

HOUSE BILL No. 1350

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 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 35-48; IC 35-50-5-3; IC 35-52-7; IC 36-1-8.5-4.

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

Effective: July 1, 2024.

VanNatter, Bartels, Teshka

January 10, 2024, read first time and referred to Committee on Courts and Criminal Code.



Second Regular Session of the 123rd General Assembly (2024)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1350

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

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

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



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



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

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

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

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

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

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

38 (A) that:

39 (i) applied for; or

40 (ii) made a retail transaction under;

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



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



1 (B) that:

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

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

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

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

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

42 **ARTICLE 11. CANNABIS EXCISE TAX**



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

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

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

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

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

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

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

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

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

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

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

32 **ARTICLE 8. CANNABIS**

33 **Chapter 1. Definitions**

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

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



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



1 (12) "Permittee" means a person who holds a valid permit
 2 under this article, including an agent of, employee of, or
 3 another person acting on behalf of a permittee.

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

7 (A) extracts botanical compounds or cannabinoids from
 8 the cannabis;

9 (B) creates a cannabis infused product; or

10 (C) prepares or packages cannabis or cannabis products
 11 for retail sale for sale or transfer.

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

16 (A) acquires any form of cannabis for the purpose of
 17 resale; and

18 (B) transfers the cannabis or cannabis products to another
 19 person for money or other consideration.

20 (15) "Statewide monitoring system" means the statewide
 21 cannabis tracking and monitoring system established under
 22 IC 7.1-8-17.

23 **Chapter 2. Cannabis Commission**

24 **Sec. 1. The cannabis commission is established as an agency of**
 25 **the executive branch of state government for purposes of**
 26 **regulating the production and sale of cannabis or cannabis**
 27 **products.**

28 **Sec. 2. The commission consists of four (4) members.**

29 **Sec. 3. (a) The commissioners shall be appointed by the**
 30 **governor.**

31 **(b) A commissioner serves for a term that ends June 30 of the**
 32 **next odd-numbered year after appointment. A commissioner is**
 33 **eligible for reappointment.**

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

36 **(d) A commissioner may only be removed for cause.**

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

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

41 **(2) The individual must have been an Indiana resident for at**
 42 **least ten (10) years immediately preceding the appointment.**



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

3 **(A) this title;**

4 **(B) IC 4-29;**

5 **(C) IC 4-29.5;**

6 **(D) IC 4-31;**

7 **(E) IC 4-32.3;**

8 **(F) IC 4-33;**

9 **(G) IC 4-35; or**

10 **(H) IC 4-36.**

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

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

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

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

21 **Sec. 5. The governor shall appoint one (1) of the commissioners**
 22 **to serve as chairperson of the commission. The governor also shall**
 23 **appoint one (1) of the commissioners to serve as chairperson pro**
 24 **tempore in the absence of the chairperson. The chairperson and**
 25 **chairperson pro tempore serve at the pleasure of the governor.**

26 **Sec. 6. A commissioner appointed to fill a vacancy shall serve**
 27 **only for the remainder of the unexpired term.**

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

36 **(b) The expenses of the commission shall be paid from funds**
 37 **appropriated to the commission.**

38 **Sec. 8. (a) Each commissioner shall execute:**

39 **(1) a surety bond in the amount of ten thousand dollars**
 40 **(\$10,000), with surety approved by the governor; and**

41 **(2) an oath of office.**

42 **The surety bond and the oath of office shall be filed in the office of**



1 the secretary of state.

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

7 Sec. 9. (a) Three (3) members of the commission constitute a
8 quorum for the transaction of business.

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

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

15 Sec. 10. The commission shall hold regular meetings on at least
16 a quarterly basis. The commission may hold special meetings
17 whenever the commission deems it necessary. The procedure for
18 the calling of a special meeting shall be provided for in the rules of
19 the commission. The commission has the power to adjourn, from
20 time to time, both regular and special meetings. In no event,
21 however, shall the adjournment be later than the next regular
22 meeting date.

23 Sec. 11. A commissioner may not solicit or accept a political
24 contribution from any person or entity that has a permit or has
25 applied for a permit issued by the commission. However, the right
26 of a commissioner to vote as the commissioner chooses and to
27 express the commissioner's opinions on political subjects and
28 candidates may not be impaired.

29 Sec. 12. (a) As used in this section, "fund" means the cannabis
30 regulation fund established by subsection (b).

31 (b) The cannabis regulation fund is established for the purpose
32 of implementing, administering, and enforcing this article. The
33 fund shall be administered by the commission.

34 (c) The fund consists of taxes, fees, and civil penalties collected
35 under this article.

36 (d) The expenses of administering the fund shall be paid from
37 money in the fund.

38 (e) The treasurer of state shall invest money in the fund not
39 currently needed to meet the obligations of the fund in the same
40 manner as other public money may be invested. Interest that
41 accrues from these investments shall be deposited in the fund.

42 (f) Money in the fund at the end of a state fiscal year does not



1 revert to the state general fund. However, the treasurer of state
2 shall distribute money in the fund at the end of a state fiscal year
3 as follows:

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

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

14 (3) Fifteen percent (15%) to:
15 (A) the sheriff of a county that does not contain a
16 consolidated city; or
17 (B) the chief of police of a consolidated city in a county that
18 contains a consolidated city.

19 (4) Fifteen percent (15%) to the Indiana department of health
20 to be used:
21 (A) to develop, in consultation with the department of
22 education, a cannabis abuse prevention and education
23 program for youth; and

24 (B) by the division of mental health and addiction.

25 (5) Forty percent (40%) to the state general fund.

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

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

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

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

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



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

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

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

Chapter 4. Executive Director

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

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

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

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

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

Chapter 5. Enforcement Officers



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

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

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

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

12 **(2) any other Indiana law relating to cannabis and cannabis**
13 **products.**

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

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

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

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

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

40 **Sec. 9. The superintendent of the enforcement officers may**
41 **discharge a nonprobationary enforcement officer for just cause.**
42 **The commission shall adopt rules to establish a probationary**



1 period and a procedure for the adjudication of the propriety of the
2 discharge of a nonprobationary enforcement officer.

3 **Sec. 10. (a) The commission shall categorize salaries of**
4 **enforcement officers within each rank based upon the rank held**
5 **and the number of years of service in the commission through the**
6 **twentieth year. The salary ranges that the commission assigns to**
7 **each rank shall be divided into a base salary and twenty (20)**
8 **increments above the base salary with:**

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

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

13 (b) The salary matrix prescribed by this section shall be
14 reviewed and approved by the budget agency before
15 implementation.

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

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

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

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

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

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

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

38 (2) take testimony and receive evidence;

39 (3) conduct inquiries with or without hearings;

40 (4) receive reports of investigators or other governmental
41 officers and employees;

42 (5) administer oaths;



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

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

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

34 **(b) The commission's quarterly report must provide**
 35 **noncompliance violations by:**

- 36 (1) business listing;
- 37 (2) permit type; and
- 38 (3) county.

39 **(c) The commission shall post the quarterly reports on the**
 40 **commission's website. The commission shall:**

- 41 (1) prepare a report annually that compiles the violations for
- 42 the preceding calendar year; and



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

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

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

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

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

14 (1) The conduct of the meetings and business of the
15 commission.

16 (2) The conduct of hearings before any of the commission's
17 representatives.

18 (3) The conduct of the business of a permittee authorized or
19 governed by the provisions of this article.

20 (4) The enforcement of the provisions of this article and of the
21 rules of the commission.

22 (5) The standards of purity and methods of processing used in
23 the production of cannabis and cannabis products.

24 (6) The prevention of misbranding or adulteration of cannabis
25 and cannabis products.

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

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

31 (1) Establish safety and security standards for facilities used
32 for the growth, processing, testing, storage, or sale of cannabis
33 and cannabis products.

34 (2) Mandate periodic training for persons employed in a
35 facility used for the growth, processing, testing, storage, or
36 sale of cannabis.

37 (3) Establish or approve training and other programming for
38 persons employed in a facility used for the growth, processing,
39 testing, storage, or sale of cannabis.

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

41 **Sec. 1.** The commission has the discretionary authority to issue,
42 deny, suspend, revoke, or not renew all permits and certificates



1 authorized by this article, unless the exercise of discretion or
2 authority is limited by applicable provisions of this article.

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

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

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

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

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

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

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

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

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

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

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

42 **Sec. 7. The commission has the power to set standards of**



1 cleanliness and sanitation for a permitted premises and for the
2 apparatus, equipment, utensils, accessories, articles, and fixtures
3 used or employed in the permitted premises.

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

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

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

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

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

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

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

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

29 **(2)** a place where cannabis or cannabis products may be
30 obtained;

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

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

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

41 **(i)** Cannabis or cannabis products may not be advertised on any
42 television program, radio program, website, or print publication



1 unless there is reliable evidence that seventy percent (70%) of the
2 audience is reasonably expected to be at least twenty-one (21) years
3 of age.

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

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

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

11 (1) A facility permitted under this article.

12 (2) A tract that contains a premises permitted under this
13 article.

14 (3) A horse track or satellite facility.

15 (4) A riverboat or racetrack.

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

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

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

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

21 (2) on the facility's exterior.

22 (d) The commission may not exercise the prohibition power
23 contained in this chapter on advertising by a permittee in or on a
24 facility.

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

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

32 Sec. 12. The commission has the power to regulate the modes
33 and methods of dealing in, and the transportation of, cannabis and
34 cannabis products.

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

36 (1) prescribe the manner and methods by which all records
37 relating to cannabis or cannabis products are kept and
38 preserved;

39 (2) inspect all records relating to cannabis or cannabis
40 products; and

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



1 **Sec. 14.** The commission may require that, before the
2 transportation of cannabis or cannabis products into Indiana by an
3 authorized permittee, the permittee shall submit written, verified
4 information concerning the proposed transportation and execute
5 and file any documents required. The commission has the power to
6 inspect the shipments in transit and the vehicle used in the
7 transportation.

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

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

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

23 **Chapter 8. Searches and Seizures**

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

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

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

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

- 40 (1) cannabis or a cannabis product possessed contrary to law;
41 (2) a receptacle or container holding cannabis or a cannabis
42 product possessed contrary to law;



- 1 (3) an unlawful or prohibited receptacle or container; or
- 2 (4) a receptacle or container that violates a rule of the
- 3 commission or that is being used in a manner that violates a
- 4 rule of the commission.

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

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

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

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

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

21 **Chapter 9. Public Nuisances**

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

- 23 (1) A premises, vehicle, or place of any kind where at least one
- 24 (1) of the following occurs:

- 25 (A) Cannabis or a cannabis product of any type is
- 26 possessed in violation of Indiana law or a rule of the
- 27 commission.

- 28 (B) A person is permitted to use the premises, vehicle, or
- 29 place for the purpose of consuming cannabis or cannabis
- 30 products in violation of Indiana law or a rule of the
- 31 commission.

- 32 (2) A place where cannabis or cannabis products are kept for
- 33 delivery in violation of Indiana law or in violation of a rule of
- 34 the commission.

- 35 (3) The business property of a person who knowingly or
- 36 intentionally possesses cannabis or cannabis products in
- 37 violation of Indiana law or a rule of the commission.

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

41 **Sec. 3. In determining whether an owner should be held liable**
 42 **for failing to abate a public nuisance under this chapter, the court**



1 shall consider the efforts the owner took to abate the public
 2 nuisance, including whether the law enforcement agency that
 3 serves the owner's property was notified by the owner or the
 4 owner's employee of the actions alleged to constitute the public
 5 nuisance.

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

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

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

14 (1) The commission.

15 (2) The chairperson of the commission.

16 (3) The attorney general.

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

19 (5) A permittee.

20 (6) A resident of the county where the common nuisance or
 21 violation occurs.

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

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

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

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

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

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



1 **Chapter 10. Jurisdiction and Miscellaneous Judicial**
 2 **Proceedings**

3 **Sec. 1. An action brought against the commission, or against the**
 4 **chairperson as the chairperson, shall be brought in the circuit or**
 5 **superior court of Marion County unless otherwise specifically**
 6 **provided in this article.**

7 **Sec. 2. The commission may bring an action for declaratory**
 8 **judgment under IC 34-14-1-1.**

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

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

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

- 12 (A) Black;
 13 (B) Native American;
 14 (C) Asian American; or
 15 (D) Hispanic.

16 (2) "Owned and controlled" means:

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

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

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

34 **Sec. 2. (a) The commission may issue only the types of permits**
 35 **authorized by this article subject to the applicable provisions of**
 36 **this article.**

37 **(b) Beginning July 1, 2024, the commission shall accept**
 38 **applications for cannabis permits.**

39 **Sec. 3. A permit:**

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

42 **Sec. 4. The commission may issue a permit under this article**



1 only to:

- 2 (1) an individual;
 3 (2) a partnership;
 4 (3) a limited liability company; or
 5 (4) a corporation organized and existing under Indiana law.

6 Sec. 5. (a) Except as provided in subsection (b), the commission
 7 shall issue not less than fifteen percent (15%) of allowable permits
 8 under this article to businesses owned and controlled by one (1) or
 9 more:

- 10 (1) minorities; or
 11 (2) veterans.

12 (b) If an insufficient number of qualifying applications are by a
 13 person described in subsection (a), the commission shall issue
 14 permits in the usual way.

15 Sec. 6. (a) Except as otherwise provided in this article, a permit
 16 issued by the commission is valid for one (1) calendar year,
 17 including the day upon which it is granted. At the end of the one (1)
 18 year period, the permit expires and is void.

19 (b) The commission shall timely process a permittee's
 20 application for renewal of a permit unless the permittee receives a
 21 notice of a violation from the office of the prosecutor.

22 (c) The commission may timely process an application for
 23 renewal of a permit filed by a permittee that receives notice of a
 24 violation as described in subsection (f) if the chairperson or the
 25 chairperson's designee authorizes the application for renewal of
 26 the permit to be timely processed.

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

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

35 (f) The chairperson or the chairperson's designee may allow the
 36 permittee to renew the permit after the date the permit expires
 37 only if the permittee provides evidence that the permittee is
 38 engaged in an administrative or court proceeding that prevents the
 39 permittee from renewing the permit.

40 (g) A permit is effective upon the final approval of the
 41 commission. Upon final approval of a permit, and upon the request
 42 of the permittee, the commission shall provide the permittee with



1 a letter of authority to operate. The letter of authority to operate
2 constitutes authorization for the permittee to perform the actions
3 allowed under the permit until the date the permittee receives the
4 permit issued by the commission.

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

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

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

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

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

36 (1) the names of the executive officers of the corporation,
37 company, or other entity responsible for the sale of cannabis
38 or the cannabis product to the public; and

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

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



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

4 **(b)** The commission may not issue a permit under this chapter
 5 to an individual who is an immediate family member of a current
 6 permittee.

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

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

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

21 **(1)** all the requirements under this article have been met; and
 22 **(2)** the applicant has not been convicted within ten (10) years
 23 before the date of application of:

24 **(A)** a federal crime having a sentence of more than one (1)
 25 year;

26 **(B)** a Class A, Class B, or Class C felony (for a crime
 27 committed before July 1, 2014) or a Level 1, Level 2, Level
 28 3, Level 4, or Level 5 felony (for a crime committed after
 29 June 30, 2014); or

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

32 the commission shall approve the application for issuance of the
 33 permit.

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

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

42 **(f)** A permit issued under this chapter expires one (1) year after



1 the date on which the permit was issued, unless revoked.

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

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

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

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

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

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

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

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

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

41 **Sec. 19.** A surety may not cancel or annul a surety bond filed in
42 accordance with the provisions of this article after it has been



1 approved by the commission. However, a surety, with the consent
 2 of the commission, may cancel a bond and be released from
 3 liability accruing after the effective date of the cancellation. The
 4 commission may not approve a cancellation until the surety has
 5 paid and discharged in full its liability to the state on the bond to
 6 the date of the approval of the cancellation.

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

- 8 (1) credit card;
- 9 (2) debit card;
- 10 (3) charge card; or
- 11 (4) stored value card.

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

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

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

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

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

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



1 card used.

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

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

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

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

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

20 (d) If:

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

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

26 the commission may, instead of publication in a newspaper as
27 required under subsection (a), post the notice on the commission's
28 website.

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

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

42 Sec. 24. A permit issued under this article may not be



1 transferred from:

- 2 (1) the permit holder to another person; or
 3 (2) the location for which the permit was approved or
 4 renewed to another location;

5 unless otherwise authorized by this article or approved by the
 6 commission.

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

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

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

19 **Sec. 27. (a)** Except as provided in subsection (b), nothing in this
 20 article prohibits a permittee from simultaneously holding a:

- 21 (1) grower permit;
 22 (2) processor permit; and
 23 (3) retailer permit.

24 However, a person holding a transport permit or a safety
 25 compliance facility permit may not hold any other type of permit.

26 (b) Not more than nine (9) permittees may hold a grower
 27 permit, a processor permit, and at least one (1) retailer permit at
 28 one (1) time.

29 (c) An integrated permittee must:

- 30 (1) demonstrate a substantial historical business investment
 31 in Indiana; and
 32 (2) provide proof of a capital plan;

33 as determined by the commission.

34 (d) An integrated permittee is subject to all the requirements of
 35 the laws and regulations governing each permit.

36 (e) In addition to the fees required by each underlying permit,
 37 an integrated permittee or prospective integrated permittee shall
 38 pay:

- 39 (1) an application fee of thirty thousand dollars (\$30,000);
 40 (2) an initial permit fee of fifteen thousand dollars (\$15,000);
 41 (3) an annual renewal fee of fifteen thousand dollars
 42 (\$15,000); and



1 (4) an annual investigation fee of seven thousand five hundred
2 dollars (\$7,500).

3 (f) An integrated permittee to whom a permit has been issued
4 under this section may deposit that permit with the commission for
5 a period of:

6 (1) two (2) years if the permittee is unable to immediately
7 operate the business to which the permit applies; and

8 (2) one (1) additional year, if the integrated permittee is
9 operating as a grower and a processor, but requires
10 additional time to operate as a retailer.

11 (g) If a permittee is unable to use the permit issued under this
12 article within the period described in subsection (f), the permit is
13 forfeited to the commission, unless the commission finds that a
14 reasonable extension is necessary due to construction delays or fire,
15 flood, tornado, or other natural disasters or acts of God.

16 Chapter 12. Grower Permits

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

21 (1) cannabis; and

22 (2) cannabis seed.

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

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

29 (c) A grower issued a permit under this chapter may only grow
30 cannabis in an indoor grow facility. Cannabis may not be grown
31 outdoors.

32 (d) Nothing in this chapter prohibits a grower permittee from
33 selling cannabis to another grower permittee in Indiana.

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

36 Sec. 3. (a) A grower to whom a permit has been issued under
37 this chapter may deposit that permit with the commission for a
38 period of two (2) years 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 two (2) years, 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. 4. In addition to the other requirements of this article, an**
4 **initial or renewal application for a grower permit must include the**
5 **following:**

6 (1) The global positioning system coordinates and legal
7 description of the property used for the cannabis grow
8 operation.

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

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

11 (4) A nonrefundable application fee.

12 **Sec. 5. (a) For a permittee or prospective permittee who grows**
13 **less than five thousand (5,000) square feet of cannabis canopy, the**
14 **permittee shall pay:**

15 (1) an application fee of five thousand dollars (\$5,000);

16 (2) an initial permit fee of two thousand five hundred dollars
17 (\$2,500);

18 (3) an annual renewal fee of two thousand five hundred
19 dollars (\$2,500); and

20 (4) an annual investigation fee of one thousand two hundred
21 fifty dollars (\$1,250).

22 **(b) For a permittee or prospective permittee who grows at least**
23 **five thousand (5,000) square feet of cannabis canopy and less than**
24 **fifteen thousand (15,000) square feet of cannabis canopy, the**
25 **permittee shall pay:**

26 (1) an application fee of ten thousand dollars (\$10,000);

27 (2) an initial permit fee of five thousand dollars (\$5,000);

28 (3) an annual renewal fee of five thousand dollars (\$5,000);
29 and

30 (4) an annual investigation fee of two thousand five hundred
31 dollars (\$2,500).

32 **(c) For a permittee or prospective permittee who grows at least**
33 **fifteen thousand (15,000) square feet of cannabis canopy, the**
34 **permittee shall pay:**

35 (1) an application fee of fifteen thousand dollars (\$15,000);

36 (2) an initial permit fee of seven thousand five hundred dollars
37 (\$7,500);

38 (3) an annual renewal fee of seven thousand five hundred
39 dollars (\$7,500); and

40 (4) an annual investigation fee of three thousand seven
41 hundred fifty dollars (\$3,750).

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



1 (1) twelve (12) grower permits may be issued under
2 subsection (a) at one (1) time;

3 (2) six (6) grower permits may be issued under subsection (b)
4 at one (1) time; and

5 (3) four (4) grower permits may be issued under subsection (c)
6 at one (1) time.

7 (e) A permittee, or permittee who is directly or indirectly
8 controlled by another permittee, may not possess more than one (1)
9 grower permit at one (1) time.

10 (f) The fees set forth in this section are due to the commission
11 within thirty (30) days of the date the initial or renewal grower
12 permit is issued, and shall be deposited in the cannabis regulation
13 fund established by IC 7.1-8-2-12.

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

19 (b) A grower shall separate the plants as the plants go through
20 different growth stages and ensure that the plant tag is always
21 identified with the plant throughout the growth span so that all
22 plants can be easily identified and inspected. A grower shall ensure
23 that the identification information is recorded in the statewide
24 monitoring system.

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

31 (d) After test results show a passed test and the harvest batch is
32 packaged, the grower shall destroy the individual plant tags. Each
33 package must have a permanent package tag attached. A grower
34 shall ensure this information is placed in the statewide monitoring
35 system in accordance with this article and rules adopted by the
36 commission.

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

40 (1) a permit requirement;

41 (2) permit terms or conditions; or

42 (3) a rule relating to growing cannabis.



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

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

6 Sec. 8. (a) Except as provided in subsection (b), the commission
7 shall give a person who negligently violates this chapter a
8 reasonable time, determined by the commission, to correct the
9 violation without imposing a penalty under this chapter. However,
10 the commission may require the person who committed the
11 violation to comply with a corrective action plan determined by the
12 commission and report to the commission on compliance with the
13 corrective action plan.

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

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

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

20 (2) the prosecuting attorney of the county in which the
21 violation occurred;

22 of the violation.

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

26 Sec. 9. The commission shall adopt rules under IC 4-22-2 to
27 implement and administer this chapter.

28 Sec. 10. (a) The commission may keep the:

29 (1) names of growers who are permitted under this chapter;
30 and

31 (2) locations of permitted cannabis crops;
32 confidential for purposes of IC 5-14-3.

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

36 Sec. 11. A person not permitted under this chapter who
37 knowingly or intentionally:

38 (1) grows or sells cannabis; or

39 (2) sells cannabis seed;

40 commits a Level 6 felony.

41 Chapter 13. Processor Permits

42 Sec. 1. The commission may issue a cannabis processor permit



1 to a person who desires to process cannabis or cannabis products.

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

3 (1) Process cannabis or cannabis products.

4 (2) Place cannabis or cannabis products in containers for
5 retail sale.

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

8 **Sec. 3. A permittee or prospective permittee shall pay:**

9 (1) an application fee of five thousand dollars (\$5,000);

10 (2) an initial permit fee of two thousand five hundred dollars
11 (\$2,500);

12 (3) an annual renewal fee of two thousand five hundred
13 dollars (\$2,500); and

14 (4) an annual investigation fee of one thousand two hundred
15 fifty dollars (\$1,250).

16 **Sec. 4. (a) A processor to whom a permit has been issued under**
17 **this chapter may deposit that permit with the commission for a**
18 **period of two (2) years if the permittee is unable to immediately**
19 **operate the business to which the permit applies.**

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

25 **Sec. 5. Cannabis or cannabis products must be transported and**
26 **distributed to and from a processor in packaging that contains the**
27 **following information:**

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

30 (A) batch identification number of the cannabis or
31 cannabis products;

32 (B) product name;

33 (C) batch date;

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

36 (E) batch size;

37 (F) total quantity produced;

38 (G) ingredients used, including the:

39 (i) ingredient name;

40 (ii) name of the company that manufactured the
41 ingredient;

42 (iii) company or product identification number or code,



- 1 if applicable; and
- 2 (iv) ingredient lot number; and
- 3 (H) results of the quality assurance test conducted under
- 4 IC 7.1-8-18.
- 5 (2) The batch number.
- 6 (3) The Internet address of a website to obtain batch
- 7 information.
- 8 (4) The expiration date.
- 9 (5) The total number of milligrams of
- 10 delta-9-tetrahydrocannabinol (THC), including precursors.
- 11 (6) The grower.

Chapter 14. Transport Permits

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

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

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

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

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

Sec. 5. A permittee or prospective permittee shall pay:

- 31 (1) an application fee of five thousand dollars (\$5,000);
- 32 (2) an initial permit fee of two thousand five hundred dollars
- 33 (\$2,500);
- 34 (3) an annual renewal fee of two thousand five hundred
- 35 dollars (\$2,500); and
- 36 (4) an annual investigation fee of one thousand two hundred
- 37 fifty dollars (\$1,250).

Sec. 6. (a) A carrier to whom a permit has been issued under this chapter may deposit that permit with the commission for a period of one (1) year if the permittee is unable to immediately operate the business to which the permit applies.

(b) If a permittee is unable to use the permit issued under this



1 article within one (1) year, the permit is forfeited to the
 2 commission, unless the commission finds that a reasonable
 3 extension is necessary due to construction delays or fire, flood,
 4 tornado, or other natural disasters or acts of God.

5 Sec. 7. (a) A carrier may not transport cannabis or cannabis
 6 products on a vehicle owned or operated by the carrier unless the
 7 carrier has filed a description of the vehicle with the commission.

8 (b) The description of a vehicle used to transport cannabis or
 9 cannabis products must include:

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

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

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

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

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

35 Sec. 2. (a) The commission may grant only one (1) retailer
 36 permit per twenty-five thousand (25,000) persons statewide.
 37 However, each county is entitled to at least one (1) permit.

38 (b) The commission may issue not more than three hundred
 39 (300) active retailer permits 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 retailer permittee may own more than ten percent



1 (10%) of available permits.

2 **Sec. 3. A permittee or prospective permittee shall pay:**

- 3 (1) an application fee of ten thousand dollars (\$10,000);
 4 (2) an initial permit fee of five thousand dollars (\$5,000);
 5 (3) an annual renewal fee of five thousand dollars (\$5,000);
 6 and
 7 (4) an annual investigation fee of two thousand five hundred
 8 dollars (\$2,500).

9 **Sec. 4. (a) The holder of a retailer permit may purchase**
 10 **cannabis or cannabis products only from a permittee permitted**
 11 **under this article. A retailer may possess cannabis or cannabis**
 12 **products and sell it at retail for consumption to a customer who is**
 13 **at least twenty-one (21) years of age.**

14 (b) A retailer may sell cannabis or cannabis products at
 15 wholesale.

16 (c) A retailer may sell and deliver cannabis or cannabis
 17 products for carry out and for at home delivery without a
 18 transport permit.

19 **Sec. 5. (a) A retailer to which a permit has been issued under**
 20 **this chapter may deposit the permit with the commission for a**
 21 **period of one (1) year if the permittee is unable to immediately**
 22 **operate the business to which the permit applies.**

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

28 **Sec. 6. (a) A retailer may not:**

- 29 (1) operate within one thousand (1,000) feet of an elementary
 30 or secondary school;
 31 (2) allow a customer to sample or consume cannabis or a
 32 cannabis product on the premises;
 33 (3) permit a customer to purchase more than one (1) ounce of
 34 cannabis or five (5) grams of cannabis concentrate per day; or
 35 (4) sell cannabis or a cannabis product in a unitary
 36 transaction (as defined in IC 6-2.5-1-1) or bundled transaction
 37 (as defined in IC 6-2.5-1-11.5).

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

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

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



- 1 (2) The date of sale.
- 2 (3) The name of each brand sold.
- 3 (4) The number of packages, if any.
- 4 (5) The number of cases by size and type of container.
- 5 (6) The quantity of each kind of cannabis or cannabis product
- 6 sold.
- 7 (b) The permittee must transmit an invoice to the commission
- 8 in accordance with rules adopted by the commission.
- 9 Sec. 8. Except as provided in IC 7.1-8-16, a unit may not
- 10 regulate cannabis or cannabis products.
- 11 Chapter 16. Referendum to Prohibit Retail Sale of Cannabis
- 12 Sec. 1. (a) Before July 1, 2025, the legislative body of a county
- 13 may adopt a resolution to place a public question on the ballot to
- 14 prohibit cannabis retail licensure within the county. The legislative
- 15 body shall determine whether to place the public question on the
- 16 primary election ballot, on the general election ballot, or on a
- 17 special election ballot.
- 18 (b) As soon as practicable after adopting the resolution under
- 19 subsection (a), the legislative body shall send a certified copy of the
- 20 resolution to the commission and the county circuit court clerk.
- 21 Sec. 2. A prohibition against cannabis retail licensure under this
- 22 chapter prevails if a majority of the individuals who vote on the
- 23 public question approves the prohibition.
- 24 Sec. 3. The public question to be submitted to the voters must
- 25 read as follows:
- 26 "Shall the county prohibit cannabis retail licensure for five (5)
- 27 years immediately following the holding of the referendum?
- 28 If this public question is approved by the voters, cannabis
- 29 retailers will be prohibited from licensing premises in the
- 30 county for five (5) years."
- 31 Sec. 4. Each circuit court clerk shall, upon receiving the
- 32 question approved by the legislative body of a county under this
- 33 chapter, call a meeting of the county election board to certify the
- 34 question and make arrangements for the referendum.
- 35 Sec. 5. (a) The referendum shall be held in the next primary
- 36 election or general election in which all the registered voters who
- 37 are residents of the county are entitled to vote after adoption of the
- 38 resolution under section 1 of this chapter. The certification of the
- 39 question must occur not later than noon:
- 40 (1) seventy-four (74) days before a primary election if the
- 41 question is to be placed on the primary election ballot; or
- 42 (2) August 1 if the question is to be placed on the general



1 election ballot.

2 (b) However, if a primary election or general election will not be
3 held during the first year in which the public question is eligible to
4 be placed on the ballot under this chapter, and if the county
5 requests the public question to be placed on the ballot at a special
6 election, the public question shall be placed on the ballot at a
7 special election to be held on the first Tuesday after the first
8 Monday in May or November of the year. The certification must
9 occur not later than noon:

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

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

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

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

17 (1) the question certified to the circuit court clerk by the
18 legislative body of a county to be placed on the ballot in the
19 form prescribed by IC 3-10-9; and

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

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

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

29 Sec. 8. Each precinct election board shall count the affirmative
30 votes and the negative votes cast concerning the public question,
31 and shall certify those two (2) totals to the county election board of
32 the county. The circuit court clerk shall, immediately after the
33 votes have been counted, certify the results of the public question
34 to the commission and the county legislative body.

35 Sec. 9. (a) Except as otherwise provided in this section, during
36 the period beginning with the adoption of a resolution by the
37 legislative body of a county to place a public question on the ballot
38 and continuing through the day on which the public question is
39 submitted to the voters, the county legislative body may not
40 promote a position on the referendum by doing any of the
41 following:

42 (1) Using facilities or equipment, including mail and



1 messaging systems, owned by the county to promote a position
2 on the public question, unless equal access to the facilities or
3 equipment is given to persons with a position opposite to that
4 of the county legislative body.

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

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

17 However, this section does not prohibit an official or employee of
18 the county from carrying out duties with respect to a public
19 question that are part of the normal and regular conduct of the
20 official's or employee's office or agency, including the furnishing
21 of factual information regarding the public question in response to
22 inquiries from any person.

23 (b) This subsection does not apply to:

24 (1) a personal expenditure to promote a position on a public
25 question by an employee of a county whose employment is
26 governed by a collective bargaining contract or an
27 employment contract; or

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

32 A person or an organization that has a contract or arrangement
33 (whether formal or informal) with a county to provide goods or
34 services to the county may not spend any money to promote a
35 position on the public question. A violation of this subsection is a
36 Class A infraction.

37 (c) Notwithstanding any other law, an elected or appointed
38 member of the county legislative body may at any time:

39 (1) personally advocate for or against a position on a public
40 question; or

41 (2) discuss the public question with any individual, group, or
42 organization or personally advocate for or against a position



1 on a public question before any individual, group, or
 2 organization;
 3 so long as it is not done by using public funds. Advocacy or
 4 discussion allowed under this subsection is not considered a use of
 5 public funds.

6 **Chapter 17. Statewide Monitoring System**

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

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

- 19 (1) Retention of a record of the date, time, quantity, and price
 20 of each sale or transfer of cannabis or cannabis products.
- 21 (2) Determination of whether a particular sale or transfer
 22 transaction will exceed the permissible limit established under
 23 this article.
- 24 (3) Effective monitoring of cannabis seed to sale transfers.
- 25 (4) Receipt and integration of information from third party
 26 inventory control and tracking systems.

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

- 30 (1) Evaluate bidders based on the cost of the service and the
 31 ability to meet all requirements of this article.
- 32 (2) Give strong consideration to the bidder's ability to prevent
 33 fraud, abuse, and other unlawful or prohibited activities
 34 associated with the commercial trade in cannabis, and the
 35 ability to provide additional tools for the administration and
 36 enforcement of this article.
- 37 (3) Institute procedures to ensure that the contract awardee
 38 does not disclose or use the information in the statewide
 39 monitoring system for any use or purpose except for the
 40 enforcement, oversight, and implementation of this article.
- 41 (4) Require the contract awardee to deliver the functioning
 42 system within one hundred twenty (120) days after award of



- 1 the contract.
- 2 **Sec. 4. The commission shall adopt rules under IC 4-22-2 to**
 3 **implement this chapter.**
- 4 **Chapter 18. Safety Compliance Facility Permit**
- 5 **Sec. 1. The commission may issue a cannabis safety compliance**
 6 **facility permit to a person who desires to test cannabis and**
 7 **cannabis products for transfer, sale, and consumption in Indiana.**
- 8 **Sec. 2. A person who has a direct or indirect ownership interest**
 9 **in a grower, processor, transport, or retailer permit may not have**
 10 **a direct or indirect ownership interest in a safety compliance**
 11 **facility or a safety compliance facility permit.**
- 12 **Sec. 3. The commission shall adopt rules under IC 4-22-2 to**
 13 **establish a proficiency testing program and designate safety**
 14 **compliance facility participation that, at a minimum, comply with**
 15 **reasonable and customary industry standards.**
- 16 **Sec. 4. (a) A safety compliance facility to which a permit has**
 17 **been issued under this chapter may deposit that permit with the**
 18 **commission for a period of one (1) year if the permittee is unable**
 19 **to immediately operate the facility.**
- 20 **(b) If a permittee is unable to use the permit issued under this**
 21 **article within one (1) year, the permit is forfeited to the**
 22 **commission.**
- 23 **Sec. 5. (a) A safety compliance facility must test samples as**
 24 **provided in this chapter and pursuant to rules adopted by the**
 25 **commission.**
- 26 **(b) A safety compliance facility shall collect samples of cannabis**
 27 **and cannabis products from another cannabis permittee. Every**
 28 **cannabis permittee shall permit and assist the safety compliance**
 29 **facility in the collection of samples for testing.**
- 30 **(c) The safety compliance facility shall take a physical sample of**
 31 **the cannabis or cannabis product from another cannabis permittee**
 32 **to be tested at the safety compliance facility.**
- 33 **(d) The safety compliance facility must develop a statistically**
 34 **valid sampling method to collect a representative sample from each**
 35 **batch of cannabis or cannabis product.**
- 36 **Sec. 6. (a) A safety compliance facility must comply with all the**
 37 **following:**
- 38 **(1) The safety compliance facility shall ensure that samples of**
 39 **the cannabis or cannabis product are identified in the**
 40 **statewide monitoring system and placed in secured, sealed**
 41 **containers that bear the labeling required under the rules.**
- 42 **(2) A carrier's route plan and manifest that have been**



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



- 1 (2) touch the cannabis or cannabis product or the sampling
2 equipment while the safety compliance facility employee is
3 obtaining the sample.
- 4 **Sec. 11. (a) After samples have been selected, both the employee**
5 **of the cannabis permittee and the employee of the safety**
6 **compliance facility shall sign and date a chain of custody form,**
7 **attesting to the accuracy of the following sample information:**
- 8 (1) The name of the cannabis or cannabis product.
9 (2) The weight of the cannabis or cannabis product.
10 (3) That all cannabis and cannabis products and samples are
11 correctly identified in the statewide monitoring system.
12 (4) If the cannabis or cannabis product test sample is obtained
13 for a retest, the safety compliance facility confirms that it is
14 not accepting a cannabis or cannabis product test sample that
15 is prohibited from being retested.
- 16 (b) The cannabis permittee shall enter in the statewide
17 monitoring system the cannabis or cannabis product test sample
18 that is collected by a permitted safety compliance facility, including
19 the date and time the cannabis or cannabis product is collected and
20 transferred. The safety compliance facility shall enter into the
21 statewide monitoring system the test results within three (3)
22 business days of test completion.
- 23 (c) If a testing sample is collected from a cannabis permittee for
24 testing in the statewide monitoring system, that cannabis permittee
25 shall quarantine the cannabis or cannabis product that is
26 undergoing the testing from any other cannabis or cannabis
27 products at the cannabis permittee location. The quarantined
28 cannabis or cannabis product must not be packaged, transferred,
29 or sold until passing test results are entered into the statewide
30 monitoring system.
- 31 (d) A safety compliance facility may collect additional sample
32 material from the same permittee from which the original sample
33 was collected for the purposes of completing the required safety
34 tests as long as the requirements of this chapter are met.
- 35 (e) The commission may publish guidance that shall be followed
36 by cannabis permittees for chain of custody documentation.
- 37 **Sec. 12. A safety compliance facility shall use analytical testing**
38 **methodologies for the required quality assurance tests under this**
39 **chapter that are validated. The tests may be monitored on an**
40 **ongoing basis by the commission. The facility's methodology must**
41 **follow one (1) of the following:**
- 42 (1) The most current version of the Cannabis Inflorescence:



1 **Standards of Identity, Analysis, and Quality Control**
 2 **monograph published by the American Herbal**
 3 **Pharmacopoeia.**

4 **(2) An alternative testing methodology approved by the**
 5 **commission and validated by an independent third party that**
 6 **the methodology followed by the safety compliance facility**
 7 **produces scientifically accurate results as quality assurance**
 8 **for each test it conducts.**

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

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

26 **Sec. 14. The commission, in consultation with the state seed**
 27 **commissioner and the department of agriculture, shall publish a**
 28 **list of approved pesticides for use in the growing and production of**
 29 **cannabis and cannabis products to be sold or transferred in**
 30 **Indiana.**

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

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

- 37 **(1) Desiccating samples.**
 38 **(2) Dry labeling samples.**
 39 **(3) Pretesting samples.**

40 **Sec. 17. A safety compliance facility shall comply with random**
 41 **quality assurance compliance checks upon the request of the**
 42 **commission. The commission or its authorized agents may collect**



1 a random sample of cannabis or cannabis product from a safety
 2 compliance facility or designate another safety compliance facility
 3 to collect a random sample of cannabis or cannabis product in a
 4 secure manner to test that sample for quality assurance compliance
 5 pursuant to this rule.

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

9 (b) Failed cannabis or a failed cannabis product must pass two
 10 (2) separate retests with new samples consecutively to be eligible to
 11 proceed to sale or transfer.

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

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

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

20 (b) The commission may not take punitive action against a
 21 cannabis permittee for conducting research and development
 22 testing.

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

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

28 **Chapter 19. Violations**

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

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

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

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

42 (1) a Class A misdemeanor if the person has a prior unrelated



1 conviction under this section; and

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

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

6 (1) rents property; or

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

8 for the purpose of allowing or enabling a person less than
9 twenty-one (21) years of age to use cannabis or cannabis products
10 on the property commits a Class C infraction. However, the
11 violation is a Class B misdemeanor if the person has a prior
12 unrelated adjudication or conviction for a violation of this section
13 within the previous five (5) years.

14 (b) This section may not be construed to impose civil or criminal
15 liability upon any postsecondary educational institution, including
16 public and private universities and colleges, business schools,
17 vocational schools, and schools for continuing education, or its
18 agents for injury to any person or property sustained in
19 consequence of a violation of this section unless the institution or
20 its agent:

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

24 (2) either:

25 (A) rents property; or

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

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

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

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

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

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



1 (1) where cannabis or cannabis products are provided; and
 2 (2) in a capacity which requires or allows the person less than
 3 twenty-one (21) years of age to provide or otherwise deal in
 4 cannabis or cannabis products;
 5 commits a Class B misdemeanor.

6 Sec. 7. A person who is at least twenty-one (21) years of age who
 7 knowingly or intentionally aids, induces, or causes a person less
 8 than twenty-one (21) years of age to unlawfully possess cannabis or
 9 cannabis products commits a Class C infraction.

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

12 (1) at least eighteen (18) years of age; and
 13 (2) less than twenty-one (21) years of age;
 14 to receive or purchase cannabis or cannabis products as part of an
 15 enforcement action under this article.

16 (b) The initial or contemporaneous receipt or purchase of
 17 cannabis or cannabis products under this section by a person
 18 described in subsection (a) must:

19 (1) occur under the direction of an enforcement officer vested
 20 with full police powers and duties; and
 21 (2) be a part of the enforcement action.

22 **Chapter 20. Professional Services**

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

27 **Chapter 21. Employment**

28 Sec. 1. Nothing in this article prohibits an employer from
 29 mandating drug screening for employees or from taking an adverse
 30 employment action against an employee who tests positive for
 31 cannabis use.

32 SECTION 5. IC 10-10.5-1-3, AS AMENDED BY P.L.122-2023,
 33 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2024]: Sec. 3. "Law enforcement officer" means any of the
 35 following:

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



- 1 under IC 4-33-20.
- 2 (5) A hospital police officer employed by a hospital police
3 department established under IC 16-18-4.
- 4 SECTION 6. IC 10-13-8-5, AS AMENDED BY P.L.122-2023,
5 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2024]: Sec. 5. As used in this chapter, "law enforcement
7 officer" means any of the following:
- 8 (1) A state police officer.
9 (2) A county sheriff.
10 (3) A county police officer.
11 (4) A correctional officer.
12 (5) An excise police officer, **including an enforcement officer**
13 **of the cannabis commission.**
14 (6) A county police reserve officer.
15 (7) A city police officer.
16 (8) A city police reserve officer.
17 (9) A conservation enforcement officer.
18 (10) A town marshal.
19 (11) A deputy town marshal.
20 (12) A probation officer.
21 (13) A state educational institution police officer appointed under
22 IC 21-39-4.
23 (14) A gaming agent of the Indiana gaming commission.
24 (15) A person employed by a political subdivision (as defined in
25 IC 36-1-2-13) and appointed as a special deputy under
26 IC 36-8-10-10.6.
27 (16) A school corporation police officer appointed under
28 IC 20-26-16.
29 (17) A police officer of a public or private postsecondary
30 educational institution whose board of trustees has established a
31 police department under IC 21-17-5-2 or IC 21-39-4-2.
32 (18) A tribal police officer.
33 (19) A hospital police officer employed by a hospital police
34 department established under IC 16-18-4.
35 (20) A conservancy district marshal.
36 (21) A deputy conservancy district marshal.
- 37 SECTION 7. IC 11-12-3.7-3, AS AMENDED BY P.L.182-2011,
38 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2024]: Sec. 3. As used in this chapter, "drug dealing offense"
40 means one (1) or more of the following offenses:
41 (1) Dealing in cocaine or a narcotic drug (IC 35-48-4-1), unless
42 the person received only minimal consideration as a result of the



- 1 drug transaction.
- 2 (2) Dealing in methamphetamine (IC 35-48-4-1.1), unless the
- 3 person received only minimal consideration as a result of the drug
- 4 transaction.
- 5 (3) Dealing in a schedule I, II, III, IV, or V controlled substance
- 6 (IC 35-48-4-2 through IC 35-48-4-4), unless the person received
- 7 only minimal consideration as a result of the drug transaction.
- 8 (4) Dealing in ~~marijuana, hash oil, hashish, salvia or a synthetic~~
- 9 **cannabinoid or mislabeled low THC hemp extract** (IC
- 10 35-48-4-10) unless the person received only minimal
- 11 consideration as a result of the drug transaction.
- 12 SECTION 8. IC 16-31-3-14, AS AMENDED BY P.L.170-2022,
- 13 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 14 JULY 1, 2024]: Sec. 14. (a) A person holding a certificate or license
- 15 issued under this article must comply with the applicable standards and
- 16 rules established under this article. A certificate holder or license
- 17 holder is subject to disciplinary sanctions under subsection (b) if the
- 18 department of homeland security determines that the certificate holder
- 19 or license holder:
- 20 (1) engaged in or knowingly cooperated in fraud or material
- 21 deception in order to obtain a certificate or license, including
- 22 cheating on a certification or licensure examination;
- 23 (2) engaged in fraud or material deception in the course of
- 24 professional services or activities;
- 25 (3) advertised services or goods in a false or misleading manner;
- 26 (4) falsified or knowingly allowed another person to falsify
- 27 attendance records or certificates of completion of continuing
- 28 education courses required under this article or rules adopted
- 29 under this article;
- 30 (5) is convicted of a crime, if the act that resulted in the
- 31 conviction has a direct bearing on determining if the certificate
- 32 holder or license holder should be entrusted to provide emergency
- 33 medical services;
- 34 (6) is convicted of violating IC 9-19-14.5;
- 35 (7) fails to comply and maintain compliance with or violates any
- 36 applicable provision, standard, or other requirement of this article
- 37 or rules adopted under this article;
- 38 (8) continues to practice if the certificate holder or license holder
- 39 becomes unfit to practice due to:
- 40 (A) professional incompetence that includes the undertaking
- 41 of professional activities that the certificate holder or license
- 42 holder is not qualified by training or experience to undertake;



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



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



1 applicant's certificate or license to practice in another state or
 2 jurisdiction, or has practiced without a certificate or license in violation
 3 of the law. A certified copy of the record of disciplinary action is
 4 conclusive evidence of the other jurisdiction's disciplinary action.

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

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

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

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



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



- 1 impose disciplinary or corrective measures authorized under this
2 chapter.
- 3 (m) The department of homeland security may not reinstate a
4 certificate or license that has been revoked under this chapter.
- 5 (n) The department of homeland security must be consistent in the
6 application of sanctions authorized in this chapter. Significant
7 departures from prior decisions involving similar conduct must be
8 explained in the department of homeland security's findings or orders.
- 9 (o) A certificate holder may not surrender the certificate holder's
10 certificate, and a license holder may not surrender the license holder's
11 license, without the written approval of the department of homeland
12 security, and the department of homeland security may impose any
13 conditions appropriate to the surrender or reinstatement of a
14 surrendered certificate or license.
- 15 (p) For purposes of this section, "certificate holder" means a person
16 who holds:
- 17 (1) an unlimited certificate;
 - 18 (2) a limited or probationary certificate; or
 - 19 (3) an inactive certificate.
- 20 (q) For purposes of this section, "license holder" means a person
21 who holds:
- 22 (1) an unlimited license;
 - 23 (2) a limited or probationary license; or
 - 24 (3) an inactive license.
- 25 SECTION 9. IC 16-31-3-14.5, AS AMENDED BY P.L.142-2020,
26 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2024]: Sec. 14.5. The department of homeland security may
28 issue an order under IC 4-21.5-3-6 to deny an applicant's request for
29 certification or licensure or permanently revoke a certificate or license
30 under procedures provided by section 14 of this chapter if the
31 individual who holds the certificate or license issued under this title is
32 convicted of any of the following:
- 33 (1) Dealing in a controlled substance resulting in death under
34 IC 35-42-1-1.5.
 - 35 (2) Dealing in or manufacturing cocaine or a narcotic drug under
36 IC 35-48-4-1.
 - 37 (3) Dealing in methamphetamine under IC 35-48-4-1.1.
 - 38 (4) Manufacturing methamphetamine under IC 35-48-4-1.2.
 - 39 (5) Dealing in a schedule I, II, or III controlled substance under
40 IC 35-48-4-2.
 - 41 (6) Dealing in a schedule IV controlled substance under
42 IC 35-48-4-3.



- 1 (7) Dealing in a schedule V controlled substance under
 2 IC 35-48-4-4.
 3 (8) Dealing in a substance represented to be a controlled
 4 substance under IC 35-48-4-4.5 (repealed).
 5 (9) Knowingly or intentionally manufacturing, advertising,
 6 distributing, or possessing with intent to manufacture, advertise,
 7 or distribute a substance represented to be a controlled substance
 8 under IC 35-48-4-4.6.
 9 (10) Dealing in a counterfeit substance under IC 35-48-4-5.
 10 (11) Dealing in ~~marijuana; hash oil; hashish; or~~ salvia **or**
 11 **mislabeled low THC hemp extract** as a felony under
 12 IC 35-48-4-10.
 13 (12) An offense under IC 35-48-4 involving the manufacture or
 14 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
 15 synthetic drug lookalike substance (as defined in
 16 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
 17 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
 18 substance analog (as defined in IC 35-48-1-9.3), or a substance
 19 represented to be a controlled substance (as described in
 20 IC 35-48-4-4.6).
 21 (13) A crime of violence (as defined in IC 35-50-1-2(a)).
 22 SECTION 10. IC 16-42-27-2, AS AMENDED BY P.L.36-2023,
 23 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2024]: Sec. 2. (a) A prescriber may, directly or by standing
 25 order, prescribe or dispense an overdose intervention drug without
 26 examining the individual to whom it may be administered if all of the
 27 following conditions are met:
 28 (1) The overdose intervention drug is dispensed or prescribed to:
 29 (A) a person at risk of experiencing an opioid-related
 30 overdose; or
 31 (B) a family member, a friend, or any other individual or entity
 32 in a position to assist an individual who, there is reason to
 33 believe, is at risk of experiencing an opioid-related overdose.
 34 (2) The prescriber instructs the individual receiving the overdose
 35 intervention drug or prescription to summon emergency services
 36 either immediately before or immediately after administering the
 37 overdose intervention drug to an individual experiencing an
 38 opioid-related overdose.
 39 (3) The prescriber provides education and training on drug
 40 overdose response and treatment, including the administration of
 41 an overdose intervention drug.
 42 (4) The prescriber provides drug addiction treatment information



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



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



- 1 (1) IC 35-48-4-6 (possession of cocaine).
- 2 (2) IC 35-48-4-6.1 (possession of methamphetamine).
- 3 (3) IC 35-48-4-7 (possession of a controlled substance).
- 4 (4) IC 35-48-4-8.3 (possession of paraphernalia).
- 5 (5) IC 35-48-4-11 (possession of ~~marijuana~~; **salvia**).
- 6 (6) An offense under IC 35-48-4 involving possession of a
- 7 synthetic drug (as defined in IC 35-31.5-2-321), possession of a
- 8 controlled substance analog (as defined in IC 35-48-1-9.3), or
- 9 possession of a substance represented to be a controlled substance
- 10 (as described in IC 35-48-4-4.6).

11 SECTION 11. IC 20-28-5-8, AS AMENDED BY P.L.125-2022,
 12 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2024]: Sec. 8. (a) This section applies when a prosecuting
 14 attorney knows that a licensed employee of a public school or a
 15 nonpublic school has been convicted of an offense listed in subsection
 16 (c). The prosecuting attorney shall immediately give written notice of
 17 the conviction to the following:

- 18 (1) The secretary of education.
- 19 (2) Except as provided in subdivision (3), the superintendent of
- 20 the school corporation that employs the licensed employee or the
- 21 equivalent authority if a nonpublic school employs the licensed
- 22 employee.
- 23 (3) The presiding officer of the governing body of the school
- 24 corporation that employs the licensed employee, if the convicted
- 25 licensed employee is the superintendent of the school corporation.

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

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

- 37 (1) The following felonies:
 - 38 (A) A sex crime under IC 35-42-4 (including criminal deviate
 - 39 conduct (IC 35-42-4-2) (before its repeal)).
 - 40 (B) Kidnapping (IC 35-42-3-2).
 - 41 (C) Criminal confinement (IC 35-42-3-3).
 - 42 (D) Incest (IC 35-46-1-3).



- 1 (E) Dealing in or manufacturing cocaine or a narcotic drug (IC
2 35-48-4-1).
3 (F) Dealing in methamphetamine (IC 35-48-4-1.1).
4 (G) Manufacturing methamphetamine (IC 35-48-4-1.2).
5 (H) Dealing in a schedule I, II, or III controlled substance (IC
6 35-48-4-2).
7 (I) Dealing in a schedule IV controlled substance (IC
8 35-48-4-3).
9 (J) Dealing in a schedule V controlled substance (IC
10 35-48-4-4).
11 (K) Dealing in a counterfeit substance (IC 35-48-4-5).
12 (L) Dealing in ~~marijuana, hash oil, hashish, or salvia or~~
13 **mislabeled low THC hemp extract** as a felony (IC
14 35-48-4-10).
15 (M) An offense under IC 35-48-4 involving the manufacture
16 or 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
20 controlled substance analog (as defined in IC 35-48-1-9.3), or
21 a substance represented to be a controlled substance (as
22 described in IC 35-48-4-4.6).
23 (N) Homicide (IC 35-42-1).
24 (O) Voluntary manslaughter (IC 35-42-1-3).
25 (P) Reckless homicide (IC 35-42-1-5).
26 (Q) Battery as any of the following:
27 (i) A Class A felony (for a crime committed before July 1,
28 2014) or a Level 2 felony (for a crime committed after June
29 30, 2014).
30 (ii) A Class B felony (for a crime committed before July 1,
31 2014) or a Level 3 felony (for a crime committed after June
32 30, 2014).
33 (iii) A Class C felony (for a crime committed before July 1,
34 2014) or a Level 5 felony (for a crime committed after June
35 30, 2014).
36 (R) Aggravated battery (IC 35-42-2-1.5).
37 (S) Robbery (IC 35-42-5-1).
38 (T) Carjacking (IC 35-42-5-2) (before its repeal).
39 (U) Arson as a Class A felony or Class B felony (for a crime
40 committed before July 1, 2014) or as a Level 2, Level 3, or
41 Level 4 felony (for a crime committed after June 30, 2014) (IC
42 35-43-1-1(a)).



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



1 SECTION 12. IC 22-15-5-16, AS AMENDED BY P.L.142-2020,
 2 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2024]: Sec. 16. (a) A practitioner shall comply with the
 4 standards established under this licensing program. A practitioner is
 5 subject to the exercise of the disciplinary sanctions under subsection
 6 (b) if the department finds that a practitioner has:

7 (1) engaged in or knowingly cooperated in fraud or material
 8 deception in order to obtain a license to practice, including
 9 cheating on a licensing examination;

10 (2) engaged in fraud or material deception in the course of
 11 professional services or activities;

12 (3) advertised services or goods in a false or misleading manner;

13 (4) falsified or knowingly allowed another person to falsify
 14 attendance records or certificates of completion of continuing
 15 education courses provided under this chapter;

16 (5) been convicted of a crime that has a direct bearing on the
 17 practitioner's ability to continue to practice competently;

18 (6) knowingly violated a state statute or rule or federal statute or
 19 regulation regulating the profession for which the practitioner is
 20 licensed;

21 (7) continued to practice although the practitioner has become
 22 unfit to practice due to:

23 (A) professional incompetence;

24 (B) failure to keep abreast of current professional theory or
 25 practice;

26 (C) physical or mental disability; or

27 (D) addiction to, abuse of, or severe dependency on alcohol or
 28 other drugs that endanger the public by impairing a
 29 practitioner's ability to practice safely;

30 (8) engaged in a course of lewd or immoral conduct in connection
 31 with the delivery of services to the public;

32 (9) allowed the practitioner's name or a license issued under this
 33 chapter to be used in connection with an individual or business
 34 who renders services beyond the scope of that individual's or
 35 business's training, experience, or competence;

36 (10) had disciplinary action taken against the practitioner or the
 37 practitioner's license to practice in another state or jurisdiction on
 38 grounds similar to those under this chapter;

39 (11) assisted another person in committing an act that would
 40 constitute a ground for disciplinary sanction under this chapter;
 41 or

42 (12) allowed a license issued by the department to be:



- 1 (A) used by another person; or
 2 (B) displayed to the public when the license has expired, is
 3 inactive, is invalid, or has been revoked or suspended.
 4 For purposes of subdivision (10), a certified copy of a record of
 5 disciplinary action constitutes prima facie evidence of a disciplinary
 6 action in another jurisdiction.
 7 (b) The department may impose one (1) or more of the following
 8 sanctions if the department finds that a practitioner is subject to
 9 disciplinary sanctions under subsection (a):
 10 (1) Permanent revocation of a practitioner's license.
 11 (2) Suspension of a practitioner's license.
 12 (3) Censure of a practitioner.
 13 (4) Issuance of a letter of reprimand.
 14 (5) Assessment of a civil penalty against the practitioner in
 15 accordance with the following:
 16 (A) The civil penalty may not be more than one thousand
 17 dollars (\$1,000) for each violation listed in subsection (a),
 18 except for a finding of incompetency due to a physical or
 19 mental disability.
 20 (B) When imposing a civil penalty, the department shall
 21 consider a practitioner's ability to pay the amount assessed. If
 22 the practitioner fails to pay the civil penalty within the time
 23 specified by the department, the department may suspend the
 24 practitioner's license without additional proceedings. However,
 25 a suspension may not be imposed if the sole basis for the
 26 suspension is the practitioner's inability to pay a civil penalty.
 27 (6) Placement of a practitioner on probation status and
 28 requirement of the practitioner to:
 29 (A) report regularly to the department upon the matters that
 30 are the basis of probation;
 31 (B) limit practice to those areas prescribed by the department;
 32 (C) continue or renew professional education approved by the
 33 department until a satisfactory degree of skill has been attained
 34 in those areas that are the basis of the probation; or
 35 (D) perform or refrain from performing any acts, including
 36 community restitution or service without compensation, that
 37 the department considers appropriate to the public interest or
 38 to the rehabilitation or treatment of the practitioner.
 39 The department may withdraw or modify this probation if the
 40 department finds after a hearing that the deficiency that required
 41 disciplinary action has been remedied or that changed
 42 circumstances warrant a modification of the order.



1 (c) If an applicant or a practitioner has engaged in or knowingly
2 cooperated in fraud or material deception to obtain a license to
3 practice, including cheating on the licensing examination, the
4 department may rescind the license if it has been granted, void the
5 examination or other fraudulent or deceptive material, and prohibit the
6 applicant from reapplying for the license for a length of time
7 established by the department.

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

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

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

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

- 29 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- 30 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 31 (3) Possession of a controlled substance under IC 35-48-4-7(a).
- 32 (4) Fraudulently obtaining a controlled substance under
33 IC 35-48-4-7(b) (for a crime committed before July 1, 2014) or
34 IC 35-48-4-7(c) (for a crime committed after June 30, 2014).
- 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 (h) The department shall deny, revoke, or suspend a license issued
 22 under this chapter if the individual who holds the license is convicted
 23 of any of the following:
- 24 (1) Dealing in a controlled substance resulting in death under
 25 IC 35-42-1-1.5.
- 26 (2) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.
- 27 (3) Dealing in methamphetamine under IC 35-48-4-1.1.
- 28 (4) Manufacturing methamphetamine under IC 35-48-4-1.2.
- 29 (5) Dealing in a schedule I, II, or III controlled substance under
 30 IC 35-48-4-2.
- 31 (6) Dealing in a schedule IV controlled substance under
 32 IC 35-48-4-3.
- 33 (7) Dealing in a schedule V controlled substance under
 34 IC 35-48-4-4.
- 35 (8) Dealing in a substance represented to be a controlled
 36 substance under IC 35-48-4-4.5 (repealed).
- 37 (9) Knowingly or intentionally manufacturing, advertising,
 38 distributing, or possessing with intent to manufacture, advertise,
 39 or distribute a substance represented to be a controlled substance
 40 under IC 35-48-4-4.6.
- 41 (10) Dealing in a counterfeit substance under IC 35-48-4-5.
- 42 (11) Dealing in ~~marijuana, hash oil, hashish, or salvia or~~



- 1 **mislabeled low THC hemp extract** as a felony under
2 IC 35-48-4-10.
- 3 (12) An offense under IC 35-48-4 involving the manufacture or
4 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
5 synthetic drug lookalike substance (as defined in
6 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
7 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
8 substance analog (as defined in IC 35-48-1-9.3), or a substance
9 represented to be a controlled substance (as described in
10 IC 35-48-4-4.6).
- 11 (13) A violation of any federal or state drug law or rule related to
12 wholesale legend drug distributors licensed under IC 25-26-14.
- 13 (i) A decision of the department under subsections (b) through (h)
14 may be appealed to the commission under IC 4-21.5-3-7.
- 15 (j) The department may temporarily suspend a practitioner's license
16 under IC 4-21.5-4 before a final adjudication or during the appeals
17 process if the department finds that a practitioner represents a clear and
18 immediate danger to the public's health, safety, or property if the
19 practitioner is allowed to continue to practice.
- 20 (k) On receipt of a complaint or an information alleging that a
21 person licensed under this chapter has engaged in or is engaging in a
22 practice that jeopardizes the public health, safety, or welfare, the
23 department shall initiate an investigation against the person.
- 24 (l) Any complaint filed with the office of the attorney general
25 alleging a violation of this licensing program shall be referred to the
26 department for summary review and for its general information and any
27 authorized action at the time of the filing.
- 28 (m) The department shall conduct a fact finding investigation as the
29 department considers proper in relation to the complaint.
- 30 (n) The department may reinstate a license that has been suspended
31 under this section if, after a hearing, the department is satisfied that the
32 applicant is able to practice with reasonable skill, safety, and
33 competency to the public. As a condition of reinstatement, the
34 department may impose disciplinary or corrective measures authorized
35 under this chapter.
- 36 (o) The department may not reinstate a license that has been
37 revoked under this chapter. An individual whose license has been
38 revoked under this chapter may not apply for a new license until seven
39 (7) years after the date of revocation.
- 40 (p) The department shall seek to achieve consistency in the
41 application of sanctions authorized in this chapter. Significant
42 departures from prior decisions involving similar conduct must be



1 explained in the department's findings or orders.

2 (q) A practitioner may petition the department to accept the
3 surrender of the practitioner's license instead of having a hearing before
4 the commission. The practitioner may not surrender the practitioner's
5 license without the written approval of the department, and the
6 department may impose any conditions appropriate to the surrender or
7 reinstatement of a surrendered license.

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

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

23 SECTION 13. IC 25-1-1.1-2, AS AMENDED BY P.L.142-2020,
24 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2024]: Sec. 2. Notwithstanding IC 25-1-7, a board, a
26 commission, or a committee may suspend, deny, or revoke a license or
27 certificate issued under this title by the board, the commission, or the
28 committee without an investigation by the office of the attorney general
29 if the individual who holds the license or certificate is convicted of any
30 of the following and the board, commission, or committee determines,
31 after the individual has appeared in person, that the offense affects the
32 individual's ability to perform the duties of the profession:

- 33 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- 34 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 35 (3) Possession of a controlled substance under IC 35-48-4-7(a).
- 36 (4) Fraudulently obtaining a controlled substance under
37 IC 35-48-4-7(c).
- 38 (5) Manufacture 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 35-48-4-8.1(b).
- 41 (6) Dealing in 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 35-48-4-8.5(b).

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

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

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

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

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

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

22 (11) An offense relating to registration, labeling, and prescription
23 forms under IC 35-48-4-14.

24 (12) A sex crime under IC 35-42-4.

25 (13) A felony that reflects adversely on the individual's fitness to
26 hold a professional license.

27 SECTION 14. IC 25-1-1.1-3, AS AMENDED BY P.L.142-2020,
28 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2024]: Sec. 3. A board, a commission, or a committee shall
30 revoke or suspend a license or certificate issued under this title by the
31 board, the commission, or the committee if the individual who holds
32 the license or certificate is convicted of any of the following:

33 (1) Dealing in a controlled substance resulting in death under
34 IC 35-42-1-1.5.

35 (2) Dealing in or manufacturing cocaine or a narcotic drug under
36 IC 35-48-4-1.

37 (3) Dealing in methamphetamine under IC 35-48-4-1.1.

38 (4) Manufacturing methamphetamine under IC 35-48-4-1.2.

39 (5) Dealing in a schedule I, II, or III controlled substance under
40 IC 35-48-4-2.

41 (6) Dealing in a schedule IV controlled substance under
42 IC 35-48-4-3.



- 1 (7) Dealing in a schedule V controlled substance under
 2 IC 35-48-4-4.
 3 (8) Dealing in a substance represented to be a controlled
 4 substance under IC 35-48-4-4.5 (before its repeal on July 1,
 5 2019).
 6 (9) Knowingly or intentionally manufacturing, advertising,
 7 distributing, or possessing with intent to manufacture, advertise,
 8 or distribute a substance represented to be a controlled substance
 9 under IC 35-48-4-4.6.
 10 (10) Dealing in a counterfeit substance under IC 35-48-4-5.
 11 (11) Dealing in ~~marijuana, hash oil, hashish, or~~ salvia **or**
 12 **mislabeled low THC hemp extract** as a felony under
 13 IC 35-48-4-10.
 14 (12) An offense under IC 35-48-4 involving the manufacture or
 15 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
 16 synthetic drug lookalike substance (as defined in
 17 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
 18 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
 19 substance analog (as defined in IC 35-48-1-9.3), or a substance
 20 represented to be a controlled substance (as described in
 21 IC 35-48-4-4.6).
 22 (13) A violation of any federal or state drug law or rule related to
 23 wholesale legend drug distributors licensed under IC 25-26-14.
 24 SECTION 15. IC 34-24-1-1, AS AMENDED BY P.L.185-2023,
 25 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 26 JULY 1, 2024]: Sec. 1. (a) The following may be seized:
 27 (1) All vehicles (as defined by IC 35-31.5-2-346), if they are used
 28 or are intended for use by the person or persons in possession of
 29 them to transport or in any manner to facilitate the transportation
 30 of the following:
 31 (A) A controlled substance for the purpose of committing,
 32 attempting to commit, or conspiring to commit any of the
 33 following:
 34 (i) Dealing in or manufacturing cocaine or a narcotic drug
 35 (IC 35-48-4-1).
 36 (ii) Dealing in methamphetamine (IC 35-48-4-1.1).
 37 (iii) Manufacturing methamphetamine (IC 35-48-4-1.2).
 38 (iv) Dealing in a schedule I, II, or III controlled substance
 39 (IC 35-48-4-2).
 40 (v) Dealing in a schedule IV controlled substance (IC
 41 35-48-4-3).
 42 (vi) Dealing in a schedule V controlled substance (IC



- 1 35-48-4-4).
- 2 (vii) Dealing in a counterfeit substance (IC 35-48-4-5).
- 3 (viii) Possession of cocaine or a narcotic drug (IC
- 4 35-48-4-6).
- 5 (ix) Possession of methamphetamine (IC 35-48-4-6.1).
- 6 (x) Dealing in paraphernalia (IC 35-48-4-8.5).
- 7 (xi) Dealing in ~~marijuana, hash oil, hashish, or salvia~~ **or**
- 8 **mislabeled low THC hemp extract** (IC 35-48-4-10).
- 9 (xii) An offense under IC 35-48-4 involving a synthetic drug
- 10 (as defined in IC 35-31.5-2-321), a synthetic drug lookalike
- 11 substance (as defined in IC 35-31.5-2-321.5 (before its
- 12 repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its
- 13 repeal on July 1, 2019), a controlled substance analog (as
- 14 defined in IC 35-48-1-9.3), or a substance represented to be
- 15 a controlled substance (as described in IC 35-48-4-4.6).
- 16 **(xiii) A violation of IC 7.1-8.**
- 17 (B) Any stolen (IC 35-43-4-2 or IC 35-43-4-2.2) or converted
- 18 property (IC 35-43-4-3) if the retail or repurchase value of that
- 19 property is one hundred dollars (\$100) or more.
- 20 (C) Any hazardous waste in violation of IC 13-30-10-1.5.
- 21 (D) A bomb (as defined in IC 35-31.5-2-31) or weapon of
- 22 mass destruction (as defined in IC 35-31.5-2-354) used to
- 23 commit, used in an attempt to commit, or used in a conspiracy
- 24 to commit a felony terrorist offense (as defined in
- 25 IC 35-50-2-18) or an offense under IC 35-47 as part of or in
- 26 furtherance of an act of terrorism (as defined by
- 27 IC 35-31.5-2-329).
- 28 (2) All money, negotiable instruments, securities, weapons,
- 29 communications devices, or any property used to commit, used in
- 30 an attempt to commit, or used in a conspiracy to commit a felony
- 31 terrorist offense (as defined in IC 35-50-2-18) or an offense under
- 32 IC 35-47 as part of or in furtherance of an act of terrorism or
- 33 commonly used as consideration for a violation of IC 35-48-4
- 34 (other than items subject to forfeiture under IC 16-42-20-5 or
- 35 IC 16-6-8.5-5.1, before its repeal):
- 36 (A) furnished or intended to be furnished by any person in
- 37 exchange for an act that is in violation of a criminal statute;
- 38 (B) used to facilitate any violation of a criminal statute; or
- 39 (C) traceable as proceeds of the violation of a criminal statute.
- 40 (3) Any portion of real or personal property purchased with
- 41 money that is traceable as a proceed of a violation of a criminal
- 42 statute.



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



- 1 copying, or disseminating matter in violation of IC 35-42-4.
 2 (11) Destructive devices used, possessed, transported, or sold in
 3 violation of IC 35-47.5.
 4 (12) Tobacco products that are sold in violation of IC 24-3-5,
 5 tobacco products that a person attempts to sell in violation of
 6 IC 24-3-5, and other personal property owned and used by a
 7 person to facilitate a violation of IC 24-3-5.
 8 (13) Property used by a person to commit counterfeiting or
 9 forgery in violation of IC 35-43-5-2.
 10 (14) After December 31, 2005, if a person is convicted of an
 11 offense specified in IC 25-26-14-26(b) or IC 35-43-10, the
 12 following real or personal property:
 13 (A) Property used or intended to be used to commit, facilitate,
 14 or promote the commission of the offense.
 15 (B) Property constituting, derived from, or traceable to the
 16 gross proceeds that the person obtained directly or indirectly
 17 as a result of the offense.
 18 (15) Except as provided in subsection (e), a vehicle used by a
 19 person who operates the vehicle:
 20 (A) while intoxicated, in violation of IC 9-30-5-1 through
 21 IC 9-30-5-5, if in the previous five (5) years the person has two
 22 (2) or more prior unrelated convictions for operating a motor
 23 vehicle while intoxicated in violation of IC 9-30-5-1 through
 24 IC 9-30-5-5; or
 25 (B) on a highway while the person's driving privileges are
 26 suspended in violation of IC 9-24-19-2 through IC 9-24-19-3,
 27 if in the previous five (5) years the person has two (2) or more
 28 prior unrelated convictions for operating a vehicle while
 29 intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5.
 30 If a court orders the seizure of a vehicle under this subdivision,
 31 the court shall transmit an order to the bureau of motor vehicles
 32 recommending that the bureau not permit a vehicle to be
 33 registered in the name of the person whose vehicle was seized
 34 until the person possesses a current driving license (as defined in
 35 IC 9-13-2-41).
 36 **(16) Cannabis and cannabis products grown, processed, sold,
 37 or offered for sale in violation of IC 7.1-8.**
 38 †(17) The following real or personal property:
 39 (A) Property used or intended to be used to commit, facilitate,
 40 or promote the commission of an offense specified in
 41 IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or
 42 IC 30-2-13-38(f).



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



- 1 Level 3, Level 4, or Level 5 felony.
 2 (9) IC 35-48-4-6.1 (possession of methamphetamine) as a Level
 3 3, Level 4, or Level 5 felony.
 4 (10) IC 35-48-4-10 (dealing in ~~marijuana, hash oil, hashish, or~~
 5 ~~salvia~~ **or mislabeled low THC hemp extract**) as a Level 5
 6 felony.
 7 (11) IC 35-48-4-10.5 (before its repeal on July 1, 2019) (dealing
 8 in a synthetic drug or synthetic drug lookalike substance) as a
 9 Level 5 felony or Level 6 felony (or as a Class C felony or Class
 10 D felony under IC 35-48-4-10 before its amendment in 2013).
 11 (e) A vehicle operated by a person who is not:
 12 (1) an owner of the vehicle; or
 13 (2) the spouse of the person who owns the vehicle;
 14 is not subject to seizure under subsection (a)(15) unless it can be
 15 proven by a preponderance of the evidence that the owner of the
 16 vehicle knowingly permitted the vehicle to be used to engage in
 17 conduct that subjects it to seizure under subsection (a)(15).
 18 SECTION 16. IC 34-30-2.1-73.5 IS ADDED TO THE INDIANA
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2024]: **Sec. 73.5. IC 7.1-8-7-16 (Concerning**
 21 **acts and omissions of the members of the cannabis commission and**
 22 **their officers and employees).**
 23 SECTION 17. IC 35-31.5-2-185, AS AMENDED BY P.L. 122-2023,
 24 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 JULY 1, 2024]: Sec. 185. (a) "Law enforcement officer" means:
 26 (1) a police officer (including a tribal police officer, a correctional
 27 police officer, and a hospital police officer employed by a hospital
 28 police department established under IC 16-18-4), sheriff,
 29 constable, marshal, prosecuting attorney, special prosecuting
 30 attorney, special deputy prosecuting attorney, the securities
 31 commissioner, or the inspector general;
 32 (2) a deputy of any of those persons;
 33 (3) an investigator for a prosecuting attorney or for the inspector
 34 general;
 35 (4) a conservation officer;
 36 (5) an enforcement officer of the alcohol and tobacco commission
 37 **or of the cannabis commission;**
 38 (6) an enforcement officer of the securities division of the office
 39 of the secretary of state; or
 40 (7) a gaming agent employed under IC 4-33-4.5 or a gaming
 41 control officer employed by the gaming control division under
 42 IC 4-33-20.



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

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

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

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

12 SECTION 18. IC 35-45-6-1, AS AMENDED BY P.L.185-2023,
 13 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2024]: Sec. 1. (a) The definitions in this section apply
 15 throughout this chapter.

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

20 (c) "Enterprise" means:

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

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

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

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

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

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

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

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

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

42 (6) Battery as a Class C felony before July 1, 2014, or a Level 5



- 1 felony after June 30, 2014 (IC 35-42-2-1).
- 2 (7) Kidnapping (IC 35-42-3-2).
- 3 (8) Human and sexual trafficking crimes (IC 35-42-3.5).
- 4 (9) Child exploitation (IC 35-42-4-4).
- 5 (10) Robbery (IC 35-42-5-1).
- 6 (11) Carjacking (IC 35-42-5-2) (before its repeal).
- 7 (12) Arson (IC 35-43-1-1).
- 8 (13) Burglary (IC 35-43-2-1).
- 9 (14) Theft (IC 35-43-4-2).
- 10 (15) Receiving stolen property (IC 35-43-4-2) (before its
- 11 amendment on July 1, 2018).
- 12 (16) Forgery (IC 35-43-5-2).
- 13 (17) An offense under IC 35-43-5.
- 14 (18) Bribery (IC 35-44.1-1-2).
- 15 (19) Official misconduct (IC 35-44.1-1-1).
- 16 (20) Conflict of interest (IC 35-44.1-1-4).
- 17 (21) Perjury (IC 35-44.1-2-1).
- 18 (22) Obstruction of justice (IC 35-44.1-2-2).
- 19 (23) Intimidation (IC 35-45-2-1).
- 20 (24) Promoting prostitution (IC 35-45-4-4).
- 21 (25) Professional gambling (IC 35-45-5-3).
- 22 (26) Maintaining a professional gambling site (IC
- 23 35-45-5-3.5(b)).
- 24 (27) Promoting professional gambling (IC 35-45-5-4).
- 25 (28) Dealing in or manufacturing cocaine or a narcotic drug (IC
- 26 35-48-4-1).
- 27 (29) Dealing in methamphetamine (IC 35-48-4-1.1).
- 28 (30) Manufacturing methamphetamine (IC 35-48-4-1.2).
- 29 (31) Dealing in a schedule I, II, or III controlled substance (IC
- 30 35-48-4-2).
- 31 (32) Dealing in a schedule IV controlled substance (IC
- 32 35-48-4-3).
- 33 (33) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- 34 (34) Dealing in ~~marijuana, hash oil, hashish, or salvia~~ **or**
- 35 **mislabeled low THC hemp extract** (IC 35-48-4-10).
- 36 (35) Money laundering (IC 35-45-15-5).
- 37 (36) A violation of IC 35-47.5-5.
- 38 (37) A violation of any of the following:
- 39 (A) IC 23-14-48-9.
- 40 (B) IC 30-2-9-7(b).
- 41 (C) IC 30-2-10-9(b).
- 42 (D) IC 30-2-13-38(f).



- 1 (38) Practice of law by a person who is not an attorney (IC
2 33-43-2-1).
- 3 (39) An offense listed in IC 35-48-4 involving the manufacture or
4 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
5 synthetic drug lookalike substance (as defined in
6 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
7 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
8 substance analog (as defined in IC 35-48-1-9.3), or a substance
9 represented to be a controlled substance (as described in
10 IC 35-48-4-4.6).
- 11 (40) Dealing in a controlled substance resulting in death (IC
12 35-42-1-1.5).
- 13 (41) Organized retail theft (IC 35-43-4-2.2).
- 14 SECTION 19. IC 35-48-2-4, AS AMENDED BY P.L.48-2023,
15 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2024]: Sec. 4. (a) The controlled substances listed in this
17 section are included in schedule I.
- 18 (b) Opiates. Any of the following opiates, including their isomers,
19 esters, ethers, salts, and salts of isomers, esters, and ethers, unless
20 specifically excepted by rule of the board or unless listed in another
21 schedule, whenever the existence of these isomers, esters, ethers, and
22 salts is possible within the specific chemical designation:
- 23 4-fluoroisobutyryl fentanyl
24 A c e t y l - a l p h a - m e t h y l f e n t a n y l
25 (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide)
26 (9815)
27 Acetyl fentanyl (Other names include:
28 N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide)
29 Acetylmethadol (9601)
30 Acrylfentanyl. Other name: N-(1-phenethylpiperidin-4-yl)-
31 N-phenylacrylamide
32 Allylprodine (9602)
33 Alpha-methylthiofentanyl (N-[1-methyl-2-(2-
34 thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide) (9832)
35 Alphacetylmethadol (9603)
36 Alphameprodine (9604)
37 Alphamethadol (9605)
38 Alphamethylfentanyl (9814)
39 Benzethidine (9606)
40 Beta-hydroxy-3-methylfentanyl (9831). Other name:
41 N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl
42]-N-phenylpropanamide



1	Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-
2	phenethyl)-4-piperidinyl]-N-phenylpropanamide) (9830)
3	Betacetylmethadol (9607)
4	Betameprodine (9608)
5	Betamethadol (9609)
6	Betaprodine (9611)
7	2-(2-(4-butoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)-N,N-dieth-
8	ylethan-1-amine (butonitazene); other name: butoxynitazene
9	Clonitazene (9612)
10	Cyclopentyl fentanyl. Other name:
11	N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide
12	Dextromoramide (9613)
13	Diampromide (9615)
14	Diethylthiambutene (9616)
15	N,N-diethyl-2-(2-(4-fluorobenzyl)-5-nitro-1H-benzimidazol-1-y-
16	l)ethan-1-amine (flunitazene)
17	N,N-diethyl-2-(2-(4-methoxybenzyl)-1H-benzimidazol-1-yl)eth-
18	an-1-amine (metodesnitazene)
19	N,N-diethyl-2-(2-(4-methoxybenzyl)-5-nitro-1H-benzimidazol-
20	1-yl)ethan-1-amine (metonitazene)
21	N,N-diethyl-2-(5-nitro-2-(4-propoxybenzyl)-1H-benzimidazol-
22	1-yl)ethan-1-amine (protonitazene); other name: pronitazene
23	Difenoxin (9168)
24	Dimenoxadol (9617)
25	Dimepheptanol (9618)
26	Dimethylthiambutene (9619)
27	Dioxaphetyl butyrate (9621)
28	Dipipanone
29	(9622)2-(2-(4-ethoxybenzyl)-1H-benzimidazol-1-yl)-N,N-diethy-
30	lethan-1-amine (etodesnitazene; etazene)
31	2-(4-ethoxybenzyl)5-nitro-1(2-(pyrrolidin-1-yl)ethyl)-1H-ben-
32	zimidazol (N-pyrrolidino etonizatene; etonitazepyne)
33	Ethylmethylthiambutene (9623)
34	Etonitazene (9624)
35	Etoxidine (9625)
36	Fentanyl related substances.
37	Furanyl fentanyl.
38	Furethidine (9626)
39	Hydroxypethidine (9627)
40	Isobutyryl fentanyl. Other name:
41	N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide
42	Isotonitazene. Other name: N,N-diethyl-2-



1 (2-(4 isopropoxybenzyl)-5-nitro-1H-benzimidazol-
 2 1-yl)ethan-1-amine)
 3 Ketobemidone (9628)
 4 Levomoramide (9629)
 5 Levophenacymorphan (9631)
 6 Methoxyacetyl fentanyl. Other name:
 7 2-methoxy-N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide
 8 3-Methylfentanyl [N-[3-methyl-1-(2-phenylethyl)-4-
 9 piperidyl]-N-phenyl-propanamide](9813)
 10 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-
 11 piperidinyl]-N-phenylpropanamide) (9833)
 12 MPPP (1-methyl-4-phenyl-4-propionoxypiperidine) (9961)
 13 Morpheridine (9632)
 14 N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl),
 15 including any isomers, salts, or salts of isomers (9818)
 16 N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl] 25 piperidin-4-yl]-
 17 N-phenylpropionamide, also known as N-[1-[2-hydroxy-2-
 18 (2-thienyl)ethyl] -4- piperidinyl]- N-phenylpropanamide,
 19 (beta-hydroxythiofentanyl)
 20 N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl) isobutyramide
 21 (para-chloroisobutyryl fentanyl)
 22 N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)
 23 acetamide (ocfentanil)
 24 N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4 -yl) butyramide
 25 (para-fluorobutyryl fentanyl)
 26 N-(1-phenethylpiperidin-4-yl)-N-phenylbutyramide, also known
 27 as N-(1-phenethylpiperidin-4-yl)-N-phenylbutanamide, (butyryl
 28 fentanyl)
 29 N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide (valeryl
 30 fentanyl)
 31 N-(4-methoxyphenyl)-N-(1-phenethylpiperidin -4-yl) butyramide
 32 (para-methoxybutyryl fentanyl)
 33 N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide
 34 (thenylfentanyl), including any isomers, salts, or salts of isomers
 35 (9834)N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide
 36 (isobutyryl fentanyl)
 37 N-(1-phenethylpiperidin-4-yl)-Nphenylcyclopentanecarboxamide
 38 (cyclopentyl fentanyl)
 39 Noracymethadol (9633)
 40 Norlevorphanol (9634)
 41 Normethadone (9635)
 42 Norpipanone (9636)



- 1 O c f e n t a n i l . O t h e r n a m e :
2 N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)
3 acetamide
4 Ortho-fluorofentanyl or 2-fluorofentanyl. Other name:
5 N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)propionamide
6 Para-chloroisobutyryl fentanyl. Other name:
7 N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide
8 Para-fluorobutyryl fentanyl. Other name:
9 N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide
10 Para-fluorofentanyl (N-(4-fluorophenyl)-N-
11 [1-(2-phenethyl)-4-piperidinyl] propanamide (9812)
12 Para-methoxybutyryl fentanyl. Other name:
13 N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide
14 Phenadoxone (9637)
15 Phenampromide (9638)
16 Phenomorphan (9647)
17 Phenoperidine (9641)
18 PEPAP [1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine] (9663)
19 Piritramide (9642)
20 Proheptazine (9643)
21 Properidine (9644)
22 Propiram (9649)
23 Racemoramide (9645)
24 Tetrahydrofuranfentanyl. Other name:
25 N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carb
26 oxamide
27 Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-
28 piperidinyl]-propanamide) (9835)
29 Tianeptine (7-[(3-chloro-6-methyl-5,5-dioxo-11H-benzo[c]
30 [2,1]benzothiazepin-11-yl)amino]heptanoic acid)
31 Tilidine (9750)
32 Trimeperidine (9646)
33 U47700 (3,4-dichloro- N- [2-dimethylamino)cyclohexyl]-
34 N-methyl- benzamide)
35 V a l e r y l f e n t a n y l . O t h e r n a m e :
36 N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide
37 Zipeprol (1-methoxy-3-[4-(2-methoxy-2-phenylethyl) piperazin-
38 1-yl]- 1- phenylpropan- 2-ol)
39 (c) Opium derivatives. Any of the following opium derivatives, their
40 salts, isomers, and salts of isomers, unless specifically excepted by rule
41 of the board or unless listed in another schedule, whenever the
42 existence of these salts, isomers, and salts of isomers is possible within



- 1 the specific chemical designation:
- 2 Acetorphine (9319)
- 3 Acetyldihydrocodeine (9051)
- 4 Benzylmorphine (9052)
- 5 Codeine methylbromide (9070)
- 6 Codeine-N-Oxide (9053)
- 7 Cyprenorphine (9054)
- 8 Desomorphine (9055)
- 9 Dihydromorphine (9145)
- 10 Drotebanol (9335)
- 11 Etorphine (except hydrochloride salt) (9056)
- 12 Heroin (9200)
- 13 Hydromorphanol (9301)
- 14 Methyldesorphine (9302)
- 15 Methyl dihydromorphine (9304)
- 16 Morphine methylbromide (9305)
- 17 Morphine methylsulfonate (9306)
- 18 Morphine-N-Oxide (9307)
- 19 Myrophine (9308)
- 20 Nicocodeine (9309)
- 21 Nicomorphine (9312)
- 22 Normorphine (9313)
- 23 Pholcodine (9314)
- 24 Thebacon (9315)
- 25 (d) Hallucinogenic substances. Unless specifically excepted or
- 26 unless listed in another schedule, any material, compound, mixture, or
- 27 preparation which contains any quantity of the following
- 28 hallucinogenic, psychedelic, or psychogenic substances, their salts,
- 29 isomers, and salts of isomers whenever the existence of these salts,
- 30 isomers, and salts of isomers is possible within the specific chemical
- 31 designation (for purposes of this subsection only, the term "isomer"
- 32 includes the optical, position, and geometric isomers):
- 33 (1) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (7473). Other name:
- 34 TCPy.
- 35 (2) 4-Bromo-2, 5-Dimethoxyamphetamine (7391). Some trade or
- 36 other names: 4-Bromo-2, 5-Dimethoxy- α -methylphenethylamine;
- 37 4-Bromo-2, 5-DMA.
- 38 (3) 4-Bromo-2, 5-dimethoxyphenethylamine (7392). Some trade
- 39 or other names:
- 40 2-[4-bromo-2,5-dimethoxyphenyl]-1-aminoethane;
- 41 α -desmethyl DOB; 2C-B, Nexus.
- 42 (4) 2, 5-Dimethoxy-4-ethylamphet-amine (7399). Other name:



- 1 DOET.
 2 (5) 2, 5-Dimethoxy-4-(n)-propylthiophenethylamine (7348).
 3 Other name: 2C-T-7.
 4 (6) 2, 5-Dimethoxyamphetamine (7396). Some trade or other
 5 names: 2, 5-Dimethoxy-a-methylphenethylamine; 2, 5-DMA.
 6 (7) 4-Methoxyamphetamine (7411). Some trade or other names:
 7 4-Methoxy-a-methylphenethylamine; Paramethoxyamphetamine;
 8 PMA.
 9 (8) 5-Methoxy-3, 4-methylenedioxy amphetamine (7401). Other
 10 Name: MDMA.
 11 (9) 5-Methoxy-N, N-diisopropyltryptamine, including any
 12 isomers, salts, or salts of isomers (7439). Other name:
 13 5-MeO-DIPT.
 14 (10) 4-methyl-2, 5-dimethoxyamphetamine (7395). Some trade
 15 and other names: 4-methyl-2,
 16 5-dimethoxy-a-methylphenethylamine; DOM; and STP.
 17 (11) 3, 4-methylenedioxy amphetamine (7400). Other name:
 18 MDA.
 19 (12) 3,4-methylenedioxy-N-ethylamphetamine (7404). Other
 20 names: N-ethyl-alpha-methyl-3,4(methylenedioxy)
 21 phenethylamine; N-ethyl MDA; MDE; and MDEA.
 22 (13) 3, 4-methylenedioxymethamphetamine (MDMA) (7405).
 23 (14) 3, 4, 5-trimethoxy amphetamine (7390). Other name: TMA.
 24 (15) Alpha-ethyltryptamine (7249). Some trade and other names:
 25 Etryptamine; Monase; [alpha]-ethyl-1H-indole-3-ethanamine;
 26 3-(2-aminobutyl) indole; [alpha]-ET; and AET.
 27 (16) Alpha-methyltryptamine (7432). Other name: AMT.
 28 (17) Bufotenine (7433). Some trade and other names:
 29 3-(B-Dimethylaminoethyl)-5-hydroxyindole;
 30 3-(2-dimethylaminonethyl)-5-indolol; N, N-dimethylserotonin;
 31 5-hydroxy-N, N-dimethyltryptamine; mappine.
 32 (18) Diethyltryptamine (7434). Some trade or other names: N,
 33 N-Diethyltryptamine; DET.
 34 (19) Dimethyltryptamine (7435). Some trade or other names:
 35 DMT.
 36 (20) Ibogaine (7260). Some trade and other names: 7-Ethyl-6, 6b,
 37 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-pyrido
 38 (1', 2': 1, 2, azepino 4, 5-b) indole; tabernanthe iboga.
 39 (21) Lysergic acid diethylamide (7315). Other name: LSD.
 40 ~~(22) Marijuana (7360):~~
 41 ~~(23) (22) Mescaline (7381).~~
 42 ~~(24) (23) Methoxetamine[2-(ethylamino)-2-(3-methoxyphenyl)]~~



- 1 cyclohexan-1-one or 2-(3-methoxyphenyl)-2-(ethylamino)-
 2 cyclohexanone].
- 3 ~~(25)~~ **(24)** Parahexyl (7374). Some trade or other names:
 4 3-Hexyl-1-hydroxy-7, 8, 9, 10-Tetrahydro-6, 6,
 5 9-trimethyl-6H-dibenzo (b,d) pyran; Snyhexyl.
- 6 ~~(26)~~ **(25)** Peyote (7415), including:
 7 (A) all parts of the plant that are classified botanically as
 8 *lophophora williamsii* lemaire, whether growing or not;
 9 (B) the seeds thereof;
 10 (C) any extract from any part of the plant; and
 11 (D) every compound, manufacture, salt, derivative, mixture, or
 12 preparation of the plant, its seeds, or extracts.
- 13 ~~(27)~~ **(26)** N-ethyl-3-piperidyl benzilate (7482). Other name:
 14 DMZ.
- 15 ~~(28)~~ **(27)** N-hydroxy-3,4-methylenedioxyamphetamine (7402).
 16 Other names: N-hydroxy-alpha-methyl-3,4
 17 (methylenedioxy)phenethylamine; and N-hydroxy MDA.
- 18 ~~(29)~~ **(28)** N-methyl-3-piperidyl benzilate (7484). Other name:
 19 LBJ.
- 20 ~~(30)~~ **(29)** Psilocybin (7437).
 21 ~~(31)~~ **(30)** Psilocyn (7438).
 22 ~~(32)~~ **(31)** Tetrahydrocannabinols (7370), including synthetic
 23 equivalents of the substances contained in the plant, or in the
 24 resinous extractives of *Cannabis*, sp. and synthetic substances,
 25 derivatives, and their isomers with similar chemical structure and
 26 pharmacological activity such as:
 27 (A) π^1 cis or trans tetrahydrocannabinol, and their optical
 28 isomers;
 29 (B) π^6 cis or trans tetrahydrocannabinol, and their optical
 30 isomers; and
 31 (C) $\pi^{3,4}$ cis or trans tetrahydrocannabinol, and their optical
 32 isomers.
- 33 Since nomenclature of these substances is not internationally
 34 standardized, compounds of these structures, regardless of
 35 numerical designation of atomic positions are covered. Other
 36 name: THC.
- 37 ~~(33)~~ **(32)** Ethylamine analog of phencyclidine (7455). Some trade
 38 or other names: N-Ethyl-1-phenylcyclohexylamine;
 39 (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl)
 40 ethylamine; cyclohexamine; PCE.
- 41 ~~(34)~~ **(33)** Pyrrolidine analog of phencyclidine (7458). Some trade
 42 or other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCP_y; PHP.



- 1 ~~(35)~~ **(34)** Thiophene analog of phencyclidine (7470). Some trade
 2 or other names: 1-(1-(2-thienyl)cyclohexyl)piperidine; 2-Thienyl
 3 Analog of Phencyclidine; TPCP.
- 4 ~~(36)~~ **(35)** Salvia divinorum or salvinorin A, including:
 5 (A) all parts of the plant that are classified botanically as salvia
 6 divinorum, whether growing or not;
 7 (B) the seeds of the plant;
 8 (C) any extract from any part of the plant; and
 9 (D) every compound, manufacture, salt, derivative, mixture, or
 10 preparation of the plant, its seeds, or extracts.
- 11 ~~(37)~~ **(36)** 5-Methoxy-N,N-Dimethyltryptamine. Some trade or
 12 other names: 5-methoxy-3-[2-(dimethylamino)ethyl]indole;
 13 5-MeO-DMT.
- 14 ~~(38)~~ **(37)** 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).
- 15 ~~(39)~~ **(38)** 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).
- 16 ~~(40)~~ **(39)** 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C).
- 17 ~~(41)~~ **(40)** 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I).
- 18 ~~(42)~~ **(41)** 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine
 19 (2C-T-2).
- 20 ~~(43)~~ **(42)** 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine
 21 (2C-T-4).
- 22 ~~(44)~~ **(43)** 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H).
- 23 ~~(45)~~ **(44)** 2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine (2C-N).
- 24 ~~(46)~~ **(45)** 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine
 25 (2C-P).
- 26 ~~(47)~~ **(46)** Deschloroketamine (2-Phenyl-2-
 27 (methylamino)cyclohexanone).
- 28 ~~(48)~~ **(47)** 4-Hydroxy-MET (4-Hydroxy-N-methyl-N-
 29 ethyltryptamine).
- 30 ~~(49)~~ **(48)** N-methyltryptamine (1H-Indole-3-ethanamine,
 31 N-methyl-).
- 32 (e) Depressants. Unless specifically excepted in a rule adopted by
 33 the board or unless listed in another schedule, any material, compound,
 34 mixture, or preparation which contains any quantity of the following
 35 substances having a depressant effect on the central nervous system,
 36 including its salts, isomers, and salts of isomers whenever the existence
 37 of such salts, isomers, and salts of isomers is possible within the
 38 specific chemical designation:
- 39 Etizolam (4-(2-chlorophenyl)-2-ethyl-9-methyl-6H-
 40 thieno[3,2-f][1,2,4]triazolo[4,3-a][1,4]diazepine) (other names
 41 include: Etilaam, Etizest, Depas, Etizola, Sedekopan, and
 42 Pasaden)



- 1 Flubromazolam (8-bromo-6-(2-fluorophenyl)-1-methyl-
 2 4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine)
 3 Gamma-hydroxybutyric acid (other names include GHB;
 4 gamma-hydroxybutyrate; 4-hydroxybutanoic acid; sodium
 5 oxybate; sodium oxybutyrate) (2010)
 6 Mecloqualone (2572)
 7 Methaqualone (2565)
 8 (f) Stimulants. Unless specifically excepted or unless listed in
 9 another schedule, any material, compound, mixture, or preparation that
 10 contains any quantity of the following substances having a stimulant
 11 effect on the central nervous system, including its salts, isomers, and
 12 salts of isomers:
 13 ([+/-] cis-4-methylaminorex (([+/-]cis-4,5-
 14 dihydro-4-methyl-5-phenyl-2-oxazolamine) (1590)
 15 Amineptine (7-[(10,11-dihydro-5H-dibenzo[a,d]cyclohepten-5-
 16 yl)amino]heptanoic acid).
 17 Aminorex (1585). Other names: aminoxaphen;
 18 2-amino-5-phenyl-2-oxazoline; or
 19 4,5-dihydro-5-phenyl-2-oxazolamine.
 20 4,4'-Dimethylaminorex (4,4'-DMAR; 4,5-dihydro-4-methyl-5-(4-
 21 methylphenyl)-2-oxazolamine; 4-methyl-5-(4-methylphenyl)-
 22 4,5-dihydro-1,3-oxazol-2-amine).
 23 Benzylone, 1-(1,3-benzodioxol-5-yl)-2-(benzylamino)propan-
 24 -1-one. Synonyms: BMDP, N-benzyl methylone,
 25 3,4-Methylene dioxy-N-benzylcathinone,
 26 N-benzyl-3,4-methylenedioxcathinone.
 27 Cathinone (1235). Some trade or other names:
 28 2-amino-1-phenyl-1-propanone; alpha-aminopropiophenone;
 29 2-aminopropiophenone; and norephedrone.
 30 Fenethylamine (1503).
 31 N-Benzylpiperazine (7493). Other names: BZP; and
 32 1-benzylpiperazine.
 33 N-ethylamphetamine (1475).
 34 Mesocarb (N-phenyl-N-(3-(1-
 35 phenylpropan-2-yl)-1,2,3-oxadiazol-3-ium-5-yl)carbamimidate).
 36 Methcathinone (1237). Some other trade names:
 37 2-Methylamino-1-Phenylpropan-1-one; Ephedrone;
 38 Monomethylpropion; UR 1431.
 39 N, N-dimethylamphetamine (1480). Other names: N,
 40 N-alpha-trimethylbenzeneethanamine; and N,
 41 N-alpha-trimethylphenethylamine.
 42 N-methyl-1-(thiophen-2-yl)propan-2-amine (methiopropamine).



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

2 SECTION 20. 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, 2024]: 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 21. 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, 2024]: 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 retailer knew or reasonably should have known that**
- 32 **the product was marijuana, hash oil, hashish, or salvia.**
- 33 SECTION 22. 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, 2024]: 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 that is packaged in a**

17 **manner that appears to be low THC hemp extract; and**

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

20 **commits possession of mislabeled low THC hemp extract, a Class**
21 **A misdemeanor.**

22 SECTION 23. IC 35-48-4-11.4 IS ADDED TO THE INDIANA
23 CODE AS A NEW SECTION TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2024]: **Sec. 11.4. A person who uses cannabis**
25 **in a public place commits public use of cannabis, a Class C**
26 **infraction.**

27 SECTION 24. IC 35-50-5-3, AS AMENDED BY P.L.111-2018,
28 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2024]: Sec. 3. (a) Except as provided in subsection (i), (j), ~~or~~
30 ~~(l), or (m)~~; in addition to any sentence imposed under this article for a
31 felony or misdemeanor, the court may, as a condition of probation or
32 without placing the person on probation, order the person to make
33 restitution to the victim of the crime, the victim's estate, or the family
34 of a victim who is deceased. The court shall base its restitution order
35 upon a consideration of:

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

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

41 (3) the cost of medical laboratory tests to determine if the crime
42 has caused the victim to contract a disease or other medical



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



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

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

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

11 (2) other damages suffered by the victim.

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

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

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

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

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



1 IC 35-43-5-3.5, the court may issue one (1) or more restitution orders
 2 to require the convicted person to make restitution, even if the court
 3 issued a restitution order at the time of sentencing. For purposes of
 4 entering a restitution order after sentencing, a court has continuing
 5 jurisdiction over a person convicted of an offense under IC 35-43-5-3.5
 6 for five (5) years after the date of sentencing. Each restitution order
 7 issued for a violation of IC 35-43-5-3.5 must comply with subsections
 8 (b), (d), (e), and (g), and is not discharged by the completion of any
 9 probationary period or other sentence imposed for an offense under
 10 IC 35-43-5-3.5.

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

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

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

18 (A) the federal Fair Labor Standards Act of 1938, as amended
 19 (29 U.S.C. 201-209); or

20 (B) IC 22-2-2 (Minimum Wage);

21 whichever is greater.

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

23 (1) is convicted of dealing in methamphetamine under
 24 IC 35-48-4-1.1 or manufacturing methamphetamine under
 25 IC 35-48-4-1.2; and

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

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

32 ~~(m) The court shall order a person who:~~

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

35 ~~(2) manufactured the marijuana on property owned by another~~
 36 ~~person, without the consent of the property owner;~~

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

39 SECTION 25. IC 35-52-7-97 IS ADDED TO THE INDIANA
 40 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2024]: **Sec. 97. IC 7.1-8-12-11 defines a crime**
 42 **concerning cannabis.**



1 SECTION 26. IC 35-52-7-98 IS ADDED TO THE INDIANA
 2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2024]: **Sec. 98. IC 7.1-8-14-9 defines a crime**
 4 **concerning cannabis.**

5 SECTION 27. IC 35-52-7-99 IS ADDED TO THE INDIANA
 6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2024]: **Sec. 99. IC 7.1-8-15-6 defines a crime**
 8 **concerning cannabis.**

9 SECTION 28. IC 35-52-7-100 IS ADDED TO THE INDIANA
 10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2024]: **Sec. 100. IC 7.1-8-19-3 defines a crime**
 12 **concerning cannabis.**

13 SECTION 29. IC 35-52-7-101 IS ADDED TO THE INDIANA
 14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2024]: **Sec. 101. IC 7.1-8-19-4 defines a crime**
 16 **concerning cannabis.**

17 SECTION 30. IC 35-52-7-102 IS ADDED TO THE INDIANA
 18 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 19 [EFFECTIVE JULY 1, 2024]: **Sec. 102. IC 7.1-8-19-6 defines a crime**
 20 **concerning cannabis.**

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

26 (1) a police officer (including a tribal police officer, a correctional
 27 police officer, and a hospital police officer employed by a hospital
 28 police department established under IC 16-18-4), sheriff,
 29 constable, marshal, prosecuting attorney, special prosecuting
 30 attorney, special deputy prosecuting attorney, the securities
 31 commissioner, or the inspector general;

32 (2) a deputy of any of the persons specified in subdivision (1);

33 (3) an investigator for a prosecuting attorney or for the inspector
 34 general;

35 (4) a conservation officer;

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

38 (6) an enforcement officer of the securities division of the office
 39 of the secretary of state.

