

SENATE BILL No. 307

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-5-41; IC 5-2-8; IC 6-7-3; IC 7.1-8; IC 7.1-9; IC 15-16-7-8; IC 33-37; IC 35-48-4; IC 35-52-7-97.

Synopsis: Medical marijuana. Establishes a medical marijuana program (program), and permits caregivers and patients who have received a physician recommendation to possess a certain quantity of marijuana for treatment of certain medical conditions. Establishes the department of marijuana enforcement (DOME) as a state agency to oversee the program, and creates the DOME advisory committee to review the effectiveness of the program and to consider recommendations from DOME. Authorizes DOME to grant research licenses to research facilities with a physical presence in Indiana. Repeals the controlled substance excise tax and the marijuana eradication program. Provides that a person commits possession of marijuana only if the person possesses or cultivates more than two ounces of marijuana. Makes conforming amendments.

Effective: July 1, 2018.

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January 4, 2018, read first time and referred to Committee on Judiciary.



Second Regular Session 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.

SENATE BILL No. 307

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

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

- 1 SECTION 1. IC 2-5-41 IS ADDED TO THE INDIANA CODE AS
- 2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2018]:
- 4 **Chapter 41. DOME Advisory Committee**
- 5 **Sec. 1. The following definitions apply throughout this chapter:**
- 6 (1) "Advisory committee" means the **DOME** advisory
- 7 committee established by section 2 of this chapter.
- 8 (2) "**DOME**" means the department of marijuana
- 9 enforcement established by IC 7.1-9-2-1.
- 10 **Sec. 2. The DOME advisory committee is established.**
- 11 **Sec. 3. (a) The advisory committee consists of the following four**
- 12 **(4) voting members and five (5) nonvoting members:**
- 13 (1) **One (1) legislative member appointed by the speaker of the**
- 14 **house of representatives.**
- 15 (2) **One (1) legislative member appointed by the minority**
- 16 **leader of the house of representatives.**
- 17 (3) **One (1) legislative member appointed by the president pro**



- 1 tempore of the senate.
- 2 **(4) One (1) legislative member appointed by the minority**
- 3 **leader of the senate.**
- 4 **(5) One (1) representative of law enforcement, appointed as a**
- 5 **nonvoting member by the speaker of the house of**
- 6 **representatives.**
- 7 **(6) One (1) individual having experience in the treatment of**
- 8 **medical conditions by means of medical marijuana as a**
- 9 **patient, physician, or caregiver, appointed as a nonvoting**
- 10 **member by the president pro tempore of the senate.**
- 11 **(7) The commissioner of the department of state revenue or**
- 12 **the commissioner's designee, who serves as a nonvoting**
- 13 **member.**
- 14 **(8) The director of the department of agriculture or the**
- 15 **director's designee, who serves as a nonvoting member.**
- 16 **(9) The state health commissioner or the commissioner's**
- 17 **designee, who serves as a nonvoting member.**
- 18 **(b) The chairperson of the legislative council shall annually**
- 19 **select one (1) of the voting members to serve as chairperson.**
- 20 **Sec. 4. (a) A legislative member of the advisory committee may**
- 21 **be removed at any time by the appointing authority who appointed**
- 22 **the legislative member.**
- 23 **(b) If a vacancy exists on the advisory committee, the appointing**
- 24 **authority who appointed the former member whose position has**
- 25 **become vacant shall appoint an individual to fill the vacancy.**
- 26 **Sec. 5. Each member of the advisory committee is entitled to**
- 27 **receive the same per diem, mileage, and travel allowances paid to**
- 28 **individuals who serve as legislative and lay members, respectively,**
- 29 **of interim study committees established by the legislative council.**
- 30 **Sec. 6. The affirmative votes of a majority of the voting**
- 31 **members appointed to the advisory committee are required for the**
- 32 **advisory committee to take action on any measure, including final**
- 33 **reports.**
- 34 **Sec. 7. The advisory committee shall do the following:**
- 35 **(1) Review rules adopted by DOME.**
- 36 **(2) Review legislative proposals suggested by DOME.**
- 37 **(3) Evaluate the medical marijuana research and development**
- 38 **program under IC 7.1-9-5.**
- 39 **(4) Evaluate the operation of the medical marijuana program.**
- 40 **(5) Consider any other matter that has bearing on the**
- 41 **operation of the medical marijuana program.**
- 42 **SECTION 2. IC 5-2-8-5, AS AMENDED BY P.L.217-2017,**



1 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 2 JULY 1, 2018]: Sec. 5. (a) There is established the state police training
 3 fund. The fund consists of amounts collected under ~~IC 33-37-4-1(b)(4)~~;
 4 **IC 33-37-4-1(b)(3)**, IC 33-37-4-2(b)(3), and ~~IC 33-37-4-3(b)(4)~~
 5 **IC 33-37-4-3(b)(3)** on behalf of the state police department.

6 (b) If the state police department files a claim under IC 33-37-8-4
 7 or IC 33-37-8-6 against a city or town user fee fund or a county user fee
 8 fund, the fiscal officer of the city or town or the county auditor shall
 9 deposit fees collected under the cause numbers submitted by the state
 10 police department into the state police training fund established under
 11 this section.

12 (c) Claims against the state police training fund must be submitted
 13 in accordance with IC 5-11-10.

14 (d) Money in excess of one hundred dollars (\$100) that is
 15 unencumbered and remains in the state police training fund for at least
 16 one (1) entire calendar year from the date of its deposit shall, at the end
 17 of the state's fiscal year, be deposited in the law enforcement academy
 18 fund established under IC 5-2-1-13.

19 (e) As used in this subsection, "abuse" has the meaning set forth in
 20 section 1(a) of this chapter. As a part of the state police department's
 21 in-service training, the department shall provide to each law
 22 enforcement officer employed by the department continuing education
 23 concerning the following:

24 (1) Duties of a law enforcement officer in enforcing restraining
 25 orders, protective orders, temporary injunctions, and permanent
 26 injunctions involving abuse.

27 (2) Guidelines for making felony and misdemeanor arrests in
 28 cases involving abuse.

29 (3) Techniques for handling incidents of abuse that:

30 (A) minimize the likelihood of injury to the law enforcement
 31 officer; and

32 (B) promote the safety of a victim.

33 (4) Information about the nature and extent of the abuse.

34 (5) Information about the legal rights of and remedies available
 35 to victims of abuse.

36 (6) How to document and collect evidence in an abuse case.

37 (7) The legal consequences of abuse.

38 (8) The impact on children of law enforcement intervention in
 39 abuse cases.

40 (9) Services and facilities available to victims of abuse and
 41 abusers.

42 (10) Verification of restraining orders, protective orders,



- 1 temporary injunctions, and permanent injunctions.
 2 (11) Policies concerning arrest or release of suspects in abuse
 3 cases.
 4 (12) Emergency assistance to victims of abuse and criminal
 5 justice options for victims of abuse.
 6 (13) Landlord-tenant concerns in abuse cases.
 7 (14) The taking of an abused child into protective custody.
 8 (15) Assessment of a situation in which a child may be seriously
 9 endangered if the child is left in the child's home.
 10 (16) Assessment of a situation involving an endangered adult (as
 11 defined in IC 12-10-3-2).
 12 (17) Response to a sudden, unexpected infant death.

13 The cost of providing continuing education under this subsection shall
 14 be paid from money in the state police training fund.

15 SECTION 3. IC 5-2-8-7, AS AMENDED BY P.L.217-2017,
 16 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2018]: Sec. 7. (a) There is established the conservation
 18 officers training fund. The department of natural resources shall
 19 administer the fund. The fund consists of amounts collected under
 20 ~~IC 33-37-4-1(b)(4)~~, **IC 33-37-4-1(b)(3)**, IC 33-37-4-2(b)(3), and
 21 ~~IC 33-37-4-3(b)(4)~~ **IC 33-37-4-3(b)(3)** on behalf of the department of
 22 natural resources.

23 (b) If the department of natural resources files a claim under
 24 IC 33-37-8-4 or IC 33-37-8-6 against a city or town user fee fund or a
 25 county user fee fund, the fiscal officer of the city or town or the county
 26 auditor shall deposit fees collected under the cause numbers submitted
 27 by the department of natural resources into the conservation officers
 28 training fund established under this section.

29 (c) Claims against the conservation officers training fund must be
 30 submitted in accordance with IC 5-11-10.

31 (d) Money in excess of one hundred dollars (\$100) that is
 32 unencumbered and remains in the conservation officers' training fund
 33 for at least one (1) entire calendar year from the date of its deposit
 34 shall, at the end of the state's fiscal year, be deposited in the law
 35 enforcement academy fund established under IC 5-2-1-13.

36 SECTION 4. IC 5-2-8-8, AS AMENDED BY P.L.217-2017,
 37 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2018]: Sec. 8. (a) There is established the alcoholic beverage
 39 enforcement officers' training fund. The alcohol and tobacco
 40 commission shall administer the fund. The fund consists of amounts
 41 collected under ~~IC 33-37-4-1(b)(4)~~, **IC 33-37-4-1(b)(3)**,
 42 IC 33-37-4-2(b)(3), and ~~IC 33-37-4-3(b)(4)~~ **IC 33-37-4-3(b)(3)** on



1 behalf of the alcohol and tobacco commission.

2 (b) If the alcohol and tobacco commission files a claim under
3 IC 33-37-8-4 or IC 33-37-8-6 against a city or town user fee fund or a
4 county user fee fund, the fiscal officer of the city or town or the county
5 auditor shall deposit fees collected under the cause numbers submitted
6 by the alcohol and tobacco commission into the alcoholic beverage
7 enforcement officers' training fund established under this section.

8 (c) Claims against the alcoholic beverage enforcement officers'
9 training fund must be submitted in accordance with IC 5-11-10.

10 (d) Money in excess of one hundred dollars (\$100) that is
11 unencumbered and remains in the alcoholic beverage enforcement
12 officers' training fund for at least one (1) entire calendar year from the
13 date of its deposit shall, at the end of the state's fiscal year, be deposited
14 in the law enforcement academy fund established under IC 5-2-1-13.

15 SECTION 5. IC 6-7-3 IS REPEALED [EFFECTIVE JULY 1, 2018].
16 (Controlled Substance Excise Tax).

17 SECTION 6. IC 7.1-8 IS ADDED TO THE INDIANA CODE AS A
18 NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
19 2018]:

20 **ARTICLE 8. MEDICAL MARIJUANA**

21 **Chapter 1. Definitions**

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

23 (1) "Adequate supply for treatment" means the amount of
24 marijuana necessary to provide care for a treatable medical
25 condition for a thirty (30) day period, as determined by a
26 physician recommendation.

27 (2) "DOME" means the department of marijuana
28 enforcement established by IC 7.1-9-2-1.

29 (3) "DOME committee" means the DOME commissioners
30 described in IC 7.1-9-2.

31 (4) "Marijuana" means any part of the plant genus *Cannabis*.

32 (5) "Medical marijuana card" means a valid card issued by
33 DOME that authorizes the individual to whom the card is
34 issued to possess marijuana.

35 (6) "Physician" means an individual holding an unlimited
36 license to practice medicine in Indiana.

37 (7) "Physician recommendation" means a written
38 recommendation that the use of marijuana may benefit a
39 particular patient suffering from a treatable medical
40 condition. A physician recommendation may specify an
41 adequate supply for treatment.

42 (8) "Qualified patient" means an individual who has been



1 issued a medical marijuana card by DOME.

2 (9) "Qualified primary caregiver" means the primary
3 caregiver for a qualified patient who has been issued a
4 medical marijuana card by DOME on behalf of the qualified
5 patient.

6 (10) "Treatable medical condition" means an illness or other
7 condition, the symptoms of which (including the side effects
8 and symptoms caused by any other treatment for the
9 condition) may be treated by the use of marijuana. The term
10 includes the following:

11 (A) Acquired immune deficiency syndrome (AIDS) or
12 positive status for the human immunodeficiency virus
13 (HIV).

14 (B) Anorexia.

15 (C) Arthritis.

16 (D) Cachexia.

17 (E) Chronic cancer pain.

18 (F) Glaucoma.

19 (G) Migraine.

20 (H) Persistent muscle spasms, including spasms associated
21 with multiple sclerosis, Crohn's disease, or related
22 conditions.

23 (I) Seizures, including those characteristic of epilepsy.

24 (J) Severe nausea.

25 (K) Posttraumatic stress disorder.

26 (L) Any persistent or chronic illness or condition that, in
27 the opinion of a physician:

28 (i) substantially limits the ability of an individual to
29 conduct one (1) or more major life activities; or

30 (ii) may cause serious harm to a patient's safety or
31 mental or physical health if not alleviated;

32 if the illness or condition may be improved by the use of
33 marijuana.

34 (M) Any other illness or condition determined by DOME
35 to be a treatable medical condition.

36 **Chapter 2. Qualified Patients and Qualified Primary Caregivers**

37 **Sec. 1. (a) An individual may apply to DOME to be a qualified**
38 **patient if the individual suffers from a treatable medical condition.**
39 **An individual may apply to DOME to be a qualified primary**
40 **caregiver if the individual for whom the individual provides care**
41 **suffers from a treatable medical condition.**

42 (b) To be approved as a qualified patient, an individual must



1 submit to DOME a physician recommendation stating that the
2 individual suffers from a treatable medical condition. To be
3 approved as a qualified primary caregiver, an individual must
4 submit to DOME a physician recommendation stating that the
5 individual for whom the caregiver provides care suffers from a
6 treatable medical condition.

7 (c) DOME shall issue to an individual a medical marijuana card
8 indicating that the individual is a qualified patient or a qualified
9 primary caregiver after:

10 (1) receipt of a:

11 (A) completed application; and

12 (B) physician recommendation;

13 (2) verification that the individual who tendered the physician
14 recommendation is a licensed physician; and

15 (3) compliance with any other rule adopted by DOME.

16 (d) An application for a medical marijuana card may be denied
17 for the following reasons:

18 (1) The application is not complete or required information is
19 missing.

20 (2) The applicant submits false information.

21 (3) The applicant does not meet the criteria required to obtain
22 a medical marijuana card.

23 (4) The individual who tendered the physician
24 recommendation is not a licensed physician.

25 (e) A medical marijuana card issued under this section is valid
26 for two (2) years, unless the physician recommendation expressly
27 recommends a shorter period.

28 (f) DOME may charge a reasonable fee, not to exceed one
29 hundred dollars (\$100), to apply for a medical marijuana card. The
30 fee shall be deposited in the state general fund.

31 (g) Except as provided in subsection (h), for purposes of
32 IC 5-14-3-4(a)(1), the following information is confidential, may
33 not be published, and is not open to public inspection:

34 (1) Information submitted by an individual under this section
35 to obtain a medical marijuana card.

36 (2) Information obtained by a federal, state, or local
37 government entity in the course of an investigation concerning
38 an individual who applies to obtain a medical marijuana card.

39 (3) The name and address of the individual, and any other
40 information that may be used to identify an individual, who
41 holds a medical marijuana card.

42 (h) Notwithstanding subsection (g):



1 (1) any information concerning an individual who applies for,
 2 or an individual who holds, a medical marijuana card may be
 3 released to a federal, state, or local government entity:

4 (A) for law enforcement purposes; or

5 (B) to determine the validity of a medical marijuana card;
 6 and

7 (2) general information concerning the issuance of a medical
 8 marijuana card in Indiana may be released to a person
 9 conducting journalistic or academic research (including the
 10 research described in IC 7.1-9-5), but only if all personal
 11 information that may be used to identify any individual who
 12 applies for or holds a medical marijuana card issued under
 13 this chapter has been removed from the general information.

14 (i) A person who knowingly or intentionally violates this section
 15 by releasing confidential information commits a disclosure of
 16 confidential medical information, a Class B misdemeanor.

17 (j) A person who knowingly makes a material misstatement in
 18 an application for a medical marijuana card under this section
 19 commits fraudulent application for a medical marijuana card, a
 20 Class B misdemeanor.

21 **Sec. 2. A qualified patient or qualified primary caregiver may:**

22 (1) possess the greater of:

23 (A) eight (8) ounces or less of dried marijuana; or

24 (B) an adequate supply for treatment as set forth in a
 25 physician recommendation; and

26 (2) possess, grow, or cultivate not more than twelve (12)
 27 marijuana plants.

28 **Sec. 3. (a) A qualified primary caregiver may deliver to, or**
 29 **possess with intent to deliver to, a qualified patient for whom the**
 30 **caregiver is the primary caregiver:**

31 (1) the greater of:

32 (A) eight (8) ounces or less of dried marijuana; or

33 (B) an adequate supply for treatment as set forth in a
 34 physician recommendation; and

35 (2) not more than twelve (12) marijuana plants.

36 (b) A qualified primary caregiver may possess, grow, or
 37 cultivate not more than twelve (12) marijuana plants for use by a
 38 qualified patient for whom the individual is the primary caregiver.

39 **Sec. 4. The medical licensing board may not take an adverse**
 40 **action against a physician who makes a physician recommendation**
 41 **in good faith under this article if the sole basis of taking the**
 42 **adverse action is the physician recommendation.**



1 SECTION 7. IC 7.1-9 IS ADDED TO THE INDIANA CODE AS A
 2 NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 3 2018]:

4 **ARTICLE 9. DEPARTMENT OF MARIJUANA**
 5 **ENFORCEMENT**

6 **Chapter 1. Definitions**

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

9 **Chapter 2. General Provisions**

10 **Sec. 1. The department of marijuana enforcement (DOME) is**
 11 **established as an agency of the state for purposes of administering**
 12 **the medical marijuana program.**

13 **Sec. 2. (a) DOME consists of:**

- 14 (1) the DOME committee;
 15 (2) the executive director; and
 16 (3) other employees necessary to carry out the duties of
 17 DOME.

18 (b) The DOME committee consists of four (4) commissioners,
 19 who shall direct and oversee the operation of DOME.

20 **Sec. 3. (a) DOME commissioners shall be appointed by the**
 21 **governor.**

22 (b) A commissioner is eligible for reappointment.

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

25 (d) A commissioner shall be appointed to a four (4) year term.

26 (e) A commissioner serves the commissioner's term at the
 27 pleasure of the governor.

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

- 30 (1) The individual may not be employed by the state in any
 31 other capacity.
 32 (2) The individual must have good moral character.
 33 (3) The individual must have been a resident of Indiana for at
 34 least ten (10) years immediately preceding the appointment.

35 **Sec. 5. The governor shall appoint one (1) commissioner to serve**
 36 **as chairperson of the DOME committee, and one (1) commissioner**
 37 **to serve as vice chairperson. The vice chairperson shall act as the**
 38 **chairperson if the chairperson is unable to attend a meeting of the**
 39 **DOME committee.**

40 **Sec. 6. A commissioner appointed to fill a vacancy in the**
 41 **membership of the DOME committee shall serve only for the**
 42 **unexpired part of the original, vacated term. In all other respects,**



1 an appointment to fill a vacancy shall be made in the same manner
2 that an original appointment is made.

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

11 **Sec. 8.** Each commissioner shall execute:

12 (1) a surety bond in the amount of ten thousand dollars
13 (\$10,000), with surety approved by the governor; and

14 (2) an oath of office.

15 The surety bond and the oath of office shall be filed in the office of
16 the secretary of state.

17 **Sec. 9.** The required surety bond executed and filed on behalf of
18 a commissioner shall be made payable to the state of Indiana and
19 conditioned upon the faithful discharge of the commissioner's
20 duties.

21 **Sec. 10.** The DOME committee shall hold meetings at the call of
22 the chairperson. The DOME committee may establish rules
23 governing meetings.

24 **Sec. 11. (a)** Three (3) DOME commissioners constitute a
25 quorum for the transaction of business.

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

27 (c) Action of the DOME committee may be taken only upon the
28 affirmative votes of at least two (2) commissioners. If a vote is a tie,
29 the position for which the chairperson voted prevails, as long as
30 that position has received the affirmative votes of at least two (2)
31 commissioners.

32 **Sec. 12.** A commissioner may not solicit or accept a political
33 contribution from a qualified patient, qualified primary caregiver,
34 or any individual or entity that has a permit or has applied for a
35 permit issued by DOME. However, the right of a commissioner to
36 vote as the commissioner chooses and to express the
37 commissioner's opinions on political subjects and candidates may
38 not be impaired.

39 **Chapter 3. Employees and Administration**

40 **Sec. 1. (a)** The DOME committee shall appoint an executive
41 director to assist DOME in the efficient administration of its
42 powers and duties.



1 (b) The DOME committee shall fix the salary of the executive
2 director, subject to the approval of the budget agency.
3 Sec. 2. DOME has the power to employ all necessary employees,
4 determine their duties, and, subject to the approval of the DOME
5 committee and the budget agency, fix their salaries.
6 Chapter 4. Powers and Duties
7 Sec. 1. The chairperson is the presiding officer at the meetings
8 of the DOME committee. The chairperson, together with the
9 executive director, shall prepare, certify, and authenticate all
10 proceedings, minutes, records, rules, and regulations of the DOME
11 committee. The chairperson shall also perform all other duties as
12 imposed on the chairperson by this title.
13 Sec. 2. DOME has the power to organize its work, to enforce
14 and administer this article and IC 7.1-8, and to enforce and
15 administer the rules adopted by DOME.
16 Sec. 3. DOME shall adopt rules under IC 4-22-2 to prescribe the
17 forms for all applications, documents, permits, medical marijuana
18 cards, and licenses used in the administration of this article and
19 IC 7.1-8.
20 Sec. 4. DOME has the following powers:
21 (1) To hold hearings before DOME or its representative.
22 (2) To take testimony and receive evidence.
23 (3) To conduct inquiries with or without a hearing.
24 (4) To receive reports of investigators or other governmental
25 officers and employees.
26 (5) To administer oaths.
27 (6) To subpoena witnesses and to compel them to appear and
28 testify.
29 (7) To certify copies of records of DOME or any other
30 document or record on file with DOME.
31 (8) To fix the form, mode, manner, time, and number of times
32 for the posting or publication of any required notices if not
33 otherwise provided.
34 (9) To adopt rules under IC 4-22-2 to carry out this article
35 and IC 7.1-8.
36 Sec. 5. DOME has the following duties:
37 (1) To establish the medical marijuana program described in
38 IC 7.1-8 and to adopt all necessary rules to implement the
39 program.
40 (2) To implement protocols for the application and issuance
41 of a medical marijuana card, including protocols to:
42 (A) prevent fraud;



- 1 **(B) ensure the accuracy of information contained in the**
 2 **application; and**
 3 **(C) protect the privacy of an applicant.**
 4 **(3) To advise the general assembly concerning the**
 5 **establishment of a program for the:**
 6 **(A) manufacture;**
 7 **(B) cultivation;**
 8 **(C) transportation; and**
 9 **(D) dispensing;**
 10 **of medical marijuana.**
 11 **(4) To encourage research concerning medical marijuana and**
 12 **issue licenses as described in IC 7.1-9-5.**
 13 **Chapter 5. Research and Development**
 14 **Sec. 1. To permit and encourage research concerning medical**
 15 **marijuana:**
 16 **(1) an accredited institution of higher education with a**
 17 **physical presence in Indiana; and**
 18 **(2) a pharmaceutical or agricultural business having a**
 19 **research facility in Indiana;**
 20 **may apply to DOME for a license to conduct research concerning**
 21 **medical marijuana.**
 22 **Sec. 2. An application under this chapter must include the**
 23 **following:**
 24 **(1) The nature of the research project.**
 25 **(2) The names of the individuals who will conduct the**
 26 **research project.**
 27 **(3) The approximate quantity of marijuana that will be used**
 28 **in the research project.**
 29 **(4) The security protocol to be implemented to ensure that**
 30 **marijuana is not diverted for uses other than the research**
 31 **project.**
 32 **(5) Any other information required by DOME.**
 33 **Sec. 3. Upon receipt of a completed application, DOME may**
 34 **issue a research license to the accredited institution of higher**
 35 **education or pharmaceutical or agricultural business. The research**
 36 **license must specifically list the names of each individual**
 37 **participating in the research project who will have custody or**
 38 **control of marijuana for research purposes and the approximate**
 39 **quantity of the marijuana that will be used in the research project.**
 40 **Sec. 4. DOME may charge a reasonable fee for issuance of a**
 41 **research license.**
 42 **SECTION 8. IC 15-16-7-8 IS REPEALED [EFFECTIVE JULY 1,**



1 2018]. Sec. 8: In addition to the weed control board's powers and duties
 2 under section 7 of this chapter, the weed control board may establish
 3 a marijuana eradication program to eliminate and destroy wild
 4 marijuana plants within the county. The program is funded by amounts
 5 appropriated by the county:

6 (1) under IC 33-37-8; and

7 (2) from the county general fund.

8 SECTION 9. IC 33-37-4-1, AS AMENDED BY P.L.85-2017,
 9 SECTION 108, IS AMENDED TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) For each action that results in
 11 a felony conviction under IC 35-50-2 or a misdemeanor conviction
 12 under IC 35-50-3, the clerk shall collect from the defendant a criminal
 13 costs fee of one hundred twenty dollars (\$120).

14 (b) In addition to the criminal costs fee collected under this section,
 15 the clerk shall collect from the defendant the following fees if they are
 16 required under IC 33-37-5:

17 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
 18 IC 33-37-5-4).

19 (2) A marijuana eradication program fee (~~IC 33-37-5-7~~).

20 (3) (2) An alcohol and drug services program fee
 21 (IC 33-37-5-8(b)).

22 (4) (3) A law enforcement continuing education program fee
 23 (IC 33-37-5-8(c)).

24 (5) (4) A drug abuse, prosecution, interdiction, and correction fee
 25 (IC 33-37-5-9).

26 (6) (5) An alcohol and drug countermeasures fee (IC 33-37-5-10).

27 (7) (6) A child abuse prevention fee (IC 33-37-5-12).

28 (8) (7) A domestic violence prevention and treatment fee
 29 (IC 33-37-5-13).

30 (9) (8) A highway worksite zone fee (IC 33-37-5-14).

31 (10) (9) A deferred prosecution fee (IC 33-37-5-17).

32 (11) (10) A document storage fee (IC 33-37-5-20).

33 (12) (11) An automated record keeping fee (IC 33-37-5-21).

34 (13) (12) A late payment fee (IC 33-37-5-22).

35 (14) (13) A sexual assault victims assistance fee (IC 33-37-5-23).

36 (15) (14) A public defense administration fee (IC 33-37-5-21.2).

37 (16) (15) A judicial insurance adjustment fee (IC 33-37-5-25).

38 (17) (16) A judicial salaries fee (IC 33-37-5-26).

39 (18) (17) A court administration fee (IC 33-37-5-27).

40 (19) (18) A DNA sample processing fee (IC 33-37-5-26.2).

41 (c) Instead of the criminal costs fee prescribed by this section,
 42 except for the automated record keeping fee (IC 33-37-5-21), the clerk



1 shall collect a pretrial diversion program fee if an agreement between
 2 the prosecuting attorney and the accused person entered into under
 3 IC 33-39-1-8 requires payment of those fees by the accused person.
 4 The pretrial diversion program fee is:

- 5 (1) an initial user's fee of fifty dollars (\$50); and
- 6 (2) a monthly user's fee of ten dollars (\$10) for each month that
 7 the person remains in the pretrial diversion program.

8 (d) The clerk shall transfer to the county auditor or city or town
 9 fiscal officer the following fees, not later than thirty (30) days after the
 10 fees are collected:

- 11 (1) The pretrial diversion fee.
- 12 ~~(2) The marijuana eradication program fee.~~
- 13 ~~(3) (2) The alcohol and drug services program fee.~~
- 14 ~~(4) (3) The law enforcement continuing education program fee.~~

15 The auditor or fiscal officer shall deposit fees transferred under this
 16 subsection in the appropriate user fee fund established under
 17 IC 33-37-8.

18 (e) Unless otherwise directed by a court, if a clerk collects only part
 19 of a criminal costs fee from a defendant under this section, the clerk
 20 shall distribute the partial payment of the criminal costs fee as follows:

- 21 (1) The clerk shall apply the partial payment to general court
 22 costs.
- 23 (2) If there is money remaining after the partial payment is
 24 applied to general court costs under subdivision (1), the clerk
 25 shall distribute the remainder of the partial payment for deposit in
 26 the appropriate county user fee fund.
- 27 (3) If there is money remaining after distribution under
 28 subdivision (2), the clerk shall distribute the remainder of the
 29 partial payment for deposit in the state user fee fund.
- 30 (4) If there is money remaining after distribution under
 31 subdivision (3), the clerk shall distribute the remainder of the
 32 partial payment to any other applicable user fee fund.
- 33 (5) If there is money remaining after distribution under
 34 subdivision (4), the clerk shall apply the remainder of the partial
 35 payment to any outstanding fines owed by the defendant.

36 SECTION 10. IC 33-37-4-3, AS AMENDED BY P.L.85-2017,
 37 SECTION 110, IS AMENDED TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2018]: Sec. 3. (a) The clerk shall collect a
 39 juvenile costs fee of one hundred twenty dollars (\$120) for each action
 40 filed under any of the following:

- 41 (1) IC 31-34 (children in need of services).
- 42 (2) IC 31-37 (delinquent children).



- 1 (3) IC 31-14 (paternity).
- 2 (b) In addition to the juvenile costs fee collected under this section,
3 the clerk shall collect the following fees, if they are required under
4 IC 33-37-5:
- 5 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or
6 IC 33-37-5-4).
- 7 ~~(2) A marijuana eradication program fee (IC 33-37-5-7).~~
- 8 ~~(3)~~ **(2)** An alcohol and drug services program fee
9 (IC 33-37-5-8(b)).
- 10 ~~(4)~~ **(3)** A law enforcement continuing education program fee
11 (IC 33-37-5-8(c)).
- 12 ~~(5)~~ **(4)** An alcohol and drug countermeasures fee (IC 33-37-5-10).
- 13 ~~(6)~~ **(5)** A document storage fee (IC 33-37-5-20).
- 14 ~~(7)~~ **(6)** An automated record keeping fee (IC 33-37-5-21).
- 15 ~~(8)~~ **(7)** A late payment fee (IC 33-37-5-22).
- 16 ~~(9)~~ **(8)** A public defense administration fee (IC 33-37-5-21.2).
- 17 ~~(10)~~ **(9)** A judicial insurance adjustment fee (IC 33-37-5-25).
- 18 ~~(11)~~ **(10)** A judicial salaries fee (IC 33-37-5-26).
- 19 ~~(12)~~ **(11)** A court administration fee (IC 33-37-5-27).
- 20 ~~(13)~~ **(12)** A DNA sample processing fee (IC 33-37-5-26.2).
- 21 (c) The clerk shall transfer to the county auditor or city or town
22 fiscal officer the following fees not later than thirty (30) days after they
23 are collected:
- 24 ~~(1) The marijuana eradication program fee (IC 33-37-5-7).~~
- 25 ~~(2)~~ **(1)** The alcohol and drug services program fee
26 (IC 33-37-5-8(b)).
- 27 ~~(3)~~ **(2)** The law enforcement continuing education program fee
28 (IC 33-37-5-8(c)).
- 29 The auditor or fiscal officer shall deposit the fees in the appropriate
30 user fee fund established under IC 33-37-8.
- 31 SECTION 11. IC 33-37-5-7 IS REPEALED [EFFECTIVE JULY 1,
32 2018]. ~~Sec. 7: (a) This section applies to criminal actions:~~
- 33 ~~(b) The clerk shall collect the marijuana eradication program fee set
34 by the court under IC 15-16-7-8, if:~~
- 35 ~~(1) a weed control board has been established in the county under
36 IC 15-16-7-3; and~~
- 37 ~~(2) the person has been convicted of an offense under IC 35-48-4
38 in a case prosecuted in that county.~~
- 39 ~~(c) The court may set a fee under this section of not more than three
40 hundred dollars (\$300).~~
- 41 SECTION 12. IC 33-37-7-2, AS AMENDED BY P.L.39-2017,
42 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2018]: Sec. 2. (a) The clerk of a circuit court shall distribute
 2 semiannually to the auditor of state as the state share for deposit in the
 3 homeowner protection unit account established by IC 4-6-12-9 one
 4 hundred percent (100%) of the automated record keeping fees collected
 5 under IC 33-37-5-21 with respect to actions resulting in the accused
 6 person entering into a pretrial diversion program agreement under
 7 IC 33-39-1-8 or a deferral program agreement under IC 34-28-5-1 and
 8 for deposit in the state general fund seventy percent (70%) of the
 9 amount of fees collected under the following:

- 10 (1) IC 33-37-4-1(a) (criminal costs fees).
- 11 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 12 (3) IC 33-37-4-3(a) (juvenile costs fees).
- 13 (4) IC 33-37-4-4(a) (civil costs fees).
- 14 (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 15 (6) IC 33-37-4-7(a) (probate costs fees).
- 16 (7) IC 33-37-5-17 (deferred prosecution fees).

17 (b) The clerk of a circuit court shall distribute semiannually to the
 18 auditor of state for deposit in the state user fee fund established in
 19 IC 33-37-9-2 the following:

- 20 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 21 interdiction, and correction fees collected under
 22 ~~IC 33-37-4-1(b)(5)~~; **IC 33-37-4-1(b)(4)**.
- 23 (2) Twenty-five percent (25%) of the alcohol and drug
 24 countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~;
 25 **IC 33-37-4-1(b)(5)**, IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5)~~;
 26 **IC 33-37-4-3(b)(4)**.
- 27 (3) One hundred percent (100%) of the child abuse prevention
 28 fees collected under ~~IC 33-37-4-1(b)(7)~~; **IC 33-37-4-1(b)(6)**.
- 29 (4) One hundred percent (100%) of the domestic violence
 30 prevention and treatment fees collected under ~~IC 33-37-4-1(b)(8)~~;
 31 **IC 33-37-4-1(b)(7)**.
- 32 (5) One hundred percent (100%) of the highway worksite zone
 33 fees collected under ~~IC 33-37-4-1(b)(9)~~ **IC 33-37-4-1(b)(8)** and
 34 IC 33-37-4-2(b)(5).
- 35 (6) One hundred percent (100%) of the safe schools fee collected
 36 under IC 33-37-5-18.
- 37 (7) One hundred percent (100%) of the automated record keeping
 38 fee collected under IC 33-37-5-21 not distributed under
 39 subsection (a).

40 (c) The clerk of a circuit court shall distribute monthly to the county
 41 auditor the following:

- 42 (1) Seventy-five percent (75%) of the drug abuse, prosecution,



1 interdiction, and correction fees collected under
2 ~~IC 33-37-4-1(b)(5)~~. **IC 33-37-4-1(b)(4)**.

3 (2) Seventy-five percent (75%) of the alcohol and drug
4 countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~,
5 **IC 33-37-4-1(b)(5)**, IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5)~~.
6 **IC 33-37-4-3(b)(4)**.

7 The county auditor shall deposit fees distributed by a clerk under this
8 subsection into the county drug free community fund established under
9 IC 5-2-11.

10 (d) The clerk of a circuit court shall distribute monthly to the county
11 auditor one hundred percent (100%) of the late payment fees collected
12 under IC 33-37-5-22. The county auditor shall deposit fees distributed
13 by a clerk under this subsection as follows:

14 (1) If directed to do so by an ordinance adopted by the county
15 fiscal body, the county auditor shall deposit forty percent (40%)
16 of the fees in the clerk's record perpetuation fund established
17 under IC 33-37-5-2 and sixty percent (60%) of the fees in the
18 county general fund.

19 (2) If the county fiscal body has not adopted an ordinance
20 described in subdivision (1), the county auditor shall deposit all
21 the fees in the county general fund.

22 (e) The clerk of the circuit court shall distribute semiannually to the
23 auditor of state for deposit in the sexual assault victims assistance fund
24 established by IC 5-2-6-23(j) one hundred percent (100%) of the sexual
25 assault victims assistance fees collected under IC 33-37-5-23.

26 (f) The clerk of a circuit court shall distribute monthly to the county
27 auditor the following:

28 (1) One hundred percent (100%) of the support and maintenance
29 fees for cases designated as non-Title IV-D child support cases in
30 the Indiana support enforcement tracking system (ISETS) or the
31 successor statewide automated support enforcement system
32 collected under IC 33-37-5-6.

33 (2) The percentage share of the support and maintenance fees for
34 cases designated as Title IV-D child support cases in ISETS or the
35 successor statewide automated support enforcement system
36 collected under IC 33-37-5-6 that is reimbursable to the county at
37 the federal financial participation rate.

38 The county clerk shall distribute monthly to the department of child
39 services the percentage share of the support and maintenance fees for
40 cases designated as Title IV-D child support cases in ISETS, or the
41 successor statewide automated support enforcement system, collected
42 under IC 33-37-5-6 that is not reimbursable to the county at the



1 applicable federal financial participation rate.

2 (g) The clerk of a circuit court shall distribute monthly to the county
3 auditor the following:

4 (1) One hundred percent (100%) of the small claims service fee
5 under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in
6 the county general fund.

7 (2) One hundred percent (100%) of the small claims garnishee
8 service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for
9 deposit in the county general fund.

10 (h) This subsection does not apply to court administration fees
11 collected in small claims actions filed in a court described in IC 33-34.
12 The clerk of a circuit court shall semiannually distribute to the auditor
13 of state for deposit in the state general fund one hundred percent
14 (100%) of the following:

15 (1) The public defense administration fee collected under
16 IC 33-37-5-21.2.

17 (2) The judicial salaries fees collected under IC 33-37-5-26.

18 (3) The DNA sample processing fees collected under
19 IC 33-37-5-26.2.

20 (4) The court administration fees collected under IC 33-37-5-27.

21 (i) The clerk of a circuit court shall semiannually distribute to the
22 auditor of state for deposit in the judicial branch insurance adjustment
23 account established by IC 33-38-5-8.2 one hundred percent (100%) of
24 the judicial insurance adjustment fee collected under IC 33-37-5-25.

25 (j) The proceeds of the service fee collected under
26 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as
27 follows:

28 (1) The clerk shall distribute one hundred percent (100%) of the
29 service fees collected in a circuit, superior, county, or probate
30 court to the county auditor for deposit in the county general fund.

31 (2) The clerk shall distribute one hundred percent (100%) of the
32 service fees collected in a city or town court to the city or town
33 fiscal officer for deposit in the city or town general fund.

34 (k) The proceeds of the garnishee service fee collected under
35 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as
36 follows:

37 (1) The clerk shall distribute one hundred percent (100%) of the
38 garnishee service fees collected in a circuit, superior, county, or
39 probate court to the county auditor for deposit in the county
40 general fund.

41 (2) The clerk shall distribute one hundred percent (100%) of the
42 garnishee service fees collected in a city or town court to the city



1 or town fiscal officer for deposit in the city or town general fund.

2 (l) The clerk of the circuit court shall distribute semiannually to the
3 auditor of state for deposit in the home ownership education account
4 established by IC 5-20-1-27 one hundred percent (100%) of the
5 following:

6 (1) The mortgage foreclosure counseling and education fees
7 collected under IC 33-37-5-33 (before its expiration on July 1,
8 2017).

9 (2) Any civil penalties imposed and collected by a court for a
10 violation of a court order in a foreclosure action under
11 IC 32-30-10.5.

12 (m) The clerk of a circuit court shall distribute semiannually to the
13 auditor of state one hundred percent (100%) of the pro bono legal
14 services fees collected before July 1, 2022, under IC 33-37-5-31. The
15 auditor of state shall transfer semiannually the pro bono legal services
16 fees to the Indiana Bar Foundation (or a successor entity) as the entity
17 designated to organize and administer the interest on lawyers trust
18 accounts (IOLTA) program under Rule 1.15 of the Rules of
19 Professional Conduct of the Indiana supreme court. The Indiana Bar
20 Foundation shall:

21 (1) deposit in an appropriate account and otherwise manage the
22 fees the Indiana Bar Foundation receives under this subsection in
23 the same manner the Indiana Bar Foundation deposits and
24 manages the net earnings the Indiana Bar Foundation receives
25 from IOLTA accounts; and

26 (2) use the fees the Indiana Bar Foundation receives under this
27 subsection to assist or establish approved pro bono legal services
28 programs.

29 The handling and expenditure of the pro bono legal services fees
30 received under this section by the Indiana Bar Foundation (or its
31 successor entity) are subject to audit by the state board of accounts. The
32 amounts necessary to make the transfers required by this subsection are
33 appropriated from the state general fund.

34 SECTION 13. IC 33-37-7-8, AS AMENDED BY P.L.39-2017,
35 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2018]: Sec. 8. (a) The clerk of a city or town court shall
37 distribute semiannually to the auditor of state as the state share for
38 deposit in the homeowner protection unit account established by
39 IC 4-6-12-9 one hundred percent (100%) of the automated record
40 keeping fees collected under IC 33-37-5-21 with respect to actions
41 resulting in the accused person entering into a pretrial diversion
42 program agreement under IC 33-39-1-8 or a deferral program



1 agreement under IC 34-28-5-1 and for deposit in the state general fund
 2 fifty-five percent (55%) of the amount of fees collected under the
 3 following:

- 4 (1) IC 33-37-4-1(a) (criminal costs fees).
- 5 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 6 (3) IC 33-37-4-4(a) (civil costs fees).
- 7 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 8 (5) IC 33-37-5-17 (deferred prosecution fees).

9 (b) The city or town fiscal officer shall distribute monthly to the
 10 county auditor as the county share twenty percent (20%) of the amount
 11 of fees collected under the following:

- 12 (1) IC 33-37-4-1(a) (criminal costs fees).
- 13 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 14 (3) IC 33-37-4-4(a) (civil costs fees).
- 15 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 16 (5) IC 33-37-5-17 (deferred prosecution fees).

17 (c) The city or town fiscal officer shall retain twenty-five percent
 18 (25%) as the city or town share of the fees collected under the
 19 following:

- 20 (1) IC 33-37-4-1(a) (criminal costs fees).
- 21 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- 22 (3) IC 33-37-4-4(a) (civil costs fees).
- 23 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- 24 (5) IC 33-37-5-17 (deferred prosecution fees).

25 (d) The clerk of a city or town court shall distribute semiannually to
 26 the auditor of state for deposit in the state user fee fund established in
 27 IC 33-37-9 the following:

- 28 (1) Twenty-five percent (25%) of the drug abuse, prosecution,
 29 interdiction, and correction fees collected under
 30 ~~IC 33-37-4-1(b)(5)~~; **IC 33-37-4-1(b)(4)**.
- 31 (2) Twenty-five percent (25%) of the alcohol and drug
 32 countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~;
 33 **IC 33-37-4-1(b)(5)**, IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5)~~;
 34 **IC 33-37-4-3(b)(4)**.
- 35 (3) One hundred percent (100%) of the highway worksite zone
 36 fees collected under ~~IC 33-37-4-1(b)(9)~~ **IC 33-37-4-1(b)(8)** and
 37 IC 33-37-4-2(b)(5).
- 38 (4) One hundred percent (100%) of the safe schools fee collected
 39 under IC 33-37-5-18.
- 40 (5) One hundred percent (100%) of the automated record keeping
 41 fee collected under IC 33-37-5-21 not distributed under
 42 subsection (a).



1 (e) The clerk of a city or town court shall distribute monthly to the
2 county auditor the following:

3 (1) Seventy-five percent (75%) of the drug abuse, prosecution,
4 interdiction, and correction fees collected under
5 ~~IC 33-37-4-1(b)(5)~~; **IC 33-37-4-1(b)(4)**.

6 (2) Seventy-five percent (75%) of the alcohol and drug
7 countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~;
8 **IC 33-37-4-1(b)(5)**, IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5)~~;
9 **IC 33-37-4-3(b)(4)**.

10 The county auditor shall deposit fees distributed by a clerk under this
11 subsection into the county drug free community fund established under
12 IC 5-2-11.

13 (f) The clerk of a city or town court shall distribute monthly to the
14 city or town fiscal officer (as defined in IC 36-1-2-7) one hundred
15 percent (100%) of the following:

16 (1) The late payment fees collected under IC 33-37-5-22.

17 (2) The small claims service fee collected under
18 IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).

19 (3) The small claims garnishee service fee collected under
20 IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).

21 The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit
22 fees distributed by a clerk under this subsection in the city or town
23 general fund.

24 (g) The clerk of a city or town court shall semiannually distribute to
25 the auditor of state for deposit in the state general fund one hundred
26 percent (100%) of the following:

27 (1) The public defense administration fee collected under
28 IC 33-37-5-21.2.

29 (2) The DNA sample processing fees collected under
30 IC 33-37-5-26.2.

31 (3) The court administration fees collected under IC 33-37-5-27.

32 (h) The clerk of a city or town court shall semiannually distribute to
33 the auditor of state for deposit in the judicial branch insurance
34 adjustment account established by IC 33-38-5-8.2 one hundred percent
35 (100%) of the judicial insurance adjustment fee collected under
36 IC 33-37-5-25.

37 (i) The clerk of a city or town court shall semiannually distribute to
38 the auditor of state for deposit in the state general fund seventy-five
39 percent (75%) of the judicial salaries fee collected under
40 IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five
41 percent (25%) of the judicial salaries fee collected under
42 IC 33-37-5-26. The funds retained by the city or town shall be



1 prioritized to fund city or town court operations.

2 (j) The clerk of a city or town court shall distribute semiannually to
3 the auditor of state one hundred percent (100%) of the pro bono legal
4 services fees collected before July 1, 2022, under IC 33-37-5-31. The
5 auditor of state shall transfer semiannually the pro bono legal services
6 fees to the Indiana Bar Foundation (or a successor entity) as the entity
7 designated to organize and administer the interest on lawyers trust
8 accounts (IOLTA) program under Rule 1.15 of the Rules of
9 Professional Conduct of the Indiana supreme court. The Indiana Bar
10 Foundation shall:

11 (1) deposit in an appropriate account and otherwise manage the
12 fees the Indiana Bar Foundation receives under this subsection in
13 the same manner the Indiana Bar Foundation deposits and
14 manages the net earnings the Indiana Bar Foundation receives
15 from IOLTA accounts; and

16 (2) use the fees the Indiana Bar Foundation receives under this
17 subsection to assist or establish approved pro bono legal services
18 programs.

19 The handling and expenditure of the pro bono legal services fees
20 received under this section by the Indiana Bar Foundation (or its
21 successor entity) are subject to audit by the state board of accounts. The
22 amounts necessary to make the transfers required by this subsection are
23 appropriated from the state general fund.

24 SECTION 14. IC 33-37-8-5, AS AMENDED BY P.L.187-2011,
25 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 JULY 1, 2018]: Sec. 5. (a) A county user fee fund is established in each
27 county to finance various program services. The county fund is
28 administered by the county auditor.

29 (b) The county fund consists of the following fees collected by a
30 clerk under this article and by the probation department for the juvenile
31 court under IC 31-37-9-9:

32 (1) The pretrial diversion program fee.

33 (2) The informal adjustment program fee.

34 ~~(3) The marijuana eradication program fee.~~

35 ~~(4)~~ (3) The alcohol and drug services program fee.

36 ~~(5)~~ (4) The law enforcement continuing education program fee.

37 ~~(6)~~ (5) The deferral program fee.

38 ~~(7)~~ (6) The jury fee.

39 ~~(8)~~ (7) The problem solving court fee.

40 (c) All of the jury fee and two dollars (\$2) of a deferral program fee
41 collected under IC 33-37-4-2(e) shall be deposited by the county
42 auditor in the jury pay fund established under IC 33-37-11.



1 SECTION 15. IC 35-48-4-8.3, AS AMENDED BY P.L.187-2015,
 2 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2018]: Sec. 8.3. (a) This section does not apply to a rolling
 4 paper.

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

- 8 (1) introducing into the person's body a controlled substance;
- 9 (2) testing the strength, effectiveness, or purity of a controlled
 10 substance; or
- 11 (3) enhancing the effect of a controlled substance;

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

15 **(c) It is a defense to an action or prosecution under this section**
 16 **that:**

17 **(1) the person who possesses the instrument, device, or other**
 18 **object is a:**

19 **(A) qualified patient (as defined in IC 7.1-8-1) or qualified**
 20 **primary caregiver (as defined in IC 7.1-8-1); or**

21 **(B) person listed on a valid marijuana research license**
 22 **issued by the department of marijuana enforcement under**
 23 **IC 7.1-9; and**

24 **(2) the instrument, device, or other object is for the use of**
 25 **medical marijuana or research relating to the use of medical**
 26 **marijuana.**

27 SECTION 16. IC 35-48-4-10, AS AMENDED BY P.L.44-2016,
 28 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 JULY 1, 2018]: Sec. 10. (a) A person who:

30 (1) knowingly or intentionally:

- 31 (A) manufactures;
- 32 (B) finances the manufacture of;
- 33 (C) delivers; or
- 34 (D) finances the delivery of;

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

36 (2) possesses, with intent to:

- 37 (A) manufacture;
- 38 (B) finance the manufacture of;
- 39 (C) deliver; or
- 40 (D) finance the delivery of;

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

42 commits dealing in marijuana, hash oil, hashish, or salvia, a Class A



- 1 misdemeanor, except as provided in subsections (b) through (d).
 2 (b) A person may be convicted of an offense under subsection (a)(2)
 3 only if:
 4 (1) there is evidence in addition to the weight of the drug that the
 5 person intended to manufacture, finance the manufacture of,
 6 deliver, or finance the delivery of the drug; or
 7 (2) the amount of the drug involved is at least:
 8 (A) ten (10) pounds, if the drug is marijuana; or
 9 (B) three hundred (300) grams, if the drug is hash oil, hashish,
 10 or salvia.
 11 (c) The offense is a Level 6 felony if:
 12 (1) the person has a prior conviction for a drug offense and the
 13 amount of the drug involved is:
 14 (A) less than thirty (30) grams of marijuana; or
 15 (B) less than five (5) grams of hash oil, hashish, or salvia; or
 16 (2) the amount of the drug involved is:
 17 (A) at least thirty (30) grams but less than ten (10) pounds of
 18 marijuana; or
 19 (B) at least five (5) grams but less than three hundred (300)
 20 grams of hash oil, hashish, or salvia.
 21 (d) The offense is a Level 5 felony if:
 22 (1) the person has a prior conviction for a drug dealing offense
 23 and the amount of the drug involved is:
 24 (A) at least thirty (30) grams but less than ten (10) pounds of
 25 marijuana; or
 26 (B) at least five (5) grams but less than three hundred (300)
 27 grams of hash oil, hashish, or salvia; or
 28 (2) the:
 29 (A) amount of the drug involved is:
 30 (i) at least ten (10) pounds of marijuana; or
 31 (ii) at least three hundred (300) grams of hash oil, hashish,
 32 or salvia; or
 33 (B) offense involved a sale to a minor.
 34 **(e) It is a defense to a prosecution under this section for an**
 35 **offense involving marijuana, hash oil, or hashish that the person is**
 36 **a:**
 37 **(1) qualified primary caregiver (as defined in IC 7.1-8-1), if:**
 38 **(A) the possession or delivery of the marijuana, hash oil, or**
 39 **hashish is permitted under IC 7.1-8-2-3; and**
 40 **(B) the quantity of marijuana, hash oil, or hashish**
 41 **possessed or delivered does not exceed the permissible**
 42 **amounts set forth in IC 7.1-8-2-3; or**



1 **(2) person listed on a valid marijuana research license issued**
 2 **by the department of marijuana enforcement under IC 7.1-9,**
 3 **if:**

4 **(A) the possession or delivery of the marijuana, hash oil, or**
 5 **hashish is permitted by the research license issued by the**
 6 **department of marijuana enforcement under IC 7.1-9-5;**
 7 **and**

8 **(B) the quantity of marijuana, hash oil, or hashish**
 9 **possessed or delivered does not exceed the permissible**
 10 **quantity authorized by the research license issued by the**
 11 **department of marijuana enforcement.**

12 SECTION 17. IC 35-48-4-11, AS AMENDED BY P.L.188-2017,
 13 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2018]: Sec. 11. (a) A person who:

15 (1) knowingly or intentionally possesses (pure or adulterated):

16 **(A) more than two (2) ounces of marijuana;**

17 **(B) hash oil;**

18 **(C) hashish; or**

19 **(D) salvia;**

20 (2) knowingly or intentionally grows or cultivates **more than two**

21 **(2) ounces of marijuana; or**

22 (3) knowing that **more than two (2) ounces of marijuana is are**
 23 growing on the person's premises, fails to destroy the marijuana
 24 plants;

25 commits possession of marijuana, hash oil, hashish, or salvia, a Class
 26 B misdemeanor, except as provided in subsections (b) through (c).

27 (b) The offense described in subsection (a) is a Class A
 28 misdemeanor if the person has a prior conviction for a drug offense.

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

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

31 (2) the person possesses:

32 (A) at least ~~thirty (30) grams~~ **four (4) ounces** of marijuana; or

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

34 (d) It is a defense to a prosecution under subsection (a)(1) based on
 35 the possession of a substance containing cannabidiol that:

36 (1) the person is a patient or caregiver registered under
 37 IC 16-42-28.6 for the use of a substance containing cannabidiol;

38 (2) the person reasonably believed that the substance possessed
 39 by the person was a substance containing cannabidiol; and

40 (3) the substance containing cannabidiol is packaged in a
 41 container labeled with the origin, volume, and concentration by
 42 weight of total THC, including its precursors and derivatives, and



- 1 cannabidiol.
- 2 (e) It is a defense to a prosecution under this section based on the
- 3 possession of a substance containing cannabidiol that:
- 4 (1) the substance containing cannabidiol has been approved by
- 5 the federal Food and Drug Administration or the federal Drug
- 6 Enforcement Agency as a prescription drug; and
- 7 (2) the substance was prescribed and dispensed in accordance
- 8 with the federal approval described in subdivision (1).
- 9 **(f) It is a defense to a prosecution under this section for an**
- 10 **offense involving marijuana, hash oil, or hashish that the person is**
- 11 **a:**
- 12 **(1) qualified patient (as defined in IC 7.1-8-1) or qualified**
- 13 **primary caregiver (as defined under IC 7.1-8-1), if:**
- 14 **(A) the possession of the marijuana, hash oil, or hashish is**
- 15 **permitted under IC 7.1-8-2-2; and**
- 16 **(B) the quantity of marijuana, hash oil, or hashish**
- 17 **possessed or cultivated does not exceed the permissible**
- 18 **amounts set forth in IC 7.1-8-2-2; or**
- 19 **(2) person listed on a valid marijuana research license issued**
- 20 **by the department of marijuana enforcement under IC 7.1-9,**
- 21 **if:**
- 22 **(A) the possession or cultivation of the marijuana, hash oil,**
- 23 **or hashish is permitted by the research license issued by**
- 24 **the department of marijuana enforcement under**
- 25 **IC 7.1-9-5; and**
- 26 **(B) the quantity of marijuana, hash oil, or hashish**
- 27 **possessed or cultivated does not exceed the permissible**
- 28 **quantity authorized by the research license issued by the**
- 29 **department of marijuana enforcement.**
- 30 SECTION 18. IC 35-52-7-97 IS ADDED TO THE INDIANA
- 31 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 32 [EFFECTIVE JULY 1, 2018]: **Sec. 97. IC 7.1-8-2-1 defines a crime**
- 33 **concerning medical marijuana.**

