

SENATE BILL No. 310

DIGEST OF INTRODUCED BILL

Citations Affected: IC 11-12-3.7-3; IC 16-31-3; IC 20-28-5-8; IC 22-15-5-16; IC 25-1-1.1; IC 34-24-1-1; IC 35-45-6-1; IC 35-48; IC 35-50-2-2.2.

Synopsis: Marijuana and controlled substances. Excludes from the definitions of: (1) "controlled substance"; (2) "controlled substance analog"; and (3) "marijuana"; certain substances containing less than 0.5% tetrahydrocannabinol. Specifies that "tetrahydrocannabinol", for purposes of inclusion in schedule I, does not include a compound containing less than 0.5% tetrahydrocannabinol. Removes certain references to hashish and hash oil. Makes conforming amendments.

Effective: July 1, 2018.

Tallian

January 4, 2018, read first time and referred to Committee on Corrections and Criminal Law.



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. 310

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 11-12-3.7-3, AS AMENDED BY P.L.182-2011,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2018]: Sec. 3. As used in this chapter, "drug dealing offense"
4 means one (1) or more of the following offenses:
5 (1) Dealing in cocaine or a narcotic drug (IC 35-48-4-1), unless
6 the person received only minimal consideration as a result of the
7 drug transaction.
8 (2) Dealing in methamphetamine (IC 35-48-4-1.1), unless the
9 person received only minimal consideration as a result of the drug
10 transaction.
11 (3) Dealing in a schedule I, II, III, IV, or V controlled substance
12 (IC 35-48-4-2 through IC 35-48-4-4), unless the person received
13 only minimal consideration as a result of the drug transaction.
14 (4) Dealing in marijuana ~~hash oil, hashish, or salvia~~ or a synthetic
15 cannabinoid (IC 35-48-4-10) **(or dealing in marijuana, hash oil,
16 hashish, or salvia before its amendment in 2018)**, unless the
17 person received only minimal consideration as a result of the drug



1 transaction.

2 SECTION 2. IC 16-31-3-14, AS AMENDED BY P.L.85-2017,
 3 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 4 JULY 1, 2018]: Sec. 14. (a) A person holding a certificate or license
 5 issued under this article must comply with the applicable standards and
 6 rules established under this article. A certificate holder or license
 7 holder is subject to disciplinary sanctions under subsection (b) if the
 8 department of homeland security determines that the certificate holder
 9 or license holder:

- 10 (1) engaged in or knowingly cooperated in fraud or material
 11 deception in order to obtain a certificate or license, including
 12 cheating on a certification or licensure examination;
 13 (2) engaged in fraud or material deception in the course of
 14 professional services or activities;
 15 (3) advertised services or goods in a false or misleading manner;
 16 (4) falsified or knowingly allowed another person to falsify
 17 attendance records or certificates of completion of continuing
 18 education courses required under this article or rules adopted
 19 under this article;
 20 (5) is convicted of a crime, if the act that resulted in the
 21 conviction has a direct bearing on determining if the certificate
 22 holder or license holder should be entrusted to provide emergency
 23 medical services;
 24 (6) is convicted of violating IC 9-19-14.5;
 25 (7) fails to comply and maintain compliance with or violates any
 26 applicable provision, standard, or other requirement of this article
 27 or rules adopted under this article;
 28 (8) continues to practice if the certificate holder or license holder
 29 becomes unfit to practice due to:
 30 (A) professional incompetence that includes the undertaking
 31 of professional activities that the certificate holder or license
 32 holder is not qualified by training or experience to undertake;
 33 (B) failure to keep abreast of current professional theory or
 34 practice;
 35 (C) physical or mental disability; or
 36 (D) addiction to, abuse of, or dependency on alcohol or other
 37 drugs that endanger the public by impairing the certificate
 38 holder's or license holder's ability to practice safely;
 39 (9) engages in a course of lewd or immoral conduct in connection
 40 with the delivery of services to the public;
 41 (10) allows the certificate holder's or license holder's name or a
 42 certificate or license issued under this article to be used in



- 1 connection with a person who renders services beyond the scope
 2 of that person's training, experience, or competence;
 3 (11) is subjected to disciplinary action in another state or
 4 jurisdiction on grounds similar to those contained in this chapter.
 5 For purposes of this subdivision, a certified copy of a record of
 6 disciplinary action constitutes prima facie evidence of a
 7 disciplinary action in another jurisdiction;
 8 (12) assists another person in committing an act that would
 9 constitute a ground for disciplinary sanction under this chapter;
 10 or
 11 (13) allows a certificate or license issued by the commission to
 12 be:
 13 (A) used by another person; or
 14 (B) displayed to the public when the certificate or license is
 15 expired, inactive, invalid, revoked, or suspended.
- 16 (b) The department of homeland security may issue an order under
 17 IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if
 18 the department of homeland security determines that a certificate
 19 holder or license holder is subject to disciplinary sanctions under
 20 subsection (a):
 21 (1) Revocation of a certificate holder's certificate or license
 22 holder's license for a period not to exceed seven (7) years.
 23 (2) Suspension of a certificate holder's certificate or license
 24 holder's license for a period not to exceed seven (7) years.
 25 (3) Censure of a certificate holder or license holder.
 26 (4) Issuance of a letter of reprimand.
 27 (5) Assessment of a civil penalty against the certificate holder or
 28 license holder in accordance with the following:
 29 (A) The civil penalty may not exceed five hundred dollars
 30 (\$500) per day per violation.
 31 (B) If the certificate holder or license holder fails to pay the
 32 civil penalty within the time specified by the department of
 33 homeland security, the department of homeland security may
 34 suspend the certificate holder's certificate or license holder's
 35 license without additional proceedings.
 36 (6) Placement of a certificate holder or license holder on
 37 probation status and requirement of the certificate holder or
 38 license holder to:
 39 (A) report regularly to the department of homeland security
 40 upon the matters that are the basis of probation;
 41 (B) limit practice to those areas prescribed by the department
 42 of homeland security;



1 (C) continue or renew professional education approved by the
2 department of homeland security until a satisfactory degree of
3 skill has been attained in those areas that are the basis of the
4 probation; or

5 (D) perform or refrain from performing any acts, including
6 community restitution or service without compensation, that
7 the department of homeland security considers appropriate to
8 the public interest or to the rehabilitation or treatment of the
9 certificate holder or license holder.

10 The department of homeland security may withdraw or modify
11 this probation if the department of homeland security finds after
12 a hearing that the deficiency that required disciplinary action is
13 remedied or that changed circumstances warrant a modification
14 of the order.

15 (c) If an applicant or a certificate holder or license holder has
16 engaged in or knowingly cooperated in fraud or material deception to
17 obtain a certificate or license, including cheating on the certification or
18 licensure examination, the department of homeland security may
19 rescind the certificate or license if it has been granted, void the
20 examination or other fraudulent or deceptive material, and prohibit the
21 applicant from reapplying for the certificate or license for a length of
22 time established by the department of homeland security.

23 (d) The department of homeland security may deny certification or
24 licensure to an applicant who would be subject to disciplinary sanctions
25 under subsection (b) if that person were a certificate holder or license
26 holder, has had disciplinary action taken against the applicant or the
27 applicant's certificate or license to practice in another state or
28 jurisdiction, or has practiced without a certificate or license in violation
29 of the law. A certified copy of the record of disciplinary action is
30 conclusive evidence of the other jurisdiction's disciplinary action.

31 (e) The department of homeland security may order a certificate
32 holder or license holder to submit to a reasonable physical or mental
33 examination if the certificate holder's or license holder's physical or
34 mental capacity to practice safely and competently is at issue in a
35 disciplinary proceeding. Failure to comply with a department of
36 homeland security order to submit to a physical or mental examination
37 makes a certificate holder or license holder liable to temporary
38 suspension under subsection (i).

39 (f) Except as provided under subsection (a), subsection (g), and
40 section 14.5 of this chapter, a certificate or license may not be denied,
41 revoked, or suspended because the applicant, certificate holder, or
42 license holder has been convicted of an offense. The acts from which



1 the applicant's, certificate holder's, or license holder's conviction
 2 resulted may be considered as to whether the applicant or certificate
 3 holder or license holder should be entrusted to serve the public in a
 4 specific capacity.

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

- 9 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- 10 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 11 (3) Possession of a controlled substance under IC 35-48-4-7(a).
- 12 (4) Fraudulently obtaining a controlled substance under
 13 IC 35-48-4-7(c).
- 14 (5) Manufacture of paraphernalia as a Class D felony (for a crime
 15 committed before July 1, 2014) or Level 6 felony (for a crime
 16 committed after June 30, 2014) under IC 35-48-4-8.1(b).
- 17 (6) Dealing in paraphernalia as a Class D felony (for a crime
 18 committed before July 1, 2014) or Level 6 felony (for a crime
 19 committed after June 30, 2014) under IC 35-48-4-8.5(b).
- 20 (7) Possession of paraphernalia as a Class D felony (for a crime
 21 committed before July 1, 2014) or Level 6 felony (for a crime
 22 committed after June 30, 2014) under IC 35-48-4-8.3(b) (before
 23 its amendment on July 1, 2015).
- 24 (8) Possession of marijuana ~~hash oil, hashish,~~ or salvia as a Class
 25 D felony (for a crime committed before July 1, 2014) or Level 6
 26 felony (for a crime committed after June 30, 2014) under
 27 IC 35-48-4-11 **(or possession of marijuana, hash oil, hashish,
 28 or salvia before its amendment in 2018).**
- 29 (9) Possession of a synthetic drug or synthetic drug lookalike
 30 substance as a Class D felony (for a crime committed before July
 31 1, 2014) or Level 6 felony (for a crime committed after June 30,
 32 2014) under IC 35-48-4-11.5 (or under IC 35-48-4-11 before its
 33 amendment in 2013).
- 34 (10) Maintaining a common nuisance under IC 35-48-4-13
 35 (repealed) or IC 35-45-1-5, if the common nuisance involves a
 36 controlled substance.
- 37 (11) An offense relating to registration, labeling, and prescription
 38 forms under IC 35-48-4-14.
- 39 (12) Conspiracy under IC 35-41-5-2 to commit an offense listed
 40 in this section.
- 41 (13) Attempt under IC 35-41-5-1 to commit an offense listed in
 42 this section.



- 1 (14) An offense in any other jurisdiction in which the elements of
2 the offense for which the conviction was entered are substantially
3 similar to the elements of an offense described in this section.
- 4 (h) A decision of the department of homeland security under
5 subsections (b) through (g) may be appealed to the commission under
6 IC 4-21.5-3-7.
- 7 (i) The department of homeland security may temporarily suspend
8 a certificate holder's certificate or license holder's license under
9 IC 4-21.5-4 before a final adjudication or during the appeals process if
10 the department of homeland security finds that a certificate holder or
11 license holder would represent a clear and immediate danger to the
12 public's health, safety, or property if the certificate holder or license
13 holder were allowed to continue to practice.
- 14 (j) On receipt of a complaint or information alleging that a person
15 certified or licensed under this chapter or IC 16-31-3.5 has engaged in
16 or is engaging in a practice that is subject to disciplinary sanctions
17 under this chapter, the department of homeland security must initiate
18 an investigation against the person.
- 19 (k) The department of homeland security shall conduct a factfinding
20 investigation as the department of homeland security considers proper
21 in relation to the complaint.
- 22 (l) The department of homeland security may reinstate a certificate
23 or license that has been suspended under this section if the department
24 of homeland security is satisfied that the applicant is able to practice
25 with reasonable skill, competency, and safety to the public. As a
26 condition of reinstatement, the department of homeland security may
27 impose disciplinary or corrective measures authorized under this
28 chapter.
- 29 (m) The department of homeland security may not reinstate a
30 certificate or license that has been revoked under this chapter.
- 31 (n) The department of homeland security must be consistent in the
32 application of sanctions authorized in this chapter. Significant
33 departures from prior decisions involving similar conduct must be
34 explained in the department of homeland security's findings or orders.
- 35 (o) A certificate holder may not surrender the certificate holder's
36 certificate, and a license holder may not surrender the license holder's
37 license, without the written approval of the department of homeland
38 security, and the department of homeland security may impose any
39 conditions appropriate to the surrender or reinstatement of a
40 surrendered certificate or license.
- 41 (p) For purposes of this section, "certificate holder" means a person
42 who holds:



- 1 (1) an unlimited certificate;
 2 (2) a limited or probationary certificate; or
 3 (3) an inactive certificate.
- 4 (q) For purposes of this section, "license holder" means a person
 5 who holds:
 6 (1) an unlimited license;
 7 (2) a limited or probationary license; or
 8 (3) an inactive license.
- 9 SECTION 3. IC 16-31-3-14.5, AS AMENDED BY P.L.252-2017,
 10 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2018]: Sec. 14.5. The department of homeland security may
 12 issue an order under IC 4-21.5-3-6 to deny an applicant's request for
 13 certification or licensure or permanently revoke a certificate or license
 14 under procedures provided by section 14 of this chapter if the
 15 individual who holds the certificate or license issued under this title is
 16 convicted of any of the following:
 17 (1) Dealing in or manufacturing cocaine or a narcotic drug under
 18 IC 35-48-4-1.
 19 (2) Dealing in methamphetamine under IC 35-48-4-1.1.
 20 (3) Manufacturing methamphetamine under IC 35-48-4-1.2.
 21 (4) Dealing in a schedule I, II, or III controlled substance under
 22 IC 35-48-4-2.
 23 (5) Dealing in a schedule IV controlled substance under
 24 IC 35-48-4-3.
 25 (6) Dealing in a schedule V controlled substance under
 26 IC 35-48-4-4.
 27 (7) Dealing in a substance represented to be a controlled
 28 substance under IC 35-48-4-4.5.
 29 (8) Knowingly or intentionally manufacturing, advertising,
 30 distributing, or possessing with intent to manufacture, advertise,
 31 or distribute a substance represented to be a controlled substance
 32 under IC 35-48-4-4.6.
 33 (9) Dealing in a counterfeit substance under IC 35-48-4-5.
 34 (10) Dealing in marijuana ~~hash oil, hashish,~~ or salvia as a felony
 35 under IC 35-48-4-10 **(or dealing in marijuana, hash oil,**
 36 **hashish, or salvia as a felony before its amendment in 2018).**
 37 (11) Dealing in a synthetic drug or synthetic drug lookalike
 38 substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b)
 39 before its amendment in 2013).
 40 (12) Conspiracy under IC 35-41-5-2 to commit an offense listed
 41 in this section.
 42 (13) Attempt under IC 35-41-5-1 to commit an offense listed in



- 1 this section.
- 2 (14) A crime of violence (as defined in IC 35-50-1-2(a)).
- 3 (15) An offense in any other jurisdiction in which the elements of
- 4 the offense for which the conviction was entered are substantially
- 5 similar to the elements of an offense described under this section.
- 6 SECTION 4. IC 20-28-5-8, AS AMENDED BY P.L.252-2017,
- 7 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 8 JULY 1, 2018]: Sec. 8. (a) This section applies when a prosecuting
- 9 attorney knows that a licensed employee of a public school or a
- 10 nonpublic school has been convicted of an offense listed in subsection
- 11 (c). The prosecuting attorney shall immediately give written notice of
- 12 the conviction to the following:
- 13 (1) The state superintendent.
- 14 (2) Except as provided in subdivision (3), the superintendent of
- 15 the school corporation that employs the licensed employee or the
- 16 equivalent authority if a nonpublic school employs the licensed
- 17 employee.
- 18 (3) The presiding officer of the governing body of the school
- 19 corporation that employs the licensed employee, if the convicted
- 20 licensed employee is the superintendent of the school corporation.
- 21 (b) The superintendent of a school corporation, presiding officer of
- 22 the governing body, or equivalent authority for a nonpublic school shall
- 23 immediately notify the state superintendent when the individual knows
- 24 that a current or former licensed employee of the public school or
- 25 nonpublic school has been convicted of an offense listed in subsection
- 26 (c), or when the governing body or equivalent authority for a nonpublic
- 27 school takes any final action in relation to an employee who engaged
- 28 in any offense listed in subsection (c).
- 29 (c) Except as provided in section 8.5 of this chapter, the department
- 30 shall permanently revoke the license of a person who is known by the
- 31 department to have been convicted of any of the following felonies:
- 32 (1) Kidnapping (IC 35-42-3-2).
- 33 (2) Criminal confinement (IC 35-42-3-3).
- 34 (3) Rape (IC 35-42-4-1).
- 35 (4) Criminal deviate conduct (IC 35-42-4-2) (before its repeal).
- 36 (5) Child molesting (IC 35-42-4-3).
- 37 (6) Child exploitation (IC 35-42-4-4(b) or IC 35-42-4-4(c)).
- 38 (7) Vicarious sexual gratification (IC 35-42-4-5).
- 39 (8) Child solicitation (IC 35-42-4-6).
- 40 (9) Child seduction (IC 35-42-4-7).
- 41 (10) Sexual misconduct with a minor (IC 35-42-4-9).
- 42 (11) Incest (IC 35-46-1-3).



- 1 (12) Dealing in or manufacturing cocaine or a narcotic drug
 2 (IC 35-48-4-1).
 3 (13) Dealing in methamphetamine (IC 35-48-4-1.1).
 4 (14) Manufacturing methamphetamine (IC 35-48-4-1.2).
 5 (15) Dealing in a schedule I, II, or III controlled substance
 6 (IC 35-48-4-2).
 7 (16) Dealing in a schedule IV controlled substance
 8 (IC 35-48-4-3).
 9 (17) Dealing in a schedule V controlled substance (IC 35-48-4-4).
 10 (18) Dealing in a counterfeit substance (IC 35-48-4-5).
 11 (19) Dealing in marijuana ~~hash oil, hashish,~~ or salvia as a felony
 12 (IC 35-48-4-10) **(or dealing in marijuana, hash oil, hashish, or**
 13 **salvia as a felony before its amendment in 2018).**
 14 (20) Dealing in a synthetic drug or synthetic drug lookalike
 15 substance (IC 35-48-4-10.5, or IC 35-48-4-10(b) before its
 16 amendment in 2013).
 17 (21) Possession of child pornography (IC 35-42-4-4(d) or
 18 IC 35-42-4-4(e)).
 19 (22) Homicide (IC 35-42-1).
 20 (23) Voluntary manslaughter (IC 35-42-1-3).
 21 (24) Reckless homicide (IC 35-42-1-5).
 22 (25) Battery as any of the following:
 23 (A) A Class A felony (for a crime committed before July 1,
 24 2014) or a Level 2 felony (for a crime committed after June
 25 30, 2014).
 26 (B) A Class B felony (for a crime committed before July 1,
 27 2014) or a Level 3 felony (for a crime committed after June
 28 30, 2014).
 29 (C) A Class C felony (for a crime committed before July 1,
 30 2014) or a Level 5 felony (for a crime committed after June
 31 30, 2014).
 32 (26) Aggravated battery (IC 35-42-2-1.5).
 33 (27) Robbery (IC 35-42-5-1).
 34 (28) Carjacking (IC 35-42-5-2) (before its repeal).
 35 (29) Arson as a Class A felony or Class B felony (for a crime
 36 committed before July 1, 2014) or as a Level 2, Level 3, or Level
 37 4 felony (for a crime committed after June 30, 2014)
 38 (IC 35-43-1-1(a)).
 39 (30) Burglary as a Class A felony or Class B felony (for a crime
 40 committed before July 1, 2014) or as a Level 1, Level 2, Level 3,
 41 or Level 4 felony (for a crime committed after June 30, 2014)
 42 (IC 35-43-2-1).



- 1 (31) Human trafficking (IC 35-42-3.5).
- 2 (32) Attempt under IC 35-41-5-1 to commit an offense listed in
- 3 this subsection.
- 4 (33) Conspiracy under IC 35-41-5-2 to commit an offense listed
- 5 in this subsection.
- 6 (d) The department shall permanently revoke the license of a person
- 7 who is known by the department to have been convicted of a federal
- 8 offense or an offense in another state that is comparable to a felony
- 9 listed in subsection (c).
- 10 (e) A license may be suspended by the state superintendent as
- 11 specified in IC 20-28-7.5.
- 12 (f) The department shall develop a data base of information on
- 13 school corporation employees who have been reported to the
- 14 department under this section.
- 15 (g) Upon receipt of information from the division of state court
- 16 administration in accordance with IC 33-24-6-3 concerning persons
- 17 convicted of an offense listed in subsection (c), the department shall:
- 18 (1) cross check the information received from the division of state
- 19 court administration with information concerning licensed
- 20 teachers (as defined in IC 20-18-2-22(b)) maintained by the
- 21 department; and
- 22 (2) if a licensed teacher (as defined in IC 20-18-2-22(b)) has been
- 23 convicted of an offense described in subsection (c), revoke the
- 24 licensed teacher's license.
- 25 SECTION 5. IC 22-15-5-16, AS AMENDED BY P.L.252-2017,
- 26 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 27 JULY 1, 2018]: Sec. 16. (a) A practitioner shall comply with the
- 28 standards established under this licensing program. A practitioner is
- 29 subject to the exercise of the disciplinary sanctions under subsection
- 30 (b) if the department finds that a practitioner has:
- 31 (1) engaged in or knowingly cooperated in fraud or material
- 32 deception in order to obtain a license to practice, including
- 33 cheating on a licensing examination;
- 34 (2) engaged in fraud or material deception in the course of
- 35 professional services or activities;
- 36 (3) advertised services or goods in a false or misleading manner;
- 37 (4) falsified or knowingly allowed another person to falsify
- 38 attendance records or certificates of completion of continuing
- 39 education courses provided under this chapter;
- 40 (5) been convicted of a crime that has a direct bearing on the
- 41 practitioner's ability to continue to practice competently;
- 42 (6) knowingly violated a state statute or rule or federal statute or



- 1 regulation regulating the profession for which the practitioner is
 2 licensed;
- 3 (7) continued to practice although the practitioner has become
 4 unfit to practice due to:
- 5 (A) professional incompetence;
- 6 (B) failure to keep abreast of current professional theory or
 7 practice;
- 8 (C) physical or mental disability; or
- 9 (D) addiction to, abuse of, or severe dependency on alcohol or
 10 other drugs that endanger the public by impairing a
 11 practitioner's ability to practice safely;
- 12 (8) engaged in a course of lewd or immoral conduct in connection
 13 with the delivery of services to the public;
- 14 (9) allowed the practitioner's name or a license issued under this
 15 chapter to be used in connection with an individual or business
 16 who renders services beyond the scope of that individual's or
 17 business's training, experience, or competence;
- 18 (10) had disciplinary action taken against the practitioner or the
 19 practitioner's license to practice in another state or jurisdiction on
 20 grounds similar to those under this chapter;
- 21 (11) assisted another person in committing an act that would
 22 constitute a ground for disciplinary sanction under this chapter;
 23 or
- 24 (12) allowed a license issued by the department to be:
- 25 (A) used by another person; or
- 26 (B) displayed to the public when the license has expired, is
 27 inactive, is invalid, or has been revoked or suspended.
- 28 For purposes of subdivision (10), a certified copy of a record of
 29 disciplinary action constitutes prima facie evidence of a disciplinary
 30 action in another jurisdiction.
- 31 (b) The department may impose one (1) or more of the following
 32 sanctions if the department finds that a practitioner is subject to
 33 disciplinary sanctions under subsection (a):
- 34 (1) Permanent revocation of a practitioner's license.
- 35 (2) Suspension of a practitioner's license.
- 36 (3) Censure of a practitioner.
- 37 (4) Issuance of a letter of reprimand.
- 38 (5) Assessment of a civil penalty against the practitioner in
 39 accordance with the following:
- 40 (A) The civil penalty may not be more than one thousand
 41 dollars (\$1,000) for each violation listed in subsection (a),
 42 except for a finding of incompetency due to a physical or



1 mental disability.

2 (B) When imposing a civil penalty, the department shall
3 consider a practitioner's ability to pay the amount assessed. If
4 the practitioner fails to pay the civil penalty within the time
5 specified by the department, the department may suspend the
6 practitioner's license without additional proceedings. However,
7 a suspension may not be imposed if the sole basis for the
8 suspension is the practitioner's inability to pay a civil penalty.

9 (6) Placement of a practitioner on probation status and
10 requirement of the practitioner to:

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

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

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

17 (D) perform or refrain from performing any acts, including
18 community restitution or service without compensation, that
19 the department considers appropriate to the public interest or
20 to the rehabilitation or treatment of the practitioner.

21 The department may withdraw or modify this probation if the
22 department finds after a hearing that the deficiency that required
23 disciplinary action has been remedied or that changed
24 circumstances warrant a modification of the order.

25 (c) If an applicant or a practitioner has engaged in or knowingly
26 cooperated in fraud or material deception to obtain a license to
27 practice, including cheating on the licensing examination, the
28 department may rescind the license if it has been granted, void the
29 examination or other fraudulent or deceptive material, and prohibit the
30 applicant from reapplying for the license for a length of time
31 established by the department.

32 (d) The department may deny licensure to an applicant who has had
33 disciplinary action taken against the applicant or the applicant's license
34 to practice in another state or jurisdiction or who has practiced without
35 a license in violation of the law. A certified copy of the record of
36 disciplinary action is conclusive evidence of the other jurisdiction's
37 disciplinary action.

38 (e) The department may order a practitioner to submit to a
39 reasonable physical or mental examination if the practitioner's physical
40 or mental capacity to practice safely and competently is at issue in a
41 disciplinary proceeding. Failure to comply with a department order to
42 submit to a physical or mental examination makes a practitioner liable



- 1 to temporary suspension under subsection (j).
 2 (f) Except as provided under subsection (g) or (h), a license may not
 3 be denied, revoked, or suspended because the applicant or holder has
 4 been convicted of an offense. The acts from which the applicant's or
 5 holder's conviction resulted may, however, be considered as to whether
 6 the applicant or holder should be entrusted to serve the public in a
 7 specific capacity.
 8 (g) The department may deny, suspend, or revoke a license issued
 9 under this chapter if the individual who holds the license is convicted
 10 of any of the following:
 11 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
 12 (2) Possession of methamphetamine under IC 35-48-4-6.1.
 13 (3) Possession of a controlled substance under IC 35-48-4-7(a).
 14 (4) Fraudulently obtaining a controlled substance under
 15 IC 35-48-4-7(b) (for a crime committed before July 1, 2014) or
 16 IC 35-48-4-7(c) (for a crime committed after June 30, 2014).
 17 (5) Manufacture of paraphernalia as a Class D felony (for a crime
 18 committed before July 1, 2014) or a Level 6 felony (for a crime
 19 committed after June 30, 2014) under IC 35-48-4-8.1(b).
 20 (6) Dealing in paraphernalia as a Class D felony (for a crime
 21 committed before July 1, 2014) or a Level 6 felony (for a crime
 22 committed after June 30, 2014) under IC 35-48-4-8.5(b).
 23 (7) Possession of paraphernalia as a Class D felony (for a crime
 24 committed before July 1, 2014) or a Level 6 felony (for a crime
 25 committed after June 30, 2014) under IC 35-48-4-8.3(b) (before
 26 its amendment on July 1, 2015).
 27 (8) Possession of marijuana ~~hash oil, hashish,~~ or salvia as a Class
 28 D felony (for a crime committed before July 1, 2014) or a Level
 29 6 felony (for a crime committed after June 30, 2014) under
 30 IC 35-48-4-11 **(including possession of marijuana, hash oil,
 31 hashish, or salvia before its amendment in 2018)**.
 32 (9) Possession of a synthetic drug or synthetic drug lookalike
 33 substance as a:
 34 (A) Class D felony for a crime committed before July 1, 2014,
 35 under:
 36 (i) IC 35-48-4-11, before its amendment in 2013; or
 37 (ii) IC 35-48-4-11.5; or
 38 (B) Level 6 felony for a crime committed after June 30, 2014,
 39 under IC 35-48-4-11.5.
 40 (10) Maintaining a common nuisance under IC 35-48-4-13
 41 (repealed) or IC 35-45-1-5, if the common nuisance involves a
 42 controlled substance.



- 1 (11) An offense relating to registration, labeling, and prescription
 2 forms under IC 35-48-4-14.
 3 (12) Conspiracy under IC 35-41-5-2 to commit an offense listed
 4 in this subsection.
 5 (13) Attempt under IC 35-41-5-1 to commit an offense listed in
 6 this subsection.
 7 (14) An offense in any other jurisdiction in which the elements of
 8 the offense for which the conviction was entered are substantially
 9 similar to the elements of an offense described in this subsection.
 10 (h) The department shall deny, revoke, or suspend a license issued
 11 under this chapter if the individual who holds the license is convicted
 12 of any of the following:
 13 (1) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.
 14 (2) Dealing in methamphetamine under IC 35-48-4-1.1.
 15 (3) Manufacturing methamphetamine under IC 35-48-4-1.2.
 16 (4) Dealing in a schedule I, II, or III controlled substance under
 17 IC 35-48-4-2.
 18 (5) Dealing in a schedule IV controlled substance under
 19 IC 35-48-4-3.
 20 (6) Dealing in a schedule V controlled substance under
 21 IC 35-48-4-4.
 22 (7) Dealing in a substance represented to be a controlled
 23 substance under IC 35-48-4-4.5.
 24 (8) Knowingly or intentionally manufacturing, advertising,
 25 distributing, or possessing with intent to manufacture, advertise,
 26 or distribute a substance represented to be a controlled substance
 27 under IC 35-48-4-4.6.
 28 (9) Dealing in a counterfeit substance under IC 35-48-4-5.
 29 (10) Dealing in marijuana ~~hash oil, hashish,~~ or salvia as a felony
 30 under IC 35-48-4-10 **(or dealing in marijuana, hash oil,**
 31 **hashish, or salvia as a felony before its amendment in 2018).**
 32 (11) Dealing in a synthetic drug or synthetic drug lookalike
 33 substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b)
 34 before its amendment in 2013).
 35 (12) Conspiracy under IC 35-41-5-2 to commit an offense listed
 36 in this subsection.
 37 (13) Attempt under IC 35-41-5-1 to commit an offense listed in
 38 this subsection.
 39 (14) An offense in any other jurisdiction in which the elements of
 40 the offense for which the conviction was entered are substantially
 41 similar to the elements of an offense described in this subsection.
 42 (15) A violation of any federal or state drug law or rule related to



- 1 wholesale legend drug distributors licensed under IC 25-26-14.
2 (i) A decision of the department under subsections (b) through (h)
3 may be appealed to the commission under IC 4-21.5-3-7.
4 (j) The department may temporarily suspend a practitioner's license
5 under IC 4-21.5-4 before a final adjudication or during the appeals
6 process if the department finds that a practitioner represents a clear and
7 immediate danger to the public's health, safety, or property if the
8 practitioner is allowed to continue to practice.
9 (k) On receipt of a complaint or an information alleging that a
10 person licensed under this chapter has engaged in or is engaging in a
11 practice that jeopardizes the public health, safety, or welfare, the
12 department shall initiate an investigation against the person.
13 (l) Any complaint filed with the office of the attorney general
14 alleging a violation of this licensing program shall be referred to the
15 department for summary review and for its general information and any
16 authorized action at the time of the filing.
17 (m) The department shall conduct a fact finding investigation as the
18 department considers proper in relation to the complaint.
19 (n) The department may reinstate a license that has been suspended
20 under this section if, after a hearing, the department is satisfied that the
21 applicant is able to practice with reasonable skill, safety, and
22 competency to the public. As a condition of reinstatement, the
23 department may impose disciplinary or corrective measures authorized
24 under this chapter.
25 (o) The department may not reinstate a license that has been
26 revoked under this chapter. An individual whose license has been
27 revoked under this chapter may not apply for a new license until seven
28 (7) years after the date of revocation.
29 (p) The department shall seek to achieve consistency in the
30 application of sanctions authorized in this chapter. Significant
31 departures from prior decisions involving similar conduct must be
32 explained in the department's findings or orders.
33 (q) A practitioner may petition the department to accept the
34 surrender of the practitioner's license instead of having a hearing before
35 the commission. The practitioner may not surrender the practitioner's
36 license without the written approval of the department, and the
37 department may impose any conditions appropriate to the surrender or
38 reinstatement of a surrendered license.
39 (r) A practitioner who has been subjected to disciplinary sanctions
40 may be required by the commission to pay the costs of the proceeding.
41 The practitioner's ability to pay shall be considered when costs are
42 assessed. If the practitioner fails to pay the costs, a suspension may not



1 be imposed solely upon the practitioner's inability to pay the amount
2 assessed. The costs are limited to costs for the following:

- 3 (1) Court reporters.
- 4 (2) Transcripts.
- 5 (3) Certification of documents.
- 6 (4) Photo duplication.
- 7 (5) Witness attendance and mileage fees.
- 8 (6) Postage.
- 9 (7) Expert witnesses.
- 10 (8) Depositions.
- 11 (9) Notarizations.

12 SECTION 6. IC 25-1-1.1-2, AS AMENDED BY P.L.85-2017,
13 SECTION 98, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2018]: Sec. 2. Notwithstanding IC 25-1-7, a board, a
15 commission, or a committee may suspend, deny, or revoke a license or
16 certificate issued under this title by the board, the commission, or the
17 committee without an investigation by the office of the attorney general
18 if the individual who holds the license or certificate is convicted of any
19 of the following and the board, commission, or committee determines,
20 after the individual has appeared in person, that the offense affects the
21 individual's ability to perform the duties of the profession:

- 22 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- 23 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 24 (3) Possession of a controlled substance under IC 35-48-4-7(a).
- 25 (4) Fraudulently obtaining a controlled substance under
26 IC 35-48-4-7(c).
- 27 (5) Manufacture of paraphernalia as a Class D felony (for a crime
28 committed before July 1, 2014) or a Level 6 felony (for a crime
29 committed after June 30, 2014) under IC 35-48-4-8.1(b).
- 30 (6) Dealing in paraphernalia as a Class D felony (for a crime
31 committed before July 1, 2014) or a Level 6 felony (for a crime
32 committed after June 30, 2014) under IC 35-48-4-8.5(b).
- 33 (7) Possession of paraphernalia as a Class D felony (for a crime
34 committed before July 1, 2014) or a Level 6 felony (for a crime
35 committed after June 30, 2014) under IC 35-48-4-8.3(b) (before
36 its amendment on July 1, 2015).
- 37 (8) Possession of marijuana ~~hash oil; hashish;~~ or salvia as a Class
38 D felony (for a crime committed before July 1, 2014) or a Level
39 6 felony (for a crime committed after June 30, 2014) under
40 IC 35-48-4-11 **(including possession of marijuana, hash oil,
41 hashish, or salvia before its amendment in 2018).**
- 42 (9) Possession of a synthetic drug or synthetic drug lookalike



- 1 substance as a:
- 2 (A) Class D felony for a crime committed before July 1, 2014,
- 3 under:
- 4 (i) IC 35-48-4-11, before its amendment in 2013; or
- 5 (ii) IC 35-48-4-11.5; or
- 6 (B) Level 6 felony for a crime committed after June 30, 2014,
- 7 under IC 35-48-4-11.5.
- 8 (10) Maintaining a common nuisance under IC 35-48-4-13
- 9 (repealed) or IC 35-45-1-5, if the common nuisance involves a
- 10 controlled substance.
- 11 (11) An offense relating to registration, labeling, and prescription
- 12 forms under IC 35-48-4-14.
- 13 (12) Conspiracy under IC 35-41-5-2 to commit an offense listed
- 14 in this section.
- 15 (13) Attempt under IC 35-41-5-1 to commit an offense listed in
- 16 this section.
- 17 (14) A sex crime under IC 35-42-4.
- 18 (15) A felony that reflects adversely on the individual's fitness to
- 19 hold a professional license.
- 20 (16) An offense in any other jurisdiction in which the elements of
- 21 the offense for which the conviction was entered are substantially
- 22 similar to the elements of an offense described in this section.
- 23 SECTION 7. IC 25-1-1.1-3, AS AMENDED BY P.L.252-2017,
- 24 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 25 JULY 1, 2018]: Sec. 3. A board, a commission, or a committee shall
- 26 revoke or suspend a license or certificate issued under this title by the
- 27 board, the commission, or the committee if the individual who holds
- 28 the license or certificate is convicted of any of the following:
- 29 (1) Dealing in or manufacturing cocaine or a narcotic drug under
- 30 IC 35-48-4-1.
- 31 (2) Dealing in methamphetamine under IC 35-48-4-1.1.
- 32 (3) Manufacturing methamphetamine under IC 35-48-4-1.2.
- 33 (4) Dealing in a schedule I, II, or III controlled substance under
- 34 IC 35-48-4-2.
- 35 (5) Dealing in a schedule IV controlled substance under
- 36 IC 35-48-4-3.
- 37 (6) Dealing in a schedule V controlled substance under
- 38 IC 35-48-4-4.
- 39 (7) Dealing in a substance represented to be a controlled
- 40 substance under IC 35-48-4-4.5.
- 41 (8) Knowingly or intentionally manufacturing, advertising,
- 42 distributing, or possessing with intent to manufacture, advertise,



- 1 or distribute a substance represented to be a controlled substance
 2 under IC 35-48-4-4.6.
- 3 (9) Dealing in a counterfeit substance under IC 35-48-4-5.
- 4 (10) Dealing in marijuana ~~hash oil, hashish,~~ or salvia as a felony
 5 under IC 35-48-4-10 **(or dealing in marijuana, hash oil,**
 6 **hashish, or salvia as a felony before its amendment in 2018).**
- 7 (11) Dealing in a synthetic drug or synthetic drug lookalike
 8 substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b)
 9 before its amendment in 2013).
- 10 (12) Conspiracy under IC 35-41-5-2 to commit an offense listed
 11 in this section.
- 12 (13) Attempt under IC 35-41-5-1 to commit an offense listed in
 13 this section.
- 14 (14) An offense in any other jurisdiction in which the elements of
 15 the offense for which the conviction was entered are substantially
 16 similar to the elements of an offense described in this section.
- 17 (15) A violation of any federal or state drug law or rule related to
 18 wholesale legend drug distributors licensed under IC 25-26-14.
- 19 SECTION 8. IC 34-24-1-1, AS AMENDED BY P.L.252-2017,
 20 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2018]: Sec. 1. (a) The following may be seized:
- 22 (1) All vehicles (as defined by IC 35-31.5-2-346), if they are used
 23 or are intended for use by the person or persons in possession of
 24 them to transport or in any manner to facilitate the transportation
 25 of the following:
- 26 (A) A controlled substance for the purpose of committing,
 27 attempting to commit, or conspiring to commit any of the
 28 following:
- 29 (i) Dealing in or manufacturing cocaine or a narcotic drug
 30 (IC 35-48-4-1).
- 31 (ii) Dealing in methamphetamine (IC 35-48-4-1.1).
- 32 (iii) Manufacturing methamphetamine (IC 35-48-4-1.2).
- 33 (iv) Dealing in a schedule I, II, or III controlled substance
 34 (IC 35-48-4-2).
- 35 (v) Dealing in a schedule IV controlled substance
 36 (IC 35-48-4-3).
- 37 (vi) Dealing in a schedule V controlled substance
 38 (IC 35-48-4-4).
- 39 (vii) Dealing in a counterfeit substance (IC 35-48-4-5).
- 40 (viii) Possession of cocaine or a narcotic drug
 41 (IC 35-48-4-6).
- 42 (ix) Possession of methamphetamine (IC 35-48-4-6.1).



- 1 (x) Dealing in paraphernalia (IC 35-48-4-8.5).
 2 (xi) Dealing in marijuana ~~hash oil, hashish,~~ or salvia
 3 (IC 35-48-4-10) **(or dealing in marijuana, hash oil,**
 4 **hashish, or salvia before its amendment in 2018).**
 5 (xii) Dealing in a synthetic drug or synthetic drug lookalike
 6 substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its
 7 amendment in 2013).
 8 (B) Any stolen (IC 35-43-4-2) or converted property
 9 (IC 35-43-4-3) if the retail or repurchase value of that property
 10 is one hundred dollars (\$100) or more.
 11 (C) Any hazardous waste in violation of IC 13-30-10-1.5.
 12 (D) A bomb (as defined in IC 35-31.5-2-31) or weapon of
 13 mass destruction (as defined in IC 35-31.5-2-354) used to
 14 commit, used in an attempt to commit, or used in a conspiracy
 15 to commit an offense under IC 35-47 as part of or in
 16 furtherance of an act of terrorism (as defined by
 17 IC 35-31.5-2-329).
 18 (2) All money, negotiable instruments, securities, weapons,
 19 communications devices, or any property used to commit, used in
 20 an attempt to commit, or used in a conspiracy to commit an
 21 offense under IC 35-47 as part of or in furtherance of an act of
 22 terrorism or commonly used as consideration for a violation of
 23 IC 35-48-4 (other than items subject to forfeiture under
 24 IC 16-42-20-5 or IC 16-6-8.5-5.1, before its repeal):
 25 (A) furnished or intended to be furnished by any person in
 26 exchange for an act that is in violation of a criminal statute;
 27 (B) used to facilitate any violation of a criminal statute; or
 28 (C) traceable as proceeds of the violation of a criminal statute.
 29 (3) Any portion of real or personal property purchased with
 30 money that is traceable as a proceed of a violation of a criminal
 31 statute.
 32 (4) A vehicle that is used by a person to:
 33 (A) commit, attempt to commit, or conspire to commit;
 34 (B) facilitate the commission of; or
 35 (C) escape from the commission of;
 36 murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal
 37 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting
 38 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense
 39 under IC 35-47 as part of or in furtherance of an act of terrorism.
 40 (5) Real property owned by a person who uses it to commit any of
 41 the following as a Level 1, Level 2, Level 3, Level 4, or Level 5
 42 felony:



- 1 (A) Dealing in or manufacturing cocaine or a narcotic drug
 2 (IC 35-48-4-1).
 3 (B) Dealing in methamphetamine (IC 35-48-4-1.1).
 4 (C) Manufacturing methamphetamine (IC 35-48-4-1.2).
 5 (D) Dealing in a schedule I, II, or III controlled substance
 6 (IC 35-48-4-2).
 7 (E) Dealing in a schedule IV controlled substance
 8 (IC 35-48-4-3).
 9 (F) Dealing in marijuana ~~hash oil, hashish,~~ or salvia
 10 (IC 35-48-4-10) **(or dealing in marijuana, hash oil, hashish,**
 11 **or salvia before its amendment in 2018).**
 12 (G) Dealing in a synthetic drug or synthetic drug lookalike
 13 substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its
 14 amendment in 2013).
 15 (6) Equipment and recordings used by a person to commit fraud
 16 under IC 35-43-5-4(10).
 17 (7) Recordings sold, rented, transported, or possessed by a person
 18 in violation of IC 24-4-10.
 19 (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as
 20 defined by IC 35-45-6-1) that is the object of a corrupt business
 21 influence violation (IC 35-45-6-2).
 22 (9) Unlawful telecommunications devices (as defined in
 23 IC 35-45-13-6) and plans, instructions, or publications used to
 24 commit an offense under IC 35-45-13.
 25 (10) Any equipment, including computer equipment and cellular
 26 telephones, used for or intended for use in preparing,
 27 photographing, recording, videotaping, digitizing, printing,
 28 copying, or disseminating matter in violation of IC 35-42-4.
 29 (11) Destructive devices used, possessed, transported, or sold in
 30 violation of IC 35-47.5.
 31 (12) Tobacco products that are sold in violation of IC 24-3-5,
 32 tobacco products that a person attempts to sell in violation of
 33 IC 24-3-5, and other personal property owned and used by a
 34 person to facilitate a violation of IC 24-3-5.
 35 (13) Property used by a person to commit counterfeiting or
 36 forgery in violation of IC 35-43-5-2.
 37 (14) After December 31, 2005, if a person is convicted of an
 38 offense specified in IC 25-26-14-26(b) or IC 35-43-10, the
 39 following real or personal property:
 40 (A) Property used or intended to be used to commit, facilitate,
 41 or promote the commission of the offense.
 42 (B) Property constituting, derived from, or traceable to the



- 1 gross proceeds that the person obtained directly or indirectly
 2 as a result of the offense.
- 3 (15) Except as provided in subsection (e), a vehicle used by a
 4 person who operates the vehicle:
- 5 (A) while intoxicated, in violation of IC 9-30-5-1 through
 6 IC 9-30-5-5, if in the previous five (5) years the person has two
 7 (2) or more prior unrelated convictions:
- 8 (i) for operating a motor vehicle while intoxicated in
 9 violation of IC 9-30-5-1 through IC 9-30-5-5; or
 10 (ii) for an offense that is substantially similar to IC 9-30-5-1
 11 through IC 9-30-5-5 in another jurisdiction; or
- 12 (B) on a highway while the person's driving privileges are
 13 suspended in violation of IC 9-24-19-2 through IC 9-24-19-3,
 14 if in the previous five (5) years the person has two (2) or more
 15 prior unrelated convictions:
- 16 (i) for operating a vehicle while intoxicated in violation of
 17 IC 9-30-5-1 through IC 9-30-5-5; or
 18 (ii) for an offense that is substantially similar to IC 9-30-5-1
 19 through IC 9-30-5-5 in another jurisdiction.
- 20 If a court orders the seizure of a vehicle under this subdivision,
 21 the court shall transmit an order to the bureau of motor vehicles
 22 recommending that the bureau not permit a vehicle to be
 23 registered in the name of the person whose vehicle was seized
 24 until the person possesses a current driving license (as defined in
 25 IC 9-13-2-41).
- 26 (16) The following real or personal property:
- 27 (A) Property used or intended to be used to commit, facilitate,
 28 or promote the commission of an offense specified in
 29 IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or
 30 IC 30-2-13-38(f).
- 31 (B) Property constituting, derived from, or traceable to the
 32 gross proceeds that a person obtains directly or indirectly as a
 33 result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b),
 34 IC 30-2-10-9(b), or IC 30-2-13-38(f).
- 35 (17) An automated sales suppression device (as defined in
 36 IC 35-43-5-4.6(a)(1) or phantom-ware (as defined in
 37 IC 35-43-5-4.6(a)(3)).
- 38 (18) Real or personal property, including a vehicle, that is used by
 39 a person to:
- 40 (A) commit, attempt to commit, or conspire to commit;
 41 (B) facilitate the commission of; or
 42 (C) escape from the commission of;



- 1 a violation of IC 35-42-3.5-1 (human trafficking) or IC 35-45-4-4
 2 (promoting prostitution).
- 3 (b) A vehicle used by any person as a common or contract carrier in
 4 the transaction of business as a common or contract carrier is not
 5 subject to seizure under this section, unless it can be proven by a
 6 preponderance of the evidence that the owner of the vehicle knowingly
 7 permitted the vehicle to be used to engage in conduct that subjects it to
 8 seizure under subsection (a).
- 9 (c) Equipment under subsection (a)(10) may not be seized unless it
 10 can be proven by a preponderance of the evidence that the owner of the
 11 equipment knowingly permitted the equipment to be used to engage in
 12 conduct that subjects it to seizure under subsection (a)(10).
- 13 (d) Money, negotiable instruments, securities, weapons,
 14 communications devices, or any property commonly used as
 15 consideration for a violation of IC 35-48-4 found near or on a person
 16 who is committing, attempting to commit, or conspiring to commit any
 17 of the following offenses shall be admitted into evidence in an action
 18 under this chapter as prima facie evidence that the money, negotiable
 19 instrument, security, or other thing of value is property that has been
 20 used or was to have been used to facilitate the violation of a criminal
 21 statute or is the proceeds of the violation of a criminal statute:
- 22 (1) IC 35-48-4-1 (dealing in or manufacturing cocaine or a
 23 narcotic drug).
- 24 (2) IC 35-48-4-1.1 (dealing in methamphetamine).
- 25 (3) IC 35-48-4-1.2 (manufacturing methamphetamine).
- 26 (4) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled
 27 substance).
- 28 (5) IC 35-48-4-3 (dealing in a schedule IV controlled substance).
- 29 (6) IC 35-48-4-4 (dealing in a schedule V controlled substance)
 30 as a Level 4 felony.
- 31 (7) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a
 32 Level 3, Level 4, or Level 5 felony.
- 33 (8) IC 35-48-4-6.1 (possession of methamphetamine) as a Level
 34 3, Level 4, or Level 5 felony.
- 35 (9) IC 35-48-4-10 (dealing in marijuana ~~hash oil~~, ~~hashish~~, or
 36 salvia **(or dealing in marijuana, hash oil, hashish, or salvia**
 37 **before its amendment in 2018))** as a Level 5 felony.
- 38 (10) IC 35-48-4-10.5 (dealing in a synthetic drug or synthetic
 39 drug lookalike substance) as a Level 5 felony or Level 6 felony
 40 (or as a Class C felony or Class D felony under IC 35-48-4-10
 41 before its amendment in 2013).
- 42 (e) A vehicle operated by a person who is not:



1 (1) an owner of the vehicle; or
 2 (2) the spouse of the person who owns the vehicle;
 3 is not subject to seizure under subsection (a)(15) unless it can be
 4 proven by a preponderance of the evidence that the owner of the
 5 vehicle knowingly permitted the vehicle to be used to engage in
 6 conduct that subjects it to seizure under subsection (a)(15).

7 SECTION 9. IC 35-45-6-1, AS AMENDED BY P.L.252-2017,
 8 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 9 JULY 1, 2018]: Sec. 1. (a) The definitions in this section apply
 10 throughout this chapter.

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

15 (c) "Enterprise" means:

- 16 (1) a sole proprietorship, corporation, limited liability company,
 17 partnership, business trust, or governmental entity; or
 18 (2) a union, an association, or a group, whether a legal entity or
 19 merely associated in fact.

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

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

- 31 (1) A provision of IC 23-19, or of a rule or order issued under
 32 IC 23-19.
 33 (2) A violation of IC 35-45-9.
 34 (3) A violation of IC 35-47.
 35 (4) A violation of IC 35-49-3.
 36 (5) Murder (IC 35-42-1-1).
 37 (6) Battery as a Class C felony before July 1, 2014, or a Level 5
 38 felony after June 30, 2014 (IC 35-42-2-1).
 39 (7) Kidnapping (IC 35-42-3-2).
 40 (8) Human and sexual trafficking crimes (IC 35-42-3.5).
 41 (9) Child exploitation (IC 35-42-4-4).
 42 (10) Robbery (IC 35-42-5-1).



- 1 (11) Carjacking (IC 35-42-5-2) (before its repeal).
- 2 (12) Arson (IC 35-43-1-1).
- 3 (13) Burglary (IC 35-43-2-1).
- 4 (14) Theft (IC 35-43-4-2).
- 5 (15) Receiving stolen property (IC 35-43-4-2).
- 6 (16) Forgery (IC 35-43-5-2).
- 7 (17) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10)).
- 8 (18) Bribery (IC 35-44.1-1-2).
- 9 (19) Official misconduct (IC 35-44.1-1-1).
- 10 (20) Conflict of interest (IC 35-44.1-1-4).
- 11 (21) Perjury (IC 35-44.1-2-1).
- 12 (22) Obstruction of justice (IC 35-44.1-2-2).
- 13 (23) Intimidation (IC 35-45-2-1).
- 14 (24) Promoting prostitution (IC 35-45-4-4).
- 15 (25) Professional gambling (IC 35-45-5-3).
- 16 (26) Maintaining a professional gambling site
- 17 (IC 35-45-5-3.5(b)).
- 18 (27) Promoting professional gambling (IC 35-45-5-4).
- 19 (28) Dealing in or manufacturing cocaine or a narcotic drug
- 20 (IC 35-48-4-1).
- 21 (29) Dealing in methamphetamine (IC 35-48-4-1.1).
- 22 (30) Manufacturing methamphetamine (IC 35-48-4-1.2).
- 23 (31) Dealing in a schedule I, II, or III controlled substance
- 24 (IC 35-48-4-2).
- 25 (32) Dealing in a schedule IV controlled substance
- 26 (IC 35-48-4-3).
- 27 (33) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- 28 (34) Dealing in marijuana ~~hash oil; hashish;~~ or salvia
- 29 (IC 35-48-4-10) **(or dealing in marijuana, hash oil, hashish, or**
- 30 **salvia before its amendment in 2018).**
- 31 (35) Money laundering (IC 35-45-15-5).
- 32 (36) A violation of IC 35-47.5-5.
- 33 (37) A violation of any of the following:
- 34 (A) IC 23-14-48-9.
- 35 (B) IC 30-2-9-7(b).
- 36 (C) IC 30-2-10-9(b).
- 37 (D) IC 30-2-13-38(f).
- 38 (38) Practice of law by a person who is not an attorney
- 39 (IC 33-43-2-1).
- 40 (39) Dealing in a synthetic drug or synthetic drug lookalike
- 41 substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its
- 42 amendment in 2013).



1 SECTION 10. IC 35-48-1-9 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9. **(a) Except as**
 3 **provided in subsection (b), "controlled substance" means a drug,**
 4 **substance, or immediate precursor in schedule I, II, III, IV, or V under:**

- 5 (1) IC 35-48-2-4, IC 35-48-2-6, IC 35-48-2-8, IC 35-48-2-10, or
 6 IC 35-48-2-12, if IC 35-48-2-14 does not apply; or
 7 (2) a rule adopted by the board, if IC 35-48-2-14 applies.

8 **(b) The term does not include any other compound or product**
 9 **that contains not more than five-tenths percent (0.5%) of**
 10 **tetrahydrocannabinol (THC) by dry weight, including a substance**
 11 **containing cannabidiol.**

12 SECTION 11. IC 35-48-1-9.3 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9.3. (a) "Controlled
 14 substance analog" means a substance:

- 15 (1) the chemical structure of which is substantially similar to that
 16 of a controlled substance included in schedule I or II and that has;
 17 or
 18 (2) that a person represents or intends to have;

19 a narcotic, stimulant, depressant, or hallucinogenic effect on the central
 20 nervous system substantially similar to or greater than the narcotic,
 21 stimulant, depressant, or hallucinogenic effect on the central nervous
 22 system of a controlled substance included in schedule I or II.

23 (b) The definition set forth in subsection (a) does not include:

- 24 (1) a controlled substance;
 25 (2) a substance for which there is an approved new drug
 26 application;
 27 (3) a substance for which an exemption is in effect for
 28 investigational use by a person under Section 505 of the federal
 29 Food, Drug and Cosmetic Act (chapter 675, 52 Stat. 1052 (21
 30 U.S.C. 355)), to the extent that conduct with respect to the
 31 substance is permitted under the exemption; ~~or~~
 32 (4) a substance to the extent not intended for human consumption
 33 before an exemption takes effect regarding the substance; ~~or~~
 34 **(5) any other compound or product that contains not more**
 35 **than five-tenths percent (0.5%) of tetrahydrocannabinol**
 36 **(THC) by dry weight, including a substance containing**
 37 **cannabidiol.**

38 SECTION 12. IC 35-48-1-16.5, AS AMENDED BY P.L.168-2014,
 39 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 JULY 1, 2018]: Sec. 16.5. "Enhancing circumstance" means one (1) or
 41 more of the following:

- 42 (1) The person has a prior conviction, in any jurisdiction, for



- 1 dealing in a controlled substance that is not marijuana, ~~hashish,~~
 2 ~~hash oil,~~ salvia, ~~divinorum,~~ or a synthetic drug, including an
 3 attempt or conspiracy to commit the offense.
- 4 (2) The person committed the offense while in possession of a
 5 firearm.
- 6 (3) The person committed the offense:
 7 (A) on a school bus; or
 8 (B) in, on, or within five hundred (500) feet of:
 9 (i) school property while a person under eighteen (18) years
 10 of age was reasonably expected to be present; or
 11 (ii) a public park while a person under eighteen (18) years
 12 of age was reasonably expected to be present.
- 13 (4) The person delivered or financed the delivery of the drug to a
 14 person under eighteen (18) years of age at least three (3) years
 15 junior to the person.
- 16 (5) The person manufactured or financed the manufacture of the
 17 drug.
- 18 (6) The person committed the offense in the physical presence of
 19 a child less than eighteen (18) years of age, knowing that the child
 20 was present and might be able to see or hear the offense.
- 21 SECTION 13. IC 35-48-1-19, AS AMENDED BY P.L.165-2014,
 22 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2018]: Sec. 19. (a) "Marijuana" means any part of the plant
 24 genus Cannabis whether growing or not; the seeds thereof; the resin
 25 extracted from any part of the plant, including hashish and hash oil; any
 26 compound, manufacture, salt, derivative, mixture, or preparation of the
 27 plant, its seeds or resin.
- 28 (b) The term does not include:
 29 (1) the mature stalks of the plant, **fiber produced from the**
 30 **stalks, or any other compound, manufacture, salt, derivative,**
 31 **mixture, or preparation of the mature stalks;**
 32 ~~(2) fiber produced from the stalks;~~
 33 ~~(3) (2) oil or cake made from the seeds of the plant;~~
 34 ~~(4) any other compound, manufacture, salt, derivative, mixture,~~
 35 ~~or preparation of the mature stalks (except the resin extracted~~
 36 ~~therefrom);~~
 37 ~~(5) (3) the sterilized seed of the plant which is incapable of~~
 38 ~~germination; or~~
 39 ~~(6) (4) industrial hemp (as defined by IC 15-15-13-6); or~~
 40 **(5) any other compound or product that contains not more**
 41 **than five-tenths percent (0.5%) of tetrahydrocannabinol**
 42 **(THC) by dry weight, including a substance containing**



1 **cannabidiol.**
2 SECTION 14. IC 35-48-2-4, AS AMENDED BY P.L.8-2017,
3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2018]: Sec. 4. (a) The controlled substances listed in this
5 section are included in schedule I.
6 (b) Opiates. Any of the following opiates, including their isomers,
7 esters, ethers, salts, and salts of isomers, esters, and ethers, unless
8 specifically excepted by rule of the board or unless listed in another
9 schedule, whenever the existence of these isomers, esters, ethers, and
10 salts is possible within the specific chemical designation:
11 Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-
12 piperidinyl]-N-phenylacetamide) (9815)
13 Acetylmethadol (9601)
14 Allylprodine (9602)
15 Alpha-methylthiofentanyl (N-[1-methyl-2-(2-
16 thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide) (9832)
17 Alphacetylmethadol (9603)
18 Alphameprodine (9604)
19 Alphamethadol (9605)
20 Alphamethylfentanyl (9814)
21 Benzethidine (9606)
22 Beta-hydroxy-3-methylfentanyl (9831). Other name:
23 N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl
24]-N-phenylpropanamide
25 Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-
26 phenethyl)-4-piperidinyl]-N-phenylpropanamide) (9830)
27 Betacetylmethadol (9607)
28 Betameprodine (9608)
29 Betamethadol (9609)
30 Betaprodine (9611)
31 Clonitazene (9612)
32 Dextromoramide (9613)
33 Diampromide (9615)
34 Diethylthiambutene (9616)
35 Difenoxin (9168)
36 Dimenoxadol (9617)
37 Dimepheptanol (9618)
38 Dimethylthiambutene (9619)
39 Dioxaphetyl butyrate (9621)
40 Dipipanone (9622)
41 Ethylmethylthiambutene (9623)
42 Etonitazene (9624)



- 1 Etoperidine (9625)
- 2 Furethidine (9626)
- 3 Hydroxypethidine (9627)
- 4 Ketobemidone (9628)
- 5 Levomoramide (9629)
- 6 Levophenacymorphan (9631)
- 7 3-Methylfentanyl [N-[3-methyl-1-(2-phenylethyl)-4-
- 8 piperidyl]-N-phenyl-propanamide](9813)
- 9 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-
- 10 piperidinyl]-N-phenylpropanamide) (9833)
- 11 MPPP (1-methyl-4-phenyl-4-propionoxypiperidine) (9961)
- 12 Morpheridine (9632)
- 13 N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl),
- 14 including any isomers, salts, or salts of isomers (9818)
- 15 N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide
- 16 (thenylfentanyl), including any isomers, salts, or salts of isomers
- 17 (9834)
- 18 Noracymethadol (9633)
- 19 Norlevorphanol (9634)
- 20 Normethadone (9635)
- 21 Norpipanone (9636)
- 22 Para-fluorofentanyl (N-(4-fluorophenyl)-N-
- 23 [1-(2-phenethyl)-4-piperidinyl] propanamide (9812)
- 24 Phenadoxone (9637)
- 25 Phenampromide (9638)
- 26 Phenomorphan (9647)
- 27 Phenoperidine (9641)
- 28 PEPAP [1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine] (9663)
- 29 Piritramide (9642)
- 30 Proheptazine (9643)
- 31 Properidine (9644)
- 32 Propiram (9649)
- 33 Racemoramide (9645)
- 34 Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-
- 35 piperidinyl]-propanamide) (9835)
- 36 Tilidine (9750)
- 37 Trimeperidine (9646)
- 38 U47700 (3,4-dichloro- N- [2-dimethylamino)cyclohexyl]-
- 39 N-methyl- benzamide)
- 40 (c) Opium derivatives. Any of the following opium derivatives, their
- 41 salts, isomers, and salts of isomers, unless specifically excepted by rule
- 42 of the board or unless listed in another schedule, whenever the



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



- 1 (4) 2, 5-Dimethoxy-4-ethylamphet-amine (7399). Other name:
 2 DOET.
 3 (5) 2, 5-Dimethoxy-4-(n)-propylthiophenethylamine (7348).
 4 Other name: 2C-T-7.
 5 (6) 2, 5-Dimethoxyamphetamine (7396). Some trade or other
 6 names: 2, 5-Dimethoxy-a-methylphenethylamine; 2, 5-DMA.
 7 (7) 4-Methoxyamphetamine (7411). Some trade or other names:
 8 4-Methoxy-a-methylphenethylamine; Paramethoxyamphetamine;
 9 PMA.
 10 (8) 5-Methoxy-3, 4-methylenedioxy amphetamine (7401). Other
 11 Name: MMDA.
 12 (9) 5-Methoxy-N, N-diisopropyltryptamine, including any
 13 isomers, salts, or salts of isomers (7439). Other name:
 14 5-MeO-DIPT.
 15 (10) 4-methyl-2, 5-dimethoxyamphetamine (7395). Some trade
 16 and other names: 4-methyl-2,
 17 5-dimethoxy-a-methylphenethylamine; DOM; and STP.
 18 (11) 3, 4-methylenedioxy amphetamine (7400). Other name:
 19 MDA.
 20 (12) 3,4-methylenedioxy-N-ethylamphetamine (7404). Other
 21 names: N-ethyl-alpha-methyl-3,4(methylenedioxy)
 22 phenethylamine; N-ethyl MDA; MDE; and MDEA.
 23 (13) 3, 4-methylenedioxymethamphetamine (MDMA) (7405).
 24 (14) 3, 4, 5-trimethoxy amphetamine (7390). Other name: TMA.
 25 (15) Alpha-ethyltryptamine (7249). Some trade and other names:
 26 Etryptamine; Monase; [alpha]-ethyl-1H-indole-3-ethanamine;
 27 3-(2-aminobutyl) indole; [alpha]-ET; and AET.
 28 (16) Alpha-methyltryptamine (7432). Other name: AMT.
 29 (17) Bufotenine (7433). Some trade and other names:
 30 3-(B-Dimethylaminoethyl)-5-hydroxyindole;
 31 3-(2-dimethylaminonethyl)-5-indolol; N, N-dimethylserotonin;
 32 5-hydroxy-N, N-dimethyltryptamine; mappine.
 33 (18) Diethyltryptamine (7434). Some trade or other names: N,
 34 N-Diethyltryptamine; DET.
 35 (19) Dimethyltryptamine (7435). Some trade or other names:
 36 DMT.
 37 (20) Ibogaine (7260). Some trade and other names: 7-Ethyl-6, 6b,
 38 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-pyrido
 39 (1', 2': 1, 2, azepino 4, 5-b) indole; tabernanthe iboga.
 40 (21) Lysergic acid diethylamide (7315). Other name: LSD.
 41 (22) Marijuana (7360).
 42 (23) Mescaline (7381).



- 1 (24) Parahexyl (7374). Some trade or other names:
 2 3-Hexyl-1-hydroxy-7, 8, 9, 10-Tetrahydro-6, 6,
 3 9-trimethyl-6H-dibenzo (b,d) pyran; Snyhexyl.
 4 (25) Peyote (7415), including:
 5 (A) all parts of the plant that are classified botanically as
 6 lophophora williamsii lemaire, whether growing or not;
 7 (B) the seeds thereof;
 8 (C) any extract from any part of the plant; and
 9 (D) every compound, manufacture, salt, derivative, mixture, or
 10 preparation of the plant, its seeds, or extracts.
 11 (26) N-ethyl-3-piperidyl benzilate (7482). Other name: DMZ.
 12 (27) N-hydroxy-3,4-methylenedioxyamphetamine (7402). Other
 13 names: N-hydroxy-alpha-methyl-3,4
 14 (methylenedioxy)phenethylamine; and N-hydroxy MDA.
 15 (28) N-methyl-3-piperidyl benzilate (7484). Other name: LBJ.
 16 (29) Psilocybin (7437).
 17 (30) Psilocyn (7438).
 18 (31) Tetrahydrocannabinols (7370), including synthetic
 19 equivalents of the substances contained in the plant, or in the
 20 resinous extractives of Cannabis, sp. and synthetic substances,
 21 derivatives, and their isomers with similar chemical structure and
 22 pharmacological activity such as:
 23 (A) π^1 cis or trans tetrahydrocannabinol, and their optical
 24 isomers;
 25 (B) π^6 cis or trans tetrahydrocannabinol, and their optical
 26 isomers; and
 27 (C) π^3_4 cis or trans tetrahydrocannabinol, and their optical
 28 isomers.
 29 Since nomenclature of these substances is not internationally
 30 standardized, compounds of these structures, regardless of
 31 numerical designation of atomic positions are covered. Other
 32 name: THC. **However, the term does not include a substance**
 33 **that contains not more than five-tenths percent (0.5%) of**
 34 **tetrahydrocannabinol (THC) by dry weight, including a**
 35 **substance containing cannabidiol.**
 36 (32) Ethylamine analog of phencyclidine (7455). Some trade or
 37 other names: N-Ethyl-1-phenylcyclohexylamine;
 38 (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl)
 39 ethylamine; cyclohexamine; PCE.
 40 (33) Pyrrolidine analog of phencyclidine (7458). Some trade or
 41 other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCP_v; PHP.
 42 (34) Thiophene analog of phencyclidine (7470). Some trade or



- 1 other names: 1-(1-(2-thienyl) cyclohexyl) piperidine; 2-Thienyl
 2 Analog of Phencyclidine; TCP.
- 3 (35) *Salvia divinorum* or salvinorin A, including:
 4 (A) all parts of the plant that are classified botanically as *salvia*
 5 *divinorum*, whether growing or not;
 6 (B) the seeds of the plant;
 7 (C) any extract from any part of the plant; and
 8 (D) every compound, manufacture, salt, derivative, mixture, or
 9 preparation of the plant, its seeds, or extracts.
- 10 (36) 5-Methoxy-N,N-Dimethyltryptamine. Some trade or other
 11 names: 5-methoxy-3-[2- (dimethylamino)ethyl]indole;
 12 5-MeO-DMT.
- 13 (37) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).
 14 (38) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).
 15 (39) 2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine (2C-C).
 16 (40) 2-(4-Iodo-2,5-dimethoxyphenyl) ethanamine (2C-I).
 17 (41) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl] ethanamine (2C-T-2).
 18 (42) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl] ethanamine
 19 (2C-T-4).
 20 (43) 2-(2,5-Dimethoxyphenyl) ethanamine (2C-H).
 21 (44) 2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine (2C-N).
 22 (45) 2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine (2C-P).
- 23 (e) Depressants. Unless specifically excepted in a rule adopted by
 24 the board or unless listed in another schedule, any material, compound,
 25 mixture, or preparation which contains any quantity of the following
 26 substances having a depressant effect on the central nervous system,
 27 including its salts, isomers, and salts of isomers whenever the existence
 28 of such salts, isomers, and salts of isomers is possible within the
 29 specific chemical designation:
 30 Etizolam (4-(2- chlorophenyl)-2- ethyl-9- methyl- 6H-
 31 thieno[3,2-f] [1,2,4] triazolo[4,3-a] [1,4diazepine) (other names
 32 include: Etilaam, Etizest, Depas, Etizola, Sedekopan, and
 33 Pasaden)
 34 Gamma-hydroxybutyric acid (other names include GHB;
 35 gamma-hydroxybutyrate; 4-hydroxybutanoic acid; sodium
 36 oxybate; sodium oxybutyrate) (2010)
 37 Mecloqualone (2572)
 38 Methaqualone (2565)
- 39 (f) Stimulants. Unless specifically excepted or unless listed in
 40 another schedule, any material, compound, mixture, or preparation that
 41 contains any quantity of the following substances having a stimulant
 42 effect on the central nervous system, including its salts, isomers, and



- 1 salts of isomers:
 2 ([+/-] cis-4-methylaminorex ([+/-]cis-4,5-
 3 dihydro-4-methyl-5-phenyl-2-oxazolamine) (1590)
 4 Aminorex (1585). Other names: aminoxaphen;
 5 2-amino-5-phenyl-2-oxazoline; or
 6 4,5-dihydro-5-phenyl-2-oxazolamine.
 7 Cathinone (1235). Some trade or other names:
 8 2-amino-1-phenyl-1-propanone; alpha-aminopropiophenone;
 9 2-aminopropiophenone; and norephedrone.
 10 Fenethylamine (1503).
 11 N-Benzylpiperazine (7493). Other names: BZP; and
 12 1-benzylpiperazine.
 13 N-ethylamphetamine (1475).
 14 Methcathinone (1237) Some other trade names:
 15 2-Methylamino-1-Phenylpropan-I-one; Ephedrone;
 16 Monomethylpropion; UR 1431.
 17 N, N-dimethylamphetamine (1480). Other names: N,
 18 N-alpha-trimethyl-benzeneethanamine; and N,
 19 N-alpha-trimethylphenethylamine.
 20 (g) Synthetic drugs as defined in IC 35-31.5-2-321.
 21 SECTION 15. IC 35-48-4-2, AS AMENDED BY P.L.44-2016,
 22 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 JULY 1, 2018]: Sec. 2. (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 a controlled substance, pure or adulterated, classified in schedule
 30 I, II, or III, except marijuana, ~~hash oil~~, ~~hashish~~, salvia, or a
 31 synthetic drug; or
 32 (2) possesses, with intent to:
 33 (A) manufacture;
 34 (B) finance the manufacture of;
 35 (C) deliver; or
 36 (D) finance the delivery of;
 37 a controlled substance, pure or adulterated, classified in schedule
 38 I, II, or III, except marijuana, ~~hash oil~~, ~~hashish~~, salvia, or a
 39 synthetic drug;
 40 commits dealing in a schedule I, II, or III controlled substance, a Level
 41 6 felony, except as provided in subsections (b) through (f).
 42 (b) A person may be convicted of an offense under subsection (a)(2)



- 1 only if:
- 2 (1) there is evidence in addition to the weight of the drug that the
- 3 person intended to manufacture, finance the manufacture of,
- 4 deliver, or finance the delivery of the drug; or
- 5 (2) the amount of the drug involved is at least twenty-eight (28)
- 6 grams.
- 7 (c) The offense is a Level 5 felony if:
- 8 (1) the amount of the drug involved is at least one (1) gram but
- 9 less than five (5) grams; or
- 10 (2) the amount of the drug involved is less than one (1) gram and
- 11 an enhancing circumstance applies.
- 12 (d) The offense is a Level 4 felony if:
- 13 (1) the amount of the drug involved is at least five (5) grams but
- 14 less than ten (10) grams; or
- 15 (2) the amount of the drug involved is at least one (1) gram but
- 16 less than five (5) grams and an enhancing circumstance applies.
- 17 (e) The offense is a Level 3 felony if:
- 18 (1) the amount of the drug involved is at least ten (10) grams but
- 19 less than twenty-eight (28) grams; or
- 20 (2) the amount of the drug involved is at least five (5) grams but
- 21 less than ten (10) grams and an enhancing circumstance applies.
- 22 (f) The offense is a Level 2 felony if:
- 23 (1) the amount of the drug involved is at least twenty-eight (28)
- 24 grams; or
- 25 (2) the amount of the drug involved is at least ten (10) grams but
- 26 less than twenty-eight (28) grams and an enhancing circumstance
- 27 applies.
- 28 SECTION 16. IC 35-48-4-7, AS AMENDED BY P.L.158-2013,
- 29 SECTION 633, IS AMENDED TO READ AS FOLLOWS
- 30 [EFFECTIVE JULY 1, 2018]: Sec. 7. (a) A person who, without a valid
- 31 prescription or order of a practitioner acting in the course of the
- 32 practitioner's professional practice, knowingly or intentionally
- 33 possesses a controlled substance (pure or adulterated) classified in
- 34 schedule I, II, III, or IV, except marijuana ~~hashish, salvia,~~ or a synthetic
- 35 cannabinoid, commits possession of a controlled substance, a Class A
- 36 misdemeanor, except as provided in subsection (b).
- 37 (b) The offense is a Level 6 felony if the person commits the offense
- 38 and an enhancing circumstance applies.
- 39 (c) A person who, without a valid prescription or order of a
- 40 practitioner acting in the course of the practitioner's professional
- 41 practice, knowingly or intentionally obtains:
- 42 (1) more than four (4) ounces of schedule V controlled substances



1 containing codeine in any given forty-eight (48) hour period
 2 unless pursuant to a prescription;

3 (2) a schedule V controlled substance pursuant to written or
 4 verbal misrepresentation; or

5 (3) possession of a schedule V controlled substance other than by
 6 means of a prescription or by means of signing an exempt
 7 narcotic register maintained by a pharmacy licensed by the
 8 Indiana state board of pharmacy;

9 commits a Class A misdemeanor.

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

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

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

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

22 (4) manufacturing, compounding, converting, producing,
 23 processing, or preparing marijuana, ~~hash oil~~, ~~hashish~~, salvia, a
 24 synthetic drug, or a controlled substance;

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

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

29 commits a Class A infraction for dealing in paraphernalia.

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

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

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

39 (2) Items marketed for or historically and customarily used in
 40 connection with the planting, propagating, cultivating, growing,
 41 harvesting, manufacturing, compounding, converting, producing,
 42 processing, preparing, testing, analyzing, packaging, repackaging,



- 1 storing, containing, concealing, injecting, ingesting, or inhaling
 2 of tobacco or any other lawful substance, excluding the lawful
 3 possession of a substance containing cannabidiol under
 4 IC 35-48-4-11.
- 5 (3) A qualified entity (as defined in IC 16-41-7.5-3) that provides
 6 a syringe or needle as part of a program under IC 16-41-7.5.
- 7 (4) Any entity or person that provides funding to a qualified entity
 8 (as defined in IC 16-41-7.5-3) to operate a program described in
 9 IC 16-41-7.5.
- 10 SECTION 18. IC 35-48-4-10, AS AMENDED BY P.L.44-2016,
 11 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2018]: Sec. 10. (a) A person who:
- 13 (1) knowingly or intentionally:
- 14 (A) manufactures;
- 15 (B) finances the manufacture of;
- 16 (C) delivers; or
- 17 (D) finances the delivery of;
- 18 marijuana ~~hash oil, hashish,~~ or salvia, pure or adulterated; or
- 19 (2) possesses, with intent to:
- 20 (A) manufacture;
- 21 (B) finance the manufacture of;
- 22 (C) deliver; or
- 23 (D) finance the delivery of;
- 24 marijuana ~~hash oil, hashish,~~ or salvia, pure or adulterated;
- 25 commits dealing in marijuana ~~hash oil, hashish,~~ or salvia, a Class A
 26 misdemeanor, except as provided in subsections (b) through (d).
- 27 (b) A person may be convicted of an offense under subsection (a)(2)
 28 only if:
- 29 (1) there is evidence in addition to the weight of the drug that the
 30 person intended to manufacture, finance the manufacture of,
 31 deliver, or finance the delivery of the drug; or
- 32 (2) the amount of the drug involved is at least:
- 33 (A) ten (10) pounds, if the drug is marijuana; or
- 34 (B) three hundred (300) grams, if the drug is ~~hash oil, hashish,~~
 35 ~~or~~ salvia.
- 36 (c) The offense is a Level 6 felony if:
- 37 (1) the person has a prior conviction for a drug offense and the
 38 amount of the drug involved is:
- 39 (A) less than thirty (30) grams of marijuana; or
- 40 (B) less than five (5) grams of ~~hash oil, hashish,~~ or salvia; or
- 41 (2) the amount of the drug involved is:
- 42 (A) at least thirty (30) grams but less than ten (10) pounds of



- 1 marijuana; or
 2 (B) at least five (5) grams but less than three hundred (300)
 3 grams of ~~hash oil, hashish, or~~ salvia.
 4 (d) The offense is a Level 5 felony if:
 5 (1) the person has a prior conviction for a drug dealing offense
 6 and the amount of the drug involved is:
 7 (A) at least thirty (30) grams but less than ten (10) pounds of
 8 marijuana; or
 9 (B) at least five (5) grams but less than three hundred (300)
 10 grams of ~~hash oil, hashish, or~~ salvia; or
 11 (2) the:
 12 (A) amount of the drug involved is:
 13 (i) at least ten (10) pounds of marijuana; or
 14 (ii) at least three hundred (300) grams of ~~hash oil, hashish,~~
 15 ~~or~~ salvia; or
 16 (B) offense involved a sale to a minor.
 17 SECTION 19. IC 35-48-4-11, AS AMENDED BY P.L.188-2017,
 18 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2018]: Sec. 11. (a) A person who:
 20 (1) knowingly or intentionally possesses (pure or adulterated)
 21 marijuana ~~hash oil, hashish,~~ or salvia;
 22 (2) knowingly or intentionally grows or cultivates marijuana; or
 23 (3) knowing that marijuana is growing on the person's premises,
 24 fails to destroy the marijuana 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 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 SECTION 20. IC 35-48-4-12, AS AMENDED BY P.L.168-2014,
- 10 SECTION 104, IS AMENDED TO READ AS FOLLOWS
- 11 [EFFECTIVE JULY 1, 2018]: Sec. 12. If a person who has no prior
- 12 conviction of an offense under this article or under a law of another
- 13 jurisdiction relating to controlled substances pleads guilty to possession
- 14 of marijuana, ~~hashish, salvia,~~ or a synthetic drug, or a synthetic drug
- 15 lookalike substance as a misdemeanor, the court, without entering a
- 16 judgment of conviction and with the consent of the person, may defer
- 17 further proceedings and place the person in the custody of the court
- 18 under conditions determined by the court. Upon violation of a
- 19 condition of the custody, the court may enter a judgment of conviction.
- 20 However, if the person fulfills the conditions of the custody, the court
- 21 shall dismiss the charges against the person. There may be only one (1)
- 22 dismissal under this section with respect to a person.
- 23 SECTION 21. IC 35-50-2-2.2, AS AMENDED BY P.L.252-2017,
- 24 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 25 JULY 1, 2018]: Sec. 2.2. (a) Except as provided in subsection (b), (c),
- 26 (d), or (e), the court may suspend any part of a sentence for a felony.
- 27 (b) Except as provided in subsection (d), if a person is convicted of
- 28 a Level 2 felony or a Level 3 felony, except a Level 2 felony or a Level
- 29 3 felony concerning a controlled substance under IC 35-48-4, and has
- 30 any prior unrelated felony conviction, the court may suspend only that
- 31 part of a sentence that is in excess of the minimum sentence for the:
- 32 (1) Level 2 felony; or
- 33 (2) Level 3 felony.
- 34 (c) If:
- 35 (1) a person has a prior unrelated felony conviction in any
- 36 jurisdiction for dealing in a controlled substance that is not
- 37 marijuana, ~~hashish, hash oil,~~ salvia, ~~divinorum,~~ or a synthetic
- 38 drug **(or that is not marijuana, hash oil, hashish, salvia, or a**
- 39 **synthetic drug before the amendment in 2018)**, including an
- 40 attempt or conspiracy to commit the offense; and
- 41 (2) the person is convicted of a Level 2 felony under
- 42 IC 35-48-4-1.1 or IC 35-48-4-1.2;



1 the court may suspend only that part of a sentence that is in excess of
2 the minimum sentence for the Level 2 felony.
3 (d) If a person:
4 (1) is convicted of dealing in heroin as a Level 2 or Level 3 felony
5 under IC 35-48-4-1 or IC 35-48-4-2; and
6 (2) has a prior unrelated felony conviction;
7 the court may suspend only that part of a sentence that is in excess of
8 the minimum sentence for the Level 2 or Level 3 felony.
9 (e) The court may suspend only that part of a sentence for murder
10 or a Level 1 felony conviction that is in excess of the minimum
11 sentence for murder or the Level 1 felony conviction.

