 7.1-8-2-10.**

41          **(b) The state may recover the full amount of all taxes and fees**  
 42          **due and owed by the permittee under this article in a single action**



1 on the bond. No person may bring an action on the bond except the  
 2 commission. Funds recovered under this section shall be deposited  
 3 in the state general fund.

4 **Sec. 17.** The commission shall ensure that a surety bond filed  
 5 under this article is securely stored. The commission may not  
 6 approve a surety bond unless the surety company is solvent and  
 7 qualified to do business in Indiana. The commission, before  
 8 approving a surety bond, shall require the commissioner of the  
 9 department of insurance to furnish to the commission copies of  
 10 reports of the surety company and other information concerning  
 11 the reserves and reliability of the company.

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

16 **Sec. 19.** A surety may not cancel or annul a surety bond filed in  
 17 accordance with the provisions of this article after it has been  
 18 approved by the commission. However, a surety, with the consent  
 19 of the commission, may cancel a bond and be released from  
 20 liability accruing after the effective date of the cancellation. The  
 21 commission may not approve a cancellation until the surety has  
 22 paid and discharged in full its liability to the state on the bond to  
 23 the date of the approval of the cancellation.

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

- 25 (1) credit card;
- 26 (2) debit card;
- 27 (3) charge card; or
- 28 (4) stored value card.

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

- 31 (1) Cash.
- 32 (2) Certified check.
- 33 (3) Cashier's check.
- 34 (4) Check drawn on the bank deposit of a business.
- 35 (5) Valid postal money order of the United States.
- 36 (6) Bank draft.
- 37 (7) Money order.
- 38 (8) Bank card or credit card.
- 39 (9) Electronic funds transfer.
- 40 (10) Any other financial instrument authorized by the
- 41 commission.

42 **(c)** If there is a charge to the commission for the use of a



1 financial instrument, the commission may collect a sum equal to  
 2 the amount of the charge from the person who uses the financial  
 3 instrument.

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

6 (e) The commission may contract with a bank card or credit  
 7 card vendor for acceptance of bank cards or credit cards.  
 8 However, if there is a vendor transaction charge or discount fee,  
 9 whether billed to the commission or charged directly to the  
 10 commission's account, the commission may collect from the person  
 11 using the card:

12 (1) an official fee that may not exceed the transaction charge  
 13 or discount fee charged to the commission by bank or credit  
 14 card vendors; or

15 (2) a reasonable convenience fee:

16 (A) that may not exceed three dollars (\$3); and

17 (B) that must be uniform regardless of the bank card or  
 18 credit card used.

19 The fees described in subdivisions (1) and (2) may be collected  
 20 regardless of retail merchant agreements between the bank and  
 21 credit card vendors that may prohibit such fees. These fees are  
 22 permitted additional charges under IC 24-4.5-3-202.

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

26 Sec. 21. (a) Except as provided in subsection (d), if publication  
 27 of notice of application for a permit is required under this article,  
 28 the publication shall be made in one (1) newspaper of general  
 29 circulation published in the county where the permit is to be in  
 30 effect.

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

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

37 (d) If:

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

41 (2) the newspaper published in the county as described in  
 42 subsection (a) refuses to publish the notice;



1 the commission may, instead of publication in a newspaper as  
 2 required under subsection (a), post the notice on the commission's  
 3 website.

4 **Sec. 22.** Whenever the character of the business in which an  
 5 applicant is engaged is material to the applicant being issued a  
 6 permit under this article, or is material to the applicant being  
 7 qualified to continue to hold the permit, it must be made to appear  
 8 to the satisfaction of the commission that a substantial portion of  
 9 the business carried on, or to be carried on, in the premises in  
 10 respect to which a permit is applied for is in the nature of the  
 11 applicant's main business function in the premises.

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

17 **Sec. 24.** A permit issued under this article may not be  
 18 transferred:

- 19 (1) from the permit holder to another person; or
- 20 (2) from the location for which the permit was approved or
- 21 renewed to another location;

22 unless otherwise authorized in this article or approved by the  
 23 commission.

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

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

30 **Sec. 26.** If the information required for an initial or renewal  
 31 permit changes, the permit holder shall notify the commission  
 32 within ten (10) business days of the change. If any change in the  
 33 information required for an application results in a violation of this  
 34 article, the commission may impose a penalty as provided in this  
 35 article.

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

- 37 (1) a grower permit and a processor permit;
- 38 (2) a grower permit and a retailer permit; or
- 39 (3) a processor permit and a retailer permit.

40 However, a person may not simultaneously hold a grower permit,  
 41 a processor permit, or a retailer permit unless the person is an  
 42 integrated permittee.



1 (b) A person holding a transport permit may not hold any other  
2 type of permit, and a person holding a testing permit may not hold  
3 any other type of permit.

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

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

13 (e) The commission may award an integrated processor permit  
14 only if the prospective permittee demonstrates that the permittee  
15 has a proven capital reserve of at least five million dollars  
16 (\$5,000,000). If the prospective permittee is a veteran or minority  
17 owned business under section 5 of this chapter, the commission  
18 may permit alternate capital reserve.

19 (f) An integrated permittee is entitled to:

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

21 (2) ten (10) grower permits, consisting of:

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

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

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

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

28 (g) An integrated permittee to whom a permit has been issued  
29 under this section may deposit that permit with the commission for  
30 a period of:

31 (1) two (2) years, in the case of a grower and processor  
32 permit; and

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

34 if the permittee is unable to immediately operate the business to  
35 which the permit applies.

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

41 Chapter 12. Grower Permits

42 Sec. 1. The growth of cannabis is authorized in Indiana. The



1 growing and handling of cannabis is subject to regulation by the  
 2 commission. The commission shall adopt rules under IC 4-22-2 to  
 3 oversee the permitting, production, and management of:

- 4 (1) cannabis; and  
 5 (2) cannabis seed.

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

9 (b) Except as otherwise provided in this article, cannabis  
 10 produced by a grower permittee under this article may be grown  
 11 and sold in Indiana.

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

- 13 (1) must grow at least eighty percent (80%) of the cannabis  
 14 canopy in an indoor grow facility; and  
 15 (2) may grow not more than twenty percent (20%) of the  
 16 cannabis canopy outdoors, if:

17 (A) the outdoor grow area is adjacent to the indoor grow  
 18 facility; and

19 (B) is not:

- 20 (i) accessible to a member of the general public; or  
 21 (ii) visible from any street adjacent to the property by a  
 22 normal person with 20/20 eyesight without the use of any  
 23 device to assist in improving viewing distance or vantage  
 24 point.

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

- 26 (1) selling cannabis cultivated by the grower to another  
 27 grower permittee in Indiana;  
 28 (2) packaging, trimming, and placing cannabis cultivated by  
 29 the grower in containers for retail sale; or  
 30 (3) selling and delivering cannabis cultivated by the grower to  
 31 a person holding a cannabis retailer permit issued under this  
 32 article.

33 However, a grower may not use a chemical process to extract or  
 34 transform cannabis.

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

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

41 (b) If a permittee is unable to use the permit issued under this  
 42 article within two (2) years, the permit is forfeited to the





1 commission, unless the commission finds that a reasonable  
2 extension is necessary due to construction delays or fire, flood,  
3 tornado, or other natural disasters or acts of God.

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

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

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

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

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

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

25 (b) All cannabis personally cultivated under this chapter must  
26 be cultivated so that the cannabis is not accessible to a member of  
27 the general public. No cannabis may be visible from any street  
28 adjacent to the property.

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

32 (d) Cannabis plants personally cultivated in violation of this  
33 section may be seized and destroyed.

34 Sec. 6. In addition to the other requirements of this article, an  
35 initial or renewal application for a grower permit must include the  
36 following:

37 (1) The global positioning system coordinates and legal  
38 description of the property used for the cannabis grow  
39 operation.

40 (2) The planned size of the cannabis canopy.

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

42 (4) A nonrefundable application fee.



1       **Sec. 7. (a) For a permittee who grows less than five thousand**  
 2 **(5,000) square feet of cannabis canopy, the commission shall**  
 3 **impose an annual fee of thirty thousand dollars (\$30,000).**

4       **(b) For a permittee who grows at least five thousand (5,000)**  
 5 **square feet of cannabis canopy and less than fifteen thousand**  
 6 **(15,000) square feet of cannabis canopy, the commission shall**  
 7 **impose an annual fee of one hundred thousand dollars (\$100,000).**

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

11       **(d) Not more than:**

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

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

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

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

21       **(f) The fees set forth in this section are due to the commission**  
 22 **within thirty (30) days of the date the initial or renewal grower**  
 23 **permit is issued, and shall be deposited in the cannabis regulation**  
 24 **fund established by IC 7.1-8-2-10.**

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

30       **(b) A grower shall separate the plants as the plants go through**  
 31 **different growth stages and ensure that the plant tag is always**  
 32 **identified with the plant throughout the growth span so that all**  
 33 **plants can be easily identified and inspected. A grower shall ensure**  
 34 **that the identification information is recorded in the statewide**  
 35 **monitoring system.**

36       **(c) After a tagged plant is harvested, it is part of a harvest batch**  
 37 **so that a sample of the harvest batch can be tested in accordance**  
 38 **with this article. A grower shall quarantine a harvest batch from**  
 39 **other plants or batches that have test results pending. A harvest**  
 40 **batch must be easily distinguishable from other harvest batches**  
 41 **until the batch is broken down into packages.**

42       **(d) After test results show a passed test and the harvest batch is**



1 packaged, the grower shall destroy the individual plant tags. Each  
 2 package must have a permanent package tag attached. A grower  
 3 shall ensure this information is placed in the statewide monitoring  
 4 system in accordance with this article and rules adopted by the  
 5 commission.

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

- 10 (1) a permit requirement;  
 11 (2) permit terms or conditions; or  
 12 (3) a rule relating to growing cannabis.

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

15 (c) Any civil penalties collected under this section shall be  
 16 deposited in the cannabis regulation fund established by  
 17 IC 7.1-8-2-10.

18 **Sec. 10. (a)** Except as provided in subsection (b), the commission  
 19 shall give a person who negligently violates this chapter a  
 20 reasonable time, determined by the commission, to correct the  
 21 violation without imposing a penalty under this chapter. However,  
 22 the commission may require the person who committed the  
 23 violation to comply with a corrective action plan determined by the  
 24 commission and report to the commission on compliance with the  
 25 corrective action plan.

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

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

- 32 (1) the superintendent of the state police department; and  
 33 (2) the prosecuting attorney of the county in which the  
 34 violation occurred;

35 of the violation.

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

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

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

- 42 (1) names of growers who are permitted under this chapter;



1           **and**  
 2           **(2) locations of permitted cannabis crops;**  
 3 **confidential for purposes of IC 5-14-3.**

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

7           **Sec. 13. A person not permitted under this chapter who**  
 8 **knowingly or intentionally:**

9           **(1) grows or sells cannabis; or**  
 10 **(2) sells cannabis seed;**  
 11 **commits a Level 6 felony.**

12           **Chapter 13. Processor Permits**

13           **Sec. 1. The commission may issue a cannabis processor permit**  
 14 **to a person who desires to process cannabis or cannabis products.**

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

- 16           **(1) Process cannabis or cannabis products.**  
 17           **(2) Place cannabis or cannabis products in containers for**  
 18 **retail sale.**  
 19           **(3) Sell and deliver cannabis or cannabis products to a person**  
 20 **holding a cannabis retailer permit issued under this article.**

21           **Sec. 3. (a) A processor to whom a permit has been issued under**  
 22 **this chapter may deposit that permit with the commission for a**  
 23 **period of up to two (2) years if the permittee is unable to**  
 24 **immediately operate the business to which the permit applies.**

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

30           **Sec. 4. Cannabis must be transported and distributed to and**  
 31 **from a processor in packaging that contains the following**  
 32 **information:**

- 33           **(1) A scannable bar code or QR code linked to a document**  
 34 **that contains the:**  
 35           **(A) batch identification number of the cannabis;**  
 36           **(B) product name;**  
 37           **(C) batch date;**  
 38           **(D) expiration date, which must be not more than two (2)**  
 39 **years from the date of manufacture;**  
 40           **(E) batch size;**  
 41           **(F) total quantity produced;**  
 42           **(G) ingredients used, including the:**



- 1 (i) ingredient name;
- 2 (ii) name of the company that manufactured the
- 3 ingredient;
- 4 (iii) company or product identification number or code,
- 5 if applicable; and
- 6 (iv) ingredient lot number; and
- 7 (H) results of the quality assurance test conducted under
- 8 IC 7.1-8-18.
- 9 (2) The batch number.
- 10 (3) The Internet address of a website to obtain batch
- 11 information.
- 12 (4) The expiration date.
- 13 (5) The total number of milligrams of
- 14 delta-9-tetrahydrocannabinol (THC), including precursors.
- 15 (6) The grower.

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

18 **Chapter 14. Transport Permits**

19 **Sec. 1. The commission may issue a cannabis transport permit**  
 20 **to a person who is a carrier upon a showing of the reliability and**  
 21 **responsibility of the carrier and the appropriateness of issuing the**  
 22 **permit.**

23 **Sec. 2. The transportation of cannabis and cannabis products**  
 24 **for sale in Indiana are subject to the rules of the commission.**  
 25 **Cannabis and cannabis products may be transported and delivered**  
 26 **only in containers that are lawful under this article and permissible**  
 27 **under the rules of the commission.**

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

30 **Sec. 4. (a) A carrier must hold a transport permit before the**  
 31 **carrier may transport cannabis or cannabis products on a public**  
 32 **highway.**

33 **(b) A person who is a direct or beneficial owner of a grower,**  
 34 **processor, retailer, or safety compliance facility permit issued**  
 35 **under this article may not hold a transport permit.**

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

40 **(b) If a permittee is unable to use the permit issued under this**  
 41 **article within one (1) year, the permit is forfeited to the**  
 42 **commission, unless the commission finds that a reasonable**



1 extension is necessary due to construction delays or fire, flood,  
2 tornado, or other natural disasters or acts of God.

3 **Sec. 6. (a) A carrier may not transport cannabis on a vehicle**  
4 **owned or operated by the carrier unless the carrier has filed a**  
5 **description of the vehicle with the commission.**

6 **(b) The description of a vehicle used to transport cannabis must**  
7 **include:**

- 8 **(1) the engine number;**  
9 **(2) the date of manufacture;**  
10 **(3) the approximate weight;**  
11 **(4) the vehicle identification number;**  
12 **(5) the license plate number;**  
13 **(6) the capacity; and**  
14 **(7) any other information that the commission may require.**

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

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

22 **(b) The commission may inspect shipments of cannabis or**  
23 **cannabis products in transit and the vehicle used in the**  
24 **transportation.**

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

27 **Sec. 9. A transport permittee who knowingly or intentionally**  
28 **transports cannabis in a vehicle for which the permittee has not**  
29 **filed a description under this chapter commits a Class A**  
30 **misdemeanor.**

31 **Chapter 15. Retailer Permits**

32 **Sec. 1. The commission may issue a cannabis retailer permit to**  
33 **a person who desires to sell cannabis to customers for**  
34 **consumption.**

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

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

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

42 **(d) No single cannabis retail permittee may own more than**



1 twenty-five percent (25%) of available permits.

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

7 (b) A cannabis retailer may sell cannabis or cannabis products  
 8 at wholesale.

9 (c) A cannabis retailer may sell and deliver cannabis for carry  
 10 out and for at home delivery without a transport permit.

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

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

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

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

23 (2) allow a customer to sample or consume cannabis or a  
 24 cannabis product on the premises;

25 (3) permit a customer to purchase more than four (4) ounces  
 26 of cannabis or twenty-five (25) grams of cannabis concentrate  
 27 per day; or

28 (4) sell cannabis or a cannabis product in a unitary  
 29 transaction (as defined in IC 6-2.5-1-1) or bundled transaction  
 30 (as defined in IC 6-2.5-1-11.5).

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

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

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

37 (1) The name and address of the seller and the purchaser.

38 (2) The date of sale.

39 (3) The name of each brand sold.

40 (4) The number of packages, if any.

41 (5) The number of cases by size and type of container.

42 (6) The quantity of each kind of cannabis sold.



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

3 Sec. 8. Except as provided in IC 7.1-8-16, a unit may not  
4 regulate cannabis.

5 Chapter 16. Referendum to Prohibit Retail Sale of Cannabis

6 Sec. 1. (a) Before July 1, 2024, the governing body of a county  
7 may adopt a resolution to place a public question on the ballot to  
8 prohibit cannabis retail licensure within the county. The governing  
9 body shall determine whether to place the public question on the  
10 primary election ballot, on the general election ballot, or on a  
11 special election ballot.

12 (b) As soon as practicable after adopting the resolution under  
13 subsection (a), the governing body shall send a certified copy of the  
14 resolution to the commission and the county circuit court clerk.

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

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

20 "Shall the county prohibit cannabis retail licensure for five (5)  
21 years immediately following the holding of the referendum?  
22 If this public question is approved by the voters, cannabis  
23 retailers will be prohibited from licensing premises in the  
24 county for five (5) years."

25 Sec. 4. Each circuit court clerk shall, upon receiving the  
26 question approved by the governing body of a county under this  
27 chapter, call a meeting of the county election board to certify the  
28 question and make arrangements for the referendum.

29 Sec. 5. (a) The referendum shall be held in the next primary  
30 election or general election in which all the registered voters who  
31 are residents of the county are entitled to vote after adoption of the  
32 resolution under section 1 of this chapter. The certification of the  
33 question must occur not later than noon:

- 34 (1) seventy-four (74) days before a primary election if the  
35 question is to be placed on the primary election ballot; or  
36 (2) August 1 if the question is to be placed on the general  
37 election ballot.

38 (b) However, if a primary election or general election will not be  
39 held during the first year in which the public question is eligible to  
40 be placed on the ballot under this chapter, and if the county  
41 requests the public question to be placed on the ballot at a special  
42 election, the public question shall be placed on the ballot at a





1 special election to be held on the first Tuesday after the first  
 2 Monday in May or November of the year. The certification must  
 3 occur not later than noon:

4 (1) sixty (60) days before a special election to be held in May  
 5 (if the special election is to be held in May); or

6 (2) August 1 (if the special election is to be held in November).

7 (c) If the referendum is not conducted at a primary election or  
 8 general election, the county in which the special election is to be  
 9 held shall pay all the costs of holding the special election.

10 Sec. 6. Each county election board shall cause:

11 (1) the question certified to the circuit court clerk by the  
 12 governing body of a county to be placed on the ballot in the  
 13 form prescribed by IC 3-10-9; and

14 (2) an adequate supply of ballots and voting equipment to be  
 15 delivered to the precinct election board of each precinct in  
 16 which the referendum is to be held.

17 Sec. 7. (a) Except as provided in subsection (b), every registered  
 18 voter who resides in the county may vote on the public question.

19 (b) An individual who changes residence from a location within  
 20 a county to a location outside of the county less than thirty (30)  
 21 days before an election under this chapter may not vote on the  
 22 public question.

23 Sec. 8. Each precinct election board shall count the affirmative  
 24 votes and the negative votes cast concerning the public question,  
 25 and shall certify those two (2) totals to the county election board of  
 26 the county. The circuit court clerk shall, immediately after the  
 27 votes have been counted, certify the results of the public question  
 28 to the commission and the county governing body.

29 Sec. 9. (a) Except as otherwise provided in this section, during  
 30 the period beginning with the adoption of a resolution by the  
 31 governing body of a county to place a public question on the ballot  
 32 and continuing through the day on which the public question is  
 33 submitted to the voters, the county governing body may not  
 34 promote a position on the referendum by doing any of the  
 35 following:

36 (1) Using facilities or equipment, including mail and  
 37 messaging systems, owned by the county to promote a position  
 38 on the public question, unless equal access to the facilities or  
 39 equipment is given to persons with a position opposite to that  
 40 of the county governing body.

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



1           **(3) Using an employee to promote a position on the public**  
 2 **question during the employee's normal working hours or paid**  
 3 **overtime, or otherwise compelling an employee to promote a**  
 4 **position on the public question at any time. However, if a**  
 5 **person described in subsection (c) is advocating for or against**  
 6 **a position on the public question or discussing the public**  
 7 **question as authorized under subsection (c), an employee of**  
 8 **the county may assist the person in presenting information on**  
 9 **the public question, if requested to do so by the person**  
 10 **described in subsection (c).**

11 **However, this section does not prohibit an official or employee of**  
 12 **the county from carrying out duties with respect to a public**  
 13 **question that are part of the normal and regular conduct of the**  
 14 **official's or employee's office or agency, including the furnishing**  
 15 **of factual information regarding the public question in response to**  
 16 **inquiries from any person.**

17           **(b) This subsection does not apply to:**

18           **(1) a personal expenditure to promote a position on a public**  
 19 **question by an employee of a county whose employment is**  
 20 **governed by a collective bargaining contract or an**  
 21 **employment contract; or**

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

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

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

33           **(1) personally advocate for or against a position on a public**  
 34 **question; or**

35           **(2) discuss the public question with any individual, group, or**  
 36 **organization or personally advocate for or against a position**  
 37 **on a public question before any individual, group, or**  
 38 **organization;**

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

42           **Chapter 17. Statewide Monitoring System**



1           **Sec. 1. The commission shall establish a statewide monitoring**  
 2 **system for use as an integrated cannabis tracking, inventory, and**  
 3 **verification system. The statewide monitoring system must allow**  
 4 **for interface with third party inventory control and tracking**  
 5 **systems to provide for access by the state, permittees, and law**  
 6 **enforcement personnel, to the extent that they need and are**  
 7 **authorized to receive or submit the information, to comply with,**  
 8 **enforce, or administer this article.**

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

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

15           **(2) Determination of whether a particular sale or transfer**  
 16 **transaction will exceed the permissible limit established under**  
 17 **this article.**

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

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

21           **Sec. 3. The commission shall seek bids under IC 5-22 to**  
 22 **establish, operate, and maintain the statewide monitoring system**  
 23 **under this chapter. The commission shall do the following:**

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

26           **(2) Give strong consideration to the bidder's ability to prevent**  
 27 **fraud, abuse, and other unlawful or prohibited activities**  
 28 **associated with the commercial trade in cannabis, and the**  
 29 **ability to provide additional tools for the administration and**  
 30 **enforcement of this article.**

31           **(3) Institute procedures to ensure that the contract awardee**  
 32 **does not disclose or use the information in the system for any**  
 33 **use or purpose except for the enforcement, oversight, and**  
 34 **implementation of this article.**

35           **(4) Require the contract awardee to deliver the functioning**  
 36 **system within one hundred twenty (120) days after award of**  
 37 **the contract.**

38           **Sec. 4. The commission shall adopt rules under IC 4-22-2 to**  
 39 **implement this chapter.**

40           **Chapter 18. Safety Compliance Facility Permit**

41           **Sec. 1. The commission may issue a cannabis safety compliance**  
 42 **facility permit to a person who desires to test cannabis and**



1 cannabis products for transfer, sale, and consumption in Indiana.

2 **Sec. 2.** A person who has a direct or indirect ownership interest  
3 in a grower, processor, transport, or retailer permit may not have  
4 a direct or indirect ownership interest in a safety compliance  
5 facility or a safety compliance facility permit.

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

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

14 **(b)** If a permittee is unable to use the permit issued under this  
15 article within one (1) year, the permit is forfeited to the  
16 commission.

17 **Sec. 5. (a)** A safety compliance facility must test samples as  
18 provided in this chapter and pursuant to rules adopted by the  
19 commission.

20 **(b)** A safety compliance facility shall collect samples of cannabis  
21 and cannabis products from another cannabis permittee. Every  
22 cannabis permittee shall permit and assist the safety compliance  
23 facility in the collection of samples for testing.

24 **(c)** The safety compliance facility shall take a physical sample of  
25 the cannabis product from another cannabis permittee to be tested  
26 at the safety compliance facility.

27 **(d)** The safety compliance facility must develop a statistically  
28 valid sampling method to collect a representative sample from each  
29 batch of cannabis product.

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

32 **(1)** The safety compliance facility shall ensure that samples of  
33 the cannabis product are identified in the statewide  
34 monitoring system and placed in secured, sealed containers  
35 that bear the labeling required under the rules.

36 **(2)** A carrier's route plan and manifest that have been  
37 transmitted to the facility must be entered into the statewide  
38 monitoring system.

39 **(3)** The cannabis or cannabis product must be transported in  
40 one (1) or more sealed containers and not be accessible while  
41 in transit.

42 **(4)** The vehicle a safety compliance facility uses to transport



- 1 samples of cannabis or cannabis products may not bear  
 2 markings or other indication that it is carrying cannabis or a  
 3 cannabis product.
- 4 (b) Except as otherwise required by the commission, the safety  
 5 compliance facility shall collect a sample size that is:
- 6 (1) sufficient to complete all required analyses; and  
 7 (2) not less than one-half percent (0.5%) of the weight of the  
 8 harvest batch.
- 9 (c) At least fifty percent (50%) of the sample taken must be  
 10 homogenized for testing.
- 11 (d) The safety compliance facility shall report all testing results  
 12 to the commission on a quarterly basis, including the rate of  
 13 failure.
- 14 **Sec. 7. A safety compliance facility must do all of the following:**
- 15 (1) Become fully accredited to the International Organization  
 16 for Standardization (ISO), ISO/IEC 17025, by an ISO 17011,  
 17 ILAC recognized accreditation body or by an entity approved  
 18 by the commission within one (1) year after the date the  
 19 permit is issued, and agree to have the inspections and reports  
 20 of the ISO made available to the commission.
- 21 (2) Maintain internal standard operating procedures.
- 22 (3) Maintain a quality control and quality assurance program.
- 23 **Sec. 8. The commission may publish sample sizes for other**  
 24 **cannabis products being tested.**
- 25 **Sec. 9. A cannabis permittee must allow the safety compliance**  
 26 **facility to have access to its entire batch for the purposes of**  
 27 **sampling.**
- 28 **Sec. 10. (a) An employee of the cannabis permittee from which**  
 29 **the cannabis product test samples are being taken shall be**  
 30 **physically present to observe the safety compliance facility**  
 31 **employee collect the samples of cannabis or cannabis product for**  
 32 **testing. The employee shall ensure that the correct sample**  
 33 **increments are taken from throughout the batch.**
- 34 (b) An employee of a cannabis permittee may not:
- 35 (1) be directly involved in the testing performed by the safety  
 36 compliance facility employee; or  
 37 (2) touch the cannabis or cannabis product or the sampling  
 38 equipment while the safety compliance facility employee is  
 39 obtaining the sample.
- 40 **Sec. 11. (a) After samples have been selected, both the employee**  
 41 **of the cannabis permittee and the employee of the safety**  
 42 **compliance facility shall sign and date a chain of custody form,**



1 attesting to the accuracy of the following sample information:

2 (1) The name of the cannabis product.

3 (2) The weight of cannabis or cannabis product.

4 (3) That all cannabis and cannabis products and samples are  
5 correctly identified in the statewide monitoring system.

6 (4) If the product test sample is obtained for a retest, the  
7 safety compliance facility confirms that it is not accepting a  
8 product test sample that is prohibited from being retested.

9 (b) The cannabis permittee shall enter in the statewide  
10 monitoring system the cannabis or cannabis product test sample  
11 that is collected by a permitted safety compliance facility, including  
12 the date and time the cannabis or cannabis product is collected and  
13 transferred. The safety compliance facility shall enter into the  
14 statewide monitoring system the test results within three (3)  
15 business days of test completion.

16 (c) If a testing sample is collected from a cannabis permittee for  
17 testing in the statewide monitoring system, that cannabis permittee  
18 shall quarantine the cannabis product that is undergoing the  
19 testing from any other cannabis products at the cannabis permittee  
20 location. The quarantined cannabis product must not be packaged,  
21 transferred, or sold until passing test results are entered into the  
22 statewide monitoring system.

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

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

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

34 (1) The most current version of the Cannabis Inflorescence:  
35 Standards of Identity, Analysis, and Quality Control  
36 monograph published by the American Herbal  
37 Pharmacopoeia.

38 (2) An alternative testing methodology approved by the  
39 commission and validated by an independent third party that  
40 the methodology followed by the safety compliance facility  
41 produces scientifically accurate results as quality assurance  
42 for each test it conducts.



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

- 3           **(1) Moisture content.**  
 4           **(2) Potency analysis.**  
 5           **(3) Tetrahydrocannabinol level.**  
 6           **(4) Tetrahydrocannabinol acid level.**  
 7           **(5) Cannabidiol and cannabidiol acid levels.**  
 8           **(6) Foreign matter inspection.**  
 9           **(7) Microbial and mycotoxin screening.**  
 10          **(8) Pesticides.**  
 11          **(9) Chemical residue.**  
 12          **(10) Fungicides.**  
 13          **(11) Insecticides.**  
 14          **(12) Metals screening.**  
 15          **(13) Residual solvents levels.**  
 16          **(14) Terpene analysis.**  
 17          **(15) Water activity content.**

18          **Sec. 14. The commission, in consultation with the state seed**  
 19 **commissioner and the department of agriculture, shall publish a**  
 20 **list of approved pesticides for use in the growing and production of**  
 21 **cannabis and cannabis products to be sold or transferred in**  
 22 **Indiana.**

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

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

- 29          **(1) Desiccating samples.**  
 30          **(2) Dry labeling samples.**  
 31          **(3) Pretesting samples.**

32          **Sec. 17. A safety compliance facility shall comply with random**  
 33 **quality assurance compliance checks upon the request of the**  
 34 **commission. The commission or its authorized agents may collect**  
 35 **a random sample of cannabis or cannabis product from a safety**  
 36 **compliance facility or designate another safety compliance facility**  
 37 **to collect a random sample of cannabis product in a secure manner**  
 38 **to test that sample for quality assurance compliance pursuant to**  
 39 **this rule.**

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



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

4 (c) The commission may publish a remediation protocol that  
 5 addresses, among other things, the sale or transfer of cannabis  
 6 product after a failed safety test.

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

9 Sec. 19. (a) As used in this section, "research and development  
 10 testing" means optional testing performed before final compliance  
 11 testing.

12 (b) The commission may not take punitive action against a  
 13 cannabis permittee for conducting research and development  
 14 testing.

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

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

20 **Chapter 19. Violations**

21 Sec. 1. If a permit holder violates this article, the permit holder  
 22 may be publicly reprimanded, assessed a civil penalty, or have the  
 23 permit revoked or suspended.

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

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

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

34 (1) a Class A misdemeanor if the person has a prior unrelated  
 35 conviction under this section; and

36 (2) a Level 6 felony if the use of the cannabis or cannabis  
 37 products is the proximate cause of the serious bodily injury or  
 38 death of any person.

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

40 (1) rents property; or

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

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





1 twenty-one (21) years of age to use cannabis or cannabis products  
 2 on the property commits a Class C infraction. However, the  
 3 violation is a Class B misdemeanor if the person has a prior  
 4 unrelated adjudication or conviction for a violation of this section  
 5 within the previous five (5) years.

6 (b) This section may not be construed to impose civil or criminal  
 7 liability upon any postsecondary educational institution, including  
 8 public and private universities and colleges, business schools,  
 9 vocational schools, and schools for continuing education, or its  
 10 agents for injury to any person or property sustained in  
 11 consequence of a violation of this section unless the institution or  
 12 its agent:

13 (1) sells, barter, exchanges, provides, or furnishes cannabis  
 14 or cannabis products to a person less than twenty-one (21)  
 15 years of age; or

16 (2) either:

17 (A) rents property; or

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

19 for the purpose of allowing or enabling a person less than  
 20 twenty-one (21) years of age to consume cannabis or cannabis  
 21 products on the property.

22 Sec. 5. (a) It is a Class C infraction for a person less than  
 23 twenty-one (21) years of age to enter the premises of a cannabis  
 24 retailer or other location where cannabis or cannabis products are  
 25 provided.

26 (b) It is a Class C infraction for a parent, guardian, trustee, or  
 27 other person having custody of a child less than eighteen (18) years  
 28 of age to take that child into a cannabis retailer or other location  
 29 where cannabis or cannabis products are provided.

30 (c) It is a Class C infraction for a permittee to permit the parent,  
 31 guardian, trustee, or other person having custody of a child less  
 32 than eighteen (18) years of age to be with the child in a cannabis  
 33 retailer or other location where cannabis or cannabis products are  
 34 provided.

35 Sec. 6. A person who knowingly or intentionally employs a  
 36 person less than twenty-one (21) years of age:

37 (1) where cannabis or cannabis products are provided; and

38 (2) in a capacity which requires or allows the person less than  
 39 twenty-one (21) years of age to provide or otherwise deal in  
 40 cannabis or cannabis products;

41 commits a Class B misdemeanor.

42 Sec. 7. A person who is at least twenty-one (21) years of age who



1 knowingly or intentionally aids, induces, or causes a person less  
 2 than twenty-one (21) years of age to unlawfully possess cannabis or  
 3 cannabis products commits a Class C infraction.

4 **Sec. 8. (a) Notwithstanding any other law, an enforcement**  
 5 **officer with police powers may engage a person who is:**

6 (1) at least eighteen (18) years of age; and

7 (2) less than twenty-one (21) years of age;

8 **to receive or purchase cannabis or cannabis products as part of an**  
 9 **enforcement action under this article.**

10 (b) **The initial or contemporaneous receipt or purchase of**  
 11 **cannabis or cannabis products under this section by a person**  
 12 **described in subsection (a) must:**

13 (1) **occur under the direction of an enforcement officer vested**  
 14 **with full police powers and duties; and**

15 (2) **be a part of the enforcement action.**

16 **Chapter 20. Professional Services**

17 **Sec. 1. A person licensed under IC 25 does not commit a crime**  
 18 **or an infraction under Indiana law solely for providing**  
 19 **professional services to persons permitted to engage in an activity**  
 20 **authorized by this article.**

21 **Chapter 21. Employment**

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

26 **Chapter 22. Appropriation**

27 **Sec. 1. There is appropriated to the commission from the state**  
 28 **general fund, from money not otherwise appropriated, a sum**  
 29 **sufficient to defray the expenses incurred by the commission in the**  
 30 **implementation and administration of this article.**

31 SECTION 5. IC 9-30-5-1, AS AMENDED BY P.L.49-2021,  
 32 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 33 JULY 1, 2023]: Sec. 1. (a) A person who operates a vehicle with an  
 34 alcohol concentration equivalent to at least eight-hundredths (0.08)  
 35 gram of alcohol but less than fifteen-hundredths (0.15) gram of alcohol  
 36 per:

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

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

39 commits a Class C misdemeanor.

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

42 (1) one hundred (100) milliliters of the person's blood; or



1 (2) two hundred ten (210) liters of the person's breath;  
 2 commits a Class A misdemeanor.

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

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

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

11 (2) the:

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

14 (B) person was not intoxicated.

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

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

18 SECTION 6. IC 9-30-5-4, AS AMENDED BY P.L.184-2019,  
 19 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2023]: Sec. 4. (a) A person who causes serious bodily injury  
 21 to another person when operating a vehicle:

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

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

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

26 (2) with a controlled substance listed in schedule I or II of  
 27 IC 35-48-2 or its metabolite in the person's blood; or

28 (3) while intoxicated;

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

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

35 (c) It is a defense under subsection (a)(2) that:

36 (1) the accused person consumed the controlled substance in  
 37 accordance with a valid prescription or order of a practitioner (as  
 38 defined in IC 35-48-1) who acted in the course of the  
 39 practitioner's professional practice; **or**

40 (2) **the:**

41 (A) **controlled substance is marijuana or a metabolite of**  
 42 **marijuana; and**



- 1                   **(B) person was not intoxicated.**  
2           SECTION 7. IC 9-30-5-5, AS AMENDED BY P.L.184-2019,  
3           SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4           JULY 1, 2023]: Sec. 5. (a) A person who causes the death or  
5           catastrophic injury of another person when operating a vehicle:  
6               (1) with an alcohol concentration equivalent to at least  
7               eight-hundredths (0.08) gram of alcohol per:  
8                    (A) one hundred (100) milliliters of the person's blood; or  
9                    (B) two hundred ten (210) liters of the person's breath;  
10              (2) with a controlled substance listed in schedule I or II of  
11              IC 35-48-2 or its metabolite in the person's blood; or  
12              (3) while intoxicated;  
13           commits a Level 4 felony.  
14           (b) A person who causes the death of a law enforcement animal (as  
15           defined in IC 35-46-3-4.5) when operating a vehicle:  
16              (1) with an alcohol concentration equivalent to at least  
17              eight-hundredths (0.08) gram of alcohol per:  
18                    (A) one hundred (100) milliliters of the person's blood; or  
19                    (B) two hundred ten (210) liters of the person's breath; or  
20              (2) with a controlled substance listed in schedule I or II of  
21              IC 35-48-2 or its metabolite in the person's blood;  
22           commits a Level 6 felony.  
23           (c) A person who commits an offense under subsection (a) or (b)  
24           commits a separate offense for each person or law enforcement animal  
25           whose death (or catastrophic injury, in the case of a person) is caused  
26           by the violation of subsection (a) or (b).  
27           (d) It is a defense under subsection (a) or (b) that the person accused  
28           of causing the death or catastrophic injury of another person or the  
29           death of a law enforcement animal when operating a vehicle with a  
30           controlled substance listed in schedule I or II of IC 35-48-2 or its  
31           metabolite in the person's blood:  
32              **(1) consumed the controlled substance in accordance with a valid**  
33              **prescription or order of a practitioner (as defined in IC 35-48-1)**  
34              **who acted in the course of the practitioner's professional practice;**  
35              **or**  
36              **(2) the:**  
37                    **(A) controlled substance is marijuana or a metabolite of**  
38                    **marijuana; and**  
39                    **(B) person was not intoxicated.**  
40           SECTION 8. IC 10-10.5-1-3, AS AMENDED BY P.L.64-2022,  
41           SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42           JULY 1, 2023]: Sec. 3. "Law enforcement officer" means any of the



1 following:

- 2 (1) A state police officer, enforcement officer of the alcohol and  
 3 tobacco commission, **enforcement officer of the cannabis**  
 4 **commission**, or conservation officer.  
 5 (2) A county, city, town, or tribal police officer.  
 6 (3) A police officer appointed by a state educational institution  
 7 under IC 21-39-4 or school corporation under IC 20-26-16.  
 8 (4) A gaming agent under IC 4-33-4.5 or a gaming control officer  
 9 under IC 4-33-20.

10 SECTION 9. IC 10-13-8-5, AS AMENDED BY P.L.64-2022,  
 11 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2023]: Sec. 5. As used in this chapter, "law enforcement  
 13 officer" means any of the following:

- 14 (1) A state police officer.  
 15 (2) A county sheriff.  
 16 (3) A county police officer.  
 17 (4) A correctional officer.  
 18 (5) An excise police officer, **including an enforcement officer**  
 19 **of the cannabis commission**.  
 20 (6) A county police reserve officer.  
 21 (7) A city police officer.  
 22 (8) A city police reserve officer.  
 23 (9) A conservation enforcement officer.  
 24 (10) A town marshal.  
 25 (11) A deputy town marshal.  
 26 (12) A probation officer.  
 27 (13) A state educational institution police officer appointed under  
 28 IC 21-39-4.  
 29 (14) A gaming agent of the Indiana gaming commission.  
 30 (15) A person employed by a political subdivision (as defined in  
 31 IC 36-1-2-13) and appointed as a special deputy under  
 32 IC 36-8-10-10.6.  
 33 (16) A school corporation police officer appointed under  
 34 IC 20-26-16.  
 35 (17) A police officer of a public or private postsecondary  
 36 educational institution whose board of trustees has established a  
 37 police department under IC 21-17-5-2 or IC 21-39-4-2.  
 38 (18) A tribal police officer.

39 SECTION 10. IC 11-12-3.7-3, AS AMENDED BY P.L.182-2011,  
 40 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2023]: Sec. 3. As used in this chapter, "drug dealing offense"  
 42 means one (1) or more of the following offenses:



- 1 (1) Dealing in cocaine or a narcotic drug (IC 35-48-4-1), unless  
 2 the person received only minimal consideration as a result of the  
 3 drug transaction.  
 4 (2) Dealing in methamphetamine (IC 35-48-4-1.1), unless the  
 5 person received only minimal consideration as a result of the drug  
 6 transaction.  
 7 (3) Dealing in a schedule I, II, III, IV, or V controlled substance  
 8 (IC 35-48-4-2 through IC 35-48-4-4), unless the person received  
 9 only minimal consideration as a result of the drug transaction.  
 10 (4) Dealing in ~~marijuana, hash oil, hashish,~~ salvia ~~or a synthetic~~  
 11 **cannabinoid or possession of mislabeled low THC hemp**  
 12 **extract** (IC 35-48-4-10) unless the person received only minimal  
 13 consideration as a result of the drug transaction.

14 SECTION 11. IC 16-31-3-14, AS AMENDED BY P.L.170-2022,  
 15 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2023]: Sec. 14. (a) A person holding a certificate or license  
 17 issued under this article must comply with the applicable standards and  
 18 rules established under this article. A certificate holder or license  
 19 holder is subject to disciplinary sanctions under subsection (b) if the  
 20 department of homeland security determines that the certificate holder  
 21 or license holder:

- 22 (1) engaged in or knowingly cooperated in fraud or material  
 23 deception in order to obtain a certificate or license, including  
 24 cheating on a certification or licensure examination;  
 25 (2) engaged in fraud or material deception in the course of  
 26 professional services or activities;  
 27 (3) advertised services or goods in a false or misleading manner;  
 28 (4) falsified or knowingly allowed another person to falsify  
 29 attendance records or certificates of completion of continuing  
 30 education courses required under this article or rules adopted  
 31 under this article;  
 32 (5) is convicted of a crime, if the act that resulted in the  
 33 conviction has a direct bearing on determining if the certificate  
 34 holder or license holder should be entrusted to provide emergency  
 35 medical services;  
 36 (6) is convicted of violating IC 9-19-14.5;  
 37 (7) fails to comply and maintain compliance with or violates any  
 38 applicable provision, standard, or other requirement of this article  
 39 or rules adopted under this article;  
 40 (8) continues to practice if the certificate holder or license holder  
 41 becomes unfit to practice due to:  
 42 (A) professional incompetence that includes the undertaking



- 1 of professional activities that the certificate holder or license  
 2 holder is not qualified by training or experience to undertake;  
 3 (B) failure to keep abreast of current professional theory or  
 4 practice;  
 5 (C) physical or mental disability; or  
 6 (D) addiction to, abuse of, or dependency on alcohol or other  
 7 drugs that endanger the public by impairing the certificate  
 8 holder's or license holder's ability to practice safely;
- 9 (9) engages in a course of lewd or immoral conduct in connection  
 10 with the delivery of services to the public;
- 11 (10) allows the certificate holder's or license holder's name or a  
 12 certificate or license issued under this article to be used in  
 13 connection with a person who renders services beyond the scope  
 14 of that person's training, experience, or competence;
- 15 (11) is subjected to disciplinary action in another state or  
 16 jurisdiction on grounds similar to those contained in this chapter.  
 17 For purposes of this subdivision, a certified copy of a record of  
 18 disciplinary action constitutes prima facie evidence of a  
 19 disciplinary action in another jurisdiction;
- 20 (12) assists another person in committing an act that would  
 21 constitute a ground for disciplinary sanction under this chapter;
- 22 (13) allows a certificate or license issued by the commission to  
 23 be:
- 24 (A) used by another person; or  
 25 (B) displayed to the public when the certificate or license is  
 26 expired, inactive, invalid, revoked, or suspended; or
- 27 (14) fails to notify the department in writing of any misdemeanor  
 28 or felony criminal conviction, except traffic related misdemeanors  
 29 other than operating a motor vehicle under the influence of a drug  
 30 or alcohol, within ninety (90) days after the entry of an order or  
 31 judgment. A certified copy of the order or judgment with a letter  
 32 of explanation must be submitted to the department along with the  
 33 written notice.
- 34 (b) The department of homeland security may issue an order under  
 35 IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if  
 36 the department of homeland security determines that a certificate  
 37 holder or license holder is subject to disciplinary sanctions under  
 38 subsection (a):
- 39 (1) Revocation of a certificate holder's certificate or license  
 40 holder's license for a period not to exceed seven (7) years.  
 41 (2) Suspension of a certificate holder's certificate or license  
 42 holder's license for a period not to exceed seven (7) years.



- 1 (3) Censure of a certificate holder or license holder.  
 2 (4) Issuance of a letter of reprimand.  
 3 (5) Assessment of a civil penalty against the certificate holder or  
 4 license holder in accordance with the following:  
 5 (A) The civil penalty may not exceed five hundred dollars  
 6 (\$500) per day per violation.  
 7 (B) If the certificate holder or license holder fails to pay the  
 8 civil penalty within the time specified by the department of  
 9 homeland security, the department of homeland security may  
 10 suspend the certificate holder's certificate or license holder's  
 11 license without additional proceedings.  
 12 (6) Placement of a certificate holder or license holder on  
 13 probation status and requirement of the certificate holder or  
 14 license holder to:  
 15 (A) report regularly to the department of homeland security  
 16 upon the matters that are the basis of probation;  
 17 (B) limit practice to those areas prescribed by the department  
 18 of homeland security;  
 19 (C) continue or renew professional education approved by the  
 20 department of homeland security until a satisfactory degree of  
 21 skill has been attained in those areas that are the basis of the  
 22 probation; or  
 23 (D) perform or refrain from performing any acts, including  
 24 community restitution or service without compensation, that  
 25 the department of homeland security considers appropriate to  
 26 the public interest or to the rehabilitation or treatment of the  
 27 certificate holder or license holder.  
 28 The department of homeland security may withdraw or modify  
 29 this probation if the department of homeland security finds after  
 30 a hearing that the deficiency that required disciplinary action is  
 31 remedied or that changed circumstances warrant a modification  
 32 of the order.  
 33 (c) If an applicant or a certificate holder or license holder has  
 34 engaged in or knowingly cooperated in fraud or material deception to  
 35 obtain a certificate or license, including cheating on the certification or  
 36 licensure examination, the department of homeland security may  
 37 rescind the certificate or license if it has been granted, void the  
 38 examination or other fraudulent or deceptive material, and prohibit the  
 39 applicant from reapplying for the certificate or license for a length of  
 40 time established by the department of homeland security.  
 41 (d) The department of homeland security may deny certification or  
 42 licensure to an applicant who would be subject to disciplinary sanctions





1 under subsection (b) if that person were a certificate holder or license  
 2 holder, has had disciplinary action taken against the applicant or the  
 3 applicant's certificate or license to practice in another state or  
 4 jurisdiction, or has practiced without a certificate or license in violation  
 5 of the law. A certified copy of the record of disciplinary action is  
 6 conclusive evidence of the other jurisdiction's disciplinary action.

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

15 (f) Except as provided under subsection (a), subsection (g), and  
 16 section 14.5 of this chapter, a certificate or license may not be denied,  
 17 revoked, or suspended because the applicant, certificate holder, or  
 18 license holder has been convicted of an offense. The acts from which  
 19 the applicant's, certificate holder's, or license holder's conviction  
 20 resulted may be considered as to whether the applicant or certificate  
 21 holder or license holder should be entrusted to serve the public in a  
 22 specific capacity.

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

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



- 1 D felony (for a crime committed before July 1, 2014) or Level 6  
 2 felony (for a crime committed after June 30, 2014) under  
 3 IC 35-48-4-11.
- 4 (9) A felony offense under IC 35-48-4 involving:  
 5 (A) possession of a synthetic drug (as defined in  
 6 IC 35-31.5-2-321);  
 7 (B) possession of a synthetic drug lookalike substance (as  
 8 defined in IC 35-31.5-2-321.5 (before its repeal on July 1,  
 9 2019)) as a:  
 10 (i) Class D felony (for a crime committed before July 1,  
 11 2014); or  
 12 (ii) Level 6 felony (for a crime committed after June 30,  
 13 2014);  
 14 under IC 35-48-4-11.5 (before its repeal on July 1, 2019); or  
 15 (C) possession of a controlled substance analog (as defined in  
 16 IC 35-48-1-9.3).
- 17 (10) Maintaining a common nuisance under IC 35-48-4-13  
 18 (repealed) or IC 35-45-1-5, if the common nuisance involves a  
 19 controlled substance.
- 20 (11) An offense relating to registration, labeling, and prescription  
 21 forms under IC 35-48-4-14.
- 22 (h) A decision of the department of homeland security under  
 23 subsections (b) through (g) may be appealed to the commission under  
 24 IC 4-21.5-3-7.
- 25 (i) The department of homeland security may temporarily suspend  
 26 a certificate holder's certificate or license holder's license under  
 27 IC 4-21.5-4 before a final adjudication or during the appeals process if  
 28 the department of homeland security finds that a certificate holder or  
 29 license holder would represent a clear and immediate danger to the  
 30 public's health, safety, or property if the certificate holder or license  
 31 holder were allowed to continue to practice.
- 32 (j) On receipt of a complaint or information alleging that a person  
 33 certified or licensed under this chapter or IC 16-31-3.5 has engaged in  
 34 or is engaging in a practice that is subject to disciplinary sanctions  
 35 under this chapter, the department of homeland security must initiate  
 36 an investigation against the person.
- 37 (k) The department of homeland security shall conduct a factfinding  
 38 investigation as the department of homeland security considers proper  
 39 in relation to the complaint.
- 40 (l) The department of homeland security may reinstate a certificate  
 41 or license that has been suspended under this section if the department  
 42 of homeland security is satisfied that the applicant is able to practice



1 with reasonable skill, competency, and safety to the public. As a  
 2 condition of reinstatement, the department of homeland security may  
 3 impose disciplinary or corrective measures authorized under this  
 4 chapter.

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

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

11 (o) A certificate holder may not surrender the certificate holder's  
 12 certificate, and a license holder may not surrender the license holder's  
 13 license, without the written approval of the department of homeland  
 14 security, and the department of homeland security may impose any  
 15 conditions appropriate to the surrender or reinstatement of a  
 16 surrendered certificate or license.

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

- 19 (1) an unlimited certificate;
- 20 (2) a limited or probationary certificate; or
- 21 (3) an inactive certificate.

22 (q) For purposes of this section, "license holder" means a person  
 23 who holds:

- 24 (1) an unlimited license;
- 25 (2) a limited or probationary license; or
- 26 (3) an inactive license.

27 SECTION 12. IC 16-31-3-14.5, AS AMENDED BY P.L.142-2020,  
 28 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2023]: Sec. 14.5. The department of homeland security may  
 30 issue an order under IC 4-21.5-3-6 to deny an applicant's request for  
 31 certification or licensure or permanently revoke a certificate or license  
 32 under procedures provided by section 14 of this chapter if the  
 33 individual who holds the certificate or license issued under this title is  
 34 convicted of any of the following:

- 35 (1) Dealing in a controlled substance resulting in death under  
 36 IC 35-42-1-1.5.
- 37 (2) Dealing in or manufacturing cocaine or a narcotic drug under  
 38 IC 35-48-4-1.
- 39 (3) Dealing in methamphetamine under IC 35-48-4-1.1.
- 40 (4) Manufacturing methamphetamine under IC 35-48-4-1.2.
- 41 (5) Dealing in a schedule I, II, or III controlled substance under  
 42 IC 35-48-4-2.



- 1 (6) Dealing in a schedule IV controlled substance under  
 2 IC 35-48-4-3.  
 3 (7) Dealing in a schedule V controlled substance under  
 4 IC 35-48-4-4.  
 5 (8) Dealing in a substance represented to be a controlled  
 6 substance under IC 35-48-4-4.5 (repealed).  
 7 (9) Knowingly or intentionally manufacturing, advertising,  
 8 distributing, or possessing with intent to manufacture, advertise,  
 9 or distribute a substance represented to be a controlled substance  
 10 under IC 35-48-4-4.6.  
 11 (10) Dealing in a counterfeit substance under IC 35-48-4-5.  
 12 (11) Dealing in ~~marijuana, hash oil, hashish, or salvia or~~  
 13 **mislabeled low THC hemp extract** as a felony under  
 14 IC 35-48-4-10.  
 15 (12) An offense under IC 35-48-4 involving the manufacture or  
 16 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a  
 17 synthetic drug lookalike substance (as defined in  
 18 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under  
 19 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled  
 20 substance analog (as defined in IC 35-48-1-9.3), or a substance  
 21 represented to be a controlled substance (as described in  
 22 IC 35-48-4-4.6).  
 23 (13) A crime of violence (as defined in IC 35-50-1-2(a)).  
 24 SECTION 13. IC 16-42-27-2, AS AMENDED BY P.L.80-2019,  
 25 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2023]: Sec. 2. (a) A prescriber may, directly or by standing  
 27 order, prescribe or dispense an overdose intervention drug without  
 28 examining the individual to whom it may be administered if all of the  
 29 following conditions are met:  
 30 (1) The overdose intervention drug is dispensed or prescribed to:  
 31 (A) a person at risk of experiencing an opioid-related  
 32 overdose; or  
 33 (B) a family member, a friend, or any other individual or entity  
 34 in a position to assist an individual who, there is reason to  
 35 believe, is at risk of experiencing an opioid-related overdose.  
 36 (2) The prescriber instructs the individual receiving the overdose  
 37 intervention drug or prescription to summon emergency services  
 38 either immediately before or immediately after administering the  
 39 overdose intervention drug to an individual experiencing a  
 40 opioid-related overdose.  
 41 (3) The prescriber provides education and training on drug  
 42 overdose response and treatment, including the administration of



- 1 an overdose intervention drug.
- 2 (4) The prescriber provides drug addiction treatment information
- 3 and referrals to drug treatment programs, including programs in
- 4 the local area and programs that offer medication assisted
- 5 treatment that includes a federal Food and Drug Administration
- 6 approved long acting, nonaddictive medication for the treatment
- 7 of opioid or alcohol dependence.
- 8 (b) A prescriber may provide a prescription of an overdose
- 9 intervention drug to an individual as a part of the individual's addiction
- 10 treatment plan.
- 11 (c) An individual described in subsection (a)(1) may administer an
- 12 overdose intervention drug to an individual who is suffering from an
- 13 overdose.
- 14 (d) An individual described in subsection (a)(1) may not be
- 15 considered to be practicing medicine without a license in violation of
- 16 IC 25-22.5-8-2, if the individual, acting in good faith, does the
- 17 following:
- 18 (1) Obtains the overdose intervention drug from a prescriber or
- 19 entity acting under a standing order issued by a prescriber.
- 20 (2) Administers the overdose intervention drug to an individual
- 21 who is experiencing an apparent opioid-related overdose.
- 22 (3) Attempts to summon emergency services either immediately
- 23 before or immediately after administering the overdose
- 24 intervention drug.
- 25 (e) An entity acting under a standing order issued by a prescriber
- 26 must do the following:
- 27 (1) Annually register with either the:
- 28 (A) state department; or
- 29 (B) local health department in the county where services will
- 30 be provided by the entity;
- 31 in a manner prescribed by the state department.
- 32 (2) Provide education and training on drug overdose response and
- 33 treatment, including the administration of an overdose
- 34 intervention drug.
- 35 (3) Provide drug addiction treatment information and referrals to
- 36 drug treatment programs, including programs in the local area and
- 37 programs that offer medication assisted treatment that includes a
- 38 federal Food and Drug Administration approved long acting,
- 39 nonaddictive medication for the treatment of opioid or alcohol
- 40 dependence.
- 41 (4) Submit an annual report to the state department containing:
- 42 (A) the number of sales of the overdose intervention drug



- 1 dispensed;
- 2 (B) the dates of sale of the overdose intervention drug
- 3 dispensed; and
- 4 (C) any additional information requested by the state
- 5 department.
- 6 (f) The state department shall ensure that a statewide standing order
- 7 for the dispensing of an overdose intervention drug in Indiana is issued
- 8 under this section. The state health commissioner or a designated
- 9 public health authority who is a licensed prescriber may, as part of the
- 10 individual's official capacity, issue a statewide standing order that may
- 11 be used for the dispensing of an overdose intervention drug under this
- 12 section. The immunity provided in IC 34-13-3-3 applies to an
- 13 individual described in this subsection.
- 14 (g) A law enforcement officer may not take an individual into
- 15 custody based solely on the commission of an offense described in
- 16 subsection (h), if the law enforcement officer, after making a
- 17 reasonable determination and considering the facts and surrounding
- 18 circumstances, reasonably believes that the individual:
- 19 (1) obtained the overdose intervention drug as described in
- 20 subsection (a)(1);
- 21 (2) complied with the provisions in subsection (d);
- 22 (3) administered an overdose intervention drug to an individual
- 23 who appeared to be experiencing an opioid-related overdose;
- 24 (4) provided:
- 25 (A) the individual's full name; and
- 26 (B) any other relevant information requested by the law
- 27 enforcement officer;
- 28 (5) remained at the scene with the individual who reasonably
- 29 appeared to be in need of medical assistance until emergency
- 30 medical assistance arrived;
- 31 (6) cooperated with emergency medical assistance personnel and
- 32 law enforcement officers at the scene; and
- 33 (7) came into contact with law enforcement because the
- 34 individual requested emergency medical assistance for another
- 35 individual who appeared to be experiencing an opioid-related
- 36 overdose.
- 37 (h) An individual who meets the criteria in subsection (g) is immune
- 38 from criminal prosecution for the following:
- 39 (1) IC 35-48-4-6 (possession of cocaine).
- 40 (2) IC 35-48-4-6.1 (possession of methamphetamine).
- 41 (3) IC 35-48-4-7 (possession of a controlled substance).
- 42 (4) IC 35-48-4-8.3 (possession of paraphernalia).



1 (5) IC 35-48-4-11 (possession of ~~marijuana~~): **salvia or**  
 2 **mislabeled low THC hemp extract**).

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

8 SECTION 14. IC 20-28-5-8, AS AMENDED BY P.L.125-2022,  
 9 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2023]: Sec. 8. (a) This section applies when a prosecuting  
 11 attorney knows that a licensed employee of a public school or a  
 12 nonpublic school has been convicted of an offense listed in subsection  
 13 (c). The prosecuting attorney shall immediately give written notice of  
 14 the conviction to the following:

15 (1) The secretary of education.

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

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

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

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

34 (1) The following felonies:

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

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

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

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

40 (E) Dealing in or manufacturing cocaine or a narcotic drug (IC  
 41 35-48-4-1).

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



- 1 (G) Manufacturing methamphetamine (IC 35-48-4-1.2).  
 2 (H) Dealing in a schedule I, II, or III controlled substance (IC  
 3 35-48-4-2).  
 4 (I) Dealing in a schedule IV controlled substance (IC  
 5 35-48-4-3).  
 6 (J) Dealing in a schedule V controlled substance (IC  
 7 35-48-4-4).  
 8 (K) Dealing in a counterfeit substance (IC 35-48-4-5).  
 9 (L) Dealing in ~~marijuana, hash oil, hashish, or salvia~~ **or**  
 10 **misabeled low THC hemp extract** as a felony (IC  
 11 35-48-4-10).  
 12 (M) An offense under IC 35-48-4 involving the manufacture  
 13 or sale of a synthetic drug (as defined in IC 35-31.5-2-321), a  
 14 synthetic drug lookalike substance (as defined in  
 15 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under  
 16 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a  
 17 controlled substance analog (as defined in IC 35-48-1-9.3), or  
 18 a substance represented to be a controlled substance (as  
 19 described in IC 35-48-4-4.6).  
 20 (N) Homicide (IC 35-42-1).  
 21 (O) Voluntary manslaughter (IC 35-42-1-3).  
 22 (P) Reckless homicide (IC 35-42-1-5).  
 23 (Q) Battery as any of the following:  
 24 (i) A Class A felony (for a crime committed before July 1,  
 25 2014) or a Level 2 felony (for a crime committed after June  
 26 30, 2014).  
 27 (ii) A Class B felony (for a crime committed before July 1,  
 28 2014) or a Level 3 felony (for a crime committed after June  
 29 30, 2014).  
 30 (iii) A Class C felony (for a crime committed before July 1,  
 31 2014) or a Level 5 felony (for a crime committed after June  
 32 30, 2014).  
 33 (R) Aggravated battery (IC 35-42-2-1.5).  
 34 (S) Robbery (IC 35-42-5-1).  
 35 (T) Carjacking (IC 35-42-5-2) (before its repeal).  
 36 (U) Arson as a Class A felony or Class B felony (for a crime  
 37 committed before July 1, 2014) or as a Level 2, Level 3, or  
 38 Level 4 felony (for a crime committed after June 30, 2014) (IC  
 39 35-43-1-1(a)).  
 40 (V) Burglary as a Class A felony or Class B felony (for a crime  
 41 committed before July 1, 2014) or as a Level 1, Level 2, Level  
 42 3, or Level 4 felony (for a crime committed after June 30,





- 1           2014) (IC 35-43-2-1).  
 2           (W) Human trafficking (IC 35-42-3.5).  
 3           (X) Dealing in a controlled substance resulting in death (IC  
 4           35-42-1-1.5).  
 5           (Y) Attempt under IC 35-41-5-1 to commit an offense listed in  
 6           this subsection.  
 7           (Z) Conspiracy under IC 35-41-5-2 to commit an offense listed  
 8           in this subsection.  
 9           (2) Public indecency (IC 35-45-4-1) committed:  
 10          (A) after June 30, 2003; or  
 11          (B) before July 1, 2003, if the person committed the offense  
 12          by, in a public place:  
 13               (i) engaging in sexual intercourse or other sexual conduct  
 14               (as defined in IC 35-31.5-2-221.5);  
 15               (ii) appearing in a state of nudity with the intent to arouse  
 16               the sexual desires of the person or another person, or being  
 17               at least eighteen (18) years of age, with the intent to be seen  
 18               by a child less than sixteen (16) years of age; or  
 19               (iii) fondling the person's genitals or the genitals of another  
 20               person.  
 21          (d) The department shall permanently revoke the license of a person  
 22          who is known by the department to have been convicted of a federal  
 23          offense or an offense in another state that is comparable to a felony or  
 24          misdemeanor listed in subsection (c).  
 25          (e) A license may be suspended by the secretary of education as  
 26          specified in IC 20-28-7.5.  
 27          (f) The department shall develop a data base of information on  
 28          school corporation employees who have been reported to the  
 29          department under this section.  
 30          (g) Upon receipt of information from the office of judicial  
 31          administration in accordance with IC 33-24-6-3 concerning persons  
 32          convicted of an offense listed in subsection (c), the department shall:  
 33               (1) cross check the information received from the office of  
 34               judicial administration with information concerning licensed  
 35               teachers (as defined in IC 20-18-2-22(b)) maintained by the  
 36               department; and  
 37               (2) if a licensed teacher (as defined in IC 20-18-2-22(b)) has been  
 38               convicted of an offense described in subsection (c), revoke the  
 39               licensed teacher's license.  
 40          SECTION 15. IC 22-15-5-16, AS AMENDED BY P.L.142-2020,  
 41          SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42          JULY 1, 2023]: Sec. 16. (a) A practitioner shall comply with the



1 standards established under this licensing program. A practitioner is  
 2 subject to the exercise of the disciplinary sanctions under subsection  
 3 (b) if the department finds that a practitioner has:

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



1 For purposes of subdivision (10), a certified copy of a record of  
 2 disciplinary action constitutes prima facie evidence of a disciplinary  
 3 action in another jurisdiction.

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

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

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

9 (3) Censure of a practitioner.

10 (4) Issuance of a letter of reprimand.

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

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

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

24 (6) Placement of a practitioner on probation status and  
 25 requirement of the practitioner to:

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

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

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

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

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

40 (c) If an applicant or a practitioner has engaged in or knowingly  
 41 cooperated in fraud or material deception to obtain a license to  
 42 practice, including cheating on the licensing examination, the



1 department may rescind the license if it has been granted, void the  
 2 examination or other fraudulent or deceptive material, and prohibit the  
 3 applicant from reapplying for the license for a length of time  
 4 established by the department.

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

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

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

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

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



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



1 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a  
2 synthetic drug lookalike substance (as defined in  
3 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under  
4 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled  
5 substance analog (as defined in IC 35-48-1-9.3), or a substance  
6 represented to be a controlled substance (as described in  
7 IC 35-48-4-4.6).

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

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

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

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

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

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

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

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

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

41 (q) A practitioner may petition the department to accept the  
42 surrender of the practitioner's license instead of having a hearing before



1 the commission. The practitioner may not surrender the practitioner's  
 2 license without the written approval of the department, and the  
 3 department may impose any conditions appropriate to the surrender or  
 4 reinstatement of a surrendered license.

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

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

20 SECTION 16. IC 25-1-1.1-2, AS AMENDED BY P.L.142-2020,  
 21 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2023]: Sec. 2. Notwithstanding IC 25-1-7, a board, a  
 23 commission, or a committee may suspend, deny, or revoke a license or  
 24 certificate issued under this title by the board, the commission, or the  
 25 committee without an investigation by the office of the attorney general  
 26 if the individual who holds the license or certificate is convicted of any  
 27 of the following and the board, commission, or committee determines,  
 28 after the individual has appeared in person, that the offense affects the  
 29 individual's ability to perform the duties of the profession:

- 30 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- 31 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 32 (3) Possession of a controlled substance under IC 35-48-4-7(a).
- 33 (4) Fraudulently obtaining a controlled substance under  
 34 IC 35-48-4-7(c).
- 35 (5) Manufacture of paraphernalia as a Class D felony (for a crime  
 36 committed before July 1, 2014) or a Level 6 felony (for a crime  
 37 committed after June 30, 2014) under IC 35-48-4-8.1(b).
- 38 (6) Dealing in paraphernalia as a Class D felony (for a crime  
 39 committed before July 1, 2014) or a Level 6 felony (for a crime  
 40 committed after June 30, 2014) under IC 35-48-4-8.5(b).
- 41 (7) Possession of paraphernalia as a Class D felony (for a crime  
 42 committed before July 1, 2014) or a Level 6 felony (for a crime



- 1 committed after June 30, 2014) under IC 35-48-4-8.3(b) (before  
 2 its amendment on July 1, 2015).
- 3 (8) Possession of ~~marijuana, hash oil, hashish, or salvia~~ as a Class  
 4 D felony (for a crime committed before July 1, 2014) or a Level  
 5 6 felony (for a crime committed after June 30, 2014) under  
 6 IC 35-48-4-11.
- 7 (9) A felony offense under IC 35-48-4 involving possession of a  
 8 synthetic drug (as defined in IC 35-31.5-2-321), possession of a  
 9 controlled substance analog (as defined in IC 35-48-1-9.3), or  
 10 possession of a synthetic drug lookalike substance (as defined in  
 11 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:
- 12 (A) Class D felony for a crime committed before July 1, 2014;  
 13 or
- 14 (B) Level 6 felony for a crime committed after June 30, 2014;  
 15 under IC 35-48-4-11.5 (before its repeal on July 1, 2019).
- 16 (10) Maintaining a common nuisance under IC 35-48-4-13  
 17 (repealed) or IC 35-45-1-5, if the common nuisance involves a  
 18 controlled substance.
- 19 (11) An offense relating to registration, labeling, and prescription  
 20 forms under IC 35-48-4-14.
- 21 (12) A sex crime under IC 35-42-4.
- 22 (13) A felony that reflects adversely on the individual's fitness to  
 23 hold a professional license.
- 24 SECTION 17. IC 25-1-1.1-3, AS AMENDED BY P.L.142-2020,  
 25 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2023]: Sec. 3. A board, a commission, or a committee shall  
 27 revoke or suspend a license or certificate issued under this title by the  
 28 board, the commission, or the committee if the individual who holds  
 29 the license or certificate is convicted of any of the following:
- 30 (1) Dealing in a controlled substance resulting in death under  
 31 IC 35-42-1-1.5.
- 32 (2) Dealing in or manufacturing cocaine or a narcotic drug under  
 33 IC 35-48-4-1.
- 34 (3) Dealing in methamphetamine under IC 35-48-4-1.1.
- 35 (4) Manufacturing methamphetamine under IC 35-48-4-1.2.
- 36 (5) Dealing in a schedule I, II, or III controlled substance under  
 37 IC 35-48-4-2.
- 38 (6) Dealing in a schedule IV controlled substance under  
 39 IC 35-48-4-3.
- 40 (7) Dealing in a schedule V controlled substance under  
 41 IC 35-48-4-4.
- 42 (8) Dealing in a substance represented to be a controlled





- 1 substance under IC 35-48-4-4.5 (before its repeal on July 1,  
2 2019).
- 3 (9) Knowingly or intentionally manufacturing, advertising,  
4 distributing, or possessing with intent to manufacture, advertise,  
5 or distribute a substance represented to be a controlled substance  
6 under IC 35-48-4-4.6.
- 7 (10) Dealing in a counterfeit substance under IC 35-48-4-5.
- 8 (11) Dealing in ~~marijuana, hash oil, hashish, or salvia or~~  
9 **mislabeled low THC hemp extract** as a felony under  
10 IC 35-48-4-10.
- 11 (12) An offense under IC 35-48-4 involving the manufacture or  
12 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a  
13 synthetic drug lookalike substance (as defined in  
14 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under  
15 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled  
16 substance analog (as defined in IC 35-48-1-9.3), or a substance  
17 represented to be a controlled substance (as described in  
18 IC 35-48-4-4.6).
- 19 (13) A violation of any federal or state drug law or rule related to  
20 wholesale legend drug distributors licensed under IC 25-26-14.
- 21 SECTION 18. IC 34-24-1-1, AS AMENDED BY P.L.174-2021,  
22 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 JULY 1, 2023]: Sec. 1. (a) The following may be seized:
- 24 (1) All vehicles (as defined by IC 35-31.5-2-346), if they are used  
25 or are intended for use by the person or persons in possession of  
26 them to transport or in any manner to facilitate the transportation  
27 of the following:
- 28 (A) A controlled substance for the purpose of committing,  
29 attempting to commit, or conspiring to commit any of the  
30 following:
- 31 (i) Dealing in or manufacturing cocaine or a narcotic drug  
32 (IC 35-48-4-1).
- 33 (ii) Dealing in methamphetamine (IC 35-48-4-1.1).
- 34 (iii) Manufacturing methamphetamine (IC 35-48-4-1.2).
- 35 (iv) Dealing in a schedule I, II, or III controlled substance  
36 (IC 35-48-4-2).
- 37 (v) Dealing in a schedule IV controlled substance (IC  
38 35-48-4-3).
- 39 (vi) Dealing in a schedule V controlled substance (IC  
40 35-48-4-4).
- 41 (vii) Dealing in a counterfeit substance (IC 35-48-4-5).
- 42 (viii) Possession of cocaine or a narcotic drug (IC



- 1 35-48-4-6).
- 2 (ix) Possession of methamphetamine (IC 35-48-4-6.1).
- 3 (x) Dealing in paraphernalia (IC 35-48-4-8.5).
- 4 (xi) Dealing in ~~marijuana, hash oil, hashish, or salvia~~ **or**  
 5 **mislabeled low THC hemp extract** (IC 35-48-4-10).
- 6 (xii) An offense under IC 35-48-4 involving a synthetic drug  
 7 (as defined in IC 35-31.5-2-321), a synthetic drug lookalike  
 8 substance (as defined in IC 35-31.5-2-321.5 (before its  
 9 repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its  
 10 repeal on July 1, 2019), a controlled substance analog (as  
 11 defined in IC 35-48-1-9.3), or a substance represented to be  
 12 a controlled substance (as described in IC 35-48-4-4.6).
- 13 **(xiii) A violation of IC 7.1-8.**
- 14 (B) Any stolen (IC 35-43-4-2) or converted property (IC  
 15 35-43-4-3) if the retail or repurchase value of that property is  
 16 one hundred dollars (\$100) or more.
- 17 (C) Any hazardous waste in violation of IC 13-30-10-1.5.
- 18 (D) A bomb (as defined in IC 35-31.5-2-31) or weapon of  
 19 mass destruction (as defined in IC 35-31.5-2-354) used to  
 20 commit, used in an attempt to commit, or used in a conspiracy  
 21 to commit a felony terrorist offense (as defined in  
 22 IC 35-50-2-18) or an offense under IC 35-47 as part of or in  
 23 furtherance of an act of terrorism (as defined by  
 24 IC 35-31.5-2-329).
- 25 (2) All money, negotiable instruments, securities, weapons,  
 26 communications devices, or any property used to commit, used in  
 27 an attempt to commit, or used in a conspiracy to commit a felony  
 28 terrorist offense (as defined in IC 35-50-2-18) or an offense under  
 29 IC 35-47 as part of or in furtherance of an act of terrorism or  
 30 commonly used as consideration for a violation of IC 35-48-4  
 31 (other than items subject to forfeiture under IC 16-42-20-5 or  
 32 IC 16-6-8.5-5.1, before its repeal):
- 33 (A) furnished or intended to be furnished by any person in  
 34 exchange for an act that is in violation of a criminal statute;  
 35 (B) used to facilitate any violation of a criminal statute; or  
 36 (C) traceable as proceeds of the violation of a criminal statute.
- 37 (3) Any portion of real or personal property purchased with  
 38 money that is traceable as a proceed of a violation of a criminal  
 39 statute.
- 40 (4) A vehicle that is used by a person to:
- 41 (A) commit, attempt to commit, or conspire to commit;
- 42 (B) facilitate the commission of; or



- 1 (C) escape from the commission of;  
 2 murder (IC 35-42-1-1), dealing in a controlled substance resulting  
 3 in death (IC 35-42-1-1.5), kidnapping (IC 35-42-3-2), criminal  
 4 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting  
 5 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense  
 6 under IC 35-47 as part of or in furtherance of an act of terrorism.  
 7 (5) Real property owned by a person who uses it to commit any of  
 8 the following as a Level 1, Level 2, Level 3, Level 4, or Level 5  
 9 felony:  
 10 (A) Dealing in or manufacturing cocaine or a narcotic drug (IC  
 11 35-48-4-1).  
 12 (B) Dealing in methamphetamine (IC 35-48-4-1.1).  
 13 (C) Manufacturing methamphetamine (IC 35-48-4-1.2).  
 14 (D) Dealing in a schedule I, II, or III controlled substance (IC  
 15 35-48-4-2).  
 16 (E) Dealing in a schedule IV controlled substance (IC  
 17 35-48-4-3).  
 18 (F) Dealing in ~~marijuana, hash oil, hashish, or salvia or~~  
 19 **misabeled low THC hemp extract** (IC 35-48-4-10).  
 20 (G) Dealing in a synthetic drug (as defined in  
 21 IC 35-31.5-2-321) or synthetic drug lookalike substance (as  
 22 defined in IC 35-31.5-2-321.5 (before its repeal on July 1,  
 23 2019)) under IC 35-48-4-10.5 (before its repeal on July 1,  
 24 2019).  
 25 (H) Dealing in a controlled substance resulting in death (IC  
 26 35-42-1-1.5).  
 27 (6) Equipment and recordings used by a person to commit fraud  
 28 under IC 35-43-5.  
 29 (7) Recordings sold, rented, transported, or possessed by a person  
 30 in violation of IC 24-4-10.  
 31 (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as  
 32 defined by IC 35-45-6-1) that is the object of a corrupt business  
 33 influence violation (IC 35-45-6-2).  
 34 (9) Unlawful telecommunications devices (as defined in  
 35 IC 35-45-13-6) and plans, instructions, or publications used to  
 36 commit an offense under IC 35-45-13.  
 37 (10) Any equipment, including computer equipment and cellular  
 38 telephones, used for or intended for use in preparing,  
 39 photographing, recording, videotaping, digitizing, printing,  
 40 copying, or disseminating matter in violation of IC 35-42-4.  
 41 (11) Destructive devices used, possessed, transported, or sold in  
 42 violation of IC 35-47.5.



- 1 (12) Tobacco products that are sold in violation of IC 24-3-5,  
 2 tobacco products that a person attempts to sell in violation of  
 3 IC 24-3-5, and other personal property owned and used by a  
 4 person to facilitate a violation of IC 24-3-5.
- 5 (13) Property used by a person to commit counterfeiting or  
 6 forgery in violation of IC 35-43-5-2.
- 7 (14) After December 31, 2005, if a person is convicted of an  
 8 offense specified in IC 25-26-14-26(b) or IC 35-43-10, the  
 9 following real or personal property:
- 10 (A) Property used or intended to be used to commit, facilitate,  
 11 or promote the commission of the offense.
- 12 (B) Property constituting, derived from, or traceable to the  
 13 gross proceeds that the person obtained directly or indirectly  
 14 as a result of the offense.
- 15 (15) Except as provided in subsection (e), a vehicle used by a  
 16 person who operates the vehicle:
- 17 (A) while intoxicated, in violation of IC 9-30-5-1 through  
 18 IC 9-30-5-5, if in the previous five (5) years the person has two  
 19 (2) or more prior unrelated convictions for operating a motor  
 20 vehicle while intoxicated in violation of IC 9-30-5-1 through  
 21 IC 9-30-5-5; or
- 22 (B) on a highway while the person's driving privileges are  
 23 suspended in violation of IC 9-24-19-2 through IC 9-24-19-3,  
 24 if in the previous five (5) years the person has two (2) or more  
 25 prior unrelated convictions for operating a vehicle while  
 26 intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5.
- 27 If a court orders the seizure of a vehicle under this subdivision,  
 28 the court shall transmit an order to the bureau of motor vehicles  
 29 recommending that the bureau not permit a vehicle to be  
 30 registered in the name of the person whose vehicle was seized  
 31 until the person possesses a current driving license (as defined in  
 32 IC 9-13-2-41).
- 33 **(16) Cannabis and cannabis products grown, processed, sold,  
 34 or offered for sale in violation of IC 7.1-8.**
- 35 ~~(16)~~ (17) The following real or personal property:
- 36 (A) Property used or intended to be used to commit, facilitate,  
 37 or promote the commission of an offense specified in  
 38 IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or  
 39 IC 30-2-13-38(f).
- 40 (B) Property constituting, derived from, or traceable to the  
 41 gross proceeds that a person obtains directly or indirectly as a  
 42 result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b),



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



- 1 (10) IC 35-48-4-10 (dealing in ~~marijuana, hash oil, hashish, or~~  
 2 ~~salvia~~ **or mislabeled low THC hemp extract**) as a Level 5  
 3 felony.
- 4 (11) IC 35-48-4-10.5 (before its repeal on July 1, 2019) (dealing  
 5 in a synthetic drug or synthetic drug lookalike substance) as a  
 6 Level 5 felony or Level 6 felony (or as a Class C felony or Class  
 7 D felony under IC 35-48-4-10 before its amendment in 2013).
- 8 (e) A vehicle operated by a person who is not:  
 9 (1) an owner of the vehicle; or  
 10 (2) the spouse of the person who owns the vehicle;
- 11 is not subject to seizure under subsection (a)(15) unless it can be  
 12 proven by a preponderance of the evidence that the owner of the  
 13 vehicle knowingly permitted the vehicle to be used to engage in  
 14 conduct that subjects it to seizure under subsection (a)(15).
- 15 SECTION 19. IC 34-30-2.1-73.5 IS ADDED TO THE INDIANA  
 16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 17 [EFFECTIVE JULY 1, 2023]: **Sec. 73.5. IC 7.1-8-7-16 (Concerning**  
 18 **acts and omissions of the members of the cannabis commission and**  
 19 **their officers and employees).**
- 20 SECTION 20. IC 35-31.5-2-185, AS AMENDED BY P.L.64-2022,  
 21 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2023]: Sec. 185. (a) "Law enforcement officer" means:  
 23 (1) a police officer (including a tribal police officer and a  
 24 correctional police officer), sheriff, constable, marshal,  
 25 prosecuting attorney, special prosecuting attorney, special deputy  
 26 prosecuting attorney, the securities commissioner, or the inspector  
 27 general;  
 28 (2) a deputy of any of those persons;  
 29 (3) an investigator for a prosecuting attorney or for the inspector  
 30 general;  
 31 (4) a conservation officer;  
 32 (5) an enforcement officer of the alcohol and tobacco commission  
 33 **or of the cannabis commission;**  
 34 (6) an enforcement officer of the securities division of the office  
 35 of the secretary of state; or  
 36 (7) a gaming agent employed under IC 4-33-4.5 or a gaming  
 37 control officer employed by the gaming control division under  
 38 IC 4-33-20.
- 39 (b) "Law enforcement officer", for purposes of IC 35-42-2-1,  
 40 includes an alcoholic beverage enforcement officer, as set forth in  
 41 IC 35-42-2-1.
- 42 (c) "Law enforcement officer", for purposes of IC 35-45-15,



1 includes a federal enforcement officer, as set forth in IC 35-45-15-3.

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

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

8 SECTION 21. IC 35-45-6-1, AS AMENDED BY P.L.25-2022,  
9 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
10 JULY 1, 2023]: Sec. 1. (a) The definitions in this section apply  
11 throughout this chapter.

12 (b) "Documentary material" means any document, drawing,  
13 photograph, recording, or other tangible item containing compiled data  
14 from which information can be either obtained or translated into a  
15 usable form.

16 (c) "Enterprise" means:

17 (1) a sole proprietorship, corporation, limited liability company,  
18 partnership, business trust, or governmental entity; or

19 (2) a union, an association, or a group, whether a legal entity or  
20 merely associated in fact.

21 (d) "Pattern of racketeering activity" means engaging in at least two  
22 (2) incidents of racketeering activity that have the same or similar  
23 intent, result, accomplice, victim, or method of commission, or that are  
24 otherwise interrelated by distinguishing characteristics that are not  
25 isolated incidents. However, the incidents are a pattern of racketeering  
26 activity only if at least one (1) of the incidents occurred after August  
27 31, 1980, and if the last of the incidents occurred within five (5) years  
28 after a prior incident of racketeering activity.

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

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

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

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

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

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

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

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

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

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



- 1 (10) Robbery (IC 35-42-5-1).
- 2 (11) Carjacking (IC 35-42-5-2) (before its repeal).
- 3 (12) Arson (IC 35-43-1-1).
- 4 (13) Burglary (IC 35-43-2-1).
- 5 (14) Theft (IC 35-43-4-2).
- 6 (15) Receiving stolen property (IC 35-43-4-2) (before its
- 7 amendment on July 1, 2018).
- 8 (16) Forgery (IC 35-43-5-2).
- 9 (17) An offense under IC 35-43-5.
- 10 (18) Bribery (IC 35-44.1-1-2).
- 11 (19) Official misconduct (IC 35-44.1-1-1).
- 12 (20) Conflict of interest (IC 35-44.1-1-4).
- 13 (21) Perjury (IC 35-44.1-2-1).
- 14 (22) Obstruction of justice (IC 35-44.1-2-2).
- 15 (23) Intimidation (IC 35-45-2-1).
- 16 (24) Promoting prostitution (IC 35-45-4-4).
- 17 (25) Professional gambling (IC 35-45-5-3).
- 18 (26) Maintaining a professional gambling site (IC
- 19 35-45-5-3.5(b)).
- 20 (27) Promoting professional gambling (IC 35-45-5-4).
- 21 (28) Dealing in or manufacturing cocaine or a narcotic drug (IC
- 22 35-48-4-1).
- 23 (29) Dealing in methamphetamine (IC 35-48-4-1.1).
- 24 (30) Manufacturing methamphetamine (IC 35-48-4-1.2).
- 25 (31) Dealing in a schedule I, II, or III controlled substance (IC
- 26 35-48-4-2).
- 27 (32) Dealing in a schedule IV controlled substance (IC
- 28 35-48-4-3).
- 29 (33) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- 30 (34) Dealing in ~~marijuana, hash oil, hashish, or salvia or~~
- 31 **mislabeled low THC hemp extract** (IC 35-48-4-10).
- 32 (35) Money laundering (IC 35-45-15-5).
- 33 (36) A violation of IC 35-47.5-5.
- 34 (37) A violation of any of the following:
- 35 (A) IC 23-14-48-9.
- 36 (B) IC 30-2-9-7(b).
- 37 (C) IC 30-2-10-9(b).
- 38 (D) IC 30-2-13-38(f).
- 39 (38) Practice of law by a person who is not an attorney (IC
- 40 33-43-2-1).
- 41 (39) An offense listed in IC 35-48-4 involving the manufacture or
- 42 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a





1 synthetic drug lookalike substance (as defined in  
 2 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under  
 3 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled  
 4 substance analog (as defined in IC 35-48-1-9.3), or a substance  
 5 represented to be a controlled substance (as described in  
 6 IC 35-48-4-4.6).

7 (40) Dealing in a controlled substance resulting in death (IC  
 8 35-42-1-1.5).

9 SECTION 22. IC 35-46-9-6, AS AMENDED BY P.L.184-2019,  
 10 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2023]: Sec. 6. (a) Except as provided in subsections (b) and  
 12 (c), a person who operates a motorboat while:

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

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

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

18 (2) having a controlled substance listed in schedule I or II of  
 19 IC 35-48-2 or its metabolite in the person's body; or

20 (3) intoxicated;

21 commits a Class C misdemeanor.

22 (b) The offense is a Level 6 felony if:

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

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

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

26 (C) this chapter; or

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

28 (c) The offense is a Level 5 felony if the offense results in the death  
 29 or catastrophic injury of another person.

30 (d) It is a defense to a prosecution under subsection (a)(2) that:

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

35 (2) the:

36 (A) controlled substance is marijuana or a metabolite of  
 37 marijuana; and

38 (B) person was not intoxicated.

39 SECTION 23. IC 35-48-2-4, AS AMENDED BY P.L.10-2021,  
 40 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 JULY 1, 2023]: Sec. 4. (a) The controlled substances listed in this  
 42 section are included in schedule I.



- 1 (b) Opiates. Any of the following opiates, including their isomers,  
 2 esters, ethers, salts, and salts of isomers, esters, and ethers, unless  
 3 specifically excepted by rule of the board or unless listed in another  
 4 schedule, whenever the existence of these isomers, esters, ethers, and  
 5 salts is possible within the specific chemical designation:
- 6 4-fluoroisobutyryl fentanyl  
 7 Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-  
 8 piperidinyl]-N-phenylacetamide) (9815)  
 9 Acetyl fentanyl (Other names include:  
 10 N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)  
 11 Acetylmethadol (9601)  
 12 Acrylfentanyl. Other name: N-(1-phenethylpiperidin-4-yl)-  
 13 N-phenylacrylamide  
 14 Allylprodine (9602)  
 15 Alpha-methylthiofentanyl (N-[1-methyl-2-(2-  
 16 thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide) (9832)  
 17 Alphacetylmethadol (9603)  
 18 Alphameprodine (9604)  
 19 Alphamethadol (9605)  
 20 Alphamethylfentanyl (9814)  
 21 Benzethidine (9606)  
 22 Beta-hydroxy-3-methylfentanyl (9831). Other name:  
 23 N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl  
 24 ]-N-phenylpropanamide  
 25 Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-  
 26 phenethyl)-4-piperidinyl]-N-phenylpropanamide) (9830)  
 27 Betacetylmethadol (9607)  
 28 Betameprodine (9608)  
 29 Betamethadol (9609)  
 30 Betaprodine (9611)  
 31 Clonitazene (9612)  
 32 Cyclopentyl fentanyl. Other name:  
 33 N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide  
 34 Dextromoramide (9613)  
 35 Diampromide (9615)  
 36 Diethylthiambutene (9616)  
 37 Difenoxin (9168)  
 38 Dimenoxadol (9617)  
 39 Dimepheptanol (9618)  
 40 Dimethylthiambutene (9619)  
 41 Dioxaphetyl butyrate (9621)  
 42 Dipipanone (9622)



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



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



- 1 piperidinyl]-propanamide) (9835)  
 2 Tilidine (9750)  
 3 Trimeperidine (9646)  
 4 U47700 (3,4-dichloro- N- [2-dimethylamino)cyclohexyl]-  
 5 N-methyl- benzamide)  
 6 V a l e r y l f e n t a n y l . O t h e r n a m e :  
 7 N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide  
 8 (c) Opium derivatives. Any of the following opium derivatives, their  
 9 salts, isomers, and salts of isomers, unless specifically excepted by rule  
 10 of the board or unless listed in another schedule, whenever the  
 11 existence of these salts, isomers, and salts of isomers is possible within  
 12 the specific chemical designation:  
 13 Acetorphine (9319)  
 14 Acetyldihydrocodeine (9051)  
 15 Benzylmorphine (9052)  
 16 Codeine methylbromide (9070)  
 17 Codeine-N-Oxide (9053)  
 18 Cyprenorphine (9054)  
 19 Desomorphine (9055)  
 20 Dihydromorphine (9145)  
 21 Drotebanol (9335)  
 22 Etorphine (except hydrochloride salt) (9056)  
 23 Heroin (9200)  
 24 Hydromorphinol (9301)  
 25 Methyldesorphine (9302)  
 26 Methyldihydromorphine (9304)  
 27 Morphine methylbromide (9305)  
 28 Morphine methylsulfonate (9306)  
 29 Morphine-N-Oxide (9307)  
 30 Myrophine (9308)  
 31 Nicocodeine (9309)  
 32 Nicomorphine (9312)  
 33 Normorphine (9313)  
 34 Pholcodine (9314)  
 35 Thebacon (9315)  
 36 (d) Hallucinogenic substances. Unless specifically excepted or  
 37 unless listed in another schedule, any material, compound, mixture, or  
 38 preparation which contains any quantity of the following  
 39 hallucinogenic, psychedelic, or psychogenic substances, their salts,  
 40 isomers, and salts of isomers whenever the existence of these salts,  
 41 isomers, and salts of isomers is possible within the specific chemical  
 42 designation (for purposes of this subsection only, the term "isomer"



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



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



- 1 numerical designation of atomic positions are covered. Other  
 2 name: THC.
- 3 ~~(32)~~ **(31)** Ethylamine analog of phencyclidine (7455). Some trade  
 4 or other names: N-Ethyl-1-phenylcyclohexylamine;  
 5 (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl)  
 6 ethylamine; cyclohexamine; PCE.
- 7 ~~(33)~~ **(32)** Pyrrolidine analog of phencyclidine (7458). Some trade  
 8 or other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCP<sub>y</sub>; PHP.
- 9 ~~(34)~~ **(33)** Thiophene analog of phencyclidine (7470). Some trade  
 10 or other names: 1-(1-(2-thienyl) cyclohexyl) piperidine; 2-Thienyl  
 11 Analog of Phencyclidine; TPCP.
- 12 ~~(35)~~ **(34)** Salvia divinorum or salvinorin A, including:  
 13 (A) all parts of the plant that are classified botanically as salvia  
 14 divinorum, whether growing or not;  
 15 (B) the seeds of the plant;  
 16 (C) any extract from any part of the plant; and  
 17 (D) every compound, manufacture, salt, derivative, mixture, or  
 18 preparation of the plant, its seeds, or extracts.
- 19 ~~(36)~~ **(35)** 5-Methoxy-N,N-Dimethyltryptamine. Some trade  
 20 or other names: 5-methoxy-3-[2- (dimethylamino)ethyl]indole;  
 21 5-MeO-DMT.
- 22 ~~(37)~~ **(36)** 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).
- 23 ~~(38)~~ **(37)** 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).
- 24 ~~(39)~~ **(38)** 2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine (2C-C).
- 25 ~~(40)~~ **(39)** 2-(4-Iodo-2,5-dimethoxyphenyl) ethanamine (2C-I).
- 26 ~~(41)~~ **(40)** 2-[4-(Ethylthio)-2,5-dimethoxyphenyl] ethanamine  
 27 (2C-T-2).
- 28 ~~(42)~~ **(41)** 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl] ethanamine  
 29 (2C-T-4).
- 30 ~~(43)~~ **(42)** 2-(2,5-Dimethoxyphenyl) ethanamine (2C-H).
- 31 ~~(44)~~ **(43)** 2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine (2C-N).
- 32 ~~(45)~~ **(44)** 2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine  
 33 (2C-P).
- 34 ~~(46)~~ **(45)** Deschloroketamine (2-Phenyl-2-  
 35 (methylamino)cyclohexanone).
- 36 ~~(47)~~ **(46)** 4-Hydroxy-MET (4-Hydroxy-N-methyl-N-  
 37 ethyltryptamine).
- 38 ~~(48)~~ **(47)** N-methyltryptamine (1H-Indole-3-ethanamine,  
 39 N-methyl-).
- 40 (e) Depressants. Unless specifically excepted in a rule adopted by  
 41 the board or unless listed in another schedule, any material, compound,  
 42 mixture, or preparation which contains any quantity of the following





1 substances having a depressant effect on the central nervous system,  
 2 including its salts, isomers, and salts of isomers whenever the existence  
 3 of such salts, isomers, and salts of isomers is possible within the  
 4 specific chemical designation:

5 Etizolam (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-  
 6 thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine) (other names  
 7 include: Etilaam, Etizest, Depas, Etizola, Sedekopan, and  
 8 Pasaden)

9 Flubromazolam (8-bromo-6-(2-fluorophenyl)-1-methyl-  
 10 4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine)

11 Gamma-hydroxybutyric acid (other names include GHB;  
 12 gamma-hydroxybutyrate; 4-hydroxybutanoic acid; sodium  
 13 oxybate; sodium oxybutyrate) (2010)

14 Mecloqualone (2572)

15 Methaqualone (2565)

16 (f) Stimulants. Unless specifically excepted or unless listed in  
 17 another schedule, any material, compound, mixture, or preparation that  
 18 contains any quantity of the following substances having a stimulant  
 19 effect on the central nervous system, including its salts, isomers, and  
 20 salts of isomers:

21 ([+/-] cis-4-methylaminorex (([+/-]cis-4,5-  
 22 dihydro-4-methyl-5-phenyl-2-oxazolamine) (1590)

23 Aminorex (1585). Other names: aminoxaphen;  
 24 2-amino-5-phenyl-2-oxazoline; or  
 25 4,5-dihydro-5-phenyl-2-oxazolamine.

26 Benzylone, 1-(1,3-benzodioxol-5-yl)-2-(benzylamino)propan  
 27 -1-one. Synonyms: BMDP, N-benzyl methylone,  
 28 3,4-Methylene dioxy-Nbenzylcathinone,  
 29 N-benzyl-3,4-methylenedioxcathinone.

30 Cathinone (1235). Some trade or other names:  
 31 2-amino-1-phenyl-1-propanone; alpha-aminopropiophenone;  
 32 2-aminopropiophenone; and norephedrone.

33 Fenethylamine (1503).

34 N-Benzylpiperazine (7493). Other names: BZP; and  
 35 1-benzylpiperazine.

36 N-ethylamphetamine (1475).

37 Methcathinone (1237). Some other trade names:  
 38 2-Methylamino-1-Phenylpropan-1-one; Ephedrone;  
 39 Monomethylpropion; UR 1431.

40 N, N-dimethylamphetamine (1480). Other names: N,  
 41 N-alpha-trimethyl-benzeneethanamine; and N,  
 42 N-alpha-trimethylphenethylamine.



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

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

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

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

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

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

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

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

21 commits a Class A infraction for dealing in paraphernalia.

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

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

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

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

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

39 (4) Any entity or person that provides funding to a qualified entity  
40 (as defined in IC 16-41-7.5-3) to operate a program described in  
41 IC 16-41-7.5.

42 SECTION 25. IC 35-48-4-10, AS AMENDED BY P.L.153-2018,



1 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
2 JULY 1, 2023]: Sec. 10. (a) A person who:

3 (1) knowingly or intentionally:

4 (A) manufactures;

5 (B) finances the manufacture of;

6 (C) delivers; or

7 (D) finances the delivery of;

8 ~~marijuana, hash oil, hashish, or~~ salvia, pure or adulterated; or

9 (2) possesses, with intent to:

10 (A) manufacture;

11 (B) finance the manufacture of;

12 (C) deliver; or

13 (D) finance the delivery of;

14 ~~marijuana, hash oil, hashish, or~~ salvia, pure or adulterated;

15 commits dealing in ~~marijuana, hash oil, hashish, or~~ salvia, a Class A  
16 misdemeanor, except as provided in subsections (b) through (d).

17 (b) A person may be convicted of an offense under subsection (a)(2)  
18 only if:

19 (1) there is evidence in addition to the weight of the drug that the  
20 person intended to manufacture, finance the manufacture of,  
21 deliver, or finance the delivery of the drug; or

22 (2) the amount of the drug involved is at least

23 ~~(A) ten (10) pounds, if the drug is marijuana; or~~

24 ~~(B) three hundred (300) grams, if the drug is hash oil, hashish,~~  
25 ~~or salvia.~~

26 (c) The offense is a Level 6 felony if:

27 (1) the person has a prior conviction for a drug offense and the  
28 amount of the drug involved is

29 ~~(A) less than thirty (30) grams of marijuana; or~~

30 ~~(B) less than five (5) grams of hash oil, hashish, or salvia; or~~

31 (2) the amount of the drug involved is

32 ~~(A) at least thirty (30) grams but less than ten (10) pounds of~~  
33 ~~marijuana; or~~

34 ~~(B) at least five (5) grams but less than three hundred (300)~~  
35 ~~grams of hash oil, hashish, or salvia.~~

36 (d) The offense is a Level 5 felony if:

37 (1) the person has a prior conviction for a drug dealing offense  
38 and the amount of the drug involved is

39 ~~(A) at least thirty (30) grams but less than ten (10) pounds of~~  
40 ~~marijuana; or~~

41 ~~(B) at least five (5) grams but less than three hundred (300)~~  
42 ~~grams of hash oil, hashish, or salvia; or~~



- 1 (2) the:
- 2 (A) amount of the drug involved is
- 3 (i) ~~at least ten (10) pounds of marijuana; or~~
- 4 (ii) ~~at least three hundred (300) grams of hash oil, hashish,~~
- 5 ~~or salvia; or~~
- 6 (B) offense involved a sale to a minor. ~~or~~
- 7 ~~(3) the:~~
- 8 ~~(A) person is a retailer;~~
- 9 ~~(B) marijuana, hash oil, hashish, or salvia is packaged in a~~
- 10 ~~manner that appears to be low THC hemp extract; and~~
- 11 ~~(C) person knew or reasonably should have known that the~~
- 12 ~~product was marijuana, hash oil, hashish, or salvia.~~
- 13 **(e) A retailer who:**
- 14 **(1) knowingly or intentionally:**
- 15 **(A) manufactures;**
- 16 **(B) finances the manufacture of;**
- 17 **(C) delivers; or**
- 18 **(D) finances the delivery of;**
- 19 **marijuana, hash oil, hashish, or salvia, pure or adulterated,**
- 20 **that is packaged in a manner that appears to be low THC**
- 21 **hemp extract; or**
- 22 **(2) possesses, with intent to:**
- 23 **(A) manufacture;**
- 24 **(B) finance the manufacture of;**
- 25 **(C) deliver; or**
- 26 **(D) finance the delivery of;**
- 27 **marijuana, hash oil, hashish, or salvia, pure or adulterated,**
- 28 **that is packaged in a manner that appears to be low THC**
- 29 **hemp extract;**
- 30 **commits dealing in mislabeled low THC hemp extract, a Level 5**
- 31 **felony, if the person knew or reasonably should have known that**
- 32 **the product was marijuana, hash oil, hashish, or salvia.**
- 33 SECTION 26. IC 35-48-4-11, AS AMENDED BY P.L.153-2018,
- 34 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 35 JULY 1, 2023]: Sec. 11. (a) A person who
- 36 ~~(1) knowingly or intentionally possesses (pure or adulterated)~~
- 37 ~~marijuana, hash oil, hashish, or salvia~~
- 38 ~~(2) knowingly or intentionally grows or cultivates marijuana; or~~
- 39 ~~(3) knowing that marijuana is growing on the person's premises;~~
- 40 ~~fails to destroy the marijuana plants;~~
- 41 commits possession of ~~marijuana, hash oil, hashish, or salvia,~~ a Class
- 42 B misdemeanor, except as provided in subsections (b) through (c).



1 (b) The offense described in subsection (a) is a Class A  
2 misdemeanor if

3 ~~(1)~~ the person has a prior conviction for a drug offense. ~~or~~  
4 ~~(2)~~ the:

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

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

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

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

11 (2) the person possesses

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

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

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

15 **(1) knowingly or intentionally possesses (pure or adulterated)**  
16 **marijuana, hash oil, hashish, or salvia; and**

17 **(2) the:**

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

20 **(B) person knew or reasonably should have known that the**  
21 **product was marijuana, hash oil, hashish, or salvia;**

22 **commits possession of mislabeled low THC hemp extract, a Class**  
23 **A misdemeanor.**

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

33 (1) property damages of the victim incurred as a result of the  
34 crime, based on the actual cost of repair (or replacement if repair  
35 is inappropriate);

36 (2) medical and hospital costs incurred by the victim (before the  
37 date of sentencing) as a result of the crime;

38 (3) the cost of medical laboratory tests to determine if the crime  
39 has caused the victim to contract a disease or other medical  
40 condition;

41 (4) earnings lost by the victim (before the date of sentencing) as  
42 a result of the crime including earnings lost while the victim was



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



1 of an order of restitution under subsection (i).

2 (e) An order of restitution under subsection (a), (i), (j), **or (l) or (m)**  
3 does not bar a civil action for:

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

8 (2) other damages suffered by the victim.

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

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

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

20 (i) The court may order the person convicted of an offense under  
21 IC 35-43-9 to make restitution to the victim of the crime. The court  
22 shall base its restitution order upon a consideration of the amount of  
23 money that the convicted person converted, misappropriated, or  
24 received, or for which the convicted person conspired. The restitution  
25 order issued for a violation of IC 35-43-9 must comply with  
26 subsections (b), (d), (e), and (g), and is not discharged by the  
27 completion of any probationary period or other sentence imposed for  
28 a violation of IC 35-43-9.

29 (j) The court may order the person convicted of an offense under  
30 IC 35-43-5-3.5 to make restitution to the victim of the crime, the  
31 victim's estate, or the family of a victim who is deceased. The court  
32 shall base its restitution order upon a consideration of the amount of  
33 fraud or harm caused by the convicted person and any reasonable  
34 expenses (including lost wages) incurred by the victim in correcting the  
35 victim's credit report and addressing any other issues caused by the  
36 commission of the offense under IC 35-43-5-3.5. If, after a person is  
37 sentenced for an offense under IC 35-43-5-3.5, a victim, a victim's  
38 estate, or the family of a victim discovers or incurs additional expenses  
39 that result from the convicted person's commission of the offense under  
40 IC 35-43-5-3.5, the court may issue one (1) or more restitution orders  
41 to require the convicted person to make restitution, even if the court  
42 issued a restitution order at the time of sentencing. For purposes of



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

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

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

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

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

17 (B) IC 22-2-2 (Minimum Wage);  
 18 whichever is greater.

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

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

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

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

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

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

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

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

36 SECTION 28. IC 35-52-7-97 IS ADDED TO THE INDIANA  
 37 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 38 [EFFECTIVE JULY 1, 2023]: **Sec. 97. IC 7.1-8-12-13 defines a crime**  
 39 **concerning cannabis.**

40 SECTION 29. IC 35-52-7-98 IS ADDED TO THE INDIANA  
 41 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 42 [EFFECTIVE JULY 1, 2023]: **Sec. 98. IC 7.1-8-14-9 defines a crime**





- 1 **concerning cannabis.**  
 2 SECTION 30. IC 35-52-7-99 IS ADDED TO THE INDIANA  
 3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 4 [EFFECTIVE JULY 1, 2023]: **Sec. 99. IC 7.1-8-15-5 defines a crime**  
 5 **concerning cannabis.**  
 6 SECTION 31. IC 35-52-7-100 IS ADDED TO THE INDIANA  
 7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 8 [EFFECTIVE JULY 1, 2023]: **Sec. 100. IC 7.1-8-19-3 defines a crime**  
 9 **concerning cannabis.**  
 10 SECTION 32. IC 35-52-7-101 IS ADDED TO THE INDIANA  
 11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 12 [EFFECTIVE JULY 1, 2023]: **Sec. 101. IC 7.1-8-19-4 defines a crime**  
 13 **concerning cannabis.**  
 14 SECTION 33. IC 35-52-7-102 IS ADDED TO THE INDIANA  
 15 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 2023]: **Sec. 102. IC 7.1-8-19-6 defines a crime**  
 17 **concerning cannabis.**  
 18 SECTION 34. IC 36-1-8.5-4, AS AMENDED BY P.L.64-2022,  
 19 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2023]: Sec. 4. As used in this chapter, "law enforcement  
 21 officer" means an individual who is employed or was formerly  
 22 employed as:  
 23 (1) a police officer (including a tribal police officer and a  
 24 correctional police officer), sheriff, constable, marshal,  
 25 prosecuting attorney, special prosecuting attorney, special deputy  
 26 prosecuting attorney, the securities commissioner, or the inspector  
 27 general;  
 28 (2) a deputy of any of the persons specified in subdivision (1);  
 29 (3) an investigator for a prosecuting attorney or for the inspector  
 30 general;  
 31 (4) a conservation officer;  
 32 (5) an enforcement officer of the alcohol and tobacco commission  
 33 **or of the cannabis commission; or**  
 34 (6) an enforcement officer of the securities division of the office  
 35 of the secretary of state.

