

HOUSE BILL No. 1106

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-30-5-1; IC 16-18-2; IC 16-50; IC 35-46-9-6; IC 35-48-4; IC 35-52-16.

Synopsis: Medical marijuana. Permits the cultivation, dispensing, and use of medical marijuana by persons with serious medical conditions. Requires the state department of health to implement and enforce the medical marijuana program. Prohibits discrimination against medical marijuana users. Prohibits harassment of medical marijuana users by law enforcement officers, and prohibits cooperation with federal law enforcement officials seeking to enforce federal laws that criminalize the use of marijuana authorized in Indiana. Makes conforming amendments.

Effective: July 1, 2018.

Lucas

January 9, 2018, read first time and referred to Committee on Public Health.



Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1106

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 9-30-5-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) A person who operates a
3 vehicle with an alcohol concentration equivalent to at least
4 eight-hundredths (0.08) gram of alcohol but less than
5 fifteen-hundredths (0.15) gram of alcohol per:
6 (1) one hundred (100) milliliters of the person's blood; or
7 (2) two hundred ten (210) liters of the person's breath;
8 commits a Class C misdemeanor.
9 (b) A person who operates a vehicle with an alcohol concentration
10 equivalent to at least fifteen-hundredths (0.15) gram of alcohol per:
11 (1) one hundred (100) milliliters of the person's blood; or
12 (2) two hundred ten (210) liters of the person's breath;
13 commits a Class A misdemeanor.
14 (c) A person who operates a vehicle with:
15 (1) a controlled substance, **other than tetrahydrocannabinol**,
16 listed in schedule I or II of IC 35-48-2 or its metabolite; **or**
17 (2) **ten (10) or more nanograms of tetrahydrocannabinol per**



1 **milliliter of the person's blood;**
 2 in the person's body commits a Class C misdemeanor.

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

4 **(1)** accused person consumed the controlled substance under a
 5 valid prescription or order of a practitioner (as defined in
 6 IC 35-48-1) who acted in the course of the practitioner's
 7 professional practice; **or**

8 **(2) controlled substance is marijuana, the accused person is a**
 9 **person authorized to use medical marijuana under IC 16-50,**
 10 **and the accused person used the medical marijuana in**
 11 **substantial compliance with the requirements of IC 16-50.**

12 SECTION 2. IC 16-18-2-48.7, AS ADDED BY P.L.188-2017,
 13 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2018]: Sec. 48.7. (a) "Caregiver", for purposes of
 15 IC 16-42-28.6, has the meaning set forth in IC 16-42-28.6-2.

16 **(b) "Caregiver", for purposes of IC 16-50, has the meaning set**
 17 **forth in IC 16-50-1-1.**

18 SECTION 3. IC 16-18-2-92.6, AS AMENDED BY P.L.101-2006,
 19 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2018]: Sec. 92.6. (a) "Department", for purposes of
 21 IC 16-31-8.5, has the meaning set forth in IC 16-31-8.5-1.

22 (b) "Department", for purposes of IC 16-47-1, has the meaning set
 23 forth in IC 16-47-1-1.

24 **(c) "Department", for purposes of IC 16-50, has the meaning set**
 25 **forth in IC 16-50-1-1.**

26 SECTION 4. IC 16-18-2-96.4 IS ADDED TO THE INDIANA
 27 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 28 [EFFECTIVE JULY 1, 2018]: **Sec. 96.4. "Dispensary", for purposes**
 29 **of IC 16-50, has the meaning set forth in IC 16-50-1-1.**

30 SECTION 5. IC 16-18-2-122.6 IS ADDED TO THE INDIANA
 31 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 32 [EFFECTIVE JULY 1, 2018]: **Sec. 122.6. "Family or household**
 33 **member", for purposes of IC 16-50, has the meaning set forth in**
 34 **IC 16-50-1-1.**

35 SECTION 6. IC 16-18-2-139.6 IS ADDED TO THE INDIANA
 36 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2018]: **Sec. 139.6. "Form of medical**
 38 **marijuana", for purposes of IC 16-50, has the meaning set forth in**
 39 **IC 16-50-1-1.**

40 SECTION 7. IC 16-18-2-154.5 IS ADDED TO THE INDIANA
 41 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2018]: **Sec. 154.5. "Grower/processor", for**



1 **purposes of IC 16-50, has the meaning set forth in IC 16-50-1-1.**

2 SECTION 8. IC 16-18-2-187.4 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2018]: **Sec. 187.4. "Identification card", for**
5 **purposes of IC 16-50, has the meaning set forth in IC 16-50-1-1.**

6 SECTION 9. IC 16-18-2-190.8 IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2018]: **Sec. 190.8. "INSPECT", for purposes**
9 **of IC 16-50, has the meaning set forth in IC 16-50-1-1.**

10 SECTION 10. IC 16-18-2-216.5 IS ADDED TO THE INDIANA
11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2018]: **Sec. 216.5. "Marijuana", for purposes**
13 **of IC 16-50, has the meaning set forth in IC 16-50-1-1.**

14 SECTION 11. IC 16-18-2-223.8 IS ADDED TO THE INDIANA
15 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2018]: **Sec. 223.8. "Medical marijuana", for**
17 **purposes of IC 16-50, has the meaning set forth in IC 16-50-1-1.**

18 SECTION 12. IC 16-18-2-223.9 IS ADDED TO THE INDIANA
19 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
20 [EFFECTIVE JULY 1, 2018]: **Sec. 223.9. "Medical marijuana**
21 **organization", for purposes of IC 16-50, has the meaning set forth**
22 **in IC 16-50-1-1.**

23 SECTION 13. IC 16-18-2-272, AS AMENDED BY P.L.188-2017,
24 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2018]: Sec. 272. (a) "Patient", for purposes of IC 16-27-1, has
26 the meaning set forth in IC 16-27-1-6.

27 (b) "Patient", for purposes of IC 16-28 and IC 16-29, means an
28 individual who has been accepted and assured care by a health facility.

29 (c) "Patient", for purposes of IC 16-36-1.5, has the meaning set forth
30 in IC 16-36-1.5-3.

31 (d) "Patient", for purposes of IC 16-39, means an individual who has
32 received health care services from a provider for the examination,
33 treatment, diagnosis, or prevention of a physical or mental condition.

34 (e) "Patient", for purposes of IC 16-42-28.6, has the meaning set
35 forth in IC 16-42-28.6-3.

36 **(f) "Patient", for purposes of IC 16-50, has the meaning set**
37 **forth in IC 16-50-1-1.**

38 SECTION 14. IC 16-18-2-273.7 IS ADDED TO THE INDIANA
39 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
40 [EFFECTIVE JULY 1, 2018]: **Sec. 273.7. "Permit", for purposes of**
41 **IC 16-50, has the meaning set forth in IC 16-50-1-1.**

42 SECTION 15. IC 16-18-2-328.7 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2018]: **Sec. 328.7. "Serious medical**
 3 **condition", for purposes of IC 16-50, has the meaning set forth in**
 4 **IC 16-50-1-1.**

5 SECTION 16. IC 16-18-2-354.2 IS ADDED TO THE INDIANA
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2018]: **Sec. 354.2. "Transporter", for**
 8 **purposes of IC 16-50, has the meaning set forth in IC 16-50-1-1.**

9 SECTION 17. IC 16-50 IS ADDED TO THE INDIANA CODE AS
 10 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 11 2018]:

12 **ARTICLE 50. MEDICAL MARIJUANA**

13 **Chapter 1. Definitions**

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

15 (1) "Caregiver" means the individual designated by a patient
 16 under this article to obtain and deliver medical marijuana to
 17 the patient.

18 (2) "Department" means the state department of health.

19 (3) "Dispensary" means a person that holds a permit issued
 20 by the department to dispense medical marijuana.

21 (4) "Family or household member" means a person described
 22 in IC 35-31.5-2-128.

23 (5) "Form of medical marijuana" means the characteristics
 24 of the medical marijuana recommended for a particular
 25 patient, including the method of consumption, and any
 26 particular dosage, strain, variety, quantity, or percentage of
 27 medical marijuana or of a particular active ingredient.

28 (6) "Grower/processor" means a person that holds a permit
 29 issued by the department to grow and process medical
 30 marijuana.

31 (7) "Identification card" means a document issued to a
 32 patient or caregiver by the department authorizing access to
 33 marijuana.

34 (8) "INSPECT" means the Indiana scheduled prescription
 35 electronic collection and tracking program established by
 36 IC 25-1-13-4.

37 (9) "Marijuana" has the meaning set forth in IC 35-48-1-19.

38 (10) "Medical marijuana" means marijuana for medical use.

39 (11) "Medical marijuana organization" means a dispensary
 40 or a grower/processor.

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

42 (A) has a serious medical condition; and



- 1 **(B) meets the requirements for certification under this**
 2 **article.**
- 3 **(13) "Permit" means an authorization issued by the**
 4 **department to a medical marijuana organization to conduct**
 5 **activities under this article.**
- 6 **(14) "Serious medical condition" means any medical**
 7 **condition with respect to which, in the professional opinion of**
 8 **a physician, the benefits of treatment with medical marijuana**
 9 **are greater than the risks of treatment with medical**
 10 **marijuana.**
- 11 **(15) "Transporter" means a person who transports medical**
 12 **marijuana or paraphernalia. The term includes a person who**
 13 **does not possess a permit or identification card.**
- 14 **Chapter 2. Medical Marijuana Program**
- 15 **Sec. 1. (a) The medical marijuana program is established to**
 16 **serve patients suffering from a serious medical condition.**
- 17 **(b) The department shall administer the program.**
- 18 **(c) The department has regulatory and enforcement authority**
 19 **over the growing, processing, sale, dispensing, and use of medical**
 20 **marijuana.**
- 21 **Sec. 2. The department shall do the following:**
- 22 **(1) Issue a permit to a qualifying medical marijuana**
 23 **organization authorizing it to grow, process, or dispense**
 24 **medical marijuana.**
- 25 **(2) Establish and maintain an electronic data base to store**
 26 **and track information relating to the medical marijuana**
 27 **program. The data base must:**
- 28 **(A) have the ability to authenticate in real time an**
 29 **identification card presented to a dispensary;**
- 30 **(B) track in real time the amount of marijuana provided to**
 31 **a patient or caregiver at a dispensary, and share this**
 32 **information in real time with other dispensaries to prevent**
 33 **diversion;**
- 34 **(C) store records relating to a physician's certification,**
 35 **including, if applicable, the recommended form of**
 36 **marijuana and any early expiration date recommended by**
 37 **the physician; and**
- 38 **(D) track the cultivation, processing, transport, storage,**
 39 **and dispensing of medical marijuana.**
- 40 **(3) Maintain within the department's data base an electronic**
 41 **directory of patients and caregivers approved to use or assist**
 42 **in the administration of medical marijuana.**



1 **(4) Develop enforcement procedures, including announced**
 2 **and unannounced inspections of:**

3 **(A) a dispensary;**

4 **(B) a grower/processor facility; and**

5 **(C) all records of a medical marijuana organization.**

6 **(5) Establish a program to authorize the use of medical**
 7 **marijuana for medical research purposes, and issue**
 8 **documents to permit a researcher to obtain medical**
 9 **marijuana for research purposes.**

10 **(6) Establish and maintain public outreach programs about**
 11 **the medical marijuana program, including:**

12 **(A) a dedicated telephone number for patients, caregivers,**
 13 **and members of the public to obtain basic information**
 14 **about the dispensing of medical marijuana; and**

15 **(B) a publicly accessible Internet web site with similar**
 16 **information.**

17 **(7) Collaborate as necessary with other state agencies, and**
 18 **contract with third parties as necessary to carry out the**
 19 **medical marijuana program.**

20 **(8) Develop recordkeeping requirements for all books, papers,**
 21 **any electronic data base or tracking system data, and other**
 22 **information of a medical marijuana organization.**
 23 **Information shall be retained for at least four (4) years unless**
 24 **otherwise provided by the department.**

25 **(9) Restrict the advertising and marketing of medical**
 26 **marijuana, which must be consistent with the federal**
 27 **regulations governing prescription drug advertising and**
 28 **marketing.**

29 **Sec. 3. (a) The department shall adopt rules under IC 4-22-2 to**
 30 **implement this article.**

31 **(b) The department may adopt emergency rules under**
 32 **IC 4-22-2-37.1 to implement this article. Emergency rules adopted**
 33 **under this subsection expire on the later of:**

34 **(1) the date permanent rules are adopted to replace the**
 35 **emergency rules; or**

36 **(2) July 1, 2019.**

37 **Sec. 4. (a) The department shall maintain a confidential list of**
 38 **patients and caregivers to whom it has issued identification cards.**
 39 **Except as provided in subsection (b), all information obtained by**
 40 **the department relating to patients, caregivers, and other**
 41 **applicants is confidential.**

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



- 1 (1) An application for a permit submitted by a medical
2 marijuana organization.
- 3 (2) Information relating to penalties or other disciplinary
4 actions taken against a medical marijuana organization for
5 violation of this article.
- 6 **Chapter 3. Use of Medical Marijuana**
- 7 **Sec. 1. Notwithstanding any law to the contrary, the use,**
8 **possession, delivery, distribution, transport, cultivation, or**
9 **manufacture of:**
- 10 (1) medical marijuana; or
- 11 (2) paraphernalia used in connection with medical marijuana;
12 is lawful if the use or possession complies with this article.
13 However, this article does not authorize a person to operate a
14 motor vehicle, motorboat, or any other device or equipment while
15 under the influence of medical marijuana.
- 16 **Sec. 2. The use of medical marijuana is subject to the following:**
- 17 (1) Medical marijuana may be dispensed only to:
- 18 (A) a patient who receives a certification from a physician
19 and is in possession of a valid identification card issued by
20 the department that authorizes dispensing marijuana to
21 the patient;
- 22 (B) a caregiver who possesses a valid identification card
23 issued by the department; or
- 24 (C) a research facility authorized by the department, under
25 terms and conditions as established by the department.
- 26 (2) If a physician has ordered that marijuana be dispensed in
27 a specific form, marijuana may only be dispensed in that
28 form.
- 29 (3) An individual may not act as a caregiver for more than ten
30 (10) patients.
- 31 (4) A patient may designate up to two (2) caregivers at any
32 one (1) time.
- 33 (5) Medical marijuana that has not been used by the patient
34 shall be kept in the original package in which it was
35 dispensed.
- 36 (6) A patient or caregiver shall possess an identification card
37 whenever the patient or caregiver is in possession of medical
38 marijuana.
- 39 (7) A product packaged by a grower/processor or sold by a
40 dispensary may be identified only by:
- 41 (A) the name of the grower/processor;
- 42 (B) the name of the dispensary;



- 1 (C) the form and species of medical marijuana;
 2 (D) the percentage of tetrahydrocannabinol and
 3 cannabinol contained in the product; and
 4 (E) any other labeling required by the department.
- 5 **Sec. 3. (a) Except as expressly otherwise provided in this article,**
 6 **the possession or use of medical marijuana is unlawful.**
- 7 **(b) In addition to any other penalty provided by law, the**
 8 **unlawful possession or use of medical marijuana may be a crime**
 9 **under IC 35-48-4.**
- 10 **Sec. 4. The following acts are unlawful:**
- 11 **(1) To grow medical marijuana unless the person:**
- 12 **(A) is a grower/processor that has received a permit from**
 13 **the department;**
- 14 **(B) is a patient with a valid identification card who is**
 15 **authorized to cultivate marijuana for personal use under**
 16 **this article; or**
- 17 **(C) is a research facility authorized by the department.**
- 18 **(2) To dispense medical marijuana unless the dispensary has**
 19 **received a permit from the department.**
- 20 **Chapter 4. Physicians**
- 21 **Sec. 1. (a) A physician may not have an ownership interest in a**
 22 **medical marijuana organization.**
- 23 **(b) A physician may not advertise the physician's services as a**
 24 **physician authorized to certify a patient to receive medical**
 25 **marijuana.**
- 26 **(c) A physician who violates this section may be subject to**
 27 **professional discipline.**
- 28 **Sec. 2. A physician may issue a certification to use medical**
 29 **marijuana to a patient if the following requirements are met:**
- 30 **(1) The physician has determined the patient has a serious**
 31 **medical condition and has included the condition in the**
 32 **patient's health care record.**
- 33 **(2) The patient is under the physician's continuing care for the**
 34 **serious medical condition.**
- 35 **(3) The physician has determined the patient is likely to**
 36 **receive therapeutic or palliative benefit from the use of**
 37 **medical marijuana.**
- 38 **Sec. 3. A certification must include the following information:**
- 39 **(1) The patient's name, date of birth, and address.**
- 40 **(2) The specific serious medical condition of the patient.**
- 41 **(3) A statement by the physician that the patient has a serious**
 42 **medical condition and the patient is under the physician's**



1 continuing care for the serious medical condition.

2 (4) The date of issuance.

3 (5) The name, address, telephone number, and signature of
4 the physician.

5 (6) Any requirement or limitation concerning the appropriate
6 form of medical marijuana, and any limitation on the
7 duration of use, if applicable.

8 **Sec. 4. (a) A physician shall review INSPECT:**

9 (1) to determine the controlled substance history of a patient,
10 before issuing a certification; and

11 (2) before recommending a change of amount or form of
12 medical marijuana.

13 **(b) A physician may access INSPECT to do any of the following:**

14 (1) To determine whether a patient is under treatment with a
15 controlled substance by another physician or other person.

16 (2) To allow the physician to review the patient's controlled
17 substance history as considered necessary by the physician.

18 (3) To provide to the patient, or caregiver on behalf of the
19 patient if authorized by the patient, a copy of the patient's
20 controlled substance history.

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

22 (1) Provide the certification to the patient.

23 (2) Provide a copy of the certification to the department,
24 which shall place the information in the patient directory
25 within the department's electronic data base. The certification
26 may be transmitted to the department electronically.

27 (3) File a copy of the certification in the patient's health care
28 record.

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

32 **Chapter 5. Certification Form**

33 **Sec. 1. The department shall develop a standard certification**
34 **form, which it shall provide to a physician upon request. The form**
35 **must be available electronically. The form must include a**
36 **statement that a false statement made by a physician is punishable**
37 **under the penalties of perjury.**

38 **Chapter 6. Duration**

39 **Sec. 1. Except as provided in section 2 of this chapter, a**
40 **dispensary may not dispense more than a thirty (30) day supply of**
41 **medical marijuana to a patient or caregiver.**

42 **Sec. 2. (a) During the last seven (7) days of the thirty (30) day**



1 period a dispensary may dispense an additional thirty (30) day
2 supply to the patient or caregiver.

3 (b) A dispensary may dispense additional thirty (30) day
4 supplies in accordance with this article for the duration of the
5 authorized period of the identification card, unless a shorter period
6 is indicated on the certification. If an identification card will expire
7 before the thirty (30) day period has elapsed, the dispensary may
8 dispense a daily supply equal to the remaining number of days that
9 the identification card is valid.

10 Sec. 3. A dispensary may not dispense marijuana to a patient
11 who is cultivating mature marijuana plants.

12 Chapter 7. Patients

13 Sec. 1. The department shall issue an identification card to a
14 patient who has a valid certification and who otherwise meets the
15 requirements of this article.

16 Sec. 2. The department shall issue an identification card to a
17 caregiver designated by the patient in accordance with this article.

18 Sec. 3. Except as provided in section 4 of this chapter, an
19 identification card issued to a patient authorizes the patient to
20 obtain and use medical marijuana as authorized by this article.
21 Except as provided in section 4 of this chapter, an identification
22 card issued to a caregiver authorizes the caregiver to obtain
23 medical marijuana on behalf of the patient.

24 Sec. 4. (a) A patient holding a valid identification card may
25 cultivate marijuana for the patient's own use if the patient
26 complies with the following requirements:

27 (1) The patient notifies the department on or before the date
28 that the patient begins cultivation and informs the department
29 of the number of plants the patient intends to cultivate and the
30 location of cultivation.

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

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

34 (4) Marijuana from the plant is used only for the patient's
35 personal use.

36 (5) Not later than thirty (30) days before the expected date
37 that the plants become mature, the patient notifies the
38 department of the anticipated maturity date.

39 (b) If the mature plants of a patient cultivating marijuana for
40 the patient's own use die, become damaged, or are otherwise
41 unable to produce marijuana for medical use, the patient shall
42 notify the department, which shall reinstate the person's



1 authorization to obtain marijuana from a dispensary not later than
2 thirty (30) days after receipt of the notice.

3 **Chapter 8. Identification Cards**

4 **Sec. 1. The department shall do the following:**

- 5 (1) Review an application for an identification card.
6 (2) Review the certification submitted by the physician.
7 (3) Issue identification cards to patients and caregivers.
8 (4) Note in the electronic data base if a patient or caregiver
9 identification card may not be used to obtain marijuana from
10 a dispensary because the patient is cultivating the patient's
11 own marijuana.

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

- 16 (1) the name, address, and date of birth of the patient;
17 (2) the name, address, and date of birth of a caregiver, if
18 applicable;
19 (3) a copy of the certification issued by the physician;
20 (4) the name, address, and telephone number of the physician;
21 (5) the signature of the applicant and the date signed; and
22 (6) any other information required by the department.

23 **Sec. 3. The fee for application or renewal of an identification**
24 **card is fifty dollars (\$50). The department may waive or reduce the**
25 **fee if the applicant demonstrates financial hardship.**

26 **Sec. 4. The department shall make application and renewal**
27 **forms available on the department's Internet web site.**

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

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

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

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

42 **(c) If a patient application designates an individual as a**



1 caregiver who is not authorized to be a caregiver, the department
2 shall deny that portion of the application, but may approve the
3 balance of the application.

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

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

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

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

20 (c) The department shall issue a replacement identification card
21 as soon as practicable.

22 (d) A patient or caregiver may not obtain medical marijuana
23 from a dispensary until the department issues the replacement
24 card.

25 Sec. 9. The identification card must contain the following
26 information:

27 (1) The name of the caregiver or the patient, as applicable.

28 The identification card must also state whether the individual
29 is designated as a patient or as a caregiver.

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

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

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

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

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

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



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

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

6 **Chapter 9. Caregivers**

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

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

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

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

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

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

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

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

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

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

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

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



1 **Sec. 6. (a)** After receiving the caregiver application, the fee, and
 2 the results of the national criminal history background check, the
 3 department shall:

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

6 **(b)** The department may deny a caretaker application if it finds
 7 that the caretaker has:

- 8 (1) been convicted of a criminal offense within the previous
 9 five (5) years relating to the sale or possession of a controlled
 10 substance; or
 11 (2) a history of drug abuse.

12 **Sec. 7.** The department shall monthly transmit fees received
 13 under this chapter to the auditor of state for deposit in the state
 14 general fund.

15 **Chapter 10. Minor Patients**

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

- 18 (1) The patient must have a caregiver.
 19 (2) The caregiver must be:
 20 (A) the patient's parent or legal guardian;
 21 (B) an individual designated by a parent or legal guardian;
 22 or
 23 (C) an appropriate individual approved by the department
 24 on a sufficient showing that no parent or legal guardian is
 25 appropriate or available.

26 **Chapter 11. Suspension**

27 **Sec. 1.** If a patient or caregiver knowingly, intentionally, or
 28 recklessly violates any provision of this article, the department may
 29 suspend or revoke the patient's or caregiver's identification card.
 30 The suspension or revocation is in addition to any criminal or other
 31 penalty.

32 **Chapter 12. General Prohibitions**

33 **Sec. 1.** A person may not operate a motor vehicle, including a
 34 motorboat, while under the influence of medical marijuana.

35 **Sec. 2.** A person may not be in physical control of:

- 36 (1) chemicals that require a permit issued by the federal
 37 government or a state government, or an agency of the federal
 38 government or a state government; or
 39 (2) high voltage electricity or any other substance provided by
 40 a public utility.

41 **Sec. 3.** A patient may not perform any employment duties in
 42 exposed high places or in confined spaces while under the influence



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of medical marijuana.

Sec. 4. A patient's employer may prohibit a patient from performing any task while under the influence of medical marijuana. The prohibition is not an adverse employment decision or unlawful discrimination even if the prohibition results in financial harm for the patient.

Chapter 13. Medical Marijuana Organizations

Sec. 1. The following entities may receive a permit to operate as a medical marijuana organization to grow, process, or dispense medical marijuana:

- (1) A grower/processor.**
- (2) A dispensary.**

Sec. 2. A medical marijuana organization may not receive a permit if a person having an ownership interest in the medical marijuana organization has a felony conviction that has not been expunged.

Sec. 3. (a) The department shall develop an application for a:

- (1) grower/processor permit allowing a grower/processor to grow or process medical marijuana; and**
- (2) dispensary permit allowing a dispensary to dispense medical marijuana.**

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

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



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

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

5 **Chapter 14. Medical Marijuana Organization Permits**

6 **Sec. 1. The department shall grant a medical marijuana**
7 **organization permit if the department makes the following**
8 **findings:**

9 (1) The applicant will maintain effective control of medical
10 marijuana in the custody of the applicant.

11 (2) The applicant will comply with all laws.

12 (3) The applicant has the ability to properly carry out the
13 activity for which the permit is sought.

14 (4) The applicant has sufficient financial means to acquire all
15 property, equipment, and permits required to properly grow,
16 process, or dispense medical marijuana.

17 (5) The applicant is able to implement and maintain
18 appropriate security, tracking, recordkeeping, and
19 surveillance systems relating to the acquisition, possession,
20 growth, manufacture, sale, delivery, transportation,
21 distribution, or dispensing of medical marijuana.

22 (6) The applicant satisfies any other condition required under
23 a rule adopted by the department.

24 (7) Granting a permit to the applicant serves the public
25 interest.

26 **Sec. 2. If the department finds that information included in the**
27 **application is insufficient for the department to grant a permit to**
28 **the medical marijuana organization, the department may request**
29 **that the applicant submit additional documentation relating to one**
30 **(1) or more items listed in section 1 of this chapter.**

31 **Sec. 3. A permit granted under this chapter is nontransferable.**

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

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

36 (b) The department shall establish deadlines for filing a renewal
37 application that provide the department with sufficient time to
38 review the application without causing an interruption in the
39 medical marijuana organization's activities.

40 (c) The same standards that apply for granting an initial
41 application apply to an application for renewal. In determining
42 whether the renewal of a permit serves the public interest, the



1 department shall consider the manner in which the renewal
 2 applicant has operated the medical marijuana organization and
 3 complied with all relevant laws.

4 **Sec. 6. A permit issued by the department to a medical**
 5 **marijuana organization must include the following information:**

6 (1) The name and address of the medical marijuana
 7 organization.

8 (2) Whether the permit is a grower/processor permit or a
 9 dispensary permit.

10 (3) What activities are permitted under the permit.

11 (4) A description of the property and facilities authorized to
 12 be used by the medical marijuana organization.

13 (5) Any other information required by the department.

14 **Sec. 7. The department may suspend or revoke all or part of a**
 15 **permit granted under this section if, following a hearing, the**
 16 **department finds the following:**

17 (1) That one (1) or more of the determinations made under
 18 section 1 of this chapter are no longer valid.

19 (2) That the medical marijuana organization has failed to
 20 maintain effective control against diversion of medical
 21 marijuana.

22 (3) That the medical marijuana organization has violated a
 23 provision of this article or a rule adopted by the department.

24 (4) That the medical marijuana organization has failed to
 25 comply with another law regulating controlled substances.

26 **Sec. 8. (a) An applicant for a medical marijuana organization**
 27 **permit has a continuing duty to notify the department of any**
 28 **material change in facts or circumstances relating to the**
 29 **applicant's application, including a change in ownership.**

30 (b) An applicant's duty to notify the department begins on the
 31 date the applicant submits the application, and continues for as
 32 long as the applicant holds a permit.

33 **Sec. 9. The department may, upon request of a permit holder,**
 34 **amend an existing permit to authorize a permit holder to:**

35 (1) move the permit holder's operations from one (1) location
 36 to another; or

37 (2) perform additional activities, or cease the performance of
 38 certain activities now performed at the permit holder's
 39 facility;

40 if the department finds that the amendment is reasonable under
 41 the circumstances.

42 **Chapter 15. General Duties of a Permit Holder**



1 **Sec. 1. The holder of a medical marijuana organization permit**
2 **must do the following:**

3 **(1) Report the loss, theft, or unexplained disappearance of**
4 **medical marijuana to a law enforcement agency not later than**
5 **twenty-four (24) hours after the loss, theft, or disappearance**
6 **is discovered.**

7 **(2) Permit announced or unannounced inspections by the**
8 **department of all medical marijuana organization facilities**
9 **and records.**

10 **Chapter 16. Application and Permit Fees**

11 **Sec. 1. The following fees apply to a grower/processor:**

12 **(1) A nonrefundable grower/processor permit application fee**
13 **of ten thousand dollars (\$10,000).**

14 **(2) A refundable grower/processor permit fee of fifty**
15 **thousand dollars (\$50,000).**

16 **(3) A refundable grower/processor permit renewal fee of ten**
17 **thousand dollars (\$10,000).**

18 **(4) A nonrefundable permit amendment fee of two hundred**
19 **fifty dollars (\$250).**

20 **Sec. 2. The following fees apply to a dispensary:**

21 **(1) A nonrefundable dispensary permit application fee of five**
22 **thousand dollars (\$5,000).**

23 **(2) A refundable dispensary permit fee of twenty thousand**
24 **dollars (\$20,000) for each dispensary location.**

25 **(3) A refundable dispensary permit renewal fee of five**
26 **thousand dollars (\$5,000).**

27 **(4) A nonrefundable permit amendment fee of two hundred**
28 **fifty dollars (\$250).**

29 **Sec. 3. An applicant must submit the application fee and permit**
30 **fee at the time the applicant submits the application.**

31 **Sec. 4. (a) The department shall retain the application fee even**
32 **if the application is not approved.**

33 **(b) The department shall refund the permit fee and renewal fee**
34 **if the permit or renewal is not approved. However, the permit fee**
35 **and renewal fee are not refundable if the permit is initially granted**
36 **but later suspended or revoked.**

37 **(c) The department shall retain the amendment fee even if the**
38 **application for amendment is not approved.**

39 **Sec. 5. The department shall transfer all fees to the state auditor**
40 **for deposit in the state general fund.**

41 **Chapter 17. Tracking and Recordkeeping**

42 **Sec. 1. (a) A medical marijuana organization must implement an**



1 electronic inventory tracking system, which must be directly
 2 accessible to the department through an electronic data base that
 3 is updated at least one (1) time each day.

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

6 (1) For a grower/processor, a seed to sale tracking system that
 7 tracks the medical marijuana from seed to plant until the
 8 medical marijuana is sold or transferred to its final
 9 destination.

10 (2) For a dispensary, a system that tracks medical marijuana
 11 from its purchase from a grower/processor to its sale to a
 12 patient or caregiver or transfer to a testing laboratory,
 13 research facility, or grower/processor as authorized by this
 14 article.

15 (3) For a dispensary, a system to verify that an identification
 16 card presented by a patient or caregiver:

17 (A) is valid; and

18 (B) authorizes the patient or caregiver to receive
 19 marijuana from a dispensary.

20 (4) For a medical marijuana organization, a:

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

25 (B) system to recall defective medical marijuana; and

26 (C) system to track the waste resulting from the growth of
 27 medical marijuana, including the name and address of a
 28 disposal service.

29 Sec. 2. A medical marijuana organization must implement a
 30 plan for:

31 (1) security and surveillance; and

32 (2) recordkeeping and record retention.

33 Sec. 3. The department:

34 (1) shall require a medical marijuana organization to make an
 35 annual report to the department; and

36 (2) may require a medical marijuana organization to make a
 37 quarterly report to the department.

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

41 Chapter 18. Grower/Processor Operations

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



1 the following in accordance with rules adopted by the department:

- 2 (1) Obtain seed from another state.
 3 (2) Obtain seed and plant material from another
 4 grower/processor.
 5 (3) Sell and transport seed and plant material to another state
 6 or to another grower/processor.
 7 (4) Sell and transport medical marijuana to a dispensary,
 8 testing laboratory, or research facility authorized by the
 9 department.

10 Sec. 2. The department shall determine the manner in which
 11 medical marijuana may be grown, harvested, processed, and stored
 12 at the cultivation, harvesting, or processing facility.

13 Sec. 3. The department shall determine the manner in which
 14 transportation of medical marijuana shall be conducted between
 15 or among grower/processors, testing laboratories, research
 16 facilities, and dispensaries. Rules adopted by the department must
 17 include the following:

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

27 Sec. 4. A grower/processor shall contract with an independent
 28 testing laboratory to test the medical marijuana produced by the
 29 grower/processor. The department shall approve the testing
 30 laboratory and require that the laboratory report testing results in
 31 the manner determined by the department.

32 Chapter 19. Dispensary Operations

33 Sec. 1. A dispensary holding a valid permit under this article
 34 may dispense medical marijuana to a patient or caregiver upon
 35 presentation of a valid identification card for that patient or
 36 caregiver and electronic verification that the identification card is
 37 valid and authorizes the patient to receive medical marijuana from
 38 a dispensary.

39 Sec. 2. The dispensary shall provide to the patient or caregiver
 40 a receipt including all of the following:

- 41 (1) The name and address of the dispensary.
 42 (2) The name and address of the patient and caregiver (if



- 1 applicable).
- 2 (3) The date the medical marijuana was dispensed.
- 3 (4) Any requirement or limitation by the physician as to the
- 4 form of medical marijuana for the patient.
- 5 (5) The form and the quantity of medical marijuana
- 6 dispensed.
- 7 **Sec. 3. A dispensary may not dispense:**
- 8 (1) more medical marijuana than a patient is authorized to
- 9 receive;
- 10 (2) a form of medical marijuana that the patient is not
- 11 permitted to possess; or
- 12 (3) medical marijuana to a patient who is cultivating mature
- 13 marijuana plants for the patient's own use.
- 14 **Sec. 4. A dispensary may not dispense an amount greater than**
- 15 **a thirty (30) day supply until the patient has exhausted all but a**
- 16 **seven (7) day supply.**
- 17 **Sec. 5. The dispensary shall include in the medical marijuana**
- 18 **packing an insert containing the following statement:**
- 19 "This product is for medicinal use only. Women should not
- 20 consume during pregnancy or while breastfeeding, except on
- 21 the advice of the physician who issued the certification and, in
- 22 the case of breastfeeding, the child's pediatrician. This
- 23 product might impair the ability to drive or operate heavy
- 24 machinery. Keep out of reach of children."
- 25 **Sec. 6. The medical marijuana packaging must include the**
- 26 **following information:**
- 27 (1) The number of doses contained within the package, the
- 28 species, and the percentage of tetrahydrocannabinol and
- 29 cannabitol.
- 30 (2) A warning that the medical marijuana must be kept in the
- 31 original container in which it was dispensed.
- 32 (3) A warning that unauthorized use is unlawful and will
- 33 subject the person to criminal penalties.
- 34 (4) Any other information required by the department.
- 35 **Sec. 7. A dispensary:**
- 36 (1) may dispense medical marijuana only in an indoor,
- 37 enclosed, secure facility located in Indiana;
- 38 (2) may sell medical devices and instruments that are needed
- 39 to administer medical marijuana; and
- 40 (3) may sell services approved by the department related to
- 41 the use of medical marijuana.
- 42 **Sec. 8. A dispensary shall post a copy of its permit in a location**



1 within its facility in a manner that is easily observable by the
2 public.

3 **Chapter 20. Transportation**

4 **Sec. 1. A transporter may transport medical marijuana or**
5 **paraphernalia from a:**

- 6 (1) grower/processor to a dispensary;
7 (2) grower/processor to a testing laboratory or research
8 facility authorized by the department;
9 (3) dispensary to a grower/processor;
10 (4) dispensary to a testing laboratory or research facility
11 authorized by the department;
12 (5) medical marijuana organization to another medical
13 marijuana organization; or
14 (6) medical marijuana organization to another person if
15 authorized to do so by the department;

16 if the transporter complies with this chapter.

17 **Sec. 2. A transporter under this chapter may not have a felony**
18 **conviction that has not been expunged.**

19 **Sec. 3. Medical marijuana or paraphernalia transported under**
20 **this chapter must be:**

- 21 (1) packed in a tamper resistant and tamper evident package;
22 (2) clearly marked as to quantity and contents; and
23 (3) securely stored in the vehicle used for transport.

24 **Sec. 4. The transporter shall proceed as directly and**
25 **expeditiously as practicable from the shipping location to the**
26 **receiving location.**

27 **Sec. 5. The person who ships the medical marijuana or**
28 **paraphernalia shall provide the transporter with a shipping**
29 **manifest clearly stating the:**

- 30 (1) exact quantity of medical marijuana or paraphernalia that
31 is being transported;
32 (2) address of the shipping location;
33 (3) address of the receiving location;
34 (4) identification of the person transporting the material; and
35 (5) time the person transporting the material left the shipping
36 location.

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

39 **Sec. 7. The department may adopt rules to regulate the**
40 **transport of medical marijuana or paraphernalia.**

41 **Chapter 21. Reports**

42 **Sec. 1. The department shall, not later than December 31 of**



1 each year, submit a report concerning the medical marijuana
 2 program to the legislative council, the governor, and the chief
 3 justice of the supreme court. The report to the legislative council
 4 must be in an electronic format under IC 5-14-6.

5 **Chapter 22. Civil Penalties**

6 **Sec. 1.** The department may assess a penalty of not more than
 7 ten thousand dollars (\$10,000) for each violation of this article or
 8 a rule adopted under this article. In addition, the department may
 9 impose an additional penalty of not more than one thousand
 10 dollars (\$1,000) for each day of a continuing violation.

11 **Sec. 2. (a)** In determining the amount of a civil penalty imposed
 12 under this chapter, the department shall consider the following:

- 13 (1) The seriousness of the violation.
- 14 (2) The potential harm resulting from the violation to
 15 patients, caregivers, or the general public.
- 16 (3) The willfulness of the violation.
- 17 (4) Any previous violations.
- 18 (5) The economic benefit that accrued to the person who
 19 committed the violation.

20 **(b)** If the department finds that the:

- 21 (1) violation did not threaten the safety or health of a patient,
 22 caregiver, or the general public; and
- 23 (2) violator took immediate action to remedy the violation
 24 upon learning of it;

25 the department may issue a written warning instead of assessing a
 26 civil penalty.

27 **Sec. 3.** In addition to the civil penalty described in this chapter,
 28 and any other penalty authorized by law, the department may
 29 revoke or suspend a person's permit or identification card.

30 **Chapter 23. Research**

31 **Sec. 1. (a)** The department may provide assistance to
 32 universities, research facilities, pharmaceutical companies, state
 33 agencies, and similar entities that wish to conduct research
 34 concerning medical marijuana.

35 **(b)** The department may conduct research concerning medical
 36 marijuana.

37 **Sec. 2.** The department may authorize persons conducting
 38 research on medical marijuana to obtain, possess, transport, and
 39 use medical marijuana for research purposes, under terms and
 40 conditions established by the department. The department shall
 41 issue appropriate documentation to allow persons to obtain
 42 marijuana for research purposes.



1 **Chapter 24. Discrimination Prohibited**

2 **Sec. 1. (a) It is unlawful discrimination for any person to:**

- 3 (1) suspend;
- 4 (2) expel;
- 5 (3) refuse to employ;
- 6 (4) refuse to admit;
- 7 (5) refuse to grant or renew a license, permit, or certificate
- 8 necessary to engage in any activity, occupation, or profession;
- 9 or
- 10 (6) otherwise discriminate against;

11 any person due to the person's lawful certification, use, possession,

12 delivery, distribution, transport, cultivation, or manufacture of

13 marijuana or paraphernalia as authorized by this article.

14 (b) A person who violates this section commits a Class C

15 infraction. However, the offense is a Class B infraction if the

16 person has a prior unrelated adjudication under this section.

17 (c) In addition to any other penalty prescribed by this section,

18 a person who is the victim of unlawful discrimination may obtain

19 injunctive relief.

20 **Sec. 2. A person's lawful certification, use, possession, delivery,**

21 **distribution, transport, cultivation, or manufacture of marijuana**

22 **or paraphernalia under this article is not admissible as evidence in**

23 **an action for negligent hiring, admission, or licensure against a**

24 **person or entity hired, admitted, or licensed by the person or entity**

25 **that lawfully used marijuana.**

26 **Sec. 3. A law enforcement officer who knowingly or**

27 **intentionally performs a search or seizure of a patient or caregiver**

28 **holding a valid identification card:**

- 29 (1) more than two (2) times in any sixty (60) day period; and
- 30 (2) without:
- 31 (A) reasonable suspicion;
- 32 (B) probable cause; or
- 33 (C) a warrant;

34 commits harassment of a medical marijuana user, a Class A

35 misdemeanor. However, the offense is a Level 6 felony if the person

36 has a prior unrelated conviction under this section.

37 **Sec. 4. (a) This section applies only to a law enforcement officer**

38 **employed by the state, a political subdivision of the state, or a unit.**

39 **This section does not apply to a federal law enforcement officer.**

40 (b) A law enforcement officer or employee of the state, a

41 political subdivision of the state, or of a unit may not aid or assist

42 a federal law enforcement officer in the enforcement of a federal



1 law:

2 (1) criminalizing; or

3 (2) authorizing civil forfeiture with respect to;
4 any activity permitted under this article.

5 (c) A person who knowingly or intentionally violates this section
6 commits a Level 6 felony.

7 SECTION 18. IC 35-46-9-6, AS AMENDED BY P.L.85-2017,
8 SECTION 118, IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2018]: Sec. 6. (a) Except as provided in
10 subsections (b) and (c), a person who operates a motorboat while:

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

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

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

16 (2) having:

17 (A) a controlled substance, **other than**
18 **tetrahydrocannabinol**, listed in schedule I or II of IC 35-48-2
19 or its metabolite in the person's body; or

20 (B) **ten (10) or more nanograms of tetrahydrocannabinol**
21 **per milliliter of the person's blood**; or

22 (3) intoxicated;

23 commits a Class C misdemeanor.

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

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

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

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

28 (C) this chapter; or

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

30 (c) The offense is a Level 5 felony if the offense results in the death
31 of another person.

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

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

37 (2) **the controlled substance is marijuana, the accused person**
38 **is a person authorized to use medical marijuana under**
39 **IC 16-50, and the accused person used the medical marijuana**
40 **in substantial compliance with the requirements of IC 16-50.**

41 SECTION 19. IC 35-48-4-8.3, AS AMENDED BY P.L.187-2015,
42 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2018]: Sec. 8.3. (a) This section does not apply to:

2 (1) a rolling paper; or

3 (2) **a patient, caregiver, medical marijuana organization,**
 4 **testing laboratory, research facility, or transporter described**
 5 **in IC 16-50 if the person is in substantial compliance with the**
 6 **requirements of IC 16-50.**

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

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

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

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

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

17 SECTION 20. IC 35-48-4-8.5, AS AMENDED BY P.L.188-2017,
 18 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2018]: Sec. 8.5. (a) A person who keeps for sale, offers for
 20 sale, delivers, or finances the delivery of a raw material, an instrument,
 21 a device, or other object that is intended to be or that is designed or
 22 marketed to be used primarily for:

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

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

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

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

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

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

36 commits a Class A infraction for dealing in paraphernalia.

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

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

42 (1) Items marketed for use in the preparation, compounding,



1 packaging, labeling, or other use of marijuana, hash oil, hashish,
2 salvia, a synthetic drug, or a controlled substance as an incident
3 to lawful research, teaching, or chemical analysis and not for sale.

4 (2) Items marketed for or historically and customarily used in
5 connection with the planting, propagating, cultivating, growing,
6 harvesting, manufacturing, compounding, converting, producing,
7 processing, preparing, testing, analyzing, packaging, repackaging,
8 storing, containing, concealing, injecting, ingesting, or inhaling
9 of tobacco or any other lawful substance, excluding the lawful
10 possession of a substance containing cannabidiol under
11 IC 35-48-4-11.

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

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

17 **(5) A patient, caregiver, medical marijuana organization,
18 testing laboratory, research facility, or transporter described
19 in IC 16-50 if the person is in substantial compliance with the
20 requirements of IC 16-50.**

21 SECTION 21. IC 35-48-4-10, AS AMENDED BY P.L.44-2016,
22 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
23 JULY 1, 2018]: Sec. 10. (a) A person who:

24 (1) knowingly or intentionally:

25 (A) manufactures;

26 (B) finances the manufacture of;

27 (C) delivers; or

28 (D) finances the delivery of;

29 marijuana, hash oil, hashish, or salvia, pure or adulterated; or

30 (2) possesses, with intent to:

31 (A) manufacture;

32 (B) finance the manufacture of;

33 (C) deliver; or

34 (D) finance the delivery of;

35 marijuana, hash oil, hashish, or salvia, pure or adulterated;

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

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

40 (1) there is evidence in addition to the weight of the drug that the
41 person intended to manufacture, finance the manufacture of,
42 deliver, or finance the delivery of the drug; or



- 1 (2) the amount of the drug involved is at least:
 2 (A) ten (10) pounds, if the drug is marijuana; or
 3 (B) three hundred (300) grams, if the drug is hash oil, hashish,
 4 or salvia.
- 5 (c) The offense is a Level 6 felony if:
 6 (1) the person has a prior conviction for a drug offense and the
 7 amount of the drug involved is:
 8 (A) less than thirty (30) grams of marijuana; or
 9 (B) less than five (5) grams of hash oil, hashish, or salvia; or
 10 (2) the amount of the drug involved is:
 11 (A) at least thirty (30) grams but less than ten (10) pounds of
 12 marijuana; or
 13 (B) at least five (5) grams but less than three hundred (300)
 14 grams of hash oil, hashish, or salvia.
- 15 (d) The offense is a Level 5 felony if:
 16 (1) the person has a prior conviction for a drug dealing offense
 17 and the amount of the drug involved is:
 18 (A) at least thirty (30) grams but less than ten (10) pounds of
 19 marijuana; or
 20 (B) at least five (5) grams but less than three hundred (300)
 21 grams of hash oil, hashish, or salvia; or
 22 (2) the:
 23 (A) amount of the drug involved is:
 24 (i) at least ten (10) pounds of marijuana; or
 25 (ii) at least three hundred (300) grams of hash oil, hashish,
 26 or salvia; or
 27 (B) offense involved a sale to a minor.
- 28 **(e) This section does not apply to a patient, caregiver, medical**
 29 **marijuana organization, testing laboratory, research facility, or**
 30 **transporter described in IC 16-50 if the person is in substantial**
 31 **compliance with the requirements of IC 16-50.**
- 32 SECTION 22. IC 35-48-4-11, AS AMENDED BY P.L.188-2017,
 33 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 34 JULY 1, 2018]: Sec. 11. (a) A person who:
 35 (1) knowingly or intentionally possesses (pure or adulterated)
 36 marijuana, hash oil, hashish, or salvia;
 37 (2) knowingly or intentionally grows or cultivates marijuana; or
 38 (3) knowing that marijuana is growing on the person's premises,
 39 fails to destroy the marijuana plants;
 40 commits possession of marijuana, hash oil, hashish, or salvia, a Class
 41 B misdemeanor, except as provided in subsections (b) through (c).
 42 (b) The offense described in subsection (a) is a Class A



- 1 misdemeanor if the person has a prior conviction for a drug offense.
 2 (c) The offense described in subsection (a) is a Level 6 felony if:
 3 (1) the person has a prior conviction for a drug offense; and
 4 (2) the person possesses:
 5 (A) at least thirty (30) grams of marijuana; or
 6 (B) at least five (5) grams of hash oil, hashish, or salvia.
 7 (d) It is a defense to a prosecution under subsection (a)(1) based on
 8 the possession of a substance containing cannabidiol that:
 9 (1) the person is a patient or caregiver registered under
 10 IC 16-42-28.6 for the use of a substance containing cannabidiol;
 11 (2) the person reasonably believed that the substance possessed
 12 by the person was a substance containing cannabidiol; and
 13 (3) the substance containing cannabidiol is packaged in a
 14 container labeled with the origin, volume, and concentration by
 15 weight of total THC, including its precursors and derivatives, and
 16 cannabidiol.
 17 (e) It is a defense to a prosecution under this section based on the
 18 possession of a substance containing cannabidiol that:
 19 (1) the substance containing cannabidiol has been approved by
 20 the federal Food and Drug Administration or the federal Drug
 21 Enforcement Agency as a prescription drug; and
 22 (2) the substance was prescribed and dispensed in accordance
 23 with the federal approval described in subdivision (1).
 24 **(f) This section does not apply to a patient, caregiver, medical**
 25 **marijuana organization, testing laboratory, research facility, or**
 26 **transporter described in IC 16-50 if the person is in substantial**
 27 **compliance with the requirements of IC 16-50.**
 28 SECTION 23. IC 35-52-16-94 IS ADDED TO THE INDIANA
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2018]: **Sec. 94. IC 16-50-24-3 defines a crime**
 31 **concerning medical marijuana.**
 32 SECTION 24. IC 35-52-16-95 IS ADDED TO THE INDIANA
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2018]: **Sec. 95. IC 16-50-24-4 defines a crime**
 35 **concerning medical marijuana.**

