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SENATE BILL No. 536

DIGEST OF SB 536 (Updated February 23, 2015 6:06 pm - DI 106)

Citations Affected: IC 10-11; IC 35-31.5; IC 35-48.

Synopsis: Methamphetamine. Defines "drug related felony" and requires courts to report drug related felonies to the state police department. Requires the state police department to report drug related felonies to NPLeX so that NPLeX can generate a stop sale alert to prevent individuals with drug related felonies from purchasing ephedrine or pseudoephedrine. Provides that the offense of possession of a precursor by a methamphetamine offender (which prohibits the possession of pseudoephedrine or ephedrine without a prescription by persons convicted of certain offenses) applies to a person who has been convicted of a drug related felony.

Effective: Upon passage; January 1, 2016.

**Young R Michael, Yoder, Head,
Arnold J, Waltz, Taylor, Tomes**

January 14, 2015, read first time and referred to Committee on Corrections & Criminal Law.
February 17, 2015, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.
February 19, 2015, reported favorably — Do Pass.
February 23, 2015, read second time, amended, ordered engrossed.

SB 536—LS 6523/DI 107



First Regular Session 119th General Assembly (2015)

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 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 536

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

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

1 SECTION 1. IC 10-11-2-31.5 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JANUARY 1, 2016]: **Sec. 31.5. (a) As used in this**
4 **section, "drug related felony" has the meaning set forth in**
5 **IC 35-48-4-18.**

6 **(b) The superintendent shall:**

7 **(1) receive reports from courts regarding drug related**
8 **felonies;**

9 **(2) notify the National Precursor Log Exchange (NPLEx) of**
10 **each drug related felony entered within the previous seven (7)**
11 **years and provide the following information:**

12 **(A) the convicted individual's full name;**

13 **(B) the convicted individual's date of birth;**

14 **(C) the convicted individual's driver's license number or**
15 **state personal identification number; and**

16 **(D) the date the individual was convicted of the drug**

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- 1 **related felony;**
 2 **(3) request that a stop sale alert be generated through the**
 3 **National Precursor Log Exchange (NPLEx) for each**
 4 **individual reported under subdivision (2); and**
 5 **(4) notify the National Precursor Log Exchange (NPLEx):**
 6 **(A) if the drug related felony of an individual reported**
 7 **under subdivision (2) has been:**
 8 **(i) set aside;**
 9 **(ii) reversed;**
 10 **(iii) expunged; or**
 11 **(iv) vacated; and**
 12 **(B) if clause (A) applies, that a stop sale alert should not be**
 13 **issued for the individual.**

14 SECTION 2. IC 35-31.5-2-61, AS ADDED BY P.L.114-2012,
 15 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JANUARY 1, 2016]: Sec. 61. "Constant video monitoring", for
 17 purposes of IC 35-48-4-14.7, has the meaning set forth in
 18 ~~IC 35-48-4-14.7(b)(1).~~ **IC 35-48-4-14.7.**

19 SECTION 3. IC 35-31.5-2-66, AS ADDED BY P.L.114-2012,
 20 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JANUARY 1, 2016]: Sec. 66. "Convenience package", for purposes of
 22 IC 35-48-4-14.7, has the meaning set forth in ~~IC 35-48-4-14.7(b)(2).~~
 23 **IC 35-48-4-14.7.**

24 SECTION 4. IC 35-31.5-2-106.5 IS ADDED TO THE INDIANA
 25 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
 26 [EFFECTIVE UPON PASSAGE]: **Sec. 106.5. "Drug related felony",**
 27 **for purposes of IC 35-48-4-18, has the meaning set forth in**
 28 **IC 35-48-4-18.**

29 SECTION 5. IC 35-31.5-2-120, AS ADDED BY P.L.114-2012,
 30 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JANUARY 1, 2016]: Sec. 120. "Ephedrine", for purposes of
 32 IC 35-48-4-14.7, has the meaning set forth in ~~IC 35-48-4-14.7(b)(3).~~
 33 **IC 35-48-4-14.7.**

34 SECTION 6. IC 35-48-4-14.5, AS AMENDED BY P.L.168-2014,
 35 SECTION 105, IS AMENDED TO READ AS FOLLOWS
 36 [EFFECTIVE UPON PASSAGE]: Sec. 14.5. (a) As used in this
 37 section, "chemical reagents or precursors" refers to one (1) or more of
 38 the following:

- 39 (1) Ephedrine.
 40 (2) Pseudoephedrine.
 41 (3) Phenylpropanolamine.
 42 (4) The salts, isomers, and salts of isomers of a substance



- 1 identified in subdivisions (1) through (3).
 2 (5) Anhydrous ammonia or ammonia solution (as defined in
 3 IC 22-11-20-1).
 4 (6) Organic solvents.
 5 (7) Hydrochloric acid.
 6 (8) Lithium metal.
 7 (9) Sodium metal.
 8 (10) Ether.
 9 (11) Sulfuric acid.
 10 (12) Red phosphorous.
 11 (13) Iodine.
 12 (14) Sodium hydroxide (lye).
 13 (15) Potassium dichromate.
 14 (16) Sodium dichromate.
 15 (17) Potassium permanganate.
 16 (18) Chromium trioxide.
 17 (19) Benzyl cyanide.
 18 (20) Phenylacetic acid and its esters or salts.
 19 (21) Piperidine and its salts.
 20 (22) Methylamine and its salts.
 21 (23) Isosafrole.
 22 (24) Safrole.
 23 (25) Piperonal.
 24 (26) Hydriodic acid.
 25 (27) Benzaldehyde.
 26 (28) Nitroethane.
 27 (29) Gamma-butyrolactone.
 28 (30) White phosphorus.
 29 (31) Hypophosphorous acid and its salts.
 30 (32) Acetic anhydride.
 31 (33) Benzyl chloride.
 32 (34) Ammonium nitrate.
 33 (35) Ammonium sulfate.
 34 (36) Hydrogen peroxide.
 35 (37) Thionyl chloride.
 36 (38) Ethyl acetate.
 37 (39) Pseudoephedrine hydrochloride.
 38 (b) A person who possesses more than ten (10) grams of ephedrine,
 39 pseudoephedrine, or phenylpropanolamine, pure or adulterated,
 40 commits a Level 6 felony. However, the offense is a Level 5 felony if
 41 the person possessed:
 42 (1) a firearm while possessing more than ten (10) grams of



- 1 ephedrine, pseudoephedrine, or phenylpropanolamine, pure or
 2 adulterated; or
 3 (2) more than ten (10) grams of ephedrine, pseudoephedrine, or
 4 phenylpropanolamine, pure or adulterated, in, on, or within five
 5 hundred (500) feet of:
 6 (A) school property while a person under eighteen (18) years
 7 of age was reasonably expected to be present; or
 8 (B) a public park while a person under eighteen (18) years of
 9 age was reasonably expected to be present.
- 10 (c) A person who possesses anhydrous ammonia or ammonia
 11 solution (as defined in IC 22-11-20-1) with the intent to manufacture
 12 methamphetamine or amphetamine, schedule II controlled substances
 13 under IC 35-48-2-6, commits a Level 6 felony. However, the offense
 14 is a Level 5 felony if the person possessed:
 15 (1) a firearm while possessing anhydrous ammonia or ammonia
 16 solution (as defined in IC 22-11-20-1) with intent to manufacture
 17 methamphetamine or amphetamine, schedule II controlled
 18 substances under IC 35-48-2-6; or
 19 (2) anhydrous ammonia or ammonia solution (as defined in
 20 IC 22-11-20-1) with intent to manufacture methamphetamine or
 21 amphetamine, schedule II controlled substances under
 22 IC 35-48-2-6, in, on, or within five hundred (500) feet of:
 23 (A) school property while a person under eighteen (18) years
 24 of age was reasonably expected to be present; or
 25 (B) a public park while a person under eighteen (18) years of
 26 age was reasonably expected to be present.
- 27 (d) Subsection (b) does not apply to a:
 28 (1) licensed health care provider, pharmacist, retail distributor,
 29 wholesaler, manufacturer, warehouseman, or common carrier or
 30 an agent of any of these persons if the possession is in the regular
 31 course of lawful business activities; or
 32 (2) person who possesses more than ten (10) grams of a substance
 33 described in subsection (b) if the substance is possessed under
 34 circumstances consistent with typical medicinal or household use,
 35 including:
 36 (A) the location in which the substance is stored;
 37 (B) the possession of the substance in a variety of:
 38 (i) strengths;
 39 (ii) brands; or
 40 (iii) types; or
 41 (C) the possession of the substance:
 42 (i) with different expiration dates; or



- 1 (ii) in forms used for different purposes.
- 2 (e) A person who possesses two (2) or more chemical reagents or
3 precursors with the intent to manufacture a controlled substance
4 commits a Level 6 felony.
- 5 (f) An offense under subsection (e) is a Level 5 felony if the person
6 possessed:
- 7 (1) a firearm while possessing two (2) or more chemical reagents
8 or precursors with intent to manufacture a controlled substance;
9 or
10 (2) two (2) or more chemical reagents or precursors with intent to
11 manufacture a controlled substance in, on, or within five hundred
12 (500) feet of:
- 13 (A) school property while a person under eighteen (18) years
14 of age was reasonably expected to be present; or
15 (B) a public park while a person under eighteen (18) years of
16 age was reasonably expected to be present.
- 17 (g) A person who sells, transfers, distributes, or furnishes a chemical
18 reagent or precursor to another person with knowledge or the intent that
19 the recipient will use the chemical reagent or precursors to manufacture
20 a controlled substance commits unlawful sale of a precursor, a Level
21 6 felony. However, the offense is a Level 5 felony if the person sells,
22 transfers, distributes, or furnishes more than ten (10) grams of
23 ephedrine, pseudoephedrine, or phenylpropanolamine.
- 24 (h) This subsection does not apply to a drug containing ephedrine,
25 pseudoephedrine, or phenylpropanolamine that is dispensed under a
26 prescription. A person who:
- 27 (1) has been convicted of:
- 28 (A) dealing in methamphetamine (IC 35-48-4-1.1);
29 (B) possession of more than ten (10) grams of ephedrine,
30 pseudoephedrine, or phenylpropanolamine (subsection (b));
31 (C) possession of anhydrous ammonia or ammonia solution (as
32 defined in IC 22-11-20-1) with intent to manufacture
33 methamphetamine or amphetamine (subsection (c));
34 (D) possession of two (2) or more chemical reagents or
35 precursors with the intent to manufacture a controlled
36 substance (subsection (e)); or
37 (E) unlawful sale of a precursor (subsection (g)); or
38 (F) **another drug related felony (as defined in**
39 **IC 35-48-4-18);** and
40 (2) not later than seven (7) years from the date the person was
41 sentenced for the offense;
42 knowingly or intentionally possesses ephedrine, pseudoephedrine, or



1 phenylpropanolamine, pure or adulterated, commits possession of a
 2 precursor by a methamphetamine offender, a Level 6 felony.

3 SECTION 7. IC 35-48-4-14.7, AS AMENDED BY P.L.193-2013,
 4 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JANUARY 1, 2016]: Sec. 14.7. (a) This section does not apply to the
 6 following:

7 (1) Ephedrine or pseudoephedrine dispensed pursuant to a
 8 prescription.

9 (2) The sale of a drug containing ephedrine or pseudoephedrine
 10 to a licensed health care provider, pharmacist, retail distributor,
 11 wholesaler, manufacturer, or an agent of any of these persons if
 12 the sale occurs in the regular course of lawful business activities.
 13 However, a retail distributor, wholesaler, or manufacturer is
 14 required to report a suspicious order to the state police department
 15 in accordance with subsection (g).

16 (3) The sale of a drug containing ephedrine or pseudoephedrine
 17 by a person who does not sell exclusively to walk-in customers for
 18 the personal use of the walk-in customers. However, if the person
 19 described in this subdivision is a retail distributor, wholesaler, or
 20 manufacturer, the person is required to report a suspicious order
 21 to the state police department in accordance with subsection (g).

22 (b) The following definitions apply throughout this section:

23 (1) "Constant video monitoring" means the surveillance by an
 24 automated camera that:

25 (A) records at least one (1) photograph or digital image every
 26 ten (10) seconds;

27 (B) retains a photograph or digital image for at least
 28 seventy-two (72) hours;

29 (C) has sufficient resolution and magnification to permit the
 30 identification of a person in the area under surveillance; and

31 (D) stores a recorded photograph or digital image at a location
 32 that is immediately accessible to a law enforcement officer.

33 (2) "Convenience package" means a package that contains a drug
 34 having as an active ingredient not more than sixty (60) milligrams
 35 of ephedrine or pseudoephedrine, or both.

36 (3) "Ephedrine" means pure or adulterated ephedrine.

37 (4) "Pharmacy or NPLeX retailer" means:

38 (A) a pharmacy, as defined in IC 25-26-13-2;

39 (B) a retailer containing a pharmacy, as defined in
 40 IC 25-26-13-2; or

41 (C) a retailer that electronically submits the required
 42 information to the National Precursor Log Exchange (NPLeX).



- 1 administered by the National Association of Drug Diversion
 2 Investigators (NADDI):
- 3 (5) "Pseudoephedrine" means pure or adulterated
 4 pseudoephedrine.
- 5 (6) "Retailer" means a grocery store, general merchandise store,
 6 or other similar establishment. The term does not include a
 7 pharmacy or NPLeX retailer.
- 8 (7) "Suspicious order" means a sale or transfer of a drug
 9 containing ephedrine or pseudoephedrine if the sale or transfer:
 10 (A) is a sale or transfer that the retail distributor, wholesaler,
 11 or manufacturer is required to report to the United States Drug
 12 Enforcement Administration;
 13 (B) appears suspicious to the retail distributor, wholesaler, or
 14 manufacturer in light of the recommendations contained in
 15 Appendix A of the report to the United States attorney general
 16 by the suspicious orders task force under the federal
 17 Comprehensive Methamphetamine Control Act of 1996; or
 18 (C) is for cash or a money order in a total amount of at least
 19 two hundred dollars (\$200).
- 20 (8) "Unusual theft" means the theft or unexplained disappearance
 21 from a particular pharmacy or NPLeX retailer of drugs containing
 22 ten (10) grams or more of ephedrine, pseudoephedrine, or both in
 23 a twenty-four (24) hour period.
- 24 (c) A drug containing ephedrine or pseudoephedrine may be sold
 25 only by a pharmacy or NPLeX retailer. Except as provided in
 26 subsection (f), a retailer may not sell a drug containing ephedrine or
 27 pseudoephedrine.
- 28 (d) A pharmacy or NPLeX retailer may sell a drug that contains the
 29 active ingredient of ephedrine, pseudoephedrine, or both only if the
 30 pharmacy or NPLeX retailer complies with the following conditions:
 31 (1) The pharmacy or NPLeX retailer does not sell the drug to a
 32 person less than eighteen (18) years of age.
 33 (2) The pharmacy or NPLeX retailer does not sell drugs
 34 containing more than:
 35 (A) three and six-tenths (3.6) grams of ephedrine or
 36 pseudoephedrine, or both, to one (1) individual on one (1) day;
 37 (B) seven and two-tenths (7.2) grams of ephedrine or
 38 pseudoephedrine, or both, to one (1) individual in a thirty (30)
 39 day period; or
 40 (C) sixty-one and two-tenths (61.2) grams of ephedrine or
 41 pseudoephedrine, or both, to one (1) individual in a three
 42 hundred sixty-five (365) day period.



- 1 (3) The pharmacy or NPLEEx retailer requires:
 2 (A) the purchaser to produce a valid government issued photo
 3 identification card showing the date of birth of the person;
 4 (B) the purchaser to sign a written or electronic log attesting
 5 to the validity of the information; and
 6 (C) the clerk who is conducting the transaction to initial or
 7 electronically record the clerk's identification on the log.
 8 Records from the completion of a log must be retained for at least
 9 two (2) years. A law enforcement officer has the right to inspect
 10 and copy a log or the records from the completion of a log in
 11 accordance with state and federal law. A pharmacy or NPLEEx
 12 retailer may not sell or release a log or the records from the
 13 completion of a log for a commercial purpose. The Indiana
 14 criminal justice institute may obtain information concerning a log
 15 or the records from the completion of a log from a law
 16 enforcement officer if the information may not be used to identify
 17 a specific individual and is used only for statistical purposes. A
 18 pharmacy or NPLEEx retailer that in good faith releases
 19 information maintained under this subsection is immune from
 20 civil liability unless the release constitutes gross negligence or
 21 intentional, wanton, or willful misconduct.
 22 (4) The pharmacy or NPLEEx retailer maintains a record of
 23 information for each sale of a nonprescription product containing
 24 pseudoephedrine or ephedrine. Required information includes:
 25 (A) the name and address of each purchaser;
 26 (B) the type of identification presented;
 27 (C) the governmental entity that issued the identification;
 28 (D) the identification number; and
 29 (E) the ephedrine or pseudoephedrine product purchased,
 30 including the number of grams the product contains and the
 31 date and time of the transaction.
 32 (5) Beginning January 1, 2012, a pharmacy or NPLEEx retailer
 33 shall, except as provided in subdivision (6), before completing a
 34 sale of an over-the-counter product containing pseudoephedrine
 35 or ephedrine, electronically submit the required information to the
 36 National Precursor Log Exchange (NPLEEx), ~~administered by the~~
 37 ~~National Association of Drug Diversion Investigators (NADDI);~~
 38 if the NPLEEx system is available to pharmacies or NPLEEx
 39 retailers in the state without a charge for accessing the system.
 40 The pharmacy or NPLEEx retailer may not complete the sale if the
 41 system generates a stop sale alert, **including a stop sale alert for**
 42 **a person convicted of a drug related felony reported under**



IC 10-11-2-31.5.

(6) If a pharmacy or NPLeX retailer selling an over-the-counter product containing ephedrine or pseudoephedrine experiences mechanical or electronic failure of the electronic sales tracking system and is unable to comply with the electronic sales tracking requirement, the pharmacy or NPLeX retailer shall maintain a written log or an alternative electronic recordkeeping mechanism until the pharmacy or NPLeX retailer is able to comply with the electronic sales tracking requirement.

(7) The pharmacy or NPLeX retailer stores the drug behind a counter in an area inaccessible to a customer or in a locked display case that makes the drug unavailable to a customer without the assistance of an employee.

(e) A person may not purchase drugs containing more than:

(1) three and six-tenths (3.6) grams of ephedrine or pseudoephedrine, or both, on one (1) day;

(2) seven and two-tenths (7.2) grams of ephedrine or pseudoephedrine, or both, in a thirty (30) day period; or

(3) sixty-one and two-tenths (61.2) grams of ephedrine or pseudoephedrine, or both, in a three hundred sixty-five (365) day period.

These limits apply to the total amount of base ephedrine and pseudoephedrine contained in the products and not to the overall weight of the products.

(f) This subsection only applies to convenience packages. A retailer may sell convenience packages under this section without complying with the conditions listed in subsection (d):

(1) after June 30, 2013; and

(2) before January 1, 2014.

A retailer may not sell drugs containing more than sixty (60) milligrams of ephedrine or pseudoephedrine, or both in any one (1) transaction. A retailer who sells convenience packages must secure the convenience packages behind the counter in an area inaccessible to a customer or in a locked display case that makes the drug unavailable to a customer without the assistance of an employee. A retailer may not sell a drug containing ephedrine or pseudoephedrine after December 31, 2013.

(g) A retail distributor, wholesaler, or manufacturer shall report a suspicious order to the state police department in writing.

(h) Not later than three (3) days after the discovery of an unusual theft at a particular retail store, the pharmacy or NPLeX retailer shall report the unusual theft to the state police department in writing. If



1 three (3) unusual thefts occur in a thirty (30) day period at a particular
 2 pharmacy or NPLeX retailer, the pharmacy or NPLeX retailer shall, for
 3 at least one hundred eighty (180) days after the date of the last unusual
 4 theft, locate all drugs containing ephedrine or pseudoephedrine at that
 5 particular pharmacy or NPLeX retailer behind a counter in an area
 6 inaccessible to a customer or in a locked display case that makes the
 7 drug unavailable to customers without the assistance of an employee.

8 (i) A unit (as defined in IC 36-1-2-23) may not adopt an ordinance
 9 after February 1, 2005, that is more stringent than this section.

10 (j) A person who knowingly or intentionally violates this section
 11 commits a Class C misdemeanor. However, the offense is a Class A
 12 misdemeanor if the person has a prior unrelated conviction under this
 13 section.

14 (k) A pharmacy or NPLeX retailer that uses the electronic sales
 15 tracking system in accordance with this section is immune from civil
 16 liability for any act or omission committed in carrying out the duties
 17 required by this section, unless the act or omission was due to
 18 negligence, recklessness, or deliberate or wanton misconduct. A
 19 pharmacy or NPLeX retailer is immune from liability to a third party
 20 unless the pharmacy or NPLeX retailer has violated a provision of this
 21 section and the third party brings an action based on the pharmacy's or
 22 NPLeX retailer's violation of this section.

23 (l) The following requirements apply to the NPLeX:

24 (1) Information contained in the NPLeX may be shared only with
 25 law enforcement officials.

26 (2) A law enforcement official may access Indiana transaction
 27 information maintained in the NPLeX for investigative purposes.

28 (3) NADDI may not modify sales transaction data that is shared
 29 with law enforcement officials.

30 (4) At least one (1) time per ~~week~~, NADDI shall forward ~~day~~,
 31 Indiana data contained in the NPLeX ~~including data concerning~~
 32 **a for the previous calendar day shall be forwarded transaction**
 33 ~~that could not be completed due to the issuance of a stop sale~~
 34 ~~alert~~, to the state police department.

35 SECTION 8. IC 35-48-4-18 IS ADDED TO THE INDIANA CODE
 36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 37 JANUARY 1, 2016]: **Sec. 18. (a) As used in this section, "drug**
 38 **related felony" means a felony conviction for an offense described**
 39 **in:**

40 (1) **sections 1 through 11.5 of this chapter; or**

41 (2) **sections 13 through 14.7 of this chapter.**

42 (b) **The court shall report any conviction for a drug related**



1 felony to the state police department for purposes of
2 IC 10-11-2-31.5. The report must contain at least the following
3 information:
4 (1) The convicted individual's full name.
5 (2) The convicted individual's date of birth.
6 (3) The convicted individual's driver's license number or state
7 personal identification number.
8 (4) The Indiana Code citation and associated cause number of
9 the drug related felony of which the individual was convicted.
10 (5) The date the individual was convicted of the drug related
11 felony.
12 SECTION 9. An emergency is declared for this act.



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 536, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective dates in SECTIONS 1 through 3 with "[EFFECTIVE JANUARY 1, 2016]".

Page 1, line 3, after "(a)" insert "**This section does not apply from July 1, 2020, through June 30, 2023, unless the superintendent of the state police department has submitted a report under IC 10-11-2-34 showing that four hundred (400) or fewer methamphetamine laboratories were discovered in Indiana during calendar year 2019.**

(b) As used in this section, "drug related felony" has the meaning set forth in IC 35-48-4-18.

(c)".

Page 1, line 5, delete "methamphetamine" and insert "**drug**".

Page 1, line 6, delete "convictions;" and insert "**felonies;**".

Page 1, line 7, delete "National Association of Drug Diversion" and insert "**National Precursor Log Exchange (NPLEx)**".

Page 1, line 8, delete "Investigators (NADDI)".

Page 1, line 8, delete "methamphetamine" and insert "**drug**".

Page 1, line 9, delete "conviction" and insert "**felony entered within the previous seven (7) years**".

Page 1, line 13, after "number;" insert "**and**".

Page 1, delete lines 14 through 15.

Page 1, line 16, delete "(E)" and insert "**(D)**".

Page 2, delete line 1 and insert "**drug related felony;**".

Page 2, line 2, delete "the National Association of Drug Diversion".

Page 2, line 3, delete "Investigators (NADDI) generate".

Page 2, line 3, after "alert" insert "**be generated**".

Page 2, line 6, delete "National Association of Drug Diversion" and insert "**National Precursor Log Exchange (NPLEx)**".

Page 2, delete line 7.

Page 2, line 8, delete "methamphetamine" and insert "**drug**".

Page 2, line 8, delete "conviction" and insert "**felony**".

Page 2, between lines 15 and 16, begin a new paragraph and insert:
"SECTION 2. IC 10-11-2-34 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 34. The superintendent shall submit a certified report**



before January 18, 2020, specifically describing the number of methamphetamine laboratories discovered in Indiana in calendar year 2019. The report shall be submitted to the legislative council, the governor, and the chief justice of Indiana. The report to the legislative council must be in an electronic format under IC 5-14-6.

SECTION 3. IC 25-26-13-4.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 4.2. (a) This section does not apply if the superintendent of the state police department has submitted a report under IC 10-11-2-34, showing that four hundred (400) or fewer methamphetamine laboratories were discovered in Indiana during calendar year 2019. If this section applies, it applies only between July 1, 2020, and June 30, 2023.**

(b) The board may adopt an emergency rule in the manner provided under IC 4-22-2-37.1 to declare that a product is an extraction resistant or conversion resistant form of ephedrine or pseudoephedrine. Notwithstanding IC 4-22-2-37.1(g), an emergency rule adopted under this subsection expires June 30, 2023.

(c) The board shall find that a product is an extraction resistant or conversion resistant form of ephedrine or pseudoephedrine if the board determines that the product poses a significantly reduced risk of being used in the manufacture of methamphetamine.

(d) This section expires June 30, 2023.

SECTION 4. IC 35-31.5-2-61, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 61. "Constant video monitoring", for purposes of IC 35-48-4-14.7, has the meaning set forth in ~~IC 35-48-4-14.7(b)(1).~~ **IC 35-48-4-14.7.**

SECTION 5. IC 35-31.5-2-66, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 66. "Convenience package", for purposes of IC 35-48-4-14.7, has the meaning set forth in ~~IC 35-48-4-14.7(b)(2).~~ **IC 35-48-4-14.7.**

SECTION 6. IC 35-31.5-2-106.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 106.5. "Drug related felony", for purposes of IC 35-48-4-18, has the meaning set forth in IC 35-48-4-18.**

SECTION 7. IC 35-31.5-2-120, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2016]: Sec. 120. "Ephedrine", for purposes of



IC 35-48-4-14.7, has the meaning set forth in ~~IC 35-48-4-14.7(b)(3)~~.
IC 35-48-4-14.7.

SECTION 8. IC 35-48-2-10, AS AMENDED BY P.L.283-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 10. (a) The controlled substances listed in this section are included in schedule IV.

(b) Narcotic drugs. Unless specifically excepted in a rule adopted by the board or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in the following limited quantities:

(1) Not more than 1 milligram of difenoxin (9618) and not less than 25 micrograms of atropine sulfate per dosage unit.

(2) Dextropropoxyphene (alpha- (+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane (9278).

(c) Depressants. Unless specifically excepted in a rule adopted by the board or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Alprazolam (2882).

Barbital (2145).

Bromazepam (2748).

Camazepam (2749).

Carisoprodol.

Chloral betaine (2460).

Chloral hydrate (2465).

Chlordiazepoxide (2744).

Clobazam (2751).

Clonazepam (2737).

Clorazepate (2768).

Clotiazepam (2752).

Cloxazolam (2753).

Delorazepam (2754).

Diazepam (2765).

Dichloralphenazone (2467).

Estazolam (2756).

Ethchlorvynol (2540).

Ethinamate (2545).

Ethyl loflazepate (2758).

Fludiazepam (2759).



Flunitrazepam (2763).
 Flurazepam (2767).
 Fospropofol.
 Halazepam (2762).
 Haloxazolam (2771).
 Ketazolam (2772).
 Loprazolam (2773).
 Lorazepam (2885).
 Lormetazepam (2774).
 Mebutamate (2800).
 Medazepam (2836).
 Meprobamate (2820).
 Methohexital (2264).
 Methylphenobarbital (mephobarbital) (2250).
 Midazolam (2884).
 Nimetazepam (2837).
 Nitrazepam (2834).
 Nordiazepam (2838).
 Oxazepam (2835).
 Oxazolam (2839).
 Paraldehyde (2585).
 Petrichloral (2591).
 Phenobarbital (2285).
 Pinazepam (2883).
 Prazepam (2764).
 Quazepam (2881).
 Temazepam (2925).
 Tetrazepam (2886).
 Triazolam (2887).
 Zaleplon (2781).
 Zolpidem (Ambien) (2783).
 Zopiclone (2784).

(d) Fenfluramine. Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible.

Fenfluramine (1670).

(e) Stimulants. Unless specifically excepted in a rule adopted by the board or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system,



including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Cathine ((+)-norpseudoephedrine) (1230).
 Diethylpropion (1610).
 Fencamfamin (1760).
 Fenproporex (1575).
 Mazindol (1605).
 Mefenorex (1580).
 Modafinil (1680).
 Phentermine (1640).
 Pemoline (including organometallic complexes and chelates thereof) (1530).
 Pipradrol (1750).
 Sibutramine (1675).
 SPA ((-)-1-dimethylamino-1,2-diphenylethane (1635).

(f) Other substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances including its salts:

Butorphanol (including its optical isomers) (9720).
 Pentazocine (9709).

(g) This subsection applies from July 1, 2020, through June 30, 2023, unless the superintendent of the state police department has submitted a report under IC 10-11-2-34 showing that four hundred (400) or fewer methamphetamine laboratories were discovered in Indiana during calendar year 2019. Except for a product that has been found by the Indiana board of pharmacy to be an extraction resistant or conversion resistant form of ephedrine or pseudoephedrine under IC 25-26-13-4.2, a material, compound, mixture, or preparation that contains a quantity of any of the following substances, pure or adulterated:

- (1) Ephedrine.**
- (2) Pseudoephedrine.**

However, this subsection does not apply to a wholesale drug distributor licensed and regulated by the Indiana board of pharmacy and registered with the United States Drug Enforcement Administration, and exempts the distributor from storage, reporting, record keeping, or physical security control requirements for controlled substances containing ephedrine or pseudoephedrine.



~~(g)~~ (h) The board may except by rule any compound, mixture, or preparation containing any depressant substance listed in subsection (b), (c), (d), (e), or (f) from the application of any part of this article if the compound, mixture, or preparation contains one (1) or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

SECTION 9. IC 35-48-4-14.5, AS AMENDED BY P.L.168-2014, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.5. (a) As used in this section, "chemical reagents or precursors" refers to one (1) or more of the following:

- (1) Ephedrine.
- (2) Pseudoephedrine.
- (3) Phenylpropanolamine.
- (4) The salts, isomers, and salts of isomers of a substance identified in subdivisions (1) through (3).
- (5) Anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1).
- (6) Organic solvents.
- (7) Hydrochloric acid.
- (8) Lithium metal.
- (9) Sodium metal.
- (10) Ether.
- (11) Sulfuric acid.
- (12) Red phosphorous.
- (13) Iodine.
- (14) Sodium hydroxide (lye).
- (15) Potassium dichromate.
- (16) Sodium dichromate.
- (17) Potassium permanganate.
- (18) Chromium trioxide.
- (19) Benzyl cyanide.
- (20) Phenylacetic acid and its esters or salts.
- (21) Piperidine and its salts.
- (22) Methylamine and its salts.
- (23) Isosafrole.
- (24) Safrole.
- (25) Piperonal.
- (26) Hydriodic acid.



- (27) Benzaldehyde.
- (28) Nitroethane.
- (29) Gamma-butyrolactone.
- (30) White phosphorus.
- (31) Hypophosphorous acid and its salts.
- (32) Acetic anhydride.
- (33) Benzyl chloride.
- (34) Ammonium nitrate.
- (35) Ammonium sulfate.
- (36) Hydrogen peroxide.
- (37) Thionyl chloride.
- (38) Ethyl acetate.
- (39) Pseudoephedrine hydrochloride.

(b) A person who possesses more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated, commits a Level 6 felony. However, the offense is a Level 5 felony if the person possessed:

- (1) a firearm while possessing more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated; or
- (2) more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated, in, on, or within five hundred (500) feet of:
 - (A) school property while a person under eighteen (18) years of age was reasonably expected to be present; or
 - (B) a public park while a person under eighteen (18) years of age was reasonably expected to be present.

(c) A person who possesses anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with the intent to manufacture methamphetamine or amphetamine, schedule II controlled substances under IC 35-48-2-6, commits a Level 6 felony. However, the offense is a Level 5 felony if the person possessed:

- (1) a firearm while possessing anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with intent to manufacture methamphetamine or amphetamine, schedule II controlled substances under IC 35-48-2-6; or
- (2) anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with intent to manufacture methamphetamine or amphetamine, schedule II controlled substances under IC 35-48-2-6, in, on, or within five hundred (500) feet of:
 - (A) school property while a person under eighteen (18) years of age was reasonably expected to be present; or



- (B) a public park while a person under eighteen (18) years of age was reasonably expected to be present.
- (d) Subsection (b) does not apply to a:
- (1) licensed health care provider, pharmacist, retail distributor, wholesaler, manufacturer, warehouseman, or common carrier or an agent of any of these persons if the possession is in the regular course of lawful business activities; or
 - (2) person who possesses more than ten (10) grams of a substance described in subsection (b) if the substance is possessed under circumstances consistent with typical medicinal or household use, including:
 - (A) the location in which the substance is stored;
 - (B) the possession of the substance in a variety of:
 - (i) strengths;
 - (ii) brands; or
 - (iii) types; or
 - (C) the possession of the substance:
 - (i) with different expiration dates; or
 - (ii) in forms used for different purposes.
- (e) A person who possesses two (2) or more chemical reagents or precursors with the intent to manufacture a controlled substance commits a Level 6 felony.
- (f) An offense under subsection (e) is a Level 5 felony if the person possessed:
- (1) a firearm while possessing two (2) or more chemical reagents or precursors with intent to manufacture a controlled substance; or
 - (2) two (2) or more chemical reagents or precursors with intent to manufacture a controlled substance in, on, or within five hundred (500) feet of:
 - (A) school property while a person under eighteen (18) years of age was reasonably expected to be present; or
 - (B) a public park while a person under eighteen (18) years of age was reasonably expected to be present.
- (g) A person who sells, transfers, distributes, or furnishes a chemical reagent or precursor to another person with knowledge or the intent that the recipient will use the chemical reagent or precursors to manufacture a controlled substance commits unlawful sale of a precursor, a Level 6 felony. However, the offense is a Level 5 felony if the person sells, transfers, distributes, or furnishes more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine.
- (h) This subsection does not apply to a drug containing ephedrine,



pseudoephedrine, or phenylpropanolamine that is dispensed under a prescription. A person who:

- (1) has been convicted of:
 - (A) dealing in methamphetamine (IC 35-48-4-1.1);
 - (B) possession of more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine (subsection (b));
 - (C) possession of anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with intent to manufacture methamphetamine or amphetamine (subsection (c));
 - (D) possession of two (2) or more chemical reagents or precursors with the intent to manufacture a controlled substance (subsection (e)); ~~or~~
 - (E) unlawful sale of a precursor (subsection (g)); **or**
 - (F) another drug related felony (as defined in IC 35-48-4-18);** and
- (2) not later than seven (7) years from the date the person was sentenced for the offense;

knowingly or intentionally possesses ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated, commits possession of a precursor by a methamphetamine offender, a Level 6 felony."

Page 2, line 18, after "(a)" insert "**This section does not apply from July 1, 2020, through June 30, 2023, unless the superintendent of the state police department has submitted a report under IC 10-11-2-34 showing that four hundred (400) or fewer methamphetamine laboratories were discovered in Indiana during calendar year 2019.**

(b)".

Page 2, line 28, strike "(g)." and insert "**(h)**".

Page 2, line 34, strike "(g)." and insert "**(h)**".

Page 2, line 35, strike "(b)" and insert "**(c)**".

Page 3, line 13, delete "(NPLEx)" and insert "(NPLEx)".

Page 3, strike lines 14 through 15.

Page 3, line 37, strike "(c)" and insert "**(d)**".

Page 3, line 39, strike "(f)," and insert "**(g)**".

Page 3, line 41, strike "(d)" and insert "**(e)**".

Page 5, line 7, delete "(NPLEx)" and insert "(NPLEx)".

Page 5, line 7, strike "administered by the".

Page 5, strike line 8.

Page 5, line 13, delete "methamphetamine" and insert "**drug**".

Page 5, line 13, delete "crime" and insert "**felony**".

Page 5, line 14, delete "to NADDI".

Page 5, line 27, strike "(e)" and insert "**(f)**".



- Page 5, line 38, strike "(f)" and insert "(g)".
- Page 5, line 40, strike "(d):" and insert "(e):".
- Page 6, line 9, strike "(g)" and insert "(h)".
- Page 6, line 11, strike "(h)" and insert "(i)".
- Page 6, line 21, strike "(i)" and insert "(j)".
- Page 6, line 23, strike "(j)" and insert "(k)".
- Page 6, line 27, strike "(k)" and insert "(l)".
- Page 6, line 36, strike "(l)" and insert "(m)".
- Page 7, line 1, strike "week, NADDI shall forward" and insert "day,".
- Page 7, line 2, delete "NPLeX," and insert "NPLeX".
- Page 7, line 2, strike "including data concerning a" and insert "**for the previous calendar day shall be forwarded**".
- Page 7, strike line 3.
- Page 7, line 4, strike "stop sale alert,".
- Page 7, between lines 4 and 5, begin a new paragraph and insert:
"SECTION 10. IC 35-48-4-14.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 14.8. (a) This section applies:
- (1) to a pharmacy or NPLeX retailer that, as of June 30, 2020, kept a written or electronic log required by IC 35-48-1-14.7; and**
 - (2) if IC 35-48-4-14.7 does not apply during the period from July 1, 2020, through June 30, 2023.**
- (b) Notwithstanding the inapplicability of section 14.7 of this chapter from July 1, 2020, through June 30, 2023, a pharmacy or NPLeX retailer described in subsection (a) shall:**
- (1) continue to maintain, through June 30, 2023, its electronic or written log as the log existed on June 30, 2020; and**
 - (2) provide access to the log to any law enforcement officer or the criminal justice institute.**
- (c) This section expires July 1, 2023."**
- Page 7, line 7, after "18." insert "**(a) This section does not apply from July 1, 2020, through June 30, 2023, unless the superintendent of the state police department has submitted a report under IC 10-11-2-34 showing that four hundred (400) or fewer methamphetamine laboratories were discovered in Indiana during calendar year 2019.**
- (b) As used in this section, "drug related felony" means a felony conviction for an offense described in:**
- (1) sections 1 through 11.5 of this chapter; or**
 - (2) sections 13 through 14.7 of this chapter.**



(c)".

Page 7, line 7, delete "For" and insert "**The court shall report**".

Page 7, line 7, delete "in which the sale, possession," and insert "**for a drug related felony**".

Page 7, delete line 8.

Page 7, line 9, delete "the court shall report the conviction".

Page 7, line 16, delete "A description of the methamphetamine related crime for" and insert "**The Indiana Code citation and associated cause number of the drug related felony of**".

Page 7, delete line 19 and insert "**drug related felony.**

SECTION 8. An emergency is declared for this act.".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 536 as introduced.)

YOUNG R MICHAEL, Chairperson

Committee Vote: Yeas 7, Nays 1.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 536, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 536 as printed February 18, 2015.)

KENLEY, Chairperson

Committee Vote: Yeas 7, Nays 6



SENATE MOTION

Madam President: I move that Senate Bill 536 be amended to read as follows:

Page 3, line 8, before "35-48-4-14.7(b)(1)." strike "IC".

(Reference is to SB 536 as printed February 20, 2015.)

YOUNG R MICHAEL

SENATE MOTION

Madam President: I move that Senate Bill 536 be amended to read as follows:

Page 1, line 3, delete "(a) This section does".

Page 1, delete lines 4 through 8.

Page 1, line 9, delete "(b)" and insert "**(a)**".

Page 1, line 11, delete "(c)" and insert "**(b)**".

Page 2, delete lines 19 through 42.

Page 3, delete lines 1 through 3.

Page 3, delete lines 24 through 42.

Delete pages 4 through 5.

Page 6, delete lines 1 through 30.

Page 10, line 2, delete "This section does not apply from".

Page 10, delete lines 3 through 7.

Page 10, line 8, delete "(b)".

Page 10, run in lines 2 through 8.

Page 10, line 17, reset in roman "(g)".

Page 10, line 17, delete "(h)".

Page 10, line 23, reset in roman "(g)".

Page 10, line 24, delete "(h)".

Page 10, line 25, reset in roman "(b)".

Page 10, line 25, delete "(c)".

Page 11, line 27, reset in roman "(c)".

Page 11, line 27, delete "(d)".

Page 11, line 29, reset in roman "(f)",

Page 11, line 29, delete "(g)",

Page 11, line 31, reset in roman "(d)".

Page 11, line 31, delete "(e)".

Page 13, line 17, reset in roman "(e)".

Page 13, line 17, delete "(f)".

Page 13, line 28, reset in roman "(f)".



Page 13, line 28, delete "(g)".
Page 13, line 30, reset in roman "(d):".
Page 13, line 30, delete "(e):".
Page 13, line 41, reset in roman "(g)".
Page 13, line 41, delete "(h)".
Page 14, line 1, reset in roman "(h)".
Page 14, line 1, delete "(i)".
Page 14, line 11, reset in roman "(i)".
Page 14, line 11, delete "(j)".
Page 14, line 14, reset in roman "(j)".
Page 14, line 14, delete "(k)".
Page 14, line 18, reset in roman "(k)".
Page 14, line 18, delete "(l)".
Page 14, line 27, reset in roman "(l)".
Page 14, line 27, delete "(m)".
Page 14, delete lines 39 through 42.
Page 15, delete lines 1 through 12.
Page 15, line 15, delete "(a) This section does not".
Page 15, delete lines 16 through 20.
Page 15, line 21, delete "(b)" and insert "**(a)**".
Page 15, run in lines 15 through 21.
Page 15, line 25, delete "(c)" and insert "**(b)**".
Renumber all SECTIONS consecutively.

(Reference is to SB 536 as printed February 20, 2015.)

YODER

