

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred House Bill No. 1102, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Delete everything after the enacting clause and insert the following:
2 SECTION 1. IC 11-12-3.7-3, AS AMENDED BY P.L.151-2006,
3 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2011]: Sec. 3. As used in this chapter, "drug dealing offense"
5 means one (1) or more of the following offenses:
6 (1) Dealing in cocaine or a narcotic drug (IC 35-48-4-1), unless
7 the person received only minimal consideration as a result of the
8 drug transaction.
9 (2) Dealing in methamphetamine (IC 35-48-4-1.1), unless the
10 person received only minimal consideration as a result of the drug
11 transaction.
12 (3) Dealing in a schedule I, II, III, IV, or V controlled substance
13 (IC 35-48-4-2 through IC 35-48-4-4), unless the person received
14 only minimal consideration as a result of the drug transaction.
15 (4) Dealing in marijuana, hash oil, ~~or~~ hashish, **salvia divinorum**,
16 **or a synthetic cannabinoid** (IC 35-48-4-10), unless the person
17 received only minimal consideration as a result of the drug
18 transaction.
19 SECTION 2. IC 16-31-3-14, AS AMENDED BY P.L.151-2006,
20 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2011]: Sec. 14. (a) A person holding a certificate issued under

1 this article must comply with the applicable standards and rules
2 established under this article. A certificate holder is subject to
3 disciplinary sanctions under subsection (b) if the department of
4 homeland security determines that the certificate holder:

5 (1) engaged in or knowingly cooperated in fraud or material
6 deception in order to obtain a certificate, including cheating on a
7 certification examination;

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

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

11 (4) falsified or knowingly allowed another person to falsify
12 attendance records or certificates of completion of continuing
13 education courses required under this article or rules adopted
14 under this article;

15 (5) is convicted of a crime, if the act that resulted in the
16 conviction has a direct bearing on determining if the certificate
17 holder should be entrusted to provide emergency medical
18 services;

19 (6) is convicted of violating IC 9-19-14.5;

20 (7) fails to comply and maintain compliance with or violates any
21 applicable provision, standard, or other requirement of this article
22 or rules adopted under this article;

23 (8) continues to practice if the certificate holder becomes unfit to
24 practice due to:

25 (A) professional incompetence that includes the undertaking
26 of professional activities that the certificate holder is not
27 qualified by training or experience to undertake;

28 (B) failure to keep abreast of current professional theory or
29 practice;

30 (C) physical or mental disability; or

31 (D) addiction to, abuse of, or dependency on alcohol or other
32 drugs that endanger the public by impairing the certificate
33 holder's ability to practice safely;

34 (9) engages in a course of lewd or immoral conduct in connection
35 with the delivery of services to the public;

36 (10) allows the certificate holder's name or a certificate issued
37 under this article to be used in connection with a person who
38 renders services beyond the scope of that person's training,
39 experience, or competence;

40 (11) is subjected to disciplinary action in another state or
41 jurisdiction on grounds similar to those contained in this chapter.

42 For purposes of this subdivision, a certified copy of a record of

- 1 disciplinary action constitutes prima facie evidence of a
 2 disciplinary action in another jurisdiction;
- 3 (12) assists another person in committing an act that would
 4 constitute a ground for disciplinary sanction under this chapter;
 5 or
- 6 (13) allows a certificate issued by the commission to be:
 7 (A) used by another person; or
 8 (B) displayed to the public when the certificate is expired,
 9 inactive, invalid, revoked, or suspended.
- 10 (b) The department of homeland security may issue an order under
 11 IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if
 12 the department of homeland security determines that a certificate
 13 holder is subject to disciplinary sanctions under subsection (a):
- 14 (1) Revocation of a certificate holder's certificate for a period not
 15 to exceed seven (7) years.
- 16 (2) Suspension of a certificate holder's certificate for a period not
 17 to exceed seven (7) years.
- 18 (3) Censure of a certificate holder.
- 19 (4) Issuance of a letter of reprimand.
- 20 (5) Assessment of a civil penalty against the certificate holder in
 21 accordance with the following:
- 22 (A) The civil penalty may not exceed five hundred dollars
 23 (\$500) per day per violation.
- 24 (B) If the certificate holder fails to pay the civil penalty within
 25 the time specified by the department of homeland security, the
 26 department of homeland security may suspend the certificate
 27 holder's certificate without additional proceedings.
- 28 (6) Placement of a certificate holder on probation status and
 29 requirement of the certificate holder to:
- 30 (A) report regularly to the department of homeland security
 31 upon the matters that are the basis of probation;
- 32 (B) limit practice to those areas prescribed by the department
 33 of homeland security;
- 34 (C) continue or renew professional education approved by the
 35 department of homeland security until a satisfactory degree of
 36 skill has been attained in those areas that are the basis of the
 37 probation; or
- 38 (D) perform or refrain from performing any acts, including
 39 community restitution or service without compensation, that
 40 the department of homeland security considers appropriate to
 41 the public interest or to the rehabilitation or treatment of the
 42 certificate holder.

1 The department of homeland security may withdraw or modify
2 this probation if the department of homeland security finds after
3 a hearing that the deficiency that required disciplinary action is
4 remedied or that changed circumstances warrant a modification
5 of the order.

6 (c) If an applicant or a certificate holder has engaged in or
7 knowingly cooperated in fraud or material deception to obtain a
8 certificate, including cheating on the certification examination, the
9 department of homeland security may rescind the certificate if it has
10 been granted, void the examination or other fraudulent or deceptive
11 material, and prohibit the applicant from reapplying for the certificate
12 for a length of time established by the department of homeland
13 security.

14 (d) The department of homeland security may deny certification to
15 an applicant who would be subject to disciplinary sanctions under
16 subsection (b) if that person were a certificate holder, has had
17 disciplinary action taken against the applicant or the applicant's
18 certificate to practice in another state or jurisdiction, or has practiced
19 without a certificate in violation of the law. A certified copy of the
20 record of disciplinary action is conclusive evidence of the other
21 jurisdiction's disciplinary action.

22 (e) The department of homeland security may order a certificate
23 holder to submit to a reasonable physical or mental examination if the
24 certificate holder's physical or mental capacity to practice safely and
25 competently is at issue in a disciplinary proceeding. Failure to comply
26 with a department of homeland security order to submit to a physical
27 or mental examination makes a certificate holder liable to temporary
28 suspension under subsection (i).

29 (f) Except as provided under subsection (a), subsection (g), and
30 section 14.5 of this chapter, a certificate may not be denied, revoked,
31 or suspended because the applicant or certificate holder has been
32 convicted of an offense. The acts from which the applicant's or
33 certificate holder's conviction resulted may be considered as to whether
34 the applicant or certificate holder should be entrusted to serve the
35 public in a specific capacity.

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

- 39 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- 40 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 41 (3) Possession of a controlled substance under IC 35-48-4-7(a).
- 42 (4) Fraudulently obtaining a controlled substance under

- 1 IC 35-48-4-7(b).
- 2 (5) Manufacture of paraphernalia as a Class D felony under
3 IC 35-48-4-8.1(b).
- 4 (6) Dealing in paraphernalia as a Class D felony under
5 IC 35-48-4-8.5(b).
- 6 (7) Possession of paraphernalia as a Class D felony under
7 IC 35-48-4-8.3(b).
- 8 (8) Possession of marijuana, hash oil, ~~or~~ hashish, **salvia**
9 **divinorum, or a synthetic cannabinoid** as a Class D felony
10 under IC 35-48-4-11.
- 11 (9) Maintaining a common nuisance under IC 35-48-4-13.
- 12 (10) An offense relating to registration, labeling, and prescription
13 forms under IC 35-48-4-14.
- 14 (11) Conspiracy under IC 35-41-5-2 to commit an offense listed
15 in subdivisions (1) through (10).
- 16 (12) Attempt under IC 35-41-5-1 to commit an offense listed in
17 subdivisions (1) through (10).
- 18 (13) An offense in any other jurisdiction in which the elements of
19 the offense for which the conviction was entered are substantially
20 similar to the elements of an offense described by subdivisions (1)
21 through (12).
- 22 (h) A decision of the department of homeland security under
23 subsections (b) through (g) may be appealed to the commission under
24 IC 4-21.5-3-7.
- 25 (i) The department of homeland security may temporarily suspend
26 a certificate holder's certificate under IC 4-21.5-4 before a final
27 adjudication or during the appeals process if the department of
28 homeland security finds that a certificate holder would represent a clear
29 and immediate danger to the public's health, safety, or property if the
30 certificate holder were allowed to continue to practice.
- 31 (j) On receipt of a complaint or information alleging that a person
32 certified under this chapter or IC 16-31-3.5 has engaged in or is
33 engaging in a practice that is subject to disciplinary sanctions under
34 this chapter, the department of homeland security must initiate an
35 investigation against the person.
- 36 (k) The department of homeland security shall conduct a factfinding
37 investigation as the department of homeland security considers proper
38 in relation to the complaint.
- 39 (l) The department of homeland security may reinstate a certificate
40 that has been suspended under this section if the department of
41 homeland security is satisfied that the applicant is able to practice with
42 reasonable skill, competency, and safety to the public. As a condition

1 of reinstatement, the department of homeland security may impose
2 disciplinary or corrective measures authorized under this chapter.

3 (m) The department of homeland security may not reinstate a
4 certificate that has been revoked under this chapter.

5 (n) The department of homeland security must be consistent in the
6 application of sanctions authorized in this chapter. Significant
7 departures from prior decisions involving similar conduct must be
8 explained in the department of homeland security's findings or orders.

9 (o) A certificate holder may not surrender the certificate holder's
10 certificate without the written approval of the department of homeland
11 security, and the department of homeland security may impose any
12 conditions appropriate to the surrender or reinstatement of a
13 surrendered certificate.

14 (p) For purposes of this section, "certificate holder" means a person
15 who holds:

- 16 (1) an unlimited certificate;
- 17 (2) a limited or probationary certificate; or
- 18 (3) an inactive certificate.

19 SECTION 3. IC 16-31-3-14.5, AS AMENDED BY P.L.151-2006,
20 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 JULY 1, 2011]: Sec. 14.5. The department of homeland security may
22 issue an order under IC 4-21.5-3-6 to deny an applicant's request for
23 certification or permanently revoke a certificate under procedures
24 provided by section 14 of this chapter if the individual who holds the
25 certificate issued under this title is convicted of any of the following:

- 26 (1) Dealing in or manufacturing cocaine or a narcotic drug under
27 IC 35-48-4-1.
- 28 (2) Dealing in methamphetamine under IC 35-48-4-1.1.
- 29 (3) Dealing in a schedule I, II, or III controlled substance under
30 IC 35-48-4-2.
- 31 (4) Dealing in a schedule IV controlled substance under
32 IC 35-48-4-3.
- 33 (5) Dealing in a schedule V controlled substance under
34 IC 35-48-4-4.
- 35 (6) Dealing in a substance represented to be a controlled
36 substance under IC 35-48-4-4.5.
- 37 (7) Knowingly or intentionally manufacturing, advertising,
38 distributing, or possessing with intent to manufacture, advertise,
39 or distribute a substance represented to be a controlled substance
40 under IC 35-48-4-4.6.
- 41 (8) Dealing in a counterfeit substance under IC 35-48-4-5.
- 42 (9) Dealing in marijuana, hash oil, ~~or~~ hashish, **salvia divinorum**,

- 1 **or a synthetic cannabinoid** under IC 35-48-4-10(b).
 2 (10) Conspiracy under IC 35-41-5-2 to commit an offense listed
 3 in subdivisions (1) through (9).
 4 (11) Attempt under IC 35-41-5-1 to commit an offense listed in
 5 subdivisions (1) through (9).
 6 (12) A crime of violence (as defined in IC 35-50-1-2(a)).
 7 (13) 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 under subdivisions
 10 (1) through (12).

11 SECTION 4. IC 20-28-5-8, AS AMENDED BY P.L.121-2009,
 12 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 JULY 1, 2011]: Sec. 8. (a) This section applies when a prosecuting
 14 attorney knows that a licensed employee of a public school or a
 15 nonpublic school has been convicted of an offense listed in subsection
 16 (c). The prosecuting attorney shall immediately give written notice of
 17 the conviction to the following:

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

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

34 (c) The department, after holding a hearing on the matter, shall
 35 permanently revoke the license of a person who is known by the
 36 department to have been convicted of any of the following felonies:

- 37 (1) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen
 38 (18) years of age.
 39 (2) Criminal confinement (IC 35-42-3-3), if the victim is less than
 40 eighteen (18) years of age.
 41 (3) Rape (IC 35-42-4-1), if the victim is less than eighteen (18)
 42 years of age.

- 1 (4) Criminal deviate conduct (IC 35-42-4-2), if the victim is less
 2 than eighteen (18) years of age.
- 3 (5) Child molesting (IC 35-42-4-3).
- 4 (6) Child exploitation (IC 35-42-4-4(b)).
- 5 (7) Vicarious sexual gratification (IC 35-42-4-5).
- 6 (8) Child solicitation (IC 35-42-4-6).
- 7 (9) Child seduction (IC 35-42-4-7).
- 8 (10) Sexual misconduct with a minor (IC 35-42-4-9).
- 9 (11) Incest (IC 35-46-1-3), if the victim is less than eighteen (18)
 10 years of age.
- 11 (12) Dealing in or manufacturing cocaine or a narcotic drug
 12 (IC 35-48-4-1).
- 13 (13) Dealing in methamphetamine (IC 35-48-4-1.1).
- 14 (14) Dealing in a schedule I, II, or III controlled substance
 15 (IC 35-48-4-2).
- 16 (15) Dealing in a schedule IV controlled substance
 17 (IC 35-48-4-3).
- 18 (16) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- 19 (17) Dealing in a counterfeit substance (IC 35-48-4-5).
- 20 (18) Dealing in marijuana, hash oil, ~~or~~ hashish, **salvia divinorum,**
 21 **or a synthetic cannabinoid** (IC 35-48-4-10(b)).
- 22 (19) Possession of child pornography (IC 35-42-4-4(c)).
- 23 (d) A license may be suspended by the state superintendent as
 24 specified in IC 20-28-7-7.
- 25 (e) The department shall develop a data base of information on
 26 school corporation employees who have been reported to the
 27 department under this section.
- 28 SECTION 5. IC 22-15-5-16, AS AMENDED BY P.L.1-2007,
 29 SECTION 161, IS AMENDED TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2011]: Sec. 16. (a) A practitioner shall comply
 31 with the standards established under this licensing program. A
 32 practitioner is subject to the exercise of the disciplinary sanctions under
 33 subsection (b) if the department finds that a practitioner has:
- 34 (1) engaged in or knowingly cooperated in fraud or material
 35 deception in order to obtain a license to practice, including
 36 cheating on a licensing examination;
- 37 (2) engaged in fraud or material deception in the course of
 38 professional services or activities;
- 39 (3) advertised services or goods in a false or misleading manner;
- 40 (4) falsified or knowingly allowed another person to falsify
 41 attendance records or certificates of completion of continuing
 42 education courses provided under this chapter;

- 1 (5) been convicted of a crime that has a direct bearing on the
 2 practitioner's ability to continue to practice competently;
 3 (6) knowingly violated a state statute or rule or federal statute or
 4 regulation regulating the profession for which the practitioner is
 5 licensed;
 6 (7) continued to practice although the practitioner has become
 7 unfit to practice due to:
 8 (A) professional incompetence;
 9 (B) failure to keep abreast of current professional theory or
 10 practice;
 11 (C) physical or mental disability; or
 12 (D) addiction to, abuse of, or severe dependency on alcohol or
 13 other drugs that endanger the public by impairing a
 14 practitioner's ability to practice safely;
 15 (8) engaged in a course of lewd or immoral conduct in connection
 16 with the delivery of services to the public;
 17 (9) allowed the practitioner's name or a license issued under this
 18 chapter to be used in connection with an individual or business
 19 who renders services beyond the scope of that individual's or
 20 business's training, experience, or competence;
 21 (10) had disciplinary action taken against the practitioner or the
 22 practitioner's license to practice in another state or jurisdiction on
 23 grounds similar to those under this chapter;
 24 (11) assisted another person in committing an act that would
 25 constitute a ground for disciplinary sanction under this chapter;
 26 or
 27 (12) allowed a license issued by the department to be:
 28 (A) used by another person; or
 29 (B) displayed to the public when the license has expired, is
 30 inactive, is invalid, or has been revoked or suspended.
- 31 For purposes of subdivision (10), a certified copy of a record of
 32 disciplinary action constitutes prima facie evidence of a disciplinary
 33 action in another jurisdiction.
- 34 (b) The department may impose one (1) or more of the following
 35 sanctions if the department finds that a practitioner is subject to
 36 disciplinary sanctions under subsection (a):
 37 (1) Permanent revocation of a practitioner's license.
 38 (2) Suspension of a practitioner's license.
 39 (3) Censure of a practitioner.
 40 (4) Issuance of a letter of reprimand.
 41 (5) Assess a civil penalty against the practitioner in accordance
 42 with the following:

1 (A) The civil penalty may not be more than one thousand
2 dollars (\$1,000) for each violation listed in subsection (a),
3 except for a finding of incompetency due to a physical or
4 mental disability.

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

12 (6) Place a practitioner on probation status and require the
13 practitioner to:

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

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

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

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

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

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

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

41 (e) The department may order a practitioner to submit to a
42 reasonable physical or mental examination if the practitioner's physical

1 or mental capacity to practice safely and competently is at issue in a
2 disciplinary proceeding. Failure to comply with a department order to
3 submit to a physical or mental examination makes a practitioner liable
4 to temporary suspension under subsection (j).

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

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

14 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.

15 (2) Possession of methamphetamine under IC 35-48-4-6.1.

16 (3) Possession of a controlled substance under IC 35-48-4-7(a).

17 (4) Fraudulently obtaining a controlled substance under
18 IC 35-48-4-7(b).

19 (5) Manufacture of paraphernalia as a Class D felony under
20 IC 35-48-4-8.1(b).

21 (6) Dealing in paraphernalia as a Class D felony under
22 IC 35-48-4-8.5(b).

23 (7) Possession of paraphernalia as a Class D felony under
24 IC 35-48-4-8.3(b).

25 (8) Possession of marijuana, hash oil, ~~or~~ hashish, **salvia**
26 **divinorum, or a synthetic cannabinoid** as a Class D felony
27 under IC 35-48-4-11.

28 (9) Maintaining a common nuisance under IC 35-48-4-13.

29 (10) An offense relating to registration, labeling, and prescription
30 forms under IC 35-48-4-14.

31 (11) Conspiracy under IC 35-41-5-2 to commit an offense listed
32 in subdivisions (1) through (10).

33 (12) Attempt under IC 35-41-5-1 to commit an offense listed in
34 subdivisions (1) through (10).

35 (13) An offense in any other jurisdiction in which the elements of
36 the offense for which the conviction was entered are substantially
37 similar to the elements of an offense described in subdivisions (1)
38 through (12).

39 (h) The department shall deny, revoke, or suspend a license issued
40 under this chapter if the individual who holds the license is convicted
41 of any of the following:

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

- 1 (2) Dealing in methamphetamine under IC 35-48-4-1.1.
- 2 (3) Dealing in a schedule I, II, or III controlled substance under
- 3 IC 35-48-4-2.
- 4 (4) Dealing in a schedule IV controlled substance under
- 5 IC 35-48-4-3.
- 6 (5) Dealing in a schedule V controlled substance under
- 7 IC 35-48-4-4.
- 8 (6) Dealing in a substance represented to be a controlled
- 9 substance under IC 35-48-4-4.5.
- 10 (7) Knowingly or intentionally manufacturing, advertising,
- 11 distributing, or possessing with intent to manufacture, advertise,
- 12 or distribute a substance represented to be a controlled substance
- 13 under IC 35-48-4-4.6.
- 14 (8) Dealing in a counterfeit substance under IC 35-48-4-5.
- 15 (9) Dealing in marijuana, hash oil, or hashish, **salvia divinorum,**
- 16 **or a synthetic cannabinoid** under IC 35-48-4-10(b).
- 17 (10) Conspiracy under IC 35-41-5-2 to commit an offense listed
- 18 in subdivisions (1) through (9).
- 19 (11) Attempt under IC 35-41-5-1 to commit an offense listed in
- 20 subdivisions (1) through (9).
- 21 (12) An offense in any other jurisdiction in which the elements of
- 22 the offense for which the conviction was entered are substantially
- 23 similar to the elements of an offense described in subdivisions (1)
- 24 through (11).
- 25 (13) A violation of any federal or state drug law or rule related to
- 26 wholesale legend drug distributors licensed under IC 25-26-14.
- 27 (i) A decision of the department under subsections (b) through (h)
- 28 may be appealed to the commission under IC 4-21.5-3-7.
- 29 (j) The department may temporarily suspend a practitioner's license
- 30 under IC 4-21.5-4 before a final adjudication or during the appeals
- 31 process if the department finds that a practitioner represents a clear and
- 32 immediate danger to the public's health, safety, or property if the
- 33 practitioner is allowed to continue to practice.
- 34 (k) On receipt of a complaint or an information alleging that a
- 35 person licensed under this chapter has engaged in or is engaging in a
- 36 practice that jeopardizes the public health, safety, or welfare, the
- 37 department shall initiate an investigation against the person.
- 38 (l) Any complaint filed with the office of the attorney general
- 39 alleging a violation of this licensing program shall be referred to the
- 40 department for summary review and for its general information and any
- 41 authorized action at the time of the filing.
- 42 (m) The department shall conduct a fact finding investigation as the

1 department considers proper in relation to the complaint.

2 (n) The department may reinstate a license that has been suspended
3 under this section if, after a hearing, the department is satisfied that the
4 applicant is able to practice with reasonable skill, safety, and
5 competency to the public. As a condition of reinstatement, the
6 department may impose disciplinary or corrective measures authorized
7 under this chapter.

8 (o) The department may not reinstate a license that has been
9 revoked under this chapter. An individual whose license has been
10 revoked under this chapter may not apply for a new license until seven
11 (7) years after the date of revocation.

12 (p) The department shall seek to achieve consistency in the
13 application of sanctions authorized in this chapter. Significant
14 departures from prior decisions involving similar conduct must be
15 explained in the department's findings or orders.

16 (q) A practitioner may petition the department to accept the
17 surrender of the practitioner's license instead of having a hearing before
18 the commission. The practitioner may not surrender the practitioner's
19 license without the written approval of the department, and the
20 department may impose any conditions appropriate to the surrender or
21 reinstatement of a surrendered license.

22 (r) A practitioner who has been subjected to disciplinary sanctions
23 may be required by the commission to pay the costs of the proceeding.
24 The practitioner's ability to pay shall be considered when costs are
25 assessed. If the practitioner fails to pay the costs, a suspension may not
26 be imposed solely upon the practitioner's inability to pay the amount
27 assessed. The costs are limited to costs for the following:

- 28 (1) Court reporters.
- 29 (2) Transcripts.
- 30 (3) Certification of documents.
- 31 (4) Photo duplication.
- 32 (5) Witness attendance and mileage fees.
- 33 (6) Postage.
- 34 (7) Expert witnesses.
- 35 (8) Depositions.
- 36 (9) Notarizations.

37 SECTION 6. IC 25-1-1.1-2, AS AMENDED BY P.L.151-2006,
38 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2011]: Sec. 2. A board, a commission, or a committee may
40 suspend or revoke a license or certificate issued under this title by the
41 board, the commission, or the committee if the individual who holds
42 the license or certificate is convicted of any of the following:

- 1 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- 2 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 3 (3) Possession of a controlled substance under IC 35-48-4-7(a).
- 4 (4) Fraudulently obtaining a controlled substance under
- 5 IC 35-48-4-7(b).
- 6 (5) Manufacture of paraphernalia as a Class D felony under
- 7 IC 35-48-4-8.1(b).
- 8 (6) Dealing in paraphernalia as a Class D felony under
- 9 IC 35-48-4-8.5(b).
- 10 (7) Possession of paraphernalia as a Class D felony under
- 11 IC 35-48-4-8.3(b).
- 12 (8) Possession of marijuana, hash oil, ~~or~~ hashish, **salvia**
- 13 **divinorum, or a synthetic cannabinoid** as a Class D felony
- 14 under IC 35-48-4-11.
- 15 (9) Maintaining a common nuisance under IC 35-48-4-13.
- 16 (10) An offense relating to registration, labeling, and prescription
- 17 forms under IC 35-48-4-14.
- 18 (11) Conspiracy under IC 35-41-5-2 to commit an offense listed
- 19 in subdivisions (1) through (10).
- 20 (12) Attempt under IC 35-41-5-1 to commit an offense listed in
- 21 subdivisions (1) through (10).
- 22 (13) An offense in any other jurisdiction in which the elements of
- 23 the offense for which the conviction was entered are substantially
- 24 similar to the elements of an offense described under subdivisions
- 25 (1) through (12).
- 26 SECTION 7. IC 25-1-1.1-3, AS AMENDED BY P.L.151-2006,
- 27 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 28 JULY 1, 2011]: Sec. 3. A board, a commission, or a committee shall
- 29 revoke or suspend a license or certificate issued under this title by the
- 30 board, the commission, or the committee if the individual who holds
- 31 the license or certificate is convicted of any of the following:
- 32 (1) Dealing in or manufacturing cocaine or a narcotic drug under
- 33 IC 35-48-4-1.
- 34 (2) Dealing in methamphetamine under IC 35-48-4-1.1.
- 35 (3) Dealing in a schedule I, II, or III controlled substance under
- 36 IC 35-48-4-2.
- 37 (4) Dealing in a schedule IV controlled substance under
- 38 IC 35-48-4-3.
- 39 (5) Dealing in a schedule V controlled substance under
- 40 IC 35-48-4-4.
- 41 (6) Dealing in a substance represented to be a controlled
- 42 substance under IC 35-48-4-4.5.

- 1 (7) Knowingly or intentionally manufacturing, advertising,
 2 distributing, or possessing with intent to manufacture, advertise,
 3 or distribute a substance represented to be a controlled substance
 4 under IC 35-48-4-4.6.
- 5 (8) Dealing in a counterfeit substance under IC 35-48-4-5.
- 6 (9) Dealing in marijuana, hash oil, ~~or~~ hashish, **salvia divinorum,**
 7 **or a synthetic cannabinoid** under IC 35-48-4-10(b).
- 8 (10) Conspiracy under IC 35-41-5-2 to commit an offense listed
 9 in subdivisions (1) through (9).
- 10 (11) Attempt under IC 35-41-5-1 to commit an offense listed in
 11 subdivisions (1) through (9).
- 12 (12) An offense in any other jurisdiction in which the elements of
 13 the offense for which the conviction was entered are substantially
 14 similar to the elements of an offense described under subdivisions
 15 (1) through (11).
- 16 (13) A violation of any federal or state drug law or rule related to
 17 wholesale legend drug distributors licensed under IC 25-26-14.
- 18 SECTION 8. IC 34-24-1-1, AS AMENDED BY P.L.143-2009,
 19 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2011]: Sec. 1. (a) The following may be seized:
- 21 (1) All vehicles (as defined by IC 35-41-1), if they are used or are
 22 intended for use by the person or persons in possession of them to
 23 transport or in any manner to facilitate the transportation of the
 24 following:
- 25 (A) A controlled substance for the purpose of committing,
 26 attempting to commit, or conspiring to commit any of the
 27 following:
- 28 (i) Dealing in or manufacturing cocaine or a narcotic drug
 29 (IC 35-48-4-1).
- 30 (ii) Dealing in methamphetamine (IC 35-48-4-1.1).
- 31 (iii) Dealing in a schedule I, II, or III controlled substance
 32 (IC 35-48-4-2).
- 33 (iv) Dealing in a schedule IV controlled substance
 34 (IC 35-48-4-3).
- 35 (v) Dealing in a schedule V controlled substance
 36 (IC 35-48-4-4).
- 37 (vi) Dealing in a counterfeit substance (IC 35-48-4-5).
- 38 (vii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).
- 39 (viii) Possession of methamphetamine (IC 35-48-4-6.1).
- 40 (ix) Dealing in paraphernalia (IC 35-48-4-8.5).
- 41 (x) Dealing in marijuana, hash oil, ~~or~~ hashish, **salvia**
 42 **divinorum, or a synthetic cannabinoid** (IC 35-48-4-10).

- 1 (B) Any stolen (IC 35-43-4-2) or converted property
 2 (IC 35-43-4-3) if the retail or repurchase value of that property
 3 is one hundred dollars (\$100) or more.
- 4 (C) Any hazardous waste in violation of IC 13-30-10-1.5.
- 5 (D) A bomb (as defined in IC 35-41-1-4.3) or weapon of mass
 6 destruction (as defined in IC 35-41-1-29.4) used to commit,
 7 used in an attempt to commit, or used in a conspiracy to
 8 commit an offense under IC 35-47 as part of or in furtherance
 9 of an act of terrorism (as defined by IC 35-41-1-26.5).
- 10 (2) All money, negotiable instruments, securities, weapons,
 11 communications devices, or any property used to commit, used in
 12 an attempt to commit, or used in a conspiracy to commit an
 13 offense under IC 35-47 as part of or in furtherance of an act of
 14 terrorism or commonly used as consideration for a violation of
 15 IC 35-48-4 (other than items subject to forfeiture under
 16 IC 16-42-20-5 or IC 16-6-8.5-5.1 before its repeal):
- 17 (A) furnished or intended to be furnished by any person in
 18 exchange for an act that is in violation of a criminal statute;
 19 (B) used to facilitate any violation of a criminal statute; or
 20 (C) traceable as proceeds of the violation of a criminal statute.
- 21 (3) Any portion of real or personal property purchased with
 22 money that is traceable as a proceed of a violation of a criminal
 23 statute.
- 24 (4) A vehicle that is used by a person to:
- 25 (A) commit, attempt to commit, or conspire to commit;
 26 (B) facilitate the commission of; or
 27 (C) escape from the commission of;
 28 murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal
 29 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting
 30 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense
 31 under IC 35-47 as part of or in furtherance of an act of terrorism.
- 32 (5) Real property owned by a person who uses it to commit any of
 33 the following as a Class A felony, a Class B felony, or a Class C
 34 felony:
- 35 (A) Dealing in or manufacturing cocaine or a narcotic drug
 36 (IC 35-48-4-1).
- 37 (B) Dealing in methamphetamine (IC 35-48-4-1.1).
- 38 (C) Dealing in a schedule I, II, or III controlled substance
 39 (IC 35-48-4-2).
- 40 (D) Dealing in a schedule IV controlled substance
 41 (IC 35-48-4-3).
- 42 (E) Dealing in marijuana, hash oil, ~~or~~ hashish, **salvia**

- 1 **divinorum, or a synthetic cannabinoid** (IC 35-48-4-10).
- 2 (6) Equipment and recordings used by a person to commit fraud
- 3 under IC 35-43-5-4(10).
- 4 (7) Recordings sold, rented, transported, or possessed by a person
- 5 in violation of IC 24-4-10.
- 6 (8) Property (as defined by IC 35-41-1-23) or an enterprise (as
- 7 defined by IC 35-45-6-1) that is the object of a corrupt business
- 8 influence violation (IC 35-45-6-2).
- 9 (9) Unlawful telecommunications devices (as defined in
- 10 IC 35-45-13-6) and plans, instructions, or publications used to
- 11 commit an offense under IC 35-45-13.
- 12 (10) Any equipment, including computer equipment and cellular
- 13 telephones, used for or intended for use in preparing,
- 14 photographing, recording, videotaping, digitizing, printing,
- 15 copying, or disseminating matter in violation of IC 35-42-4.
- 16 (11) Destructive devices used, possessed, transported, or sold in
- 17 violation of IC 35-47.5.
- 18 (12) Tobacco products that are sold in violation of IC 24-3-5,
- 19 tobacco products that a person attempts to sell in violation of
- 20 IC 24-3-5, and other personal property owned and used by a
- 21 person to facilitate a violation of IC 24-3-5.
- 22 (13) Property used by a person to commit counterfeiting or
- 23 forgery in violation of IC 35-43-5-2.
- 24 (14) After December 31, 2005, if a person is convicted of an
- 25 offense specified in IC 25-26-14-26(b) or IC 35-43-10, the
- 26 following real or personal property:
- 27 (A) Property used or intended to be used to commit, facilitate,
- 28 or promote the commission of the offense.
- 29 (B) Property constituting, derived from, or traceable to the
- 30 gross proceeds that the person obtained directly or indirectly
- 31 as a result of the offense.
- 32 (15) Except as provided in subsection (e), a motor vehicle used by
- 33 a person who operates the motor vehicle:
- 34 (A) while intoxicated, in violation of IC 9-30-5-1 through
- 35 IC 9-30-5-5, if in the previous five (5) years the person has two
- 36 (2) or more prior unrelated convictions:
- 37 (i) for operating a motor vehicle while intoxicated in
- 38 violation of IC 9-30-5-1 through IC 9-30-5-5; or
- 39 (ii) for an offense that is substantially similar to IC 9-30-5-1
- 40 through IC 9-30-5-5 in another jurisdiction; or
- 41 (B) on a highway while the person's driver's license is
- 42 suspended in violation of IC 9-24-19-2 through IC 9-24-19-4,

1 if in the previous five (5) years the person has two (2) or more
2 prior unrelated convictions:

3 (i) for operating a motor vehicle while intoxicated in
4 violation of IC 9-30-5-1 through IC 9-30-5-5; or

5 (ii) for an offense that is substantially similar to IC 9-30-5-1
6 through IC 9-30-5-5 in another jurisdiction.

7 If a court orders the seizure of a motor vehicle under this
8 subdivision, the court shall transmit an order to the bureau of
9 motor vehicles recommending that the bureau not permit a motor
10 vehicle to be registered in the name of the person whose motor
11 vehicle was seized until the person possesses a current driving
12 license (as defined in IC 9-13-2-41).

13 (16) The following real or personal property:

14 (A) Property used or intended to be used to commit, facilitate,
15 or promote the commission of an offense specified in
16 IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or
17 IC 30-2-13-38(f).

18 (B) Property constituting, derived from, or traceable to the
19 gross proceeds that a person obtains directly or indirectly as a
20 result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b),
21 IC 30-2-10-9(b), or IC 30-2-13-38(f).

22 (b) A vehicle used by any person as a common or contract carrier in
23 the transaction of business as a common or contract carrier is not
24 subject to seizure under this section, unless it can be proven by a
25 preponderance of the evidence that the owner of the vehicle knowingly
26 permitted the vehicle to be used to engage in conduct that subjects it to
27 seizure under subsection (a).

28 (c) Equipment under subsection (a)(10) may not be seized unless it
29 can be proven by a preponderance of the evidence that the owner of the
30 equipment knowingly permitted the equipment to be used to engage in
31 conduct that subjects it to seizure under subsection (a)(10).

32 (d) Money, negotiable instruments, securities, weapons,
33 communications devices, or any property commonly used as
34 consideration for a violation of IC 35-48-4 found near or on a person
35 who is committing, attempting to commit, or conspiring to commit any
36 of the following offenses shall be admitted into evidence in an action
37 under this chapter as prima facie evidence that the money, negotiable
38 instrument, security, or other thing of value is property that has been
39 used or was to have been used to facilitate the violation of a criminal
40 statute or is the proceeds of the violation of a criminal statute:

41 (1) IC 35-48-4-1 (dealing in or manufacturing cocaine or a
42 narcotic drug).

- 1 (2) IC 35-48-4-1.1 (dealing in methamphetamine).
 2 (3) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled
 3 substance).
 4 (4) IC 35-48-4-3 (dealing in a schedule IV controlled substance).
 5 (5) IC 35-48-4-4 (dealing in a schedule V controlled substance)
 6 as a Class B felony.
 7 (6) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a
 8 Class A felony, Class B felony, or Class C felony.
 9 (7) IC 35-48-4-6.1 (possession of methamphetamine) as a Class
 10 A felony, Class B felony, or Class C felony.
 11 (8) IC 35-48-4-10 (dealing in marijuana, hash oil, ~~or~~ hashish,
 12 **salvia divinorum, or a synthetic cannabinoid**) as a Class C
 13 felony.

14 (e) A motor vehicle operated by a person who is not:

- 15 (1) an owner of the motor vehicle; or
 16 (2) the spouse of the person who owns the motor vehicle;

17 is not subject to seizure under subsection (a)(15) unless it can be
 18 proven by a preponderance of the evidence that the owner of the
 19 vehicle knowingly permitted the vehicle to be used to engage in
 20 conduct that subjects it to seizure under subsection (a)(15).

21 SECTION 9. IC 35-41-1-26.3 IS ADDED TO THE INDIANA
 22 CODE AS A NEW SECTION TO READ AS FOLLOWS
 23 [EFFECTIVE JULY 1, 2011]: **Sec. 26.3. "Synthetic cannabinoid"**
 24 **means a substance containing one (1) or more of the following**
 25 **chemical compounds:**

- 26 (1) **JWH-015 ((2-Methyl-1-propyl-1H-**
 27 **indol-3-yl)-1-naphthalenylmethanone).**
 28 (2) **JWH-018 (1-pentyl-3-(1-naphthoyl)indole).**
 29 (3) **JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole).**
 30 (4) **JWH-073 (naphthalen-1-yl-(1-butylindol-3-yl)methanone).**
 31 (5) **JWH-081 (4-methoxynaphthalen- 1-yl- (1-pentylindol-**
 32 **3-yl)methanone).**
 33 (6) **JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).**
 34 (7) **JWH-200 (1-(2-morpholin-4-ylethyl)indol-3-yl)-**
 35 **naphthalen-1-ylmethanone).**
 36 (8) **JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole).**
 37 (9) **JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole).**
 38 (10) **JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).**
 39 (11) **HU-210 ((6aR,10aR)- 9-(Hydroxymethyl)- 6,6-dimethyl-**
 40 **3-(2-methyloctan-2-yl)- 6a,7,10,10a-tetrahydrobenzo**
 41 **[c]chromen- 1-ol).**
 42 (12) **HU-211 ((6aS,10aS)-9-(Hydroxymethyl)- 6,6-dimethyl-**

- 1 **3-(2-methyloctan-2-yl)- 6a,7,10,10a-tetrahydrobenzo**
 2 **[c]chromen-1-ol).**
- 3 **(13) HU-308 ([(1R,2R,5R)-2-[2,6-dimethoxy-4-**
 4 **(2 - m e t h y l o c t a n - 2 - y l) p h e n y l] -**
 5 **7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol).**
- 6 **(14) HU-331 ((3-hydroxy-2- [(1R,6R)-3-methyl-6-**
 7 **(1 - m e t h y l e t h e n y l) - 2 - c y c l o h e x e n - 1 - y l] - 5**
 8 **-pentyl-2,5-cyclohexadiene-1,4-dione).**
- 9 **(1 5) C P 5 5 , 9 4 0**
 10 **(2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl) cyclohexyl]-**
 11 **5- (2-methyloctan-2-yl)phenol).**
- 12 **(16) CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]- 5-**
 13 **(2-methyloctan-2-yl)phenol) and its homologues.**
- 14 **(1 7) W I N 5 5 2 1 2 - 2**
 15 **((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)**
 16 **p y r r o l o [1 , 2 , 3 - d e) - 1 , 4 - b e n z o x a z i n -**
 17 **6-yl]-1-naphthalenylmethanone).**
- 18 **(1 8) R C S - 4 ((4 - m e t h o x y p h e n y l)**
 19 **(1-pentyl-1H-indol-3-yl)methadone).**
- 20 **(19) RCS-8 (1-(1-(2-cyclohexylethyl)-1H-**
 21 **indol-3-yl)-2-(2-methoxyphenyl)ethanone).**
- 22 **(20) 4-Methylmethcathinone. Other name: mephedrone.**
- 23 **(21) 3,4-Methylenedioxy-methcathinone. Other name:**
 24 **methylone.**
- 25 **(22) Fluoromethcathinone.**
- 26 **(23) 4-Methoxymethcathinone. Other name: methedrone.**
- 27 **(24) 4-Ethylmethcathinone (4-EMC).**
- 28 **(25) Methylenedioxypropylvalerone. Other name: MDPV.**
- 29 SECTION 10. IC 35-45-6-1, AS AMENDED BY P.L.143-2009,
 30 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 31 JULY 1, 2011]: Sec. 1. (a) The definitions in this section apply
 32 throughout this chapter.
- 33 (b) "Documentary material" means any document, drawing,
 34 photograph, recording, or other tangible item containing compiled data
 35 from which information can be either obtained or translated into a
 36 usable form.
- 37 (c) "Enterprise" means:
- 38 (1) a sole proprietorship, corporation, limited liability company,
 39 partnership, business trust, or governmental entity; or
- 40 (2) a union, an association, or a group, whether a legal entity or
 41 merely associated in fact.
- 42 (d) "Pattern of racketeering activity" means engaging in at least two

1 (2) incidents of racketeering activity that have the same or similar
2 intent, result, accomplice, victim, or method of commission, or that are
3 otherwise interrelated by distinguishing characteristics that are not
4 isolated incidents. However, the incidents are a pattern of racketeering
5 activity only if at least one (1) of the incidents occurred after August
6 31, 1980, and if the last of the incidents occurred within five (5) years
7 after a prior incident of racketeering activity.

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

- 11 (1) A provision of IC 23-19, or of a rule or order issued under
12 IC 23-19.
- 13 (2) A violation of IC 35-45-9.
- 14 (3) A violation of IC 35-47.
- 15 (4) A violation of IC 35-49-3.
- 16 (5) Murder (IC 35-42-1-1).
- 17 (6) Battery as a Class C felony (IC 35-42-2-1).
- 18 (7) Kidnapping (IC 35-42-3-2).
- 19 (8) Human and sexual trafficking crimes (IC 35-42-3.5).
- 20 (9) Child exploitation (IC 35-42-4-4).
- 21 (10) Robbery (IC 35-42-5-1).
- 22 (11) Carjacking (IC 35-42-5-2).
- 23 (12) Arson (IC 35-43-1-1).
- 24 (13) Burglary (IC 35-43-2-1).
- 25 (14) Theft (IC 35-43-4-2).
- 26 (15) Receiving stolen property (IC 35-43-4-2).
- 27 (16) Forgery (IC 35-43-5-2).
- 28 (17) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10)).
- 29 (18) Bribery (IC 35-44-1-1).
- 30 (19) Official misconduct (IC 35-44-1-2).
- 31 (20) Conflict of interest (IC 35-44-1-3).
- 32 (21) Perjury (IC 35-44-2-1).
- 33 (22) Obstruction of justice (IC 35-44-3-4).
- 34 (23) Intimidation (IC 35-45-2-1).
- 35 (24) Promoting prostitution (IC 35-45-4-4).
- 36 (25) Professional gambling (IC 35-45-5-3).
- 37 (26) Maintaining a professional gambling site
38 (IC 35-45-5-3.5(b)).
- 39 (27) Promoting professional gambling (IC 35-45-5-4).
- 40 (28) Dealing in or manufacturing cocaine or a narcotic drug
41 (IC 35-48-4-1).
- 42 (29) Dealing in or manufacturing methamphetamine

- 1 (IC 35-48-4-1.1).
- 2 (30) Dealing in a schedule I, II, or III controlled substance
- 3 (IC 35-48-4-2).
- 4 (31) Dealing in a schedule IV controlled substance
- 5 (IC 35-48-4-3).
- 6 (32) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- 7 (33) Dealing in marijuana, hash oil, ~~or~~ hashish, **salvia divinorum,**
- 8 **or a synthetic cannabinoid** (IC 35-48-4-10).
- 9 (34) Money laundering (IC 35-45-15-5).
- 10 (35) A violation of IC 35-47.5-5.
- 11 (36) A violation of any of the following:
- 12 (A) IC 23-14-48-9.
- 13 (B) IC 30-2-9-7(b).
- 14 (C) IC 30-2-10-9(b).
- 15 (D) IC 30-2-13-38(f).
- 16 SECTION 11. IC 35-48-2-4, AS AMENDED BY P.L.22-2008,
- 17 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 18 JULY 1, 2011]: Sec. 4. (a) The controlled substances listed in this
- 19 section are included in schedule I.
- 20 (b) Opiates. Any of the following opiates, including their isomers,
- 21 esters, ethers, salts, and salts of isomers, esters, and ethers, unless
- 22 specifically excepted by rule of the board or unless listed in another
- 23 schedule, whenever the existence of these isomers, esters, ethers, and
- 24 salts is possible within the specific chemical designation:
- 25 Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-
- 26 piperidinyl]-N-phenylacetamide) (9815)
- 27 Acetylmethadol (9601)
- 28 Allylprodine (9602)
- 29 Alpha-methylthiofentanyl (N-[1-methyl-2-(2-
- 30 thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide) (9832)
- 31 Alphacetylmethadol (9603)
- 32 Alphameprodine (9604)
- 33 Alphamethadol (9605)
- 34 Alphamethylfentanyl (9814)
- 35 Benzethidine (9606)
- 36 Beta-hydroxy-3-methylfentanyl (9831). Other name:
- 37 N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl
- 38]-N-phenylpropanamide
- 39 Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-
- 40 phenethyl)-4-piperidinyl]-N-phenylpropanamide) (9830)
- 41 Betacetylmethadol (9607)
- 42 Betameprodine (9608)

1	Betamethadol (9609)
2	Betaprodine (9611)
3	Clonitazene (9612)
4	Dextromoramide (9613)
5	Diampromide (9615)
6	Diethylthiambutene (9616)
7	Difenoxin (9168)
8	Dimenoxadol (9617)
9	Dimepheptanol (9618)
10	Dimethylthiambutene (9619)
11	Dioxaphetyl butyrate (9621)
12	Dipipanone (9622)
13	Ethylmethylthiambutene (9623)
14	Etonitazene (9624)
15	Etoxidine (9625)
16	Furethidine (9626)
17	Hydroxypethidine (9627)
18	Ketobemidone (9628)
19	Levomoramide (9629)
20	Levophenacymorphan (9631)
21	3-Methylfentanyl [N-[3-methyl-1-(2-phenylethyl)-4-
22	piperidyl]-N-phenyl-propanimide](9813)
23	3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-
24	piperidinyl]-N-phenylpropanamide) (9833)
25	MPPP (1-methyl-4-phenyl-4-propionoxypiperidine) (9961)
26	Morpheridine (9632)
27	N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl),
28	including any isomers, salts, or salts of isomers (9818)
29	N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide
30	(thenylfentanyl), including any isomers, salts, or salts of isomers
31	(9834)
32	Noracymethadol (9633)
33	Norlevorphanol (9634)
34	Normethadone (9635)
35	Norpipanone (9636)
36	Para-fluorofentanyl (N-(4-fluorophenyl)-N-
37	[1-(2-phenethyl)-4-piperidinyl] propanamide (9812)
38	Phenadoxone (9637)
39	Phenampromide (9638)
40	Phenomorphan (9647)
41	Phenoperidine (9641)
42	PEPAP [1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine] (9663)

- 1 Pir tramide (9642)
- 2 Proheptazine (9643)
- 3 Properidine (9644)
- 4 Propiram (9649)
- 5 Racemoramide (9645)
- 6 Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-
- 7 piperidinyl]-propanamide) (9835)
- 8 Tilidine (9750)
- 9 Trimeperidine (9646)
- 10 (c) Opium derivatives. Any of the following opium derivatives, their
- 11 salts, isomers, and salts of isomers, unless specifically excepted by rule
- 12 of the board or unless listed in another schedule, whenever the
- 13 existence of these salts, isomers, and salts of isomers is possible within
- 14 the specific chemical designation:
- 15 Acetorphine (9319)
- 16 Acetyldihydrocodeine (9051)
- 17 Benzylmorphine (9052)
- 18 Codeine methylbromide (9070)
- 19 Codeine-N-Oxide (9053)
- 20 Cyprenorphine (9054)
- 21 Desomorphine (9055)
- 22 Dihydromorphine (9145)
- 23 Drotebanol (9335)
- 24 Etorphine (except hydrochloride salt) (9056)
- 25 Heroin (9200)
- 26 Hydromorphanol (9301)
- 27 Methyldesorphine (9302)
- 28 Methyldihydromorphine (9304)
- 29 Morphine methylbromide (9305)
- 30 Morphine methylsulfonate (9306)
- 31 Morphine-N-Oxide (9307)
- 32 Myrophine (9308)
- 33 Nicocodeine (9309)
- 34 Nicomorphine (9312)
- 35 Normorphine (9313)
- 36 Pholcodine (9314)
- 37 Thebacon (9315)
- 38 (d) Hallucinogenic substances. Any material, compound, mixture,
- 39 or preparation which contains any quantity of the following
- 40 hallucinogenic, psychedelic, or psychogenic substances, their salts,
- 41 isomers, and salts of isomers, unless specifically excepted by rule of
- 42 the board or unless listed in another schedule, whenever the existence

- 1 of these salts, isomers, and salts of isomers is possible within the
 2 specific chemical designation:
- 3 (1) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (7473). Other name:
 4 TCPy.
- 5 (2) 4-Bromo-2, 5-Dimethoxyamphetamine (7391). Some trade or
 6 other names: 4-Bromo-2, 5-Dimethoxy-a-methylphenethylamine;
 7 4-Bromo-2, 5-DMA.
- 8 (3) 4-Bromo-2, 5-dimethoxyphenethylamine (7392). Some trade or
 9 other names:
 10 2-[4-bromo-2,5-dimethoxyphenyl]-1-aminoethane;
 11 alpha-desmethyl DOB; 2C-B, Nexus.
- 12 (4) 2, 5-Dimethoxy-4-ethylamphet-amine (7399). Other name:
 13 DOET.
- 14 (5) 2, 5-Dimethoxy-4-(n)-propylthiophenethylamine (7348).
 15 Other name: 2C-T-7.
- 16 (6) 2, 5-Dimethoxyamphetamine (7396). Some trade or other
 17 names: 2, 5-Dimethoxy-a-methylphenethylamine; 2, 5-DMA.
- 18 (7) 4-Methoxyamphetamine (7411). Some trade or other names:
 19 4-Methoxy-a-methylphenethylamine; Paramethoxyamphetamine;
 20 PMA.
- 21 (8) 5-Methoxy-3, 4-methylenedioxy amphetamine (7401). Other
 22 Name: MDMA.
- 23 (9) 5-Methoxy-N, N-diisopropyltryptamine, including any
 24 isomers, salts, or salts of isomers (7439). Other name:
 25 5-MeO-DIPT.
- 26 (10) 4-methyl-2, 5-dimethoxyamphetamine (7395). Some trade
 27 a n d o t h e r n a m e s : 4 - m e t h y l - 2 ,
 28 5-dimethoxy-a-methylphenethylamine; DOM; and STP.
- 29 (11) 3, 4-methylenedioxy amphetamine (7400). Other name:
 30 MDA.
- 31 (12) 3,4-methylenedioxy-N-ethylamphetamine (7404). Other
 32 names: N-ethyl-alpha-methyl-3,4(methylenedioxy)
 33 phenethylamine; N-ethyl MDA; MDE; and MDEA.
- 34 (13) 3, 4-methylenedioxymethamphetamine (MDMA) (7405).
- 35 (14) 3, 4, 5-trimethoxy amphetamine (7390). Other name: TMA.
- 36 (15) Alpha-ethyltryptamine (7249). Some trade and other names:
 37 Etryptamine; Monase; [alpha]-ethyl-1H-indole-3-ethanamine;
 38 3-(2-aminobutyl) indole; [alpha]-ET; and AET.
- 39 (16) Alpha-methyltryptamine (7432). Other name: AMT.
- 40 (17) Bufotenine (7433). Some trade and other names:
 41 3-(B-Dimethylaminoethyl)-5-hydroxyindole;
 42 3-(2-dimethylaminonethyl)-5-indolol; N, N-dimethylserotonin;

- 1 5-hydroxy-N, N-dimethyltryptamine; mappine.
- 2 (18) Diethyltryptamine (7434). Some trade or other names: N,
- 3 N-Diethyltryptamine; DET.
- 4 (19) Dimethyltryptamine (7435). Some trade or other names:
- 5 DMT.
- 6 (20) Ibogaine (7260). Some trade and other names: 7-Ethyl-6, 6b,
- 7 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-pyrido
- 8 (1', 2': 1, 2, azepino 4, 5-b) indole; tabernanthe iboga.
- 9 (21) Lysergic acid diethylamide (7315). Other name: LSD.
- 10 (22) Marijuana (7360).
- 11 (23) Mescaline (7381).
- 12 (24) Parahexyl (7374). Some trade or other names:
- 13 3-Hexyl-1-hydroxy-7, 8, 9, 10-Tetrahydro-6, 6,
- 14 9-trimethyl-6H-dibenzo (b,d) pyran; Snyhexyl.
- 15 (25) Peyote (7415), including:
- 16 (A) all parts of the plant that are classified botanically as
- 17 lophophora williamsii lemaire, whether growing or not;
- 18 (B) the seeds thereof;
- 19 (C) any extract from any part of the plant; and
- 20 (D) every compound, manufacture, salt, derivative, mixture, or
- 21 preparation of the plant, its seeds, or extracts.
- 22 (26) N-ethyl-3-piperidyl benzilate (7482). Other name: DMZ.
- 23 (27) N-hydroxy-3,4-methylenedioxyamphetamine (7402). Other
- 24 n a m e s : N - h y d r o x y - a l p h a - m e t h y l - 3 , 4
- 25 (methylenedioxy)phenethylamine; and N-hydroxy MDA.
- 26 (28) N-methyl-3-piperidyl benzilate (7484). Other name: LBJ.
- 27 (29) Psilocybin (7437).
- 28 (30) Psilocyn (7438).
- 29 (31) Tetrahydrocannabinols (7370), including synthetic
- 30 equivalents of the substances contained in the plant, or in the
- 31 resinous extractives of Cannabis, sp. and synthetic substances,
- 32 derivatives, and their isomers with similar chemical structure and
- 33 pharmacological activity such as:
- 34 (A) π^1 cis or trans tetrahydrocannabinol, and their optical
- 35 isomers;
- 36 (B) π^6 cis or trans tetrahydrocannabinol, and their optical
- 37 isomers; and
- 38 (C) $\pi^{3,4}$ cis or trans tetrahydrocannabinol, and their optical
- 39 isomers.
- 40 Since nomenclature of these substances is not internationally
- 41 standardized, compounds of these structures, regardless of
- 42 numerical designation of atomic positions are covered. Other

- 1 name: THC.
- 2 (32) Ethylamine analog of phencyclidine (7455). Some trade or
3 other names: N-Ethyl-1-phenylcyclohexylamine;
4 (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl)
5 ethylamine; cyclohexamine; PCE.
- 6 (33) Pyrrolidine analog of phencyclidine (7458). Some trade or
7 other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCP_y; PHP.
- 8 (34) Thiophene analog of phencyclidine (7470). Some trade or
9 other names: 1-(1-(2-thienyl) cyclohexyl) piperidine; 2-Thienyl
10 Analog of Phencyclidine; TPCP.
- 11 **(35) Synthetic cannabinoids, including a substance containing**
12 **one (1) or more of the following chemical compounds:**
- 13 (A) JWH-015 ((2-Methyl-1-propyl-1H-
14 indol-3-yl)-1-naphthalenylmethanone).
- 15 (B) JWH-018 (1-pentyl-3-(1-naphthoyl)indole).
- 16 (C) JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole).
- 17 (D) JWH-073 (naphthalen-1-yl-
18 (1-butylindol-3-yl)methanone).
- 19 (E) JWH-081 (4-methoxynaphthalen-1-yl- (1-pentylindol-
20 3-yl)methanone).
- 21 (F) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).
- 22 (G) JWH-200 (1-(2-morpholin-4-ylethyl)indol-3-yl)-
23 naphthalen-1-ylmethanone).
- 24 (H) JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole).
- 25 (I) JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole).
- 26 (J) JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).
- 27 (K) HU-210 ((6aR,10aR)- 9-(Hydroxymethyl)-
28 6,6-dimethyl- 3-(2-methyloctan-2-yl)- 6a,7,10,10a-
29 tetrahydrobenzo [c]chromen- 1-ol).
- 30 (L) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)- 6,6-dimethyl-
31 3-(2-methyloctan-2-yl)- 6a,7,10,10a-tetrahydrobenzo
32 [c]chromen-1-ol).
- 33 (M) HU-308 (((1R,2R,5R)-2-[2,6-dimethoxy-4-
34 (2-methyloctan-2-yl)phenyl]-
35 7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol).
- 36 (N) HU-331 ((3-hydroxy-2- [(1R,6R)-3-methyl-6-
37 (1-methylethenyl)-2-cyclohexen-1-yl]-5
38 -pentyl-2,5-cyclohexadiene-1,4-dione).
- 39 (O) CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-
40 2-(3-hydroxypropyl)cyclohexyl]-5-
41 (2-methyloctan-2-yl)phenol).
- 42 (P) CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]-5-

- 1 **(2-methyloctan-2-yl)phenol) and its homologues.**
 2 **(Q) WIN 55212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-**
 3 **(4-morpholinylmethyl) pyrrolo [1,2,3-de)- 1,4- benzoxazin-**
 4 **6-yl]-1-naphthalenylmethanone).**
 5 **(R) R C S - 4 ((4 - m e t h o x y p h e n y l)**
 6 **(1-pentyl-1H-indol-3-yl)methadone).**
 7 **(S) R C S - 8 (1 - (1 - (2 - c y c l o h e x y l e t h y l) -**
 8 **1H-indol-3-yl)-2-(2-methoxyphenyl)ethan one).**
 9 **(T) 4-Methylmethcathinone. Other name: mephedrone.**
 10 **(U) 3,4-Methylenedioxyethcathinone. Other name:**
 11 **methylone.**
 12 **(V) Fluoromethcathinone.**
 13 **(W) 4-Methoxymethcathinone. Other name: methedrone.**
 14 **(X) 4-Ethylmethcathinone. Other name: 4-EMC.**
 15 **(Y) Methylenedioxypropylvalerone. Other name: MDPV.**

16 (e) Depressants. Unless specifically excepted in a rule adopted by
 17 the board or unless listed in another schedule, any material, compound,
 18 mixture, or preparation which contains any quantity of the following
 19 substances having a depressant effect on the central nervous system,
 20 including its salts, isomers, and salts of isomers whenever the existence
 21 of such salts, isomers, and salts of isomers is possible within the
 22 specific chemical designation:

23 Gamma-hydroxybutyric acid (other names include GHB;
 24 gamma-hydroxybutyrate; 4-hydroxybutanoic acid; sodium
 25 oxybate; sodium oxybutyrate) (2010)

26 Mecloqualone (2572)

27 Methaqualone (2565)

28 (f) Stimulants. Unless specifically excepted or unless listed in
 29 another schedule, any material, compound, mixture, or preparation that
 30 contains any quantity of the following substances having a stimulant
 31 effect on the central nervous system, including its salts, isomers, and
 32 salts of isomers:

33 ([+/-]) cis-4-methylaminorex (([+/-])cis-4,5-
 34 dihydro-4-methyl-5-phenyl-2-oxazolamine) (1590)

35 Aminorex (1585). Other names: aminoxaphen;
 36 2 - a m i n o - 5 - p h e n y l - 2 - o x a z o l i n e ; o r
 37 4,5-dihydro-5-phenyl-2-oxazolamine.

38 Cathinone (1235). Some trade or other names:
 39 2-amino-1-phenyl-1-propanone; alpha-aminopropiophenone;
 40 2-aminopropiophenone; and norephedrone.

41 Fenethylamine (1503)

42 N-Benzylpiperazine (7493). Other names: BZP; and

- 1 1-benzylpiperazine.
 2 N-ethylamphetamine (1475)
 3 Methcathinone (1237) Some other trade names:
 4 2-Methylamino-1-Phenylpropan-I-one; Ephedrone;
 5 Monomethylpropion; UR 1431.
 6 N, N-dimethylamphetamine (1480). Other names: N,
 7 N-alpha-trimethyl-benzeneethanamine; and N,
 8 N-alpha-trimethylphenethylamine.

9 SECTION 12. IC 35-48-4-2 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. (a) A person who:

- 11 (1) knowingly or intentionally:
 12 (A) manufactures;
 13 (B) finances the manufacture of;
 14 (C) delivers; or
 15 (D) finances the delivery of;
 16 a controlled substance, pure or adulterated, classified in schedule
 17 I, II, or III, except marijuana, hash oil, or hashish, **salvia**
 18 **divinorum, or a synthetic cannabinoid;** 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 a controlled substance, pure or adulterated, classified in schedule
 25 I, II, or III, except marijuana, hash oil, or hashish, **salvia**
 26 **divinorum, or a synthetic cannabinoid;**
 27 commits dealing in a schedule I, II, or III controlled substance, a Class
 28 B felony, except as provided in subsection (b).

- 29 (b) The offense is a Class A felony if:
 30 (1) the person:
 31 (A) delivered; or
 32 (B) financed the delivery of;
 33 the substance to a person under eighteen (18) years of age at least
 34 three (3) years junior to the person; or
 35 (2) the person delivered or financed the delivery of the substance:
 36 (A) on a school bus; or
 37 (B) in, on, or within one thousand (1,000) feet of:
 38 (i) school property;
 39 (ii) a public park;
 40 (iii) a family housing complex; or
 41 (iv) a youth program center.

42 SECTION 13. IC 35-48-4-7 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. (a) A person who,
 2 without a valid prescription or order of a practitioner acting in the
 3 course of ~~his~~ **the practitioner's** professional practice, knowingly or
 4 intentionally possesses a controlled substance (pure or adulterated)
 5 classified in schedule I, II, III, or IV, except marijuana, ~~or~~ hashish,
 6 **salvia divinorum, or a synthetic cannabinoid**, commits possession
 7 of a controlled substance, a Class D felony. However, the offense is a
 8 Class C felony if the person in possession of the controlled substance
 9 possesses the controlled substance:

10 (1) on a school bus; or

11 (2) in, on, or within one thousand (1,000) feet of:

12 (A) school property;

13 (B) a public park;

14 (C) a family housing complex; or

15 (D) a youth program center.

16 (b) A person who, without a valid prescription or order of a
 17 practitioner acting in the course of ~~his~~ **the practitioner's** professional
 18 practice, knowingly or intentionally obtains:

19 (1) more than four (4) ounces of schedule V controlled substances
 20 containing codeine in any given forty-eight (48) hour period
 21 unless pursuant to a prescription;

22 (2) a schedule V controlled substance pursuant to written or
 23 verbal misrepresentation; or

24 (3) possession of a schedule V controlled substance other than by
 25 means of a prescription or by means of signing an exempt
 26 narcotic register maintained by a pharmacy licensed by the
 27 Indiana state board of pharmacy;

28 commits a Class D felony.

29 SECTION 14. IC 35-48-4-8.5 IS AMENDED TO READ AS
 30 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 8.5. (a) A person who
 31 keeps for sale, offers for sale, delivers, or finances the delivery of a raw
 32 material, an instrument, a device, or other object that is intended to be
 33 or that is designed or marketed to be used primarily for:

34 (1) ingesting, inhaling, or otherwise introducing into the human
 35 body marijuana, hash oil, hashish, **salvia divinorum, a synthetic**
 36 **cannabinoid**, or a controlled substance;

37 (2) testing the strength, effectiveness, or purity of marijuana, hash
 38 oil, hashish, **salvia divinorum, a synthetic cannabinoid**, or a
 39 controlled substance;

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

41 (4) manufacturing, compounding, converting, producing,
 42 processing, or preparing marijuana, hash oil, hashish, **salvia**

- 1 **divinorum, a synthetic cannabinoid**, or a controlled substance;
 2 (5) diluting or adulterating marijuana, hash oil, hashish, **salvia**
 3 **divinorum, a synthetic cannabinoid**, or a controlled substance
 4 by individuals; or
 5 (6) any purpose announced or described by the seller that is in
 6 violation of this chapter;
 7 commits a Class A infraction for dealing in paraphernalia.
- 8 (b) A person who knowingly or intentionally violates subsection (a)
 9 commits a Class A misdemeanor. However, the offense is a Class D
 10 felony if the person has a prior unrelated judgment or conviction under
 11 this section.
- 12 (c) A person who recklessly keeps for sale, offers for sale, or
 13 delivers an instrument, a device, or other object that is to be used
 14 primarily for:
- 15 (1) ingesting, inhaling, or otherwise introducing into the human
 16 body marijuana, hash oil, hashish, **salvia divinorum, a synthetic**
 17 **cannabinoid**, or a controlled substance;
 18 (2) testing the strength, effectiveness, or purity of marijuana, hash
 19 oil, hashish, **salvia divinorum, a synthetic cannabinoid**, or a
 20 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**
 24 **divinorum, a synthetic cannabinoid**, or a controlled substance;
 25 (5) diluting or adulterating marijuana, hash oil, hashish, **salvia**
 26 **divinorum, a synthetic cannabinoid**, or a controlled substance
 27 by individuals; or
 28 (6) any purpose announced or described by the seller that is in
 29 violation of this chapter;
 30 commits reckless dealing in paraphernalia, a Class B misdemeanor.
 31 However, the offense is a Class D felony if the person has a previous
 32 judgment or conviction under this section.
- 33 (d) This section does not apply to the following:
- 34 (1) Items marketed for use in the preparation, compounding,
 35 packaging, labeling, or other use of marijuana, hash oil, hashish,
 36 **salvia divinorum, a synthetic cannabinoid**, or a controlled
 37 substance as an incident to lawful research, teaching, or chemical
 38 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.

3 SECTION 15. IC 35-48-4-10 IS AMENDED TO READ AS
 4 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 10. (a) A person who:

5 (1) knowingly or intentionally:

6 (A) manufactures;

7 (B) finances the manufacture of;

8 (C) delivers; or

9 (D) finances the delivery of;

10 marijuana, hash oil, σ hashish, **salvia divinorum, or a synthetic**
 11 **cannabinoid**, pure or adulterated; or

12 (2) possesses, with intent to:

13 (A) manufacture;

14 (B) finance the manufacture of;

15 (C) deliver; or

16 (D) finance the delivery of;

17 marijuana, hash oil, σ hashish, **salvia divinorum, or a synthetic**
 18 **cannabinoid**, pure or adulterated;

19 commits dealing in marijuana, hash oil, σ hashish, **salvia divinorum,**
 20 **or a synthetic cannabinoid**, a Class A misdemeanor, except as
 21 provided in subsection (b).

22 (b) The offense is:

23 (1) a Class D felony if:

24 (A) the recipient or intended recipient is under eighteen (18)
 25 years of age;

26 (B) the amount involved is more than thirty (30) grams but
 27 less than ten (10) pounds of marijuana or **more than** two (2)
 28 grams but less than three hundred (300) grams of hash oil, σ
 29 hashish, **salvia divinorum, or a synthetic cannabinoid**; or

30 (C) the person has a prior conviction of an offense involving
 31 marijuana, hash oil, σ hashish, **salvia divinorum, or a**
 32 **synthetic cannabinoid**; and

33 (2) a Class C felony if the amount involved is ten (10) pounds or
 34 more of marijuana or three hundred (300) or more grams of hash
 35 oil, σ hashish, **salvia divinorum, or a synthetic cannabinoid,**
 36 or the person delivered or financed the delivery of marijuana,
 37 hash oil, σ hashish, **salvia divinorum, or a synthetic**
 38 **cannabinoid**:

39 (A) on a school bus; or

40 (B) in, on, or within one thousand (1,000) feet of:

41 (i) school property;

42 (ii) a public park;

1 (iii) a family housing complex; or

2 (iv) a youth program center.

3 SECTION 16. IC 35-48-4-11 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 11. A person who:

5 (1) knowingly or intentionally possesses (pure or adulterated)
6 marijuana, hash oil, ~~or~~ hashish, **salvia divinorum, or a synthetic**
7 **cannabinoid;**

8 (2) knowingly or intentionally grows or cultivates marijuana; or

9 (3) knowing that marijuana is growing on ~~his~~ **the person's**
10 premises, fails to destroy the marijuana plants;

11 commits possession of marijuana, hash oil, ~~or~~ hashish, **salvia**
12 **divinorum, or a synthetic cannabinoid**, a Class A misdemeanor.

13 However, the offense is a Class D felony (~~i~~) if the amount involved is
14 more than thirty (30) grams of marijuana or two (2) grams of hash oil,
15 ~~or~~ hashish, **salvia divinorum, or a synthetic cannabinoid**, or (~~ii~~) if the
16 person has a prior conviction of an offense involving marijuana, hash
17 oil, ~~or~~ hashish, **salvia divinorum, or a synthetic cannabinoid**.

18 SECTION 17. IC 35-48-4-12 IS AMENDED TO READ AS
19 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 12. If a person who has
20 no prior conviction of an offense under this article or under a law of
21 another jurisdiction relating to controlled substances pleads guilty to
22 possession of marijuana, ~~or~~ hashish, **salvia divinorum, or a synthetic**
23 **cannabinoid** as a Class A misdemeanor, the court, without entering a
24 judgment of conviction and with the consent of the person, may defer
25 further proceedings and place ~~him~~ **the person** in the custody of the
26 court under such conditions as the court determines. Upon violation of
27 a condition of the custody, the court may enter a judgment of
28 conviction. However, if the person fulfills the conditions of the
29 custody, the court shall dismiss the charges against ~~him~~ **the person**.
30 There may be only one (1) dismissal under this section with respect to
31 a person.

(Reference is to HB 1102 as reprinted January 26, 2011.)

and when so amended that said bill do pass .

Committee Vote: Yeas 9, Nays 0.

Senator Steele, Chairperson