

HOUSE BILL No. 1041

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-30-5-1; IC 16-18-2; IC 16-19; IC 16-50; IC 34-30-2-84.8; IC 35-31.5-2; IC 35-48.

Synopsis: Medical cannabis. Defines "qualifying patient", and permits a qualifying patient to use medical cannabis under certain circumstances. Requires the state department of health to adopt rules before July 1, 2019: (1) concerning the use, distribution, cultivation, production, and testing of medical cannabis; and (2) developing and implementing a medical cannabis registry. Provides limited reciprocity for holders of nonresident medical cannabis cards. Provides immunity from civil and criminal liability for physicians who recommend the medical use of cannabis. Provides a defense to: (1) arrest; and (2) criminal prosecution; for marijuana possession and use in certain circumstances. Makes conforming amendments. Makes a technical correction.

Effective: July 1, 2018.

Errington

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



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

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1041

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

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

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



1 (1) consumed the controlled substance under a valid prescription
 2 or order of a practitioner (as defined in IC 35-48-1) who acted in
 3 the course of the practitioner's professional practice; or
 4 (2) is a qualifying patient (as defined in IC 16-50-1-17) and
 5 consumed the controlled substance under a written
 6 recommendation for the medical use of cannabis from a
 7 physician (as defined in IC 16-18-2-282(a)) who acted in the
 8 course of the physician's professional practice.

9 SECTION 2. IC 16-18-2-37.9 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2018]: **Sec. 37.9. "Bona fide medical**
 12 **physician-patient relationship"**, for purposes of IC 16-50, has the
 13 meaning set forth in IC 16-50-1-1.

14 SECTION 3. IC 16-18-2-45.7 IS ADDED TO THE INDIANA
 15 CODE AS A NEW SECTION TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2018]: **Sec. 45.7. "Cannabis"**, for purposes
 17 of IC 16-50, has the meaning set forth in IC 16-50-1-2.

18 SECTION 4. IC 16-18-2-45.8 IS ADDED TO THE INDIANA
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2018]: **Sec. 45.8. "Cannabis derived**
 21 **product"**, for purposes of IC 16-50, has the meaning set forth in
 22 IC 16-50-1-3.

23 SECTION 5. IC 16-18-2-187.3 IS ADDED TO THE INDIANA
 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2018]: **Sec. 187.3. "Independent testing**
 26 **laboratory"**, for purposes of IC 16-50, has the meaning set forth in
 27 IC 16-50-1-4.

28 SECTION 6. IC 16-18-2-224.2 IS ADDED TO THE INDIANA
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2018]: **Sec. 224.2. "Medical cannabis agent"**,
 31 for purposes of IC 16-50, has the meaning set forth in IC 16-50-1-5.

32 SECTION 7. IC 16-18-2-224.3 IS ADDED TO THE INDIANA
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2018]: **Sec. 224.3. "Medical cannabis**
 35 **establishment"**, for purposes of IC 16-50, has the meaning set forth
 36 in IC 16-50-1-6.

37 SECTION 8. IC 16-18-2-224.4 IS ADDED TO THE INDIANA
 38 CODE AS A NEW SECTION TO READ AS FOLLOWS
 39 [EFFECTIVE JULY 1, 2018]: **Sec. 224.4. "Medical cannabis**
 40 **production license"**, for purposes of IC 16-50, has the meaning set
 41 forth in IC 16-50-1-7.

42 SECTION 9. IC 16-18-2-224.5 IS ADDED TO THE INDIANA



1 CODE AS A NEW SECTION TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2018]: **Sec. 224.5. "Medical cannabis**
3 **registry", for purposes of IC 16-50, has the meaning set forth in**
4 **IC 16-50-1-8.**

5 SECTION 10. IC 16-18-2-224.6 IS ADDED TO THE INDIANA
6 CODE AS A NEW SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2018]: **Sec. 224.6. "Medical cannabis**
8 **transportation license", for purposes of IC 16-50, has the meaning**
9 **set forth in IC 16-50-1-9.**

10 SECTION 11. IC 16-18-2-224.7 IS ADDED TO THE INDIANA
11 CODE AS A NEW SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2018]: **Sec. 224.7. "Medical cannabis**
13 **transporter", for purposes of IC 16-50, has the meaning set forth**
14 **in IC 16-50-1-10.**

15 SECTION 12. IC 16-18-2-224.8 IS ADDED TO THE INDIANA
16 CODE AS A NEW SECTION TO READ AS FOLLOWS
17 [EFFECTIVE JULY 1, 2018]: **Sec. 224.8. "Medical use of cannabis",**
18 **for purposes of IC 16-50, has the meaning set forth in**
19 **IC 16-50-1-11.**

20 SECTION 13. IC 16-18-2-253.1 IS ADDED TO THE INDIANA
21 CODE AS A NEW SECTION TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2018]: **Sec. 253.1. "Nonresident card", for**
23 **purposes of IC 16-50, has the meaning set forth in IC 16-50-1-12.**

24 SECTION 14. IC 16-18-2-272.5 IS ADDED TO THE INDIANA
25 CODE AS A NEW SECTION TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2018]: **Sec. 272.5. "Patient cardholder", for**
27 **purposes of IC 16-50, has the meaning set forth in IC 16-50-1-13.**

28 SECTION 15. IC 16-18-2-277.9 IS ADDED TO THE INDIANA
29 CODE AS A NEW SECTION TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2018]: **Sec. 277.9. "Personal caregiver", for**
31 **purposes of IC 16-50, has the meaning set forth in IC 16-50-1-14.**

32 SECTION 16. IC 16-18-2-293.7 IS ADDED TO THE INDIANA
33 CODE AS A NEW SECTION TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2018]: **Sec. 293.7. "Producer cardholder",**
35 **for purposes of IC 16-50, has the meaning set forth in**
36 **IC 16-50-1-15.**

37 SECTION 17. IC 16-18-2-301.8 IS ADDED TO THE INDIANA
38 CODE AS A NEW SECTION TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2018]: **Sec. 301.8. "Qualifying medical**
40 **condition", for purposes of IC 16-50, has the meaning set forth in**
41 **IC 16-50-1-16.**

42 SECTION 18. IC 16-18-2-301.9 IS ADDED TO THE INDIANA



1 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
 2 [EFFECTIVE JULY 1, 2018]: **Sec. 301.9. "Qualifying patient", for**
 3 **purposes of IC 16-50, has the meaning set forth in IC 16-50-1-17.**

4 SECTION 19. IC 16-18-2-318.5 IS ADDED TO THE INDIANA
 5 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2018]: **Sec. 318.5. "Restricted access area",**
 7 **for purposes of IC 16-50, has the meaning set forth in**
 8 **IC 16-50-1-18.**

9 SECTION 20. IC 16-18-2-365.6 IS ADDED TO THE INDIANA
 10 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2018]: **Sec. 365.6. "Visiting qualifying**
 12 **patient", for purposes of IC 16-50, has the meaning set forth in**
 13 **IC 16-50-1-19.**

14 SECTION 21. IC 16-18-2-378.5 IS ADDED TO THE INDIANA
 15 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2018]: **Sec. 378.5. "Written**
 17 **recommendation", for purposes of IC 16-50, has the meaning set**
 18 **forth in IC 16-50-1-20.**

19 SECTION 22. IC 16-19-3-32 IS ADDED TO THE INDIANA
 20 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2018]: **Sec. 32. The state department shall**
 22 **fulfill the duties set forth in IC 16-50 concerning medical cannabis.**

23 SECTION 23. IC 16-19-5-1 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 1. (a) In addition to
 25 other fees provided by this title, the state department may establish and
 26 collect reasonable fees for specific services described under subsection
 27 (b) provided by the state department. The fees may not exceed the cost
 28 of services provided.

29 (b) Fees may be charged for the following services:

30 (1) Plan reviews conducted under rules adopted under
 31 IC 16-19-3-4(b)(13).

32 (2) Licensing of agricultural labor camps under IC 16-41-26.

33 (3) Services provided to persons other than governmental entities
 34 under rules adopted under IC 16-19-3-5.

35 (4) Services provided by the state health laboratory under
 36 IC 16-19-8.

37 (5) Services provided under IC 16-19-11-3.

38 (6) Services provided under IC 24-6 by the state metrology
 39 laboratory.

40 **(7) Licensing and registration under IC 16-50.**

41 SECTION 24. IC 16-19-5-4 IS AMENDED TO READ AS
 42 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 4. (a) The weights and



1 measures fund is established for the purpose of providing funds for
 2 training and equipment for weights and measures inspectors and the
 3 state metrology laboratory. The state department shall administer the
 4 fund.

5 (b) The fund consists of fees collected under section ~~1(b)(7)~~ **1(b)(6)**
 6 of this chapter.

7 (c) Money in the fund at the end of a state fiscal year does not revert
 8 to the state general fund.

9 SECTION 25. IC 16-50 IS ADDED TO THE INDIANA CODE AS
 10 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 11 2018]:

12 **ARTICLE 50. MEDICAL CANNABIS**

13 **Chapter 1. Definitions**

14 **Sec. 0.1. The definitions in this chapter apply throughout this**
 15 **article.**

16 **Sec. 1. "Bona fide medical physician-patient relationship"**
 17 **means a relationship between a physician and a patient that**
 18 **includes an:**

- 19 (1) annual physical examination and review of medical history
 20 or a referral from a primary care practitioner;
 21 (2) explanation of the benefits and risks of medical use of
 22 cannabis; and
 23 (3) expectation of ongoing care.

24 **Sec. 2. "Cannabis" means any part of the plant genus cannabis,**
 25 **including the seeds, the resin extracted from any part of the plant,**
 26 **and any compound, manufacture, salt, derivative, mixture, or**
 27 **preparation of the plant, its seeds, or its resin.**

28 **Sec. 3. "Cannabis derived product" means a product other than**
 29 **whole plant cannabis that is manufactured from cannabis and is**
 30 **intended for use or consumption by humans through means**
 31 **including food stuffs, extracts, oils, tinctures, topicals, and**
 32 **suppositories.**

33 **Sec. 4. "Independent testing laboratory" means a private and**
 34 **independent testing facility that:**

- 35 (1) holds a valid medical cannabis production license; and
 36 (2) tests cannabis or cannabis derived products to be sold by
 37 a medical cannabis establishment to identify the content of the
 38 cannabis or cannabis derived products, including constitutive
 39 elements such as cannabinoids, to detect the presence of any
 40 pesticides, bacteria, or other contaminants, and for other
 41 purposes determined by the state department.

42 **Sec. 5. "Medical cannabis agent" means an employee, staff**



1 volunteer, officer, or board member of a medical cannabis
2 establishment.

3 **Sec. 6. "Medical cannabis establishment" means a person,**
4 **organization, or company in possession of a valid medical cannabis**
5 **production license for the dispensing of medical cannabis.**

6 **Sec. 7. "Medical cannabis production license" means a license**
7 **issued by the state department:**

8 (1) authorizing the commercial cultivation of medical
9 cannabis by a person, organization, or company that operates
10 a medical cannabis establishment; and

11 (2) allowing the person, organization, or company to:

12 (A) cultivate;

13 (B) process;

14 (C) manufacture; or

15 (D) test;

16 medical cannabis.

17 **Sec. 8. "Medical cannabis registry" means a registry maintained**
18 **by the state department authorizing a qualifying patient or a**
19 **personal caregiver to acquire, possess, use, and deliver cannabis**
20 **for the medical benefit of a qualifying patient.**

21 **Sec. 9. "Medical cannabis transportation license" means a**
22 **license that authorizes the physical transport or delivery of**
23 **cannabis or cannabis derived products:**

24 (1) between businesses holding a valid medical cannabis
25 production license; and

26 (2) to cardholding individuals registered under the medical
27 cannabis registry.

28 **Sec. 10. "Medical cannabis transporter" means a person who**
29 **holds a valid medical cannabis transportation license and is**
30 **authorized to transport cannabis and cannabis derived products:**

31 (1) between businesses holding a valid medical cannabis
32 production license; and

33 (2) to cardholding individuals registered under the medical
34 cannabis registry.

35 **Sec. 11. "Medical use of cannabis" means the acquisition,**
36 **cultivation, possession, processing, manufacturing, transfer,**
37 **transportation, sale, distribution, dispensing, or administration of**
38 **cannabis or cannabis derived products for the benefit of qualifying**
39 **patients.**

40 **Sec. 12. "Nonresident card" means a card or other identification**
41 **that:**

42 (1) is issued by another jurisdiction; and



- 1 (2) is obtained through a means substantially similar to a
 2 medical cannabis registry under IC 16-50-2 and IC 16-50-3.
- 3 **Sec. 13. "Patient cardholder" means a person who:**
 4 (1) is registered under the medical cannabis registry; and
 5 (2) holds a valid medical cannabis registration card.
- 6 **Sec. 14. "Personal caregiver" means a person who:**
 7 (1) is registered under the medical cannabis registry;
 8 (2) holds a valid medical cannabis registration card; and
 9 (3) has agreed to assist with the medical use of cannabis by a
 10 qualifying patient holding a valid medical cannabis
 11 registration card.
- 12 **Sec. 15. "Producer cardholder" means a person holding a valid**
 13 **medical cannabis production license.**
- 14 **Sec. 16. "Qualifying medical condition" means:**
 15 (1) cancer;
 16 (2) glaucoma;
 17 (3) positive status for human immunodeficiency virus;
 18 (4) acquired immune deficiency syndrome;
 19 (5) hepatitis C;
 20 (6) amyotrophic lateral sclerosis;
 21 (7) Crohn's disease;
 22 (8) Alzheimer's disease;
 23 (9) Huntington's disease;
 24 (10) Parkinson's disease;
 25 (11) nail-patella syndrome;
 26 (12) multiple sclerosis;
 27 (13) injury or disease to the spinal cord, spinal column, or
 28 vertebra;
 29 (14) myelomalacia;
 30 (15) celiac disease;
 31 (16) sickle cell anemia;
 32 (17) a chronic or debilitating disease or medical condition or
 33 the treatment of a chronic or debilitating disease or medical
 34 condition that produces:
 35 (A) cachexia or wasting syndrome;
 36 (B) severe or chronic pain;
 37 (C) severe or chronic nausea;
 38 (D) seizures, including seizures that are characteristic of
 39 epilepsy; or
 40 (E) severe or persistent muscle spasms;
 41 (18) posttraumatic stress disorder;
 42 (19) generalized anxiety disorder;



- 1 (20) Tourette syndrome; or
 2 (21) any other disease, condition, or symptom that the state
 3 department determines by its rulemaking authority under
 4 IC 16-50-2-1 is a debilitating medical condition.

5 **Sec. 17. "Qualifying patient" means an individual who:**

- 6 (1) has a written recommendation from a physician for the
 7 medical use of cannabis;
 8 (2) is registered under the medical cannabis registry; and
 9 (3) holds a valid medical cannabis registration card.

10 **Sec. 18. "Restricted access area" means a location, not visible**
 11 **from a public right-of-way, where cannabis is cultivated or stored.**
 12 **The term includes an open field, a greenhouse, row cover, or a**
 13 **structure that secures the cannabis from access by unauthorized**
 14 **persons. The term includes a personal garden if measures are**
 15 **taken to prohibit access by unauthorized persons.**

16 **Sec. 19. "Visiting qualifying patient" means the holder of a valid**
 17 **nonresident card.**

18 **Sec. 20. "Written recommendation" means a document**
 19 **authorizing a qualifying patient's medical use of cannabis that:**

- 20 (1) is written on tamper resistant paper;
 21 (2) is signed by a physician;
 22 (3) is made only in the course of a bona fide medical
 23 physician-patient relationship; and
 24 (4) includes the qualifying medical condition.

25 **Chapter 2. Duties**

26 **Sec. 1. Before July 1, 2019, the state department shall adopt**
 27 **rules under IC 4-22-2 to do the following:**

28 (1) Determine who may serve as a personal caregiver for a
 29 qualifying patient. A personal caregiver may include:

- 30 (A) a health care provider; or
 31 (B) an individual who is providing care to a qualifying
 32 patient.

33 (2) Provide for the issuance of a medical cannabis production
 34 license to medical cannabis agents and medical cannabis
 35 establishments.

36 (3) Develop and implement a medical cannabis registry for the
 37 registration of:

- 38 (A) qualifying patients; and
 39 (B) personal caregivers;

40 for the use of a substance containing cannabis in the
 41 treatment of qualifying patients. The medical cannabis
 42 registry must include a secure, electronic online data base that



1 is accessible by law enforcement agencies in order to verify
2 the registration of an individual.

3 (4) Register and issue to an individual described in
4 subdivision (3) a registration card only if the individual meets
5 the following requirements:

6 (A) The individual is:

7 (i) a qualifying patient; or

8 (ii) a personal caregiver at least eighteen (18) years of
9 age.

10 (B) The individual is an Indiana resident.

11 (C) The individual provides a certified statement by a
12 physician that the patient or a patient in the care of the
13 caregiver has been examined by the physician and
14 determined to have a qualifying medical condition.

15 (D) The patient submits a completed registration
16 application.

17 (E) The patient pays the registration fee set by the state
18 department.

19 (5) Develop the medical cannabis registration application. The
20 registration application for a caregiver must ask for the
21 following information:

22 (A) The caregiver's name, address, and relationship to the
23 patient.

24 (B) The patient's name and address.

25 (C) A copy of the caregiver's valid government issued
26 photo identification card.

27 (D) The name and business address of the physician who
28 provided the written recommendation for the patient's
29 medical use of cannabis.

30 (E) Any other relevant information the state department
31 considers necessary to implement this article.

32 (6) Determine the diseases, conditions, and symptoms that are
33 debilitating medical conditions under the term "qualifying
34 medical condition".

35 Sec. 2. Before July 1, 2019, the state department shall adopt
36 rules under IC 4-22-2 to establish an application process and a
37 procedure for the issuance of a medical cannabis production
38 license to an independent testing laboratory. The state department
39 may issue a license under this section only if the independent
40 testing laboratory is capable of accurately determining the
41 following:

42 (1) The concentration of tetrahydrocannabinol (THC) in a



1 sample.

2 (2) The presence and identification of mold or fungus in a
3 sample.

4 (3) The presence and concentration of pesticide and fertilizer
5 in a sample.

6 Sec. 3. Before July 1, 2019, the state department shall adopt
7 rules under IC 4-22-2 to establish an application process and
8 procedure for the issuance of a medical cannabis production
9 license to a qualifying patient or a personal caregiver for the
10 cultivation of cannabis for personal use. Rules adopted under this
11 section must:

12 (1) permit not more than two (2) qualifying patients and
13 personal caregivers to jointly cultivate cannabis for the
14 personal use of one (1) or more qualifying patients;

15 (2) limit the amount of cannabis that may be cultivated to not
16 more than a ninety (90) day supply for each qualifying
17 patient; and

18 (3) require that cultivation and storage of cannabis be
19 conducted in a restricted access area.

20 Sec. 4. Before July 1, 2019, the state department shall adopt
21 rules under IC 4-22-2 to establish an application process and
22 procedure for the issuance of a medical cannabis production
23 license to a medical cannabis agent. Rules adopted under this
24 section must require that a medical cannabis establishment notify
25 the state department not later than three (3) business days after a
26 medical cannabis agent ceases to be associated with the medical
27 cannabis establishment.

28 Sec. 5. Before July 1, 2019, the state department shall adopt
29 rules under IC 4-22-2 to establish an application process and
30 procedure for the issuance of a medical cannabis production
31 license to a medical cannabis establishment. Rules adopted under
32 this section:

33 (1) may require a medical cannabis establishment to pay a
34 reasonable application and licensing fee;

35 (2) must require that the state department oversee and inspect
36 a medical cannabis establishment at regular intervals;

37 (3) must prohibit an individual who serves or served as a
38 principal officer or board member of a medical cannabis
39 establishment from concurrently serving as a principal officer
40 or board member of another medical cannabis establishment;
41 and

42 (4) may limit the total number of medical cannabis



1 establishments in:

2 (A) Indiana; and

3 (B) any one (1) county.

4 Sec. 6. Before July 1, 2019, the state department shall adopt
5 rules under IC 4-22-2 to establish an application process and
6 procedure for the issuance of a medical cannabis transportation
7 license.

8 Sec. 7. Before July 1, 2019, the state department shall adopt
9 rules under IC 4-22-2 to establish procedures and requirements for
10 a medical cannabis transporter to transport cannabis and cannabis
11 derived products:

12 (1) between businesses holding a valid medical cannabis
13 production license; and

14 (2) to patient cardholders registered under the medical
15 cannabis registry.

16 Sec. 8. Before July 1, 2019, the state department shall adopt
17 rules under IC 4-22-2 to establish a procedure to revoke, for good
18 cause shown, a license issued under this chapter. Rules adopted
19 under this section:

20 (1) must provide a producer cardholder with notice and an
21 opportunity to be heard before the state board before
22 permanent license revocation;

23 (2) may provide for license suspension for a limited time on an
24 emergency ex parte basis; and

25 (3) may authorize the use of sanctions short of revocation
26 (including temporary suspension or a probationary period)
27 for a minor or technical violation of this article or the rules
28 adopted under this article.

29 Sec. 9. Before July 1, 2019, the state department shall adopt
30 rules under IC 4-22-2 concerning:

31 (1) product safety standards for the:

32 (A) cultivation;

33 (B) processing;

34 (C) manufacturing;

35 (D) labeling;

36 (E) testing; and

37 (F) distribution;

38 of cannabis; and

39 (2) oversight and enforcement of product safety standards
40 adopted under this section.

41 Sec. 10. Rules adopted under this article may be based on the
42 cannabis standards adopted by the American Herbal Products



- 1 Association.
- 2 Chapter 3. Administration
- 3 Sec. 1. The state department may execute a contract with a
- 4 vendor designated by the state department to perform any function
- 5 associated with the administration of the medical cannabis
- 6 registry.
- 7 Sec. 2. When a patient or caregiver registers for the medical
- 8 cannabis registry, the state department shall contact and provide
- 9 the local department of health where the patient or caregiver
- 10 resides with the following information:
- 11 (1) The name and address of the patient or caregiver.
- 12 (2) Identifying information contained on the patient's or
- 13 caregiver's registration card.
- 14 (3) Any other information the state department determines is
- 15 necessary to disclose.
- 16 Sec. 3. The state department shall maintain any medical records
- 17 obtained under this chapter as confidential, and the medical
- 18 records may not be disclosed to the public. Identifying information
- 19 relating to a qualifying patient or a personal caregiver (including
- 20 an individual who seeks to be recognized as a qualifying patient or
- 21 a personal caregiver) is confidential.
- 22 Sec. 4. A visiting qualifying patient shall receive limited
- 23 reciprocity while in Indiana. In order to receive limited reciprocity,
- 24 the visiting qualifying patient:
- 25 (1) must not:
- 26 (A) be a resident of Indiana; or
- 27 (B) have resided in Indiana for a period greater than thirty
- 28 (30) days;
- 29 (2) must be diagnosed with a qualifying medical condition;
- 30 and
- 31 (3) must possess a valid nonresident card.
- 32 Sec. 5. Before July 1, 2019, the state department shall adopt
- 33 rules under IC 4-22-2 concerning the issuance of a medical
- 34 cannabis registration card to the holder of a valid nonresident
- 35 card.
- 36 Sec. 6. A valid nonresident card has the same force and effect as
- 37 a medical cannabis registration card issued in Indiana, except that
- 38 the visiting qualifying patient may not purchase medical cannabis
- 39 in Indiana.
- 40 Chapter 4. Fees and Registration
- 41 Sec. 1. Before July 1, 2019, the state department shall adopt
- 42 rules under IC 4-22-2 to do the following:



1 (1) Determine how fees under this chapter will be used to
2 implement the medical cannabis registry.

3 (2) Determine a registration fee of not more than fifty dollars
4 (\$50) for an individual's initial registration under this chapter
5 to cover the costs of implementing and administering the
6 medical cannabis registry.

7 (3) Determine if the state department should permit a fee
8 reduction or fee waiver for a qualifying patient who is
9 indigent.

10 (4) Determine a renewal fee of not more than twenty-five
11 dollars (\$25).

12 If the state department determines that a fee reduction or fee
13 waiver described in subdivision (3) is appropriate, the state
14 department shall adopt rules under IC 4-22-2 to determine the
15 reduced registration fee or to provide for the fee waiver.

16 Sec. 2. A qualifying patient's or personal caregiver's registration
17 under this article is valid for one (1) year from the date of issuance,
18 unless the physician requests a shorter period. The state
19 department shall renew a registration under this article for an
20 individual if the initial registration is current or has been updated
21 by the individual and the individual continues to meet the
22 registration requirements under this article.

23 **Chapter 5. Immunity and Nondiscrimination**

24 Sec. 1. A physician is immune from civil and criminal liability
25 for:

26 (1) advising a qualifying patient or personal caregiver about
27 the risks and benefits of the medical use of cannabis; and

28 (2) providing a qualifying patient with a written
29 recommendation based upon a full assessment of the
30 qualifying patient's medical history and condition.

31 However, the immunity described in this section does not apply to
32 a physician who commits gross negligence or engages in willful or
33 wanton misconduct.

34 Sec. 2. The medical licensing board may not take any action
35 against a physician who is immune for performing an act described
36 in section 1 of this chapter.

37 Sec. 3. Unless required by federal law or to obtain federal
38 funding, a person may not discriminate in employment or housing
39 based solely on an individual's:

40 (1) status as a patient cardholder; or

41 (2) positive test for use of cannabis if the individual is a
42 patient cardholder.



1 **However, this section does not prevent an employer from taking an**
 2 **adverse employment action against an employee who is impaired**
 3 **by the use of cannabis while on the employer's premises or while**
 4 **carrying out the employee's duties.**

5 SECTION 26. IC 34-30-2-84.8 IS ADDED TO THE INDIANA
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS
 7 [EFFECTIVE JULY 1, 2018]: **Sec. 84.8. IC 16-50-5-1 (Concerning**
 8 **a physician and medical cannabis).**

9 SECTION 27. IC 35-31.5-2-97.5 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE JULY 1, 2018]: **Sec. 97.5. "Dispensing facility", for**
 12 **purposes of IC 35-48-4, has the meaning set forth in**
 13 **IC 35-48-1-13.5.**

14 SECTION 28. IC 35-31.5-2-194.5 IS ADDED TO THE INDIANA
 15 CODE AS A NEW SECTION TO READ AS FOLLOWS
 16 [EFFECTIVE JULY 1, 2018]: **Sec. 194.5. "Manufacturing facility",**
 17 **for purposes of IC 35-48-4, has the meaning set forth in**
 18 **IC 35-48-1-18.5.**

19 SECTION 29. IC 35-31.5-2-247.3 IS ADDED TO THE INDIANA
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2018]: **Sec. 247.3. "Processing facility", for**
 22 **purposes of IC 35-48-4, means a business that:**

- 23 (1) holds a medical cannabis production license issued under
- 24 IC 16-50; and
- 25 (2) acquires, possesses, trims, inspects, or grades cannabis, or
- 26 places cannabis in bulk storage or retail containers for the
- 27 purpose of delivery, transfer, transport, supply, or sales to:
 - 28 (A) a dispensing facility;
 - 29 (B) a manufacturing facility;
 - 30 (C) another processing facility; or
 - 31 (D) an independent testing laboratory (as defined in
 - 32 IC 16-50-1-4).

33 SECTION 30. IC 35-48-1-13.5 IS ADDED TO THE INDIANA
 34 CODE AS A NEW SECTION TO READ AS FOLLOWS
 35 [EFFECTIVE JULY 1, 2018]: **Sec. 13.5. "Dispensing facility" means**
 36 **a person or organization that:**

- 37 (1) holds a valid medical cannabis production license (as
- 38 defined in IC 16-50-1-7); and
- 39 (2) acquires and possesses cannabis (as defined in
- 40 IC 16-50-1-2) and cannabis derived products (as defined in
- 41 IC 16-50-1-3) for the purpose of sales, delivery, transport,
- 42 transfer, or distribution to:



- 1 (A) a patient cardholder (as defined in IC 16-50-1-13);
 2 (B) a personal caregiver (as defined in IC 16-50-1-14);
 3 (C) other dispensing facilities; or
 4 (D) independent testing laboratories (as defined in
 5 IC 16-50-1-4).

6 SECTION 31. IC 35-48-1-18.5 IS ADDED TO THE INDIANA
 7 CODE AS A NEW SECTION TO READ AS FOLLOWS
 8 [EFFECTIVE JULY 1, 2018]: **Sec. 18.5. "Manufacturing facility"**
 9 **means a person or organization that:**

- 10 (1) holds a valid medical cannabis production license (as
 11 defined in IC 16-50-1-7); and
 12 (2) acquires, possesses, manufactures, and packages cannabis
 13 derived products (as defined in IC 16-50-1-3) for the purpose
 14 of delivery, transport, transfer, supply, or sale to:
 15 (A) dispensing facilities;
 16 (B) other manufacturing facilities;
 17 (C) processing facilities; or
 18 (D) independent testing laboratories (as defined in
 19 IC 16-50-1-4).

20 SECTION 32. IC 35-48-1-25.5 IS ADDED TO THE INDIANA
 21 CODE AS A NEW SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2018]: **Sec. 25.5. "Processing facility" means**
 23 **a business that:**

- 24 (1) holds a medical cannabis production license issued under
 25 IC 16-50; and
 26 (2) acquires, possesses, trims, inspects, or grades cannabis, or
 27 places cannabis in bulk storage or retail containers for the
 28 purpose of delivery, transfer, transport, supply, or sales to:
 29 (A) a dispensing facility;
 30 (B) a manufacturing facility;
 31 (C) another processing facility; or
 32 (D) an independent testing laboratory (as defined in
 33 IC 16-50-1-4).

34 SECTION 33. IC 35-48-4-8.3, AS AMENDED BY P.L.187-2015,
 35 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2018]: Sec. 8.3. (a) This section does not apply to a rolling
 37 paper.

- 38 (b) A person who knowingly or intentionally possesses a **raw**
 39 **material**, an instrument, a device, or another object that the person
 40 intends to use for:
 41 (1) introducing into the person's body a controlled substance;
 42 (2) testing the strength, effectiveness, or purity of a controlled



1 substance; or

2 (3) enhancing the effect of a controlled substance;
 3 commits a Class C misdemeanor. However, the offense is a Class A
 4 misdemeanor if the person has a prior unrelated judgment or conviction
 5 under this section.

6 **(c) It is a defense to an action, arrest, or prosecution under this**
 7 **section that:**

8 **(1) the person who possesses the raw material, instrument,**
 9 **device, or another object the person intends to use as**
 10 **described in subsection (b) is:**

11 **(A) the owner or agent of a dispensing facility;**

12 **(B) the owner or agent of an independent testing**
 13 **laboratory (as defined in IC 16-50-1-4);**

14 **(C) the owner or agent of a manufacturing facility;**

15 **(D) a medical cannabis agent (as defined in IC 16-50-1-5);**

16 **(E) the owner or agent of a medical cannabis establishment**
 17 **(as defined in IC 16-50-1-6);**

18 **(F) the owner or agent of a processing facility;**

19 **(G) a licensed medical cannabis transporter (as defined in**
 20 **IC 16-50-1-10);**

21 **(H) a patient cardholder (as defined in IC 16-50-1-13); or**

22 **(I) a personal caregiver (as defined in IC 16-50-1-14); and**

23 **(2) the raw material, instrument, device, or other object is for**
 24 **a purpose authorized and used within the scope of the**
 25 **person's license or registration card issued under IC 16-50-2**
 26 **or IC 16-50-3.**

27 SECTION 34. 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:**
 36 **(1) the person is:**
 37 **(A) the owner or agent of a dispensing facility;**
 38 **(B) the owner or agent of an independent testing**
 39 **laboratory (as defined in IC 16-50-1-4);**
 40 **(C) the owner or agent of a manufacturing facility;**
 41 **(D) a medical cannabis agent (as defined in IC 16-50-1-5);**
 42 **(E) the owner or agent of a medical cannabis establishment**



- 1 **(as defined in IC 16-50-1-6);**
- 2 **(F) the owner or agent of a processing facility;**
- 3 **(G) a licensed medical cannabis transporter (as defined in**
- 4 **IC 16-50-1-10);**
- 5 **(H) a patient cardholder (as defined in IC 16-50-1-13); or**
- 6 **(I) a personal caregiver (as defined in IC 16-50-1-14); and**
- 7 **(2) the conduct involving the marijuana, hash oil, or hashish**
- 8 **is authorized and used within the scope of the person's license**
- 9 **or registration card issued under IC 16-50-2 or IC 16-50-3.**
- 10 SECTION 35. IC 35-48-4-11, AS AMENDED BY P.L.188-2017,
- 11 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 12 JULY 1, 2018]: Sec. 11. (a) A person who:
- 13 (1) knowingly or intentionally possesses (pure or adulterated)
- 14 marijuana, hash oil, hashish, or salvia;
- 15 (2) knowingly or intentionally grows or cultivates marijuana; or
- 16 (3) knowing that marijuana is growing on the person's premises,
- 17 fails to destroy the marijuana plants;
- 18 commits possession of marijuana, hash oil, hashish, or salvia, a Class
- 19 B misdemeanor, except as provided in subsections (b) through (c).
- 20 (b) The offense described in subsection (a) is a Class A
- 21 misdemeanor if the person has a prior conviction for a drug offense.
- 22 (c) The offense described in subsection (a) is a Level 6 felony if:
- 23 (1) the person has a prior conviction for a drug offense; and
- 24 (2) the person possesses:
- 25 (A) at least thirty (30) grams of marijuana; or
- 26 (B) at least five (5) grams of hash oil, hashish, or salvia.
- 27 (d) It is a defense to a prosecution under subsection (a)(1) based on
- 28 the possession of a substance containing cannabidiol that:
- 29 (1) the person is a patient or caregiver registered under
- 30 IC 16-42-28.6 for the use of a substance containing cannabidiol;
- 31 (2) the person reasonably believed that the substance possessed
- 32 by the person was a substance containing cannabidiol; and
- 33 (3) the substance containing cannabidiol is packaged in a
- 34 container labeled with the origin, volume, and concentration by
- 35 weight of total THC, including its precursors and derivatives, and
- 36 cannabidiol.
- 37 (e) It is a defense to a prosecution under this section based on the
- 38 possession of a substance containing cannabidiol that:
- 39 (1) the substance containing cannabidiol has been approved by
- 40 the federal Food and Drug Administration or the federal Drug
- 41 Enforcement Agency as a prescription drug; and
- 42 (2) the substance was prescribed and dispensed in accordance



- 1 with the federal approval described in subdivision (1).
- 2 **(f) It is a defense to a prosecution under this section for an**
- 3 **offense involving marijuana, hash oil, or hashish that:**
- 4 **(1) the person is:**
 - 5 **(A) the owner or agent of a dispensing facility;**
 - 6 **(B) the owner or agent of an independent testing**
 - 7 **laboratory (as defined in IC 16-50-1-4);**
 - 8 **(C) the owner or agent of a manufacturing facility;**
 - 9 **(D) a medical cannabis agent (as defined in IC 16-50-1-5);**
 - 10 **(E) the owner or agent of a medical cannabis establishment**
 - 11 **(as defined in IC 16-50-1-6);**
 - 12 **(F) the owner or agent of a processing facility;**
 - 13 **(G) a licensed medical cannabis transporter (as defined in**
 - 14 **IC 16-50-1-10);**
 - 15 **(H) a patient cardholder (as defined in IC 16-50-1-13); or**
 - 16 **(I) a personal caregiver (as defined in IC 16-50-1-14); and**
- 17 **(2) the conduct involving the marijuana, hash oil, or hashish**
- 18 **is authorized and used within the scope of the person's license**
- 19 **or registration card issued under IC 16-50-2 or IC 16-50-3.**

