



Reprinted
February 21, 2012

ENGROSSED
SENATE BILL No. 234

DIGEST OF SB 234 (Updated February 20, 2012 2:45 pm - DI 69)

Citations Affected: IC 4-22; IC 6-2.5; IC 16-31; IC 20-28; IC 22-15; IC 25-1; IC 25-26; IC 35-41; IC 35-48.

Synopsis: Synthetic drugs (including "bath salts"). Changes references to "synthetic cannabinoids" to "synthetic drugs". Adds additional chemical compounds (including some compounds sold as "bath salts") to the definition of synthetic drugs and expands the definition to
(Continued next page)

Effective: Upon passage.

**Alting, Merritt, Charbonneau,
Holdman, Broden, Arnold, Kruse,
Steele, Miller, Randolph, Zakas,
Glick, Young R, Head, Buck,
Landske, Wyss, Paul**

(HOUSE SPONSORS — SMITH M, YARDE, AUSTIN, DAVISSON)

January 4, 2012, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

January 24, 2012, amended, reported favorably — Do Pass.

January 26, 2012, read second time, amended, ordered engrossed.

January 27, 2012, engrossed.

January 31, 2012, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

February 9, 2012, read first time and referred to Committee on Courts and Criminal Code.

February 16, 2012, reported — Do Pass.

February 20, 2012, read second time, amended, ordered engrossed.

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ES 234—LS 6746/DI 106+



Digest Continued

encompass certain chemical compounds that are structurally related to listed synthetic drugs. Authorizes the board of pharmacy to adopt emergency rules to define certain compounds as synthetic drugs if these compounds are scheduled by: (1) the DEA; or (2) another state. Provides that an emergency rule becomes effective 30 days after it is filed with the publisher and expires on June 30 of the calendar year following its adoption. Provides that if the department of state revenue (department) finds that a person has been convicted of selling or offering to sell a synthetic drug that was offered for sale by a retail merchant in a place of business for which the retail merchant has been issued a registered retail merchant certificate, the department: (1) shall suspend the registered retail merchant certificate for the place of business for one year; and (2) may not issue another retail merchant certificate for one year to any person that applied for or made a retail transaction under the suspended retail merchant certificate or that owned or co-owned, directly or indirectly, or was an officer, a director, a manager, or a partner of the retail merchant that was issued the suspended retail merchant certificate. Makes technical corrections.

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Reprinted
February 21, 2012

Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 234

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 4-22-2-37.1, AS AMENDED BY P.L.229-2011,
2 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 37.1. (a) This section applies to a rulemaking
4 action resulting in any of the following rules:
- 5 (1) An order adopted by the commissioner of the Indiana
6 department of transportation under IC 9-20-1-3(d) or
7 IC 9-21-4-7(a) and designated by the commissioner as an
8 emergency rule.
 - 9 (2) An action taken by the director of the department of natural
10 resources under IC 14-22-2-6(d) or IC 14-22-6-13.
 - 11 (3) An emergency temporary standard adopted by the
12 occupational safety standards commission under
13 IC 22-8-1.1-16.1.
 - 14 (4) An emergency rule adopted by the solid waste management
15 board under IC 13-22-2-3 and classifying a waste as hazardous.
 - 16 (5) A rule, other than a rule described in subdivision (6), adopted
17 by the department of financial institutions under IC 24-4.5-6-107

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- 1 and declared necessary to meet an emergency.
- 2 (6) A rule required under IC 24-4.5-1-106 that is adopted by the
- 3 department of financial institutions and declared necessary to
- 4 meet an emergency under IC 24-4.5-6-107.
- 5 (7) A rule adopted by the Indiana utility regulatory commission to
- 6 address an emergency under IC 8-1-2-113.
- 7 (8) An emergency rule adopted by the state lottery commission
- 8 under IC 4-30-3-9.
- 9 (9) A rule adopted under IC 16-19-3-5 or IC 16-41-2-1 that the
- 10 executive board of the state department of health declares is
- 11 necessary to meet an emergency.
- 12 (10) An emergency rule adopted by the Indiana finance authority
- 13 under IC 8-21-12.
- 14 (11) An emergency rule adopted by the insurance commissioner
- 15 under IC 27-1-23-7 or IC 27-1-12.1.
- 16 (12) An emergency rule adopted by the Indiana horse racing
- 17 commission under IC 4-31-3-9.
- 18 (13) An emergency rule adopted by the air pollution control
- 19 board, the solid waste management board, or the water pollution
- 20 control board under IC 13-15-4-10(4) or to comply with a
- 21 deadline required by or other date provided by federal law,
- 22 provided:
- 23 (A) the variance procedures are included in the rules; and
- 24 (B) permits or licenses granted during the period the
- 25 emergency rule is in effect are reviewed after the emergency
- 26 rule expires.
- 27 (14) An emergency rule adopted by the Indiana election
- 28 commission under IC 3-6-4.1-14.
- 29 (15) An emergency rule adopted by the department of natural
- 30 resources under IC 14-10-2-5.
- 31 (16) An emergency rule adopted by the Indiana gaming
- 32 commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3,
- 33 IC 4-33-4-14, IC 4-33-22-12, or IC 4-35-4-2.
- 34 (17) An emergency rule adopted by the alcohol and tobacco
- 35 commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or
- 36 IC 7.1-3-20-24.4.
- 37 (18) An emergency rule adopted by the department of financial
- 38 institutions under IC 28-15-11.
- 39 (19) An emergency rule adopted by the office of the secretary of
- 40 family and social services under IC 12-8-1-12.
- 41 (20) An emergency rule adopted by the office of the children's
- 42 health insurance program under IC 12-17.6-2-11.

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- 1 (21) An emergency rule adopted by the office of Medicaid policy
2 and planning under IC 12-15-41-15.
- 3 (22) An emergency rule adopted by the Indiana state board of
4 animal health under IC 15-17-10-9.
- 5 (23) An emergency rule adopted by the board of directors of the
6 Indiana education savings authority under IC 21-9-4-7.
- 7 (24) An emergency rule adopted by the Indiana board of tax
8 review under IC 6-1.1-4-34 (repealed).
- 9 (25) An emergency rule adopted by the department of local
10 government finance under IC 6-1.1-4-33 (repealed).
- 11 (26) An emergency rule adopted by the boiler and pressure vessel
12 rules board under IC 22-13-2-8(c).
- 13 (27) An emergency rule adopted by the Indiana board of tax
14 review under IC 6-1.1-4-37(l) (repealed) or an emergency rule
15 adopted by the department of local government finance under
16 IC 6-1.1-4-36(j) (repealed) or IC 6-1.1-22.5-20.
- 17 (28) An emergency rule adopted by the board of the Indiana
18 economic development corporation under IC 5-28-5-8.
- 19 (29) A rule adopted by the department of financial institutions
20 under IC 34-55-10-2.5.
- 21 (30) A rule adopted by the Indiana finance authority:
22 (A) under IC 8-15.5-7 approving user fees (as defined in
23 IC 8-15.5-2-10) provided for in a public-private agreement
24 under IC 8-15.5;
25 (B) under IC 8-15-2-17.2(a)(10):
26 (i) establishing enforcement procedures; and
27 (ii) making assessments for failure to pay required tolls;
28 (C) under IC 8-15-2-14(a)(3) authorizing the use of and
29 establishing procedures for the implementation of the
30 collection of user fees by electronic or other nonmanual
31 means; or
32 (D) to make other changes to existing rules related to a toll
33 road project to accommodate the provisions of a public-private
34 agreement under IC 8-15.5.
- 35 (31) An emergency rule adopted by the board of the Indiana
36 health informatics corporation under IC 5-31-5-8.
- 37 (32) An emergency rule adopted by the department of child
38 services under IC 31-25-2-21, IC 31-27-2-4, IC 31-27-4-2, or
39 IC 31-27-4-3.
- 40 (33) An emergency rule adopted by the Indiana real estate
41 commission under IC 25-34.1-2-5(15).
- 42 (34) A rule adopted by the department of financial institutions

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- 1 under IC 24-4.4-1-101 and determined necessary to meet an
 2 emergency.
- 3 (35) An emergency rule adopted by the state board of pharmacy
 4 regarding returning unused medication under IC 25-26-23.
- 5 (36) An emergency rule adopted by the department of local
 6 government finance under IC 6-1.1-12.6 or IC 6-1.1-12.8.
- 7 (37) An emergency rule adopted by the office of the secretary of
 8 family and social services or the office of Medicaid policy and
 9 planning concerning the following:
- 10 (A) Federal Medicaid waiver program provisions.
- 11 (B) Federal programs administered by the office of the
 12 secretary.
- 13 **(38) An emergency rule adopted by the Indiana board of**
 14 **pharmacy declaring a substance to be a synthetic drug under**
 15 **IC 25-26-13-4.1.**
- 16 (b) The following do not apply to rules described in subsection (a):
- 17 (1) Sections 24 through 36 of this chapter.
- 18 (2) IC 13-14-9.
- 19 (c) After a rule described in subsection (a) has been adopted by the
 20 agency, the agency shall submit the rule to the publisher for the
 21 assignment of a document control number. The agency shall submit the
 22 rule in the form required by section 20 of this chapter and with the
 23 documents required by section 21 of this chapter. The publisher shall
 24 determine the format of the rule and other documents to be submitted
 25 under this subsection.
- 26 (d) After the document control number has been assigned, the
 27 agency shall submit the rule to the publisher for filing. The agency
 28 shall submit the rule in the form required by section 20 of this chapter
 29 and with the documents required by section 21 of this chapter. The
 30 publisher shall determine the format of the rule and other documents
 31 to be submitted under this subsection.
- 32 (e) Subject to section 39 of this chapter, the publisher shall:
- 33 (1) accept the rule for filing; and
- 34 (2) electronically record the date and time that the rule is
 35 accepted.
- 36 (f) A rule described in subsection (a) takes effect on the latest of the
 37 following dates:
- 38 (1) The effective date of the statute delegating authority to the
 39 agency to adopt the rule.
- 40 (2) The date and time that the rule is accepted for filing under
 41 subsection (e).
- 42 (3) The effective date stated by the adopting agency in the rule.

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1 (4) The date of compliance with every requirement established by
 2 law as a prerequisite to the adoption or effectiveness of the rule.

3 **(5) The statutory effective date for an emergency rule set**
 4 **forth in the statute authorizing the agency to adopt emergency**
 5 **rules.**

6 (g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6,
 7 IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in
 8 subsections (j), (k), ~~and (l)~~, **and (n)**, a rule adopted under this section
 9 expires not later than ninety (90) days after the rule is accepted for
 10 filing under subsection (e). Except for a rule adopted under subsection
 11 (a)(13), (a)(24), (a)(25), or (a)(27), the rule may be extended by
 12 adopting another rule under this section, but only for one (1) extension
 13 period. The extension period for a rule adopted under subsection
 14 (a)(28) may not exceed the period for which the original rule was in
 15 effect. A rule adopted under subsection (a)(13) may be extended for
 16 two (2) extension periods. Subject to subsection (j), a rule adopted
 17 under subsection (a)(24), (a)(25), or (a)(27) may be extended for an
 18 unlimited number of extension periods. Except for a rule adopted under
 19 subsection (a)(13), for a rule adopted under this section to be effective
 20 after one (1) extension period, the rule must be adopted under:

- 21 (1) sections 24 through 36 of this chapter; or
 22 (2) IC 13-14-9;

23 as applicable.

24 (h) A rule described in subsection (a)(8), (a)(12), (a)(19), (a)(20),
 25 (a)(21), (a)(29), or (a)(37) expires on the earlier of the following dates:

- 26 (1) The expiration date stated by the adopting agency in the rule.
 27 (2) The date that the rule is amended or repealed by a later rule
 28 adopted under sections 24 through 36 of this chapter or this
 29 section.

30 (i) This section may not be used to readopt a rule under IC 4-22-2.5.

31 (j) A rule described in subsection (a)(24) or (a)(25) expires not later
 32 than January 1, 2006.

33 (k) A rule described in subsection (a)(28) expires on the expiration
 34 date stated by the board of the Indiana economic development
 35 corporation in the rule.

36 (l) A rule described in subsection (a)(30) expires on the expiration
 37 date stated by the Indiana finance authority in the rule.

38 (m) A rule described in subsection (a)(5) or (a)(6) expires on the
 39 date the department is next required to issue a rule under the statute
 40 authorizing or requiring the rule.

41 **(n) A rule described in subsection (a)(38) expires on June 30 of**
 42 **the year following the year in which it is filed with the publisher**

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1 **under this section.**

2 SECTION 2. IC 6-2.5-8-7, AS AMENDED BY P.L.172-2011,
3 SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. (a) The department may, for good cause,
5 revoke a certificate issued under section 1, 3, or 4 of this chapter.
6 However, the department must give the certificate holder at least five
7 (5) days notice before it revokes the certificate under this subsection.

8 (b) The department shall revoke a certificate issued under section
9 1, 3, or 4 of this chapter if, for a period of three (3) years, the certificate
10 holder fails to:

- 11 (1) file the returns required by IC 6-2.5-6-1; or
12 (2) report the collection of any state gross retail or use tax on the
13 returns filed under IC 6-2.5-6-1.

14 However, the department must give the certificate holder at least five
15 (5) days notice before it revokes the certificate.

16 (c) The department may, for good cause, revoke a certificate issued
17 under section 1 of this chapter after at least five (5) days notice to the
18 certificate holder if:

- 19 (1) the certificate holder is subject to an innkeeper's tax under
20 IC 6-9; and
21 (2) a board, bureau, or commission established under IC 6-9 files
22 a written statement with the department.

23 (d) The statement filed under subsection (c) must state that:

- 24 (1) information obtained by the board, bureau, or commission
25 under IC 6-8.1-7-1 indicates that the certificate holder has not
26 complied with IC 6-9; and
27 (2) the board, bureau, or commission has determined that
28 significant harm will result to the county from the certificate
29 holder's failure to comply with IC 6-9.

30 (e) The department shall revoke or suspend a certificate issued
31 under section 1 of this chapter after at least five (5) days notice to the
32 certificate holder if:

- 33 (1) the certificate holder owes taxes, penalties, fines, interest, or
34 costs due under IC 6-1.1 that remain unpaid at least sixty (60)
35 days after the due date under IC 6-1.1; and
36 (2) the treasurer of the county to which the taxes are due requests
37 the department to revoke or suspend the certificate.

38 (f) The department shall reinstate a certificate suspended under
39 subsection (e) if the taxes and any penalties due under IC 6-1.1 are paid
40 or the county treasurer requests the department to reinstate the
41 certificate because an agreement for the payment of taxes and any
42 penalties due under IC 6-1.1 has been reached to the satisfaction of the

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1 county treasurer.

2 (g) The department shall revoke a certificate issued under section
3 1 of this chapter after at least five (5) days notice to the certificate
4 holder if the department finds in a public hearing by a preponderance
5 of the evidence that the certificate holder has violated IC 35-45-5-3,
6 IC 35-45-5-3.5, or IC 35-45-5-4.

7 (h) If a person makes a payment for the certificate under section 1
8 or 3 of this chapter with a check, credit card, debit card, or electronic
9 funds transfer, and the department is unable to obtain payment of the
10 check, credit card, debit card, or electronic funds transfer for its full
11 face amount when the check, credit card, debit card, or electronic funds
12 transfer is presented for payment through normal banking channels, the
13 department shall notify the person by mail that the check, credit card,
14 debit card, or electronic funds transfer was not honored and that the
15 person has five (5) days after the notice is mailed to pay the fee in cash,
16 by certified check, or other guaranteed payment. If the person fails to
17 make the payment within the five (5) day period, the department shall
18 revoke the certificate.

19 (i) **If the department finds in a public hearing by a**
20 **preponderance of the evidence that a person has been convicted of**
21 **violating IC 35-48-4-10 and the conviction involved the sale or the**
22 **offer to sell a synthetic drug by a retail merchant in a place of**
23 **business for which the retail merchant has been issued a registered**
24 **retail merchant certificate under section 1 of this chapter, the**
25 **department:**

26 (1) **shall suspend the registered retail merchant certificate for**
27 **the place of business for one (1) year; and**

28 (2) **may not issue another retail merchant certificate under**
29 **section 1 of this chapter for one (1) year to any person:**

30 (A) **that:**

31 (i) **applied for; or**

32 (ii) **made a retail transaction under;**

33 **the retail merchant certificate suspended under**
34 **subdivision (1); or**

35 (B) **that:**

36 (i) **owned or co-owned, directly or indirectly; or**

37 (ii) **was an officer, a director, a manager, or a partner of;**
38 **the retail merchant that was issued the retail merchant**
39 **certificate suspended under subdivision (1).**

40 SECTION 3. IC 16-31-3-14, AS AMENDED BY P.L.182-2011,
41 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 UPON PASSAGE]: Sec. 14. (a) A person holding a certificate issued

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1 under 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

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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.

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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

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- 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, hashish, salvia, or a
- 9 synthetic ~~cannabinoid~~ **drug** as a Class D felony under
- 10 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

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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 4. IC 16-31-3-14.5, AS AMENDED BY P.L.182-2011,
20 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
21 UPON PASSAGE]: Sec. 14.5. The department of homeland security
22 may issue an order under IC 4-21.5-3-6 to deny an applicant's request
23 for 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, hashish, salvia, or a synthetic

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- 1 **cannabinoid drug** 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 5. IC 20-28-5-8, AS AMENDED BY P.L.155-2011,
 12 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 UPON PASSAGE]: 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).
- 38 (2) Criminal confinement (IC 35-42-3-3).
- 39 (3) Rape (IC 35-42-4-1).
- 40 (4) Criminal deviate conduct (IC 35-42-4-2).
- 41 (5) Child molesting (IC 35-42-4-3).
- 42 (6) Child exploitation (IC 35-42-4-4(b)).

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- 1 (7) Vicarious sexual gratification (IC 35-42-4-5).
 2 (8) Child solicitation (IC 35-42-4-6).
 3 (9) Child seduction (IC 35-42-4-7).
 4 (10) Sexual misconduct with a minor (IC 35-42-4-9).
 5 (11) Incest (IC 35-46-1-3).
 6 (12) Dealing in or manufacturing cocaine or a narcotic drug
 7 (IC 35-48-4-1).
 8 (13) Dealing in methamphetamine (IC 35-48-4-1.1).
 9 (14) Dealing in a schedule I, II, or III controlled substance
 10 (IC 35-48-4-2).
 11 (15) Dealing in a schedule IV controlled substance
 12 (IC 35-48-4-3).
 13 (16) Dealing in a schedule V controlled substance (IC 35-48-4-4).
 14 (17) Dealing in a counterfeit substance (IC 35-48-4-5).
 15 (18) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic
 16 **cannabinoid drug** (IC 35-48-4-10(b)).
 17 (19) Possession of child pornography (IC 35-42-4-4(c)).
 18 (20) Homicide (IC 35-42-1).
 19 (21) Voluntary manslaughter (IC 35-42-1-3).
 20 (22) Reckless homicide (IC 35-42-1-5).
 21 (23) Battery as any of the following:
 22 (A) A Class A felony (IC 35-42-2-1(a)(5)).
 23 (B) A Class B felony (IC 35-42-2-1(a)(4)).
 24 (C) A Class C felony (IC 35-42-2-1(a)(3)).
 25 (24) Aggravated battery (IC 35-42-2-1.5).
 26 (25) Robbery (IC 35-42-5-1).
 27 (26) Carjacking (IC 35-42-5-2).
 28 (27) Arson as a Class A felony or a Class B felony
 29 (IC 35-43-1-1(a)).
 30 (28) Burglary as a Class A felony or a Class B felony
 31 (IC 35-43-2-1).
 32 (29) Attempt under IC 35-41-5-1 to commit an offense listed in
 33 subdivisions (1) through (28).
 34 (30) Conspiracy under IC 35-41-5-2 to commit an offense listed
 35 in subdivisions (1) through (28).
 36 (d) The department, after holding a hearing on the matter, shall
 37 permanently revoke the license of a person who is known by the
 38 department to have been convicted of a federal offense or an offense in
 39 another state that is comparable to a felony listed in subsection (c).
 40 (e) A license may be suspended by the state superintendent as
 41 specified in IC 20-28-7.5.
 42 (f) The department shall develop a data base of information on

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1 school corporation employees who have been reported to the
2 department under this section.

3 SECTION 6. IC 22-15-5-16, AS AMENDED BY P.L.182-2011,
4 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: Sec. 16. (a) A practitioner shall comply with the
6 standards established under this licensing program. A practitioner is
7 subject to the exercise of the disciplinary sanctions under subsection
8 (b) if the department finds that a practitioner has:

- 9 (1) engaged in or knowingly cooperated in fraud or material
10 deception in order to obtain a license to practice, including
11 cheating on a licensing examination;
- 12 (2) engaged in fraud or material deception in the course of
13 professional services or activities;
- 14 (3) advertised services or goods in a false or misleading manner;
- 15 (4) falsified or knowingly allowed another person to falsify
16 attendance records or certificates of completion of continuing
17 education courses provided under this chapter;
- 18 (5) been convicted of a crime that has a direct bearing on the
19 practitioner's ability to continue to practice competently;
- 20 (6) knowingly violated a state statute or rule or federal statute or
21 regulation regulating the profession for which the practitioner is
22 licensed;
- 23 (7) continued to practice although the practitioner has become
24 unfit to practice due to:
 - 25 (A) professional incompetence;
 - 26 (B) failure to keep abreast of current professional theory or
27 practice;
 - 28 (C) physical or mental disability; or
 - 29 (D) addiction to, abuse of, or severe dependency on alcohol or
30 other drugs that endanger the public by impairing a
31 practitioner's ability to practice safely;
- 32 (8) engaged in a course of lewd or immoral conduct in connection
33 with the delivery of services to the public;
- 34 (9) allowed the practitioner's name or a license issued under this
35 chapter to be used in connection with an individual or business
36 who renders services beyond the scope of that individual's or
37 business's training, experience, or competence;
- 38 (10) had disciplinary action taken against the practitioner or the
39 practitioner's license to practice in another state or jurisdiction on
40 grounds similar to those under this chapter;
- 41 (11) assisted another person in committing an act that would
42 constitute a ground for disciplinary sanction under this chapter;

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1 or
 2 (12) allowed a license issued by the department to be:
 3 (A) used by another person; or
 4 (B) displayed to the public when the license has expired, is
 5 inactive, is invalid, or has been revoked or suspended.
 6 For purposes of subdivision (10), a certified copy of a record of
 7 disciplinary action constitutes prima facie evidence of a disciplinary
 8 action in another jurisdiction.
 9 (b) The department may impose one (1) or more of the following
 10 sanctions if the department finds that a practitioner is subject to
 11 disciplinary sanctions under subsection (a):
 12 (1) Permanent revocation of a practitioner's license.
 13 (2) Suspension of a practitioner's license.
 14 (3) Censure of a practitioner.
 15 (4) Issuance of a letter of reprimand.
 16 (5) Assess a civil penalty against the practitioner in accordance
 17 with the following:
 18 (A) The civil penalty may not be more than one thousand
 19 dollars (\$1,000) for each violation listed in subsection (a),
 20 except for a finding of incompetency due to a physical or
 21 mental disability.
 22 (B) When imposing a civil penalty, the department shall
 23 consider a practitioner's ability to pay the amount assessed. If
 24 the practitioner fails to pay the civil penalty within the time
 25 specified by the department, the department may suspend the
 26 practitioner's license without additional proceedings. However,
 27 a suspension may not be imposed if the sole basis for the
 28 suspension is the practitioner's inability to pay a civil penalty.
 29 (6) Place a practitioner on probation status and require the
 30 practitioner to:
 31 (A) report regularly to the department upon the matters that
 32 are the basis of probation;
 33 (B) limit practice to those areas prescribed by the department;
 34 (C) continue or renew professional education approved by the
 35 department until a satisfactory degree of skill has been attained
 36 in those areas that are the basis of the probation; or
 37 (D) perform or refrain from performing any acts, including
 38 community restitution or service without compensation, that
 39 the department considers appropriate to the public interest or
 40 to the rehabilitation or treatment of the practitioner.
 41 The department may withdraw or modify this probation if the
 42 department finds after a hearing that the deficiency that required

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1 disciplinary action has been remedied or that changed
2 circumstances warrant a modification of the order.

3 (c) If an applicant or a practitioner has engaged in or knowingly
4 cooperated in fraud or material deception to obtain a license to
5 practice, including cheating on the licensing examination, the
6 department may rescind the license if it has been granted, void the
7 examination or other fraudulent or deceptive material, and prohibit the
8 applicant from reapplying for the license for a length of time
9 established by the department.

10 (d) The department may deny licensure to an applicant who has had
11 disciplinary action taken against the applicant or the applicant's license
12 to practice in another state or jurisdiction or who has practiced without
13 a license in violation of the law. A certified copy of the record of
14 disciplinary action is conclusive evidence of the other jurisdiction's
15 disciplinary action.

16 (e) The department may order a practitioner to submit to a
17 reasonable physical or mental examination if the practitioner's physical
18 or mental capacity to practice safely and competently is at issue in a
19 disciplinary proceeding. Failure to comply with a department order to
20 submit to a physical or mental examination makes a practitioner liable
21 to temporary suspension under subsection (j).

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

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

- 31 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- 32 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 33 (3) Possession of a controlled substance under IC 35-48-4-7(a).
- 34 (4) Fraudulently obtaining a controlled substance under
35 IC 35-48-4-7(b).
- 36 (5) Manufacture of paraphernalia as a Class D felony under
37 IC 35-48-4-8.1(b).
- 38 (6) Dealing in paraphernalia as a Class D felony under
39 IC 35-48-4-8.5(b).
- 40 (7) Possession of paraphernalia as a Class D felony under
41 IC 35-48-4-8.3(b).
- 42 (8) Possession of marijuana, hash oil, hashish, salvia, or a



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

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

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

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

12 SECTION 7. IC 25-26-13-4.1 IS ADDED TO THE INDIANA
13 CODE AS A NEW SECTION TO READ AS FOLLOWS
14 [EFFECTIVE UPON PASSAGE]: **Sec. 4.1. (a) The board may adopt**

15 **an emergency rule to declare that a substance is a synthetic drug.**
16 **(b) The board may adopt an emergency rule declaring a**
17 **substance to be a synthetic drug if the board finds that the**
18 **substance:**

- 19 (1) has been scheduled or emergency scheduled by the United
20 States Drug Enforcement Administration; or
- 21 (2) has been scheduled, emergency scheduled, or criminalized
22 by another state.

23 (c) A rule adopted under this section becomes effective thirty
24 (30) days after it is filed with the publisher under IC 4-22-2-37.1.

25 (d) A rule adopted under this section expires on June 30 of the
26 year following the year in which it is filed with the publisher under
27 IC 4-22-2-37.1.

28 (e) The board may readopt under this section an emergency rule
29 that has expired.

30 SECTION 8. IC 25-1-1.1-2, AS AMENDED BY P.L.138-2011,
31 SECTION 6, AND P.L.182-2011, SECTION 6, AND AS AMENDED
32 BY P.L.155-2011, SECTION 6, IS CORRECTED AND AMENDED
33 TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.
34 *Notwithstanding IC 25-1-7, a board, a commission, or a committee may*
35 *suspend, deny, or revoke a license or certificate issued under this title*
36 *by the board, the commission, or the committee without an*
37 *investigation by the office of the attorney general if the individual who*
38 *holds the license or certificate is convicted of any of the following and*
39 *the board, commission, or committee determines, after the individual*
40 *has appeared in person, that the offense affects the individual's ability*
41 *to perform the duties of the profession:*

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

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- 1 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 2 (3) Possession of a controlled substance under IC 35-48-4-7(a).
- 3 (4) Fraudulently obtaining a controlled substance under
- 4 IC 35-48-4-7(b).
- 5 (5) Manufacture of paraphernalia as a Class D felony under
- 6 IC 35-48-4-8.1(b).
- 7 (6) Dealing in paraphernalia as a Class D felony under
- 8 IC 35-48-4-8.5(b).
- 9 (7) Possession of paraphernalia as a Class D felony under
- 10 IC 35-48-4-8.3(b).
- 11 (8) Possession of marijuana, hash oil, ~~or~~ hashish, *salvia*, or a
- 12 *synthetic cannabinoid drug* as a Class D felony under
- 13 IC 35-48-4-11.
- 14 (9) Maintaining a common nuisance under IC 35-48-4-13.
- 15 (10) An offense relating to registration, labeling, and prescription
- 16 forms under IC 35-48-4-14.
- 17 (11) Conspiracy under IC 35-41-5-2 to commit an offense listed
- 18 in subdivisions (1) through (10).
- 19 (12) Attempt under IC 35-41-5-1 to commit an offense listed in
- 20 subdivisions (1) through (10).
- 21 ~~(13) 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 under subdivisions~~
- 24 ~~(1) through (12):~~
- 25 *(13) A sex crime under IC 35-42-4.*
- 26 *(14) A felony that reflects adversely on the individual's fitness to*
- 27 *hold a professional license.*
- 28 *(15) An offense in any other jurisdiction in which the elements of*
- 29 *the offense for which the conviction was entered are substantially*
- 30 *similar to the elements of an offense described in this section.*
- 31 SECTION 9. IC 25-1-1.1-3, AS AMENDED BY P.L.182-2011,
- 32 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 33 UPON PASSAGE]: Sec. 3. A board, a commission, or a committee
- 34 shall revoke or suspend a license or certificate issued under this title by
- 35 the board, the commission, or the committee if the individual who
- 36 holds the license or certificate is convicted of any of the following:
- 37 (1) Dealing in or manufacturing cocaine or a narcotic drug under
- 38 IC 35-48-4-1.
- 39 (2) Dealing in methamphetamine under IC 35-48-4-1.1.
- 40 (3) Dealing in a schedule I, II, or III controlled substance under
- 41 IC 35-48-4-2.
- 42 (4) Dealing in a schedule IV controlled substance under

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- 1 IC 35-48-4-3.
 2 (5) Dealing in a schedule V controlled substance under
 3 IC 35-48-4-4.
 4 (6) Dealing in a substance represented to be a controlled
 5 substance under IC 35-48-4-4.5.
 6 (7) Knowingly or intentionally manufacturing, advertising,
 7 distributing, or possessing with intent to manufacture, advertise,
 8 or distribute a substance represented to be a controlled substance
 9 under IC 35-48-4-4.6.
 10 (8) Dealing in a counterfeit substance under IC 35-48-4-5.
 11 (9) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic
 12 **cannabinoid drug** under IC 35-48-4-10(b).
 13 (10) Conspiracy under IC 35-41-5-2 to commit an offense listed
 14 in subdivisions (1) through (9).
 15 (11) Attempt under IC 35-41-5-1 to commit an offense listed in
 16 subdivisions (1) through (9).
 17 (12) An offense in any other jurisdiction in which the elements of
 18 the offense for which the conviction was entered are substantially
 19 similar to the elements of an offense described under subdivisions
 20 (1) through (11).
 21 (13) A violation of any federal or state drug law or rule related to
 22 wholesale legend drug distributors licensed under IC 25-26-14.
 23 SECTION 10. IC 35-41-1-3.5 IS ADDED TO THE INDIANA
 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. "Analog", for purposes**
 26 **of section 26.3 of this chapter, means a new or novel chemical**
 27 **entity, independent of synthetic route or natural origin, having**
 28 **substantially the same:**
 29 **(1) carbon backbone structure; and**
 30 **(2) pharmacological mechanism of action;**
 31 **as a compound specifically defined as a synthetic drug in section**
 32 **26.3 of this chapter.**
 33 SECTION 11. IC 35-41-1-26.3, AS ADDED BY P.L.182-2011,
 34 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 35 UPON PASSAGE]: Sec. 26.3. "Synthetic **cannabinoid**" **drug**" means:
 36 **(1) a substance containing one (1) or more of the following**
 37 **chemical compounds, including an analog of:**
 38 **(+) (A) JWH-015 ((2-Methyl-1-propyl-1H-**
 39 **indol-3-yl)-1-naphthalenylmethanone).**
 40 **(+) (B) JWH-018 (1-pentyl-3-(1-naphthoyl)indole).**
 41 **(+) (C) JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole).**
 42 **(+) (D) JWH-073**

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- 1 (naphthalen-1-yl-(1-butylindol-3-yl)methanone).
 2 ~~(5)~~ **(E)** JWH-081 (4-methoxynaphthalen-1-yl-
 3 (1-pentylindol-3-yl)methanone).
 4 ~~(6)~~ **(F)** JWH-122
 5 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).
 6 ~~(7)~~ JWH-200 (1-(2-morpholin-4-ylethyl)indol-3-yl)-
 7 naphthalen-1-ylmethanone).
 8 **(G)** JWH-200 ((1-(2-morpholin-4-ylethyl)indol-3-yl)-
 9 naphthalen-1-yl-methanone).
 10 ~~(8)~~ **(H)** JWH-250
 11 (1-pentyl-3-(2-methoxyphenylacetyl)indole).
 12 ~~(9)~~ **(I)** JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole).
 13 ~~(10)~~ **(J)** JWH-398
 14 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).
 15 ~~(11)~~ **(K)** HU-210 ((6aR,10aR)-9-(Hydroxymethyl)-
 16 6,6-dimethyl-3-(2-methyloctan-2-yl)-
 17 6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol).
 18 ~~(12)~~ **(L)** HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-
 19 6,6-dimethyl-3-(2-methyloctan-2-yl)-
 20 6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol).
 21 ~~(13)~~ **(M)** HU-308 ([1-(1R,2R,5R)-2-[2,6-dimethoxy-4-
 22 (2-methyloctan-2-yl)phenyl]-
 23 7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol).
 24 ~~(14)~~ HU-331 ((3-hydroxy-2-[(1R,6R)-3-methyl-6-
 25 (1-methylethenyl)-2-cyclohexen-1-yl]-5
 26 -pentyl-2,5-cyclohexadiene-1,4-dione).
 27 **(N)** HU-331 (3-hydroxy-2-[(1R,6R)-3-methyl-6-
 28 (1-methylethenyl)-2-cyclohexen-1-yl]-5
 29 -pentyl-2,5-cyclohexadiene-1,4-dione).
 30 ~~(15)~~ **(O)** CP 55,940
 31 (2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl) cyclohexyl]-
 32 5-(2-methyloctan-2-yl)phenol).
 33 ~~(16)~~ **(P)** CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]-5-
 34 (2-methyloctan-2-yl)phenol) and its homologues.
 35 ~~(17)~~ **(Q)** WIN 55212-2
 36 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)
 37 pyrrolo [1,2,3-de)-1,4-benzoxazin-
 38 6-yl]-1-naphthalenylmethanone).
 39 ~~(18)~~ **(R)** RCS-4 ((4-methoxyphenyl
 40 (1-pentyl-1H-indol-3-yl)methanone).
 41 ~~(19)~~ **(S)** RCS-8 (1-(1-(2-cyclohexylethyl)-1H-
 42 indol-3-yl)-2-(2-methoxyphenyl)ethanone).

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- 1 (20) (T) 4-Methylmethcathinone. Other name: mephedrone.
 2 (21) (U) 3,4-Methylenedioxyethcathinone. Other name:
 3 methylone.
 4 (22) (V) Fluoromethcathinone.
 5 (23) (W) 4-Methoxymethcathinone. Other name:
 6 methedrone.
 7 (24) (X) 4-Ethylmethcathinone (4-EMC).
 8 (25) (Y) Methylenedioxypropylvalerone. Other name: MDPV.
 9 (Z) JWH-007, or
 10 1-pentyl-2-methyl-3-(1-naphthoyl)indole.
 11 (AA) JWH-098, or
 12 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole.
 13 (BB) JWH-164, or
 14 1-pentyl-3-(7-methoxy-1-naphthoyl)indole.
 15 (CC) JWH-210, or
 16 1-pentyl-3-(4-ethyl-1-naphthoyl)indole.
 17 (DD) JWH-201, or
 18 1-pentyl-3-(4-methoxyphenylacetyl)indole.
 19 (EE) JWH-203, or
 20 1-pentyl-3-(2-chlorophenylacetyl)indole.
 21 (FF) AM-694, or
 22 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.
 23 (GG) CP 50,556-1, or
 24 [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenyl
 25 pentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthri
 26 din-1-yl] acetate.
 27 (HH) Dimethylheptylpyran, or DMHP.
 28 (II) 4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP.
 29 (JJ) 6-APB [6-(2-aminopropyl)benzofuran].
 30 (LL) 7-hydroxymitragynine.
 31 (MM) α -PPP [α -pyrrolidinopropiophenone].
 32 (NN) α -PVP (desmethylpyrovalerone).
 33 (OO) AM-251.
 34 (PP) AM-1241.
 35 (QQ) AM-2201.
 36 (RR) AM-2233.
 37 (SS) Buphedrone.
 38 (TT) Butylone.
 39 (UU) CP-47,497-C7.
 40 (VV) CP-47,497-C8.
 41 (WW) Desoxypipradol.
 42 (XX) Ethylone.

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- 1 (YY) Eutylone.
 2 (ZZ) Flephedrone.
 3 (AAA) JWH-011.
 4 (BBB) JWH-020.
 5 (CCC) JWH-022.
 6 (DDD) JWH-030.
 7 (EEE) JWH-182.
 8 (FFF) JWH-302.
 9 (GGG) MDAI [5,6-methylenedioxy-2-aminoindane].
 10 (HHH) Mitragynine.
 11 (III) Naphyrone.
 12 (JJJ) Pentedrone.
 13 (LLL) Pentylone.
 14 (MMM) Methoxetamine
 15 [2-(3-methoxyphenyl)-2-(ethylamino)- cyclohexanone].
 16 (2) Any compound structurally derived from
 17 3-(1-naphthoyl)indole or
 18 1H-indol-3-yl-(1-naphthyl)methane by substitution at the
 19 nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl,
 20 cycloalkylmethyl, cycloalkylethyl,
 21 1-(N-methyl-2-piperindinyl)methyl or
 22 2-(4-morpholinyl)ethyl group, whether or not further
 23 substituted in the indole ring to any extent and whether or
 24 not substituted in the naphthyl ring to any extent.
 25 (3) Any compound structurally derived from
 26 3-(1-naphthoyl) pyrrole by substitution at the nitrogen
 27 atom of the pyrrole ring by alkyl, haloalkyl, alkenyl,
 28 cycloalkylmethyl, cycloalkylethyl,
 29 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl
 30 group, whether or not further substituted in the pyrrole
 31 ring to any extent and whether or not substituted in the
 32 naphthyl ring to any extent.
 33 (4) Any compound structurally derived from
 34 1-(1-naphthylmethyl)indene by substitution at the
 35 3-position of the indene ring by alkyl, haloalkyl, alkenyl,
 36 cycloalkylmethyl, cycloalkylethyl,
 37 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl
 38 group, whether or not further substituted in the indene ring
 39 to any extent and whether or not substituted in the
 40 naphthyl ring to any extent.
 41 (5) Any compound structurally derived from
 42 3-phenylacetylindole by substitution at the nitrogen atom of

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- 1 the indole ring with alkyl, haloalkyl, alkenyl,
2 cycloalkylmethyl, cycloalkylethyl,
3 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl
4 group, whether or not further substituted in the indole ring
5 to any extent and whether or not substituted in the phenyl
6 ring to any extent.
- 7 (6) Any compound structurally derived from
8 2-(3-hydroxycyclohexyl)phenol by substitution at the
9 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl,
10 cycloalkylmethyl, cycloalkylethyl,
11 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl
12 group, whether or not substituted in the cyclohexyl ring to
13 any extent.
- 14 (7) Any compound containing a 3-(benzoyl)indole structure
15 with substitution at the nitrogen atom of the indole ring by
16 alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
17 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl
18 group, whether or not further substituted in the indole ring
19 to any extent and whether or not substituted in the phenyl
20 ring to any extent.
- 21 (8) Any compound, except bupropion or a compound listed
22 under a different schedule, structurally derived from
23 2-aminopropan-1-one by substitution at the 1-position with
24 either phenyl, naphthyl, or thiophene ring systems, whether
25 or not the compound is further modified:
- 26 (A) by substitution in the ring system to any extent with
27 alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or
28 halide substituents, whether or not further substituted in
29 the ring system by one (1) or more other univalent
30 substituents;
- 31 (B) by substitution at the 3-position with an acyclic alkyl
32 substituent;
- 33 (C) by substitution at the 2-amino nitrogen atom with
34 alkyl, dialkyl, benzyl, or methoxybenzyl groups; or
35 (D) by inclusion of the 2-amino nitrogen atom in a cyclic
36 structure.
- 37 (9) Any compound determined to be synthetic drug by rule
38 adopted under IC 25-26-13-4.1.
- 39 SECTION 12. IC 35-48-2-4, AS AMENDED BY P.L.182-2011,
40 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 UPON PASSAGE]: Sec. 4. (a) The controlled substances listed in this
42 section are included in schedule I.

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- 1 (b) Opiates. Any of the following opiates, including their isomers,
 2 esters, ethers, salts, and salts of isomers, esters, and ethers, unless
 3 specifically excepted by rule of the board or unless listed in another
 4 schedule, whenever the existence of these isomers, esters, ethers, and
 5 salts is possible within the specific chemical designation:
 6 Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-
 7 piperidinyl]-N-phenylacetamide) (9815)
 8 Acetylmethadol (9601)
 9 Allylprodine (9602)
 10 Alpha-methylthiofentanyl (N-[1-methyl-2-(2-
 11 thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide) (9832)
 12 Alphacetylmethadol (9603)
 13 Alphameprodine (9604)
 14 Alphamethadol (9605)
 15 Alphamethylfentanyl (9814)
 16 Benzethidine (9606)
 17 Beta-hydroxy-3-methylfentanyl (9831). Other name:
 18 N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl
 19]-N-phenylpropanamide
 20 Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-
 21 phenethyl)-4-piperidinyl]-N-phenylpropanamide) (9830)
 22 Betacetylmethadol (9607)
 23 Betameprodine (9608)
 24 Betamethadol (9609)
 25 Betaprodine (9611)
 26 Clonitazene (9612)
 27 Dextromoramide (9613)
 28 Diampromide (9615)
 29 Diethylthiambutene (9616)
 30 Difenoxin (9168)
 31 Dimenoxadol (9617)
 32 Dimepheptanol (9618)
 33 Dimethylthiambutene (9619)
 34 Dioxaphetyl butyrate (9621)
 35 Dipipanone (9622)
 36 Ethylmethylthiambutene (9623)
 37 Etonitazene (9624)
 38 Etoxidine (9625)
 39 Furethidine (9626)
 40 Hydroxypethidine (9627)
 41 Ketobemidone (9628)
 42 Levomoramide (9629)

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- 1 Levophenacymorphan (9631)
 2 3-Methylfentanyl [N-[3-methyl-1-(2-phenylethyl)-4-
 3 piperidyl]-N-phenyl-propanamide](9813)
 4 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-
 5 piperidinyl)-N-phenylpropanamide) (9833)
 6 MPPP (1-methyl-4-phenyl-4-propionoxypiperidine) (9961)
 7 Morpheridine (9632)
 8 N-[1-benzyl-4-piperidyl]-N-phenylpropanamide
 9 (benzylfentanyl), including any isomers, salts, or salts of
 10 isomers (9818)
 11 N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide
 12 (thienylfentanyl), including any isomers, salts, or salts of
 13 isomers (9834)
 14 Noracymethadol (9633)
 15 Norlevorphanol (9634)
 16 Normethadone (9635)
 17 Norpipanone (9636)
 18 Para-fluorofentanyl (N-(4-fluorophenyl)-N-
 19 [1-(2-phenethyl)-4-piperidinyl] propanamide (9812)
 20 Phenadoxone (9637)
 21 Phenampromide (9638)
 22 Phenomorphan (9647)
 23 Phenoperidine (9641)
 24 PEPAP [1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine] (9663)
 25 Piritramide (9642)
 26 Proheptazine (9643)
 27 Properidine (9644)
 28 Propiram (9649)
 29 Racemoramide (9645)
 30 Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-
 31 piperidinyl]-propanamide) (9835)
 32 Tilidine (9750)
 33 Trimeperidine (9646)
 34 (c) Opium derivatives. Any of the following opium derivatives, their
 35 salts, isomers, and salts of isomers, unless specifically excepted by rule
 36 of the board or unless listed in another schedule, whenever the
 37 existence of these salts, isomers, and salts of isomers is possible within
 38 the specific chemical designation:
 39 Acetorphine (9319)
 40 Acetyldihydrocodeine (9051)
 41 Benzylmorphine (9052)
 42 Codeine methylbromide (9070)



- 1 Codeine-N-Oxide (9053)
 2 Cyprenorphine (9054)
 3 Desomorphine (9055)
 4 Dihydromorphine (9145)
 5 Drotebanol (9335)
 6 Etorphine (except hydrochloride salt) (9056)
 7 Heroin (9200)
 8 Hydromorphanol (9301)
 9 Methyldesorphine (9302)
 10 Methyl dihydromorphine (9304)
 11 Morphine methylbromide (9305)
 12 Morphine methylsulfonate (9306)
 13 Morphine-N-Oxide (9307)
 14 Myrophine (9308)
 15 Nicocodeine (9309)
 16 Nicomorphine (9312)
 17 Normorphine (9313)
 18 Pholcodine (9314)
 19 Thebacon (9315)
 20 (d) Hallucinogenic substances. Any material, compound, mixture,
 21 or preparation which contains any quantity of the following
 22 hallucinogenic, psychedelic, or psychogenic substances, their salts,
 23 isomers, and salts of isomers, unless specifically excepted by rule of
 24 the board or unless listed in another schedule, whenever the existence
 25 of these salts, isomers, and salts of isomers is possible within the
 26 specific chemical designation:
 27 (1) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (7473). Other name:
 28 TCPy.
 29 (2) 4-Bromo-2, 5-Dimethoxyamphetamine (7391). Some trade
 30 or other names: 4-Bromo-2,
 31 5-Dimethoxy-a-methylphenethylamine; 4-Bromo-2, 5-DMA.
 32 (3) 4-Bromo-2, 5-dimethoxyphenethylamine (7392). Some trade
 33 or other names:
 34 2-[4-bromo-2,5-dimethoxyphenyl]-1-aminoethane;
 35 alpha-desmethyl DOB; 2C-B, Nexus.
 36 (4) 2, 5-Dimethoxy-4-ethylamphet-amine (7399). Other name:
 37 DOET.
 38 (5) 2, 5-Dimethoxy-4-(n)-propylthiophenethylamine (7348).
 39 Other name: 2C-T-7.
 40 (6) 2, 5-Dimethoxyamphetamine (7396). Some trade or other
 41 names: 2, 5-Dimethoxy-a-methylphenethylamine; 2, 5-DMA.
 42 (7) 4-Methoxyamphetamine (7411). Some trade or other

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- 1 names: 4-Methoxy-a-methylphenethylamine;
 2 Paramethoxyamphetamine; PMA.
 3 (8) 5-Methoxy-3, 4-methylenedioxy amphetamine (7401).
 4 Other Name: MMDA.
 5 (9) 5-Methoxy-N, N-diisopropyltryptamine, including any
 6 isomers, salts, or salts of isomers (7439). Other name:
 7 5-MeO-DIPT.
 8 (10) 4-methyl-2, 5-dimethoxyamphetamine (7395). Some trade
 9 and other names: 4-methyl-2,
 10 5-dimethoxy-a-methylphenethylamine; DOM; and STP.
 11 (11) 3, 4-methylenedioxy amphetamine (7400). Other name:
 12 MDA.
 13 (12) 3,4-methylenedioxy-N-ethylamphetamine (7404). Other
 14 names: N-ethyl-alpha-methyl-3,4(methylenedioxy)
 15 phenethylamine; N-ethyl MDA; MDE; and MDEA.
 16 (13) 3, 4-methylenedioxymethamphetamine (MDMA) (7405).
 17 (14) 3, 4, 5-trimethoxy amphetamine (7390). Other name:
 18 TMA.
 19 (15) Alpha-ethyltryptamine (7249). Some trade and other
 20 names: Etryptamine; Monase;
 21 [alpha]-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl)
 22 indole; [alpha]-ET; and AET.
 23 (16) Alpha-methyltryptamine (7432). Other name: AMT.
 24 (17) Bufotenine (7433). Some trade and other names:
 25 3-(B-Dimethylaminoethyl)-5-hydroxyindole;
 26 3-(2-dimethylaminonethyl)-5-indolol; N, N-dimethylserotonin;
 27 5-hydroxy-N, N-dimethyltryptamine; mappine.
 28 (18) Diethyltryptamine (7434). Some trade or other names: N,
 29 N-Diethyltryptamine; DET.
 30 (19) Dimethyltryptamine (7435). Some trade or other names:
 31 DMT.
 32 (20) Ibogaine (7260). Some trade and other names: 7-Ethyl-6,
 33 6b, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6,
 34 9-methano-5H-pyrido (1', 2': 1, 2, azepino 4, 5-b) indole;
 35 tabernanthe iboga.
 36 (21) Lysergic acid diethylamide (7315). Other name: LSD.
 37 (22) Marijuana (7360).
 38 (23) Mescaline (7381).
 39 (24) Parahexyl (7374). Some trade or other names:
 40 3-Hexyl-1-hydroxy-7, 8, 9, 10-Tetrahydro-6, 6,
 41 9-trimethyl-6H-dibenzo (b,d) pyran; Snyhexyl.
 42 (25) Peyote (7415), including:

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- 1 (A) all parts of the plant that are classified botanically as
 2 lophophora williamsii lemaire, whether growing or not;
 3 (B) the seeds thereof;
 4 (C) any extract from any part of the plant; and
 5 (D) every compound, manufacture, salt, derivative, mixture,
 6 or preparation of the plant, its seeds, or extracts.
- 7 (26) N-ethyl-3-piperidyl benzilate (7482). Other name: DMZ.
 8 (27) N-hydroxy-3,4-methylenedioxyamphetamine (7402).
 9 Other names: N-hydroxy-alpha-methyl-3,4
 10 (methylenedioxy)phenethylamine; and N-hydroxy MDA.
 11 (28) N-methyl-3-piperidyl benzilate (7484). Other name: LBJ.
 12 (29) Psilocybin (7437).
 13 (30) Psilocyn (7438).
 14 (31) Tetrahydrocannabinols (7370), including synthetic
 15 equivalents of the substances contained in the plant, or in the
 16 resinous extractives of Cannabis, sp. and synthetic substances,
 17 derivatives, and their isomers with similar chemical structure
 18 and pharmacological activity such as:
 19 (A) π^1 cis or trans tetrahydrocannabinol, and their optical
 20 isomers;
 21 (B) π^6 cis or trans tetrahydrocannabinol, and their optical
 22 isomers; and
 23 (C) π^3_4 cis or trans tetrahydrocannabinol, and their optical
 24 isomers.
- 25 Since nomenclature of these substances is not internationally
 26 standardized, compounds of these structures, regardless of
 27 numerical designation of atomic positions are covered. Other
 28 name: THC.
- 29 (32) Ethylamine analog of phencyclidine (7455). Some trade or
 30 other names: N-Ethyl-1-phenylcyclohexylamine;
 31 (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl)
 32 ethylamine; cyclohexamine; PCE.
 33 (33) Pyrrolidine analog of phencyclidine (7458). Some trade or
 34 other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCP_y; PHP.
 35 (34) Thiophene analog of phencyclidine (7470). Some trade or
 36 other names: 1-(1-(2-thienyl) cyclohexyl) piperidine; 2-Thienyl
 37 Analog of Phencyclidine; TPCP.
 38 (35) **Synthetic cannabinoids drugs (as defined in**
 39 **IC 35-41-1-26.3).**
 40 including a substance containing one (1) or more of the
 41 following chemical compounds:
 42 (A) JWH-015 ((2-Methyl-1-propyl-HH-

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- 1 indol-3-yl)-1-naphthalenylmethanone):
 2 (B) JWH-018 (1-pentyl-3-(1-naphthoyl)indole):
 3 (C) JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole):
 4 (D) JWH-073 (naphthalen-1-yl-
 5 (1-butylindol-3-yl)methanone):
 6 (E) JWH-081 (4-methoxynaphthalen-1-yl- (1-pentylindol-
 7 3-yl)methanone):
 8 (F) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole):
 9 (G) JWH-200 (1-(2-morpholin-4-ylethyl)indol-3-yl)-
 10 naphthalen-1-ylmethanone):
 11 (H) JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole):
 12 (I) JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole):
 13 (J) JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole):
 14 (K) HU-210 ((6aR,10aR)-9-(Hydroxymethyl)-
 15 6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-
 16 tetrahydrobenzo [c]chromen-1-ol):
 17 (L) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-
 18 3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo
 19 [c]chromen-1-ol):
 20 (M) HU-308 ((1R,2R,5R)-2-[2,6-dimethoxy-4-
 21 (2-methyloctan-2-yl)phenyl]-
 22 7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol):
 23 (N) HU-331 ((3-hydroxy-2-[(1R,6R)-3-methyl-6-
 24 (1-methylethenyl)-2-cyclohexen-1-yl]-5-
 25 -pentyl-2,5-cyclohexadiene-1,4-dione):
 26 (O) CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-
 27 2-(3-hydroxypropyl) cyclohexyl]-5-
 28 (2-methyloctan-2-yl)phenol):
 29 (P) CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]-5-
 30 (2-methyloctan-2-yl)phenol) and its homologues:
 31 (Q) WIN 55212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-
 32 (4-morpholinylmethyl) pyrrolo [1,2,3-de)-1,4- benzoxazin-
 33 6-yl]-1-naphthalenylmethanone):
 34 (R) RCS-4 ((4-methoxyphenyl)
 35 (1-pentyl-1H-indol-3-yl)methanone):
 36 (S) RCS-8 (1-(1-(2-cyclohexylethyl)-
 37 1H-indol-3-yl)-2-(2-methoxyphenyl)ethanone):
 38 (T) 4-Methylmethcathinone. Other name: mephedrone:
 39 (U) 3,4-Methylenedioxymethcathinone. Other name:
 40 methylone:
 41 (V) Fluoromethcathinone:
 42 (W) 4-Methoxymethcathinone. Other name: methedrone:

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- 1 ~~(X) 4-Ethylmethcathinone. Other name: 4-EMC.~~
 2 ~~(Y) Methylenedioxypropylone. Other name: MDPV.~~
 3 (36) Salvia divinorum or salvinorin A, including:
 4 (A) all parts of the plant that are classified botanically as
 5 salvia divinorum, whether growing or not;
 6 (B) the seeds of the plant;
 7 (C) any extract from any part of the plant; and
 8 (D) every compound, manufacture, salt, derivative, mixture,
 9 or preparation of the plant, its seeds, or extracts.
 10 (e) Depressants. Unless specifically excepted in a rule adopted by
 11 the board or unless listed in another schedule, any material, compound,
 12 mixture, or preparation which contains any quantity of the following
 13 substances having a depressant effect on the central nervous system,
 14 including its salts, isomers, and salts of isomers whenever the existence
 15 of such salts, isomers, and salts of isomers is possible within the
 16 specific chemical designation:
 17 Gamma-hydroxybutyric acid (other names include GHB;
 18 gamma-hydroxybutyrate; 4-hydroxybutanoic acid; sodium
 19 oxybate; sodium oxybutyrate) (2010)
 20 Mecloqualone (2572)
 21 Methaqualone (2565)
 22 (f) Stimulants. Unless specifically excepted or unless listed in
 23 another schedule, any material, compound, mixture, or preparation that
 24 contains any quantity of the following substances having a stimulant
 25 effect on the central nervous system, including its salts, isomers, and
 26 salts of isomers:
 27 ([+/-]) cis-4-methylaminorex (([+/-])cis-4,5-
 28 dihydro-4-methyl-5-phenyl-2-oxazolamine) (1590)
 29 Aminorex (1585). Other names: aminoxaphen;
 30 2-amino-5-phenyl-2-oxazoline; or
 31 4,5-dihydro-5-phenyl-2-oxazolamine.
 32 Cathinone (1235). Some trade or other names:
 33 2-amino-1-phenyl-1-propanone; alpha-aminopropiophenone;
 34 2-aminopropiophenone; and norephedrone.
 35 Fenethylamine (1503).
 36 N-Benzylpiperazine (7493). Other names: BZP; and
 37 1-benzylpiperazine.
 38 N-ethylamphetamine (1475)
 39 Methcathinone (1237) Some other trade names:
 40 2-Methylamino-1-Phenylpropan-1-one; Ephedrone;
 41 Monomethylpropion; UR 1431.
 42 N, N-dimethylamphetamine (1480). Other names: N,

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1 N-alpha-trimethyl-benzeneethanamine; and N,
 2 N-alpha-trimethylphenethylamine.

3 SECTION 13. IC 35-48-4-8.5, AS AMENDED BY P.L.182-2011,
 4 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 UPON PASSAGE]: Sec. 8.5. (a) A person who keeps for sale, offers
 6 for sale, delivers, or finances the delivery of a raw material, an
 7 instrument, a device, or other object that is intended to be or that is
 8 designed or marketed to be used primarily for:

9 (1) ingesting, inhaling, or otherwise introducing into the human
 10 body marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid~~;
 11 **drug**, or a controlled substance;

12 (2) testing the strength, effectiveness, or purity of marijuana, hash
 13 oil, hashish, salvia, a synthetic ~~cannabinoid~~; **drug**, or a controlled
 14 substance;

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

16 (4) manufacturing, compounding, converting, producing,
 17 processing, or preparing marijuana, hash oil, hashish, salvia, a
 18 synthetic ~~cannabinoid~~; **drug**, or a controlled substance;

19 (5) diluting or adulterating marijuana, hash oil, hashish, salvia, a
 20 synthetic ~~cannabinoid~~; **drug**, or a controlled substance by
 21 individuals; or

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

24 commits a Class A infraction for dealing in paraphernalia.

25 (b) A person who knowingly or intentionally violates subsection (a)
 26 commits a Class A misdemeanor. However, the offense is a Class D
 27 felony if the person has a prior unrelated judgment or conviction under
 28 this section.

29 (c) A person who recklessly keeps for sale, offers for sale, or
 30 delivers an instrument, a device, or other object that is to be used
 31 primarily for:

32 (1) ingesting, inhaling, or otherwise introducing into the human
 33 body marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid~~;
 34 **drug**, or a controlled substance;

35 (2) testing the strength, effectiveness, or purity of marijuana, hash
 36 oil, hashish, salvia, a synthetic ~~cannabinoid~~; **drug**, or a controlled
 37 substance;

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

39 (4) manufacturing, compounding, converting, producing,
 40 processing, or preparing marijuana, hash oil, hashish, salvia, a
 41 synthetic ~~cannabinoid~~; **drug**, or a controlled substance;

42 (5) diluting or adulterating marijuana, hash oil, hashish, salvia, a

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1 synthetic ~~cannabinoid~~; **drug**, or a controlled substance by
 2 individuals; or

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

5 commits reckless dealing in paraphernalia, a Class B misdemeanor.
 6 However, the offense is a Class D felony if the person has a previous
 7 judgment or conviction under this section.

8 (d) This section does not apply to the following:

9 (1) Items marketed for use in the preparation, compounding,
 10 packaging, labeling, or other use of marijuana, hash oil, hashish,
 11 salvia, a synthetic ~~cannabinoid~~; **drug**, or a controlled substance as
 12 an incident to lawful research, teaching, or chemical analysis and
 13 not for sale.

14 (2) Items marketed for or historically and customarily used in
 15 connection with the planting, propagating, cultivating, growing,
 16 harvesting, manufacturing, compounding, converting, producing,
 17 processing, preparing, testing, analyzing, packaging, repackaging,
 18 storing, containing, concealing, injecting, ingesting, or inhaling
 19 of tobacco or any other lawful substance.

20 SECTION 14. IC 35-48-4-10, AS AMENDED BY P.L.182-2011,
 21 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 UPON PASSAGE]: Sec. 10. (a) A person who:

23 (1) knowingly or intentionally:

- 24 (A) manufactures;
- 25 (B) finances the manufacture of;
- 26 (C) delivers; or
- 27 (D) finances the delivery of;

28 marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid~~;
 29 **drug**, pure or adulterated; or

30 (2) possesses, with intent to:

- 31 (A) manufacture;
- 32 (B) finance the manufacture of;
- 33 (C) deliver; or
- 34 (D) finance the delivery of;

35 marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid~~;
 36 **drug**, pure or adulterated;

37 commits dealing in marijuana, hash oil, hashish, salvia, or a synthetic
 38 ~~cannabinoid~~; **drug**, a Class A misdemeanor, except as provided in
 39 subsection (b).

40 (b) The offense is:

41 (1) a Class D felony if:

- 42 (A) the recipient or intended recipient is under eighteen (18)

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1 years of age;
 2 (B) the amount involved is:
 3 (i) more than thirty (30) grams but less than ten (10) pounds
 4 of marijuana or more than two (2) grams but less than three
 5 hundred (300) grams of hash oil, hashish, **or** salvia; ~~or a~~
 6 ~~synthetic cannabinoid~~; or
 7 **(ii) more than two (2) grams of a synthetic drug; or**
 8 (C) the person has a prior conviction of an offense involving
 9 marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid~~;
 10 **drug**; and
 11 (2) a Class C felony if:
 12 (A) the amount involved is ten (10) pounds or more of
 13 marijuana or three hundred (300) or more grams of hash oil,
 14 hashish, **or** salvia, ~~or a synthetic cannabinoid~~; or the person
 15 delivered or financed the delivery of marijuana, hash oil,
 16 hashish, **or** salvia: ~~or a synthetic cannabinoid~~:
 17 ~~(A) (i)~~ **(i)** on a school bus; or
 18 ~~(B) (ii)~~ **(ii)** in, on, or within one thousand (1,000) feet of
 19 (i) school property,
 20 (ii) a public park,
 21 (iii) a family housing complex, or
 22 (iv) a youth program center; **or**
 23 **(B) the amount involved is more than two (2) grams of a**
 24 **synthetic drug and the person delivered or financed the**
 25 **delivery of the synthetic drug:**
 26 **(i) on a school bus; or**
 27 **(ii) in, on, or within one thousand (1,000) feet of school**
 28 **property, a public park, a family housing complex, or a**
 29 **youth program center.**
 30 SECTION 15. IC 35-48-4-11, AS AMENDED BY P.L.138-2011,
 31 SECTION 17, AND AS AMENDED BY P.L.182-2011, SECTION 17,
 32 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 33 [EFFECTIVE UPON PASSAGE]: Sec. 11. A person who:
 34 (1) knowingly or intentionally possesses (pure or adulterated)
 35 marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid~~;
 36 **drug**;
 37 (2) knowingly or intentionally grows or cultivates marijuana; or
 38 (3) knowing that marijuana is growing on the person's premises,
 39 fails to destroy the marijuana plants;
 40 commits possession of marijuana, hash oil, hashish, salvia, or a
 41 synthetic ~~cannabinoid~~, **drug**, a Class A misdemeanor. However, the
 42 offense is a Class D felony ~~(#)~~ if the amount involved is more than

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1 thirty (30) grams of marijuana or two (2) grams of hash oil, hashish,
 2 salvia, or a synthetic ~~cannabinoid~~, **drug**, or ~~(#)~~ if the person has a prior
 3 conviction of an offense involving marijuana, hash oil, or hashish,
 4 salvia, or a synthetic ~~cannabinoid~~, **drug**.

5 SECTION 16. IC 35-48-4-12, AS AMENDED BY P.L.182-2011,
 6 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 UPON PASSAGE]: Sec. 12. If a person who has no prior conviction of
 8 an offense under this article or under a law of another jurisdiction
 9 relating to controlled substances pleads guilty to possession of
 10 marijuana, hashish, salvia, or a synthetic ~~cannabinoid~~ **drug** as a Class
 11 A misdemeanor, the court, without entering a judgment of conviction
 12 and with the consent of the person, may defer further proceedings and
 13 place the person in the custody of the court under such conditions as
 14 the court determines. Upon violation of a condition of the custody, the
 15 court may enter a judgment of conviction. However, if the person
 16 fulfills the conditions of the custody, the court shall dismiss the charges
 17 against the person. There may be only one (1) dismissal under this
 18 section with respect to a person.

19 SECTION 17. **An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 234, 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:

Replace the effective dates in SECTIONS 1 through 2 with "[EFFECTIVE UPON PASSAGE]".

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-22-2-37.1, AS AMENDED BY P.L.229-2011, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 37.1. (a) This section applies to a rulemaking action resulting in any of the following rules:

- (1) An order adopted by the commissioner of the Indiana department of transportation under IC 9-20-1-3(d) or IC 9-21-4-7(a) and designated by the commissioner as an emergency rule.
- (2) An action taken by the director of the department of natural resources under IC 14-22-2-6(d) or IC 14-22-6-13.
- (3) An emergency temporary standard adopted by the occupational safety standards commission under IC 22-8-1.1-16.1.
- (4) An emergency rule adopted by the solid waste management board under IC 13-22-2-3 and classifying a waste as hazardous.
- (5) A rule, other than a rule described in subdivision (6), adopted by the department of financial institutions under IC 24-4.5-6-107 and declared necessary to meet an emergency.
- (6) A rule required under IC 24-4.5-1-106 that is adopted by the department of financial institutions and declared necessary to meet an emergency under IC 24-4.5-6-107.
- (7) A rule adopted by the Indiana utility regulatory commission to address an emergency under IC 8-1-2-113.
- (8) An emergency rule adopted by the state lottery commission under IC 4-30-3-9.
- (9) A rule adopted under IC 16-19-3-5 or IC 16-41-2-1 that the executive board of the state department of health declares is necessary to meet an emergency.
- (10) An emergency rule adopted by the Indiana finance authority under IC 8-21-12.
- (11) An emergency rule adopted by the insurance commissioner

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under IC 27-1-23-7 or IC 27-1-12.1.

(12) An emergency rule adopted by the Indiana horse racing commission under IC 4-31-3-9.

(13) An emergency rule adopted by the air pollution control board, the solid waste management board, or the water pollution control board under IC 13-15-4-10(4) or to comply with a deadline required by or other date provided by federal law, provided:

(A) the variance procedures are included in the rules; and

(B) permits or licenses granted during the period the emergency rule is in effect are reviewed after the emergency rule expires.

(14) An emergency rule adopted by the Indiana election commission under IC 3-6-4.1-14.

(15) An emergency rule adopted by the department of natural resources under IC 14-10-2-5.

(16) An emergency rule adopted by the Indiana gaming commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3, IC 4-33-4-14, IC 4-33-22-12, or IC 4-35-4-2.

(17) An emergency rule adopted by the alcohol and tobacco commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or IC 7.1-3-20-24.4.

(18) An emergency rule adopted by the department of financial institutions under IC 28-15-11.

(19) An emergency rule adopted by the office of the secretary of family and social services under IC 12-8-1-12.

(20) An emergency rule adopted by the office of the children's health insurance program under IC 12-17.6-2-11.

(21) An emergency rule adopted by the office of Medicaid policy and planning under IC 12-15-41-15.

(22) An emergency rule adopted by the Indiana state board of animal health under IC 15-17-10-9.

(23) An emergency rule adopted by the board of directors of the Indiana education savings authority under IC 21-9-4-7.

(24) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-34 (repealed).

(25) An emergency rule adopted by the department of local government finance under IC 6-1.1-4-33 (repealed).

(26) An emergency rule adopted by the boiler and pressure vessel rules board under IC 22-13-2-8(c).

(27) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-37(l) (repealed) or an emergency rule

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adopted by the department of local government finance under IC 6-1.1-4-36(j) (repealed) or IC 6-1.1-22.5-20.

(28) An emergency rule adopted by the board of the Indiana economic development corporation under IC 5-28-5-8.

(29) A rule adopted by the department of financial institutions under IC 34-55-10-2.5.

(30) A rule adopted by the Indiana finance authority:

(A) under IC 8-15.5-7 approving user fees (as defined in IC 8-15.5-2-10) provided for in a public-private agreement under IC 8-15.5;

(B) under IC 8-15-2-17.2(a)(10):

(i) establishing enforcement procedures; and

(ii) making assessments for failure to pay required tolls;

(C) under IC 8-15-2-14(a)(3) authorizing the use of and establishing procedures for the implementation of the collection of user fees by electronic or other nonmanual means; or

(D) to make other changes to existing rules related to a toll road project to accommodate the provisions of a public-private agreement under IC 8-15.5.

(31) An emergency rule adopted by the board of the Indiana health informatics corporation under IC 5-31-5-8.

(32) An emergency rule adopted by the department of child services under IC 31-25-2-21, IC 31-27-2-4, IC 31-27-4-2, or IC 31-27-4-3.

(33) An emergency rule adopted by the Indiana real estate commission under IC 25-34.1-2-5(15).

(34) A rule adopted by the department of financial institutions under IC 24-4.4-1-101 and determined necessary to meet an emergency.

(35) An emergency rule adopted by the state board of pharmacy regarding returning unused medication under IC 25-26-23.

(36) An emergency rule adopted by the department of local government finance under IC 6-1.1-12.6 or IC 6-1.1-12.8.

(37) An emergency rule adopted by the office of the secretary of family and social services or the office of Medicaid policy and planning concerning the following:

(A) Federal Medicaid waiver program provisions.

(B) Federal programs administered by the office of the secretary.

(38) An emergency rule adopted by the Indiana board of pharmacy declaring a substance to be a synthetic drug under

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IC 25-26-13-4.1.

(b) The following do not apply to rules described in subsection (a):

- (1) Sections 24 through 36 of this chapter.
- (2) IC 13-14-9.

(c) After a rule described in subsection (a) has been adopted by the agency, the agency shall submit the rule to the publisher for the assignment of a document control number. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(d) After the document control number has been assigned, the agency shall submit the rule to the publisher for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(e) Subject to section 39 of this chapter, the publisher shall:

- (1) accept the rule for filing; and
- (2) electronically record the date and time that the rule is accepted.

(f) A rule described in subsection (a) takes effect on the latest of the following dates:

- (1) The effective date of the statute delegating authority to the agency to adopt the rule.
- (2) The date and time that the rule is accepted for filing under subsection (e).
- (3) The effective date stated by the adopting agency in the rule.
- (4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.
- (5) The statutory effective date for an emergency rule set forth in the statute authorizing the agency to adopt emergency rules.**

(g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6, IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in subsections (j), (k), ~~and (l)~~, **and (n)**, a rule adopted under this section expires not later than ninety (90) days after the rule is accepted for filing under subsection (e). Except for a rule adopted under subsection (a)(13), (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting another rule under this section, but only for one (1) extension period. The extension period for a rule adopted under subsection (a)(28) may not exceed the period for which the original rule was in

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effect. A rule adopted under subsection (a)(13) may be extended for two (2) extension periods. Subject to subsection (j), a rule adopted under subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited number of extension periods. Except for a rule adopted under subsection (a)(13), for a rule adopted under this section to be effective after one (1) extension period, the rule must be adopted under:

- (1) sections 24 through 36 of this chapter; or
- (2) IC 13-14-9;

as applicable.

(h) A rule described in subsection (a)(8), (a)(12), (a)(19), (a)(20), (a)(21), (a)(29), or (a)(37) expires on the earlier of the following dates:

- (1) The expiration date stated by the adopting agency in the rule.
- (2) The date that the rule is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.

(i) This section may not be used to readopt a rule under IC 4-22-2.5.

(j) A rule described in subsection (a)(24) or (a)(25) expires not later than January 1, 2006.

(k) A rule described in subsection (a)(28) expires on the expiration date stated by the board of the Indiana economic development corporation in the rule.

(l) A rule described in subsection (a)(30) expires on the expiration date stated by the Indiana finance authority in the rule.

(m) A rule described in subsection (a)(5) or (a)(6) expires on the date the department is next required to issue a rule under the statute authorizing or requiring the rule.

(n) A rule described in subsection (a)(38) expires on June 30 of the year following the year in which it is filed with the publisher under this section.

SECTION 3. IC 16-31-3-14, AS AMENDED BY P.L.182-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) A person holding a certificate issued under this article must comply with the applicable standards and rules established under this article. A certificate holder is subject to disciplinary sanctions under subsection (b) if the department of homeland security determines that the certificate holder:

- (1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a certificate, including cheating on a certification examination;
- (2) engaged in fraud or material deception in the course of professional services or activities;
- (3) advertised services or goods in a false or misleading manner;



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- (4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses required under this article or rules adopted under this article;
- (5) is convicted of a crime, if the act that resulted in the conviction has a direct bearing on determining if the certificate holder should be entrusted to provide emergency medical services;
- (6) is convicted of violating IC 9-19-14.5;
- (7) fails to comply and maintain compliance with or violates any applicable provision, standard, or other requirement of this article or rules adopted under this article;
- (8) continues to practice if the certificate holder becomes unfit to practice due to:
- (A) professional incompetence that includes the undertaking of professional activities that the certificate holder is not qualified by training or experience to undertake;
 - (B) failure to keep abreast of current professional theory or practice;
 - (C) physical or mental disability; or
 - (D) addiction to, abuse of, or dependency on alcohol or other drugs that endanger the public by impairing the certificate holder's ability to practice safely;
- (9) engages in a course of lewd or immoral conduct in connection with the delivery of services to the public;
- (10) allows the certificate holder's name or a certificate issued under this article to be used in connection with a person who renders services beyond the scope of that person's training, experience, or competence;
- (11) is subjected to disciplinary action in another state or jurisdiction on grounds similar to those contained in this chapter. For purposes of this subdivision, a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction;
- (12) assists another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or
- (13) allows a certificate issued by the commission to be:
- (A) used by another person; or
 - (B) displayed to the public when the certificate is expired, inactive, invalid, revoked, or suspended.
- (b) The department of homeland security may issue an order under

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IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if the department of homeland security determines that a certificate holder is subject to disciplinary sanctions under subsection (a):

- (1) Revocation of a certificate holder's certificate for a period not to exceed seven (7) years.
- (2) Suspension of a certificate holder's certificate for a period not to exceed seven (7) years.
- (3) Censure of a certificate holder.
- (4) Issuance of a letter of reprimand.
- (5) Assessment of a civil penalty against the certificate holder in accordance with the following:
 - (A) The civil penalty may not exceed five hundred dollars (\$500) per day per violation.
 - (B) If the certificate holder fails to pay the civil penalty within the time specified by the department of homeland security, the department of homeland security may suspend the certificate holder's certificate without additional proceedings.
- (6) Placement of a certificate holder on probation status and requirement of the certificate holder to:
 - (A) report regularly to the department of homeland security upon the matters that are the basis of probation;
 - (B) limit practice to those areas prescribed by the department of homeland security;
 - (C) continue or renew professional education approved by the department of homeland security until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
 - (D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department of homeland security considers appropriate to the public interest or to the rehabilitation or treatment of the certificate holder.

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

(c) If an applicant or a certificate holder has engaged in or knowingly cooperated in fraud or material deception to obtain a certificate, including cheating on the certification examination, the department of homeland security may rescind the certificate if it has been granted, void the examination or other fraudulent or deceptive

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material, and prohibit the applicant from reapplying for the certificate for a length of time established by the department of homeland security.

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

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

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

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

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).
- (5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).
- (6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).
- (7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).
- (8) Possession of marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid~~ **drug** as a Class D felony under IC 35-48-4-11.



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

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

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

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

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

(h) A decision of the department of homeland security under subsections (b) through (g) may be appealed to the commission under IC 4-21.5-3-7.

(i) The department of homeland security may temporarily suspend a certificate holder's certificate under IC 4-21.5-4 before a final adjudication or during the appeals process if the department of homeland security finds that a certificate holder would represent a clear and immediate danger to the public's health, safety, or property if the certificate holder were allowed to continue to practice.

(j) On receipt of a complaint or information alleging that a person certified under this chapter or IC 16-31-3.5 has engaged in or is engaging in a practice that is subject to disciplinary sanctions under this chapter, the department of homeland security must initiate an investigation against the person.

(k) The department of homeland security shall conduct a factfinding investigation as the department of homeland security considers proper in relation to the complaint.

(l) The department of homeland security may reinstate a certificate that has been suspended under this section if the department of homeland security is satisfied that the applicant is able to practice with reasonable skill, competency, and safety to the public. As a condition of reinstatement, the department of homeland security may impose disciplinary or corrective measures authorized under this chapter.

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

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

(o) A certificate holder may not surrender the certificate holder's certificate without the written approval of the department of homeland

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security, and the department of homeland security may impose any conditions appropriate to the surrender or reinstatement of a surrendered certificate.

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

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

SECTION 4. IC 16-31-3-14.5, AS AMENDED BY P.L.182-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.5. The department of homeland security may issue an order under IC 4-21.5-3-6 to deny an applicant's request for certification or permanently revoke a certificate under procedures provided by section 14 of this chapter if the individual who holds the certificate issued under this title is convicted of any of the following:

- (1) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.
- (2) Dealing in methamphetamine under IC 35-48-4-1.1.
- (3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
- (4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
- (5) Dealing in a schedule V controlled substance under IC 35-48-4-4.
- (6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
- (7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.
- (8) Dealing in a counterfeit substance under IC 35-48-4-5.
- (9) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic **cannabinoid drug** under IC 35-48-4-10(b).
- (10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).
- (11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (9).
- (12) A crime of violence (as defined in IC 35-50-1-2(a)).
- (13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (12).

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SECTION 5. IC 20-28-5-8, AS AMENDED BY P.L.155-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section applies when a prosecuting attorney knows that a licensed employee of a public school or a nonpublic school has been convicted of an offense listed in subsection (c). The prosecuting attorney shall immediately give written notice of the conviction to the following:

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

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

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

- (1) Kidnapping (IC 35-42-3-2).
- (2) Criminal confinement (IC 35-42-3-3).
- (3) Rape (IC 35-42-4-1).
- (4) Criminal deviate conduct (IC 35-42-4-2).
- (5) Child molesting (IC 35-42-4-3).
- (6) Child exploitation (IC 35-42-4-4(b)).
- (7) Vicarious sexual gratification (IC 35-42-4-5).
- (8) Child solicitation (IC 35-42-4-6).
- (9) Child seduction (IC 35-42-4-7).
- (10) Sexual misconduct with a minor (IC 35-42-4-9).
- (11) Incest (IC 35-46-1-3).
- (12) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
- (13) Dealing in methamphetamine (IC 35-48-4-1.1).
- (14) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

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- (15) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- (16) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- (17) Dealing in a counterfeit substance (IC 35-48-4-5).
- (18) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic **cannabinoid drug** (IC 35-48-4-10(b)).
- (19) Possession of child pornography (IC 35-42-4-4(c)).
- (20) Homicide (IC 35-42-1).
- (21) Voluntary manslaughter (IC 35-42-1-3).
- (22) Reckless homicide (IC 35-42-1-5).
- (23) Battery as any of the following:
 - (A) A Class A felony (IC 35-42-2-1(a)(5)).
 - (B) A Class B felony (IC 35-42-2-1(a)(4)).
 - (C) A Class C felony (IC 35-42-2-1(a)(3)).
- (24) Aggravated battery (IC 35-42-2-1.5).
- (25) Robbery (IC 35-42-5-1).
- (26) Carjacking (IC 35-42-5-2).
- (27) Arson as a Class A felony or a Class B felony (IC 35-43-1-1(a)).
- (28) Burglary as a Class A felony or a Class B felony (IC 35-43-2-1).
- (29) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (28).
- (30) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (28).

(d) The department, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the department to have been convicted of a federal offense or an offense in another state that is comparable to a felony listed in subsection (c).

(e) A license may be suspended by the state superintendent as specified in IC 20-28-7.5.

(f) The department shall develop a data base of information on school corporation employees who have been reported to the department under this section.

SECTION 6. IC 22-15-5-16, AS AMENDED BY P.L.182-2011, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) A practitioner shall comply with the standards established under this licensing program. A practitioner is subject to the exercise of the disciplinary sanctions under subsection (b) if the department finds that a practitioner has:

- (1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including

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- cheating on a licensing examination;
- (2) engaged in fraud or material deception in the course of professional services or activities;
- (3) advertised services or goods in a false or misleading manner;
- (4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses provided under this chapter;
- (5) been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently;
- (6) knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;
- (7) continued to practice although the practitioner has become unfit to practice due to:
- (A) professional incompetence;
 - (B) failure to keep abreast of current professional theory or practice;
 - (C) physical or mental disability; or
 - (D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;
- (8) engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;
- (9) allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;
- (10) had disciplinary action taken against the practitioner or the practitioner's license to practice in another state or jurisdiction on grounds similar to those under this chapter;
- (11) assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or
- (12) allowed a license issued by the department to be:
- (A) used by another person; or
 - (B) displayed to the public when the license has expired, is inactive, is invalid, or has been revoked or suspended.

For purposes of subdivision (10), a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction.

(b) The department may impose one (1) or more of the following sanctions if the department finds that a practitioner is subject to

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disciplinary sanctions under subsection (a):

- (1) Permanent revocation of a practitioner's license.
- (2) Suspension of a practitioner's license.
- (3) Censure of a practitioner.
- (4) Issuance of a letter of reprimand.
- (5) Assess a civil penalty against the practitioner in accordance with the following:

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

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

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

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

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

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

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

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

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

(d) The department may deny licensure to an applicant who has had

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disciplinary action taken against the applicant or the applicant's license to practice in another state or jurisdiction or who has practiced without a license in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The department may order a practitioner to submit to a reasonable physical or mental examination if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a department order to submit to a physical or mental examination makes a practitioner liable to temporary suspension under subsection (j).

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

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

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).
- (5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).
- (6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).
- (7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).
- (8) Possession of marijuana, hash oil, hashish, salvia, or a synthetic **cannabinoid drug** as a Class D felony under IC 35-48-4-11.
- (9) Maintaining a common nuisance under IC 35-48-4-13.
- (10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
- (11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (10).
- (12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).
- (13) An offense in any other jurisdiction in which the elements of

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the offense for which the conviction was entered are substantially similar to the elements of an offense described in subdivisions (1) through (12).

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

- (1) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.
- (2) Dealing in methamphetamine under IC 35-48-4-1.1.
- (3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
- (4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
- (5) Dealing in a schedule V controlled substance under IC 35-48-4-4.
- (6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
- (7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.
- (8) Dealing in a counterfeit substance under IC 35-48-4-5.
- (9) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic **cannabinoid drug** under IC 35-48-4-10(b).
- (10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).
- (11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (9).
- (12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in subdivisions (1) through (11).
- (13) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

(i) A decision of the department under subsections (b) through (h) may be appealed to the commission under IC 4-21.5-3-7.

(j) The department may temporarily suspend a practitioner's license under IC 4-21.5-4 before a final adjudication or during the appeals process if the department finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice.

(k) On receipt of a complaint or an information alleging that a person licensed under this chapter has engaged in or is engaging in a

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practice that jeopardizes the public health, safety, or welfare, the department shall initiate an investigation against the person.

(l) Any complaint filed with the office of the attorney general alleging a violation of this licensing program shall be referred to the department for summary review and for its general information and any authorized action at the time of the filing.

(m) The department shall conduct a fact finding investigation as the department considers proper in relation to the complaint.

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

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

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

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

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

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



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(9) Notarizations.

SECTION 7. IC 24-26-13-4.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.1. (a) The board may adopt an emergency rule to declare that a substance is a synthetic drug.**

(b) The board may adopt an emergency rule declaring a substance to be a synthetic drug if the board finds that the substance:

(1) has been scheduled or emergency scheduled by the United States Drug Enforcement Administration; or

(2) has been scheduled, emergency scheduled, or criminalized by another state.

(c) A rule adopted under this section becomes effective thirty (30) days after it is filed with the publisher under IC 4-22-2-37.1.

(d) A rule adopted under this section expires on June 30 of the year following the year in which it is filed with the publisher under IC 4-22-2-37.1.

(e) The board may readopt under this section an emergency rule that has expired.

SECTION 7. IC 25-1-1.1-2, AS AMENDED BY P.L.138-2011, SECTION 6, AND P.L.182-2011, SECTION 6, AND AS AMENDED BY P.L.155-2011, SECTION 6, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.** *Notwithstanding IC 25-1-7, a board, a commission, or a committee may suspend, deny, or revoke a license or certificate issued under this title by the board, the commission, or the committee without an investigation by the office of the attorney general if the individual who holds the license or certificate is convicted of any of the following and the board, commission, or committee determines, after the individual has appeared in person, that the offense affects the individual's ability to perform the duties of the profession:*

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

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

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

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

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

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

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

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

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

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

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

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

~~(13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (12):~~

~~(13) A sex crime under IC 35-42-4.~~

~~(14) A felony that reflects adversely on the individual's fitness to hold a professional license.~~

~~(15) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.~~

SECTION 8. IC 25-1-1.1-3, AS AMENDED BY P.L.182-2011, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. A board, a commission, or a committee shall revoke or suspend a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

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

(2) Dealing in methamphetamine under IC 35-48-4-1.1.

(3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.

(4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.

(5) Dealing in a schedule V controlled substance under IC 35-48-4-4.

(6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.

(7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

(8) Dealing in a counterfeit substance under IC 35-48-4-5.



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(9) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid~~ **drug** under IC 35-48-4-10(b).

(10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).

(11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (9).

(12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (11).

(13) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

SECTION 9. IC 35-41-1-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. "Analog", for purposes of section 26.3 of this chapter, means a new or novel chemical entity, independent of synthetic route or natural origin, having substantially the same:**

(1) carbon backbone structure; and

(2) pharmacological mechanism of action;

as a compound specifically defined as a synthetic drug in section 26.3 of this chapter."

Page 1, line 3, strike "cannabinoid" and insert "**drug**".

Page 1, line 5, delete "analogue or homologue" and insert "**analog**".

Page 1, delete line 6.

Page 2, line 3, delete "**naphthalen-1-ylmethanone**." and insert "**naphthalen-1-yl-methanone**".

Page 3, between lines 22 and 23, begin a new line double block indented and insert the following:

"(JJ) 6-APB [6-(2-aminopropyl)benzofuran].

(LL) 7-hydroxymitragynine.

(MM) α -PPP [α -pyrrolidinopropiophenone].

(NN) α -PVP (desmethylpyrovalerone).

(OO) AM-251.

(PP) AM-1241.

(QQ) AM-2201.

(RR) AM-2233.

(SS) Buphedrone.

(TT) Butylone.

(UU) CP-47,497-C7.

(VV) CP-47,497-C8.

(WW) Desoxypipradol.

(XX) Ethylone.



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(YY) Eutylone.
 (ZZ) Flephedrone.
 (AAA) JWH-011.
 (BBB) JWH-020.
 (CCC) JWH-022.
 (DDD) JWH-030.
 (EEE) JWH-182.
 (FFF) JWH-302.
 (GGG) MDAI [5,6-methylenedioxy-2-aminoindane].
 (HHH) Mitragynine.

(III) Naphyrone.

(JJJ) Pentedrone.

(LLL) Pentylone.

(M M M) M e t h o x e t a m i n e
 [2-(3-methoxyphenyl)-2-(ethylamino)- cyclohexanone.]".

Page 3, line 27, delete "cycloalkylethy" and insert "cycloalkylethyl".

Page 3, line 33, delete "3-(1-naphthoyl)173" and insert "3-(1-naphthoyl)".

Page 4, between lines 27 and 28, begin a new line block indented and insert:

"(8) Any compound, except bupropion or a compound listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified:

(A) by substitution in the ring system to any extent with alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one (1) or more other univalent substituents;

(B) by substitution at the 3-position with an acyclic alkyl substituent;

(C) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or

(D) by inclusion of the 2-amino nitrogen atom in a cyclic structure.

(9) Any compound determined to be synthetic drug by rule adopted under IC 25-26-13-4.1."

Page 9, line 27, strike "cannabinoids" and insert "drugs".

Page 11, after line 32, begin a new paragraph and insert:

"SECTION 11. IC 35-48-4-8.5, AS AMENDED BY P.L.182-2011, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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UPON PASSAGE]: Sec. 8.5. (a) A person who keeps for sale, offers for sale, delivers, or finances the delivery of a raw material, an instrument, a device, or other object that is intended to be or that is designed or marketed to be used primarily for:

- (1) ingesting, inhaling, or otherwise introducing into the human body marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid~~, **drug**, or a controlled substance;
- (2) testing the strength, effectiveness, or purity of marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid~~, **drug**, or a controlled substance;
- (3) enhancing the effect of a controlled substance;
- (4) manufacturing, compounding, converting, producing, processing, or preparing marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid~~, **drug**, or a controlled substance;
- (5) diluting or adulterating marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid~~, **drug**, or a controlled substance by individuals; or
- (6) any purpose announced or described by the seller that is in violation of this chapter;

commits a Class A infraction for dealing in paraphernalia.

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

(c) A person who recklessly keeps for sale, offers for sale, or delivers an instrument, a device, or other object that is to be used primarily for:

- (1) ingesting, inhaling, or otherwise introducing into the human body marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid~~, **drug**, or a controlled substance;
- (2) testing the strength, effectiveness, or purity of marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid~~, **drug**, or a controlled substance;
- (3) enhancing the effect of a controlled substance;
- (4) manufacturing, compounding, converting, producing, processing, or preparing marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid~~, **drug**, or a controlled substance;
- (5) diluting or adulterating marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid~~, **drug**, or a controlled substance by individuals; or
- (6) any purpose announced or described by the seller that is in violation of this chapter;

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commits reckless dealing in paraphernalia, a Class B misdemeanor. However, the offense is a Class D felony if the person has a previous judgment or conviction under this section.

(d) This section does not apply to the following:

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

(2) Items marketed for or historically and customarily used in connection with the planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, or inhaling of tobacco or any other lawful substance.

SECTION 12. IC 35-48-4-10, AS AMENDED BY P.L.182-2011, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) A person who:

(1) knowingly or intentionally:

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

marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid~~, **drug**, pure or adulterated; or

(2) possesses, with intent to:

- (A) manufacture;
- (B) finance the manufacture of;
- (C) deliver; or
- (D) finance the delivery of;

marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid~~, **drug**, pure or adulterated;

commits dealing in marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid~~, **drug**, a Class A misdemeanor, except as provided in subsection (b).

(b) The offense is:

(1) a Class D felony if:

- (A) the recipient or intended recipient is under eighteen (18) years of age;
- (B) the amount involved is:

(i) more than thirty (30) grams but less than ten (10) pounds of marijuana or more than two (2) grams but less than three

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hundred (300) grams of hash oil, hashish, **or** salvia; ~~or a synthetic cannabinoid;~~ or

(ii) more than two (2) grams of a synthetic drug; or

(C) the person has a prior conviction of an offense involving marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid;~~ **drug;** and

(2) a Class C felony if:

(A) the amount involved is ten (10) pounds or more of marijuana or three hundred (300) or more grams of hash oil, hashish, **or** salvia, ~~or a synthetic cannabinoid;~~ or the person delivered or financed the delivery of marijuana, hash oil, hashish, **or** salvia: ~~or a synthetic cannabinoid:~~

~~(A)~~ **(i)** on a school bus; or

~~(B)~~ **(ii)** in, on, or within one thousand (1,000) feet of

~~(i)~~ school property,

~~(ii)~~ a public park,

~~(iii)~~ a family housing complex, or

~~(iv)~~ a youth program center; **or**

(B) the amount involved is more than two (2) grams of a synthetic drug and the person delivered or financed the delivery of the synthetic drug:

(i) on a school bus; or

(ii) in, on, or within one thousand (1,000) feet of school property, a public park, a family housing complex, or a youth program center.

SECTION 13. IC 35-48-4-11, AS AMENDED BY P.L.138-2011, SECTION 17, AND AS AMENDED BY P.L.182-2011, SECTION 17, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. A person who:

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

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

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

commits possession of marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid;~~ **drug**, a Class A misdemeanor. However, the offense is a Class D felony ~~(i)~~ if the amount involved is more than thirty (30) grams of marijuana or two (2) grams of hash oil, hashish, salvia, or a synthetic ~~cannabinoid;~~ **drug**, or ~~(ii)~~ if the person has a prior conviction of an offense involving marijuana, hash oil, or hashish, salvia, or a synthetic ~~cannabinoid;~~ **drug**.

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SECTION 14. IC 35-48-4-12, AS AMENDED BY P.L.182-2011, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. If a person who has no prior conviction of an offense under this article or under a law of another jurisdiction relating to controlled substances pleads guilty to possession of marijuana, hashish, salvia, or a synthetic ~~cannabinoid~~ **drug** as a Class A misdemeanor, the court, without entering a judgment of conviction and with the consent of the person, may defer further proceedings and place the person in the custody of the court under such conditions as the court determines. Upon violation of a condition of the custody, the court may enter a judgment of conviction. However, if the person fulfills the conditions of the custody, the court shall dismiss the charges against the person. There may be only one (1) dismissal under this section with respect to a person.

SECTION 15. **An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 234 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 10, Nays 0.

SENATE MOTION

Madam President: I move that Senate Bill 234 be amended to read as follows:

Page 18, line 16, delete "IC 24-26-13-4.1" and insert "IC 25-26-13-4.1".

Page 20, line 40, delete "analog: of" and insert "**analog of:**".

Page 23, line 23, after "cycloalkylethyl" insert ", **1-(N-methyl-2-piperindinyl)methyl or**".

Page 23, delete line 24.

(Reference is to SB 234 as printed January 25, 2012.)

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 234, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

STEUERWALD, Chair

Committee Vote: yeas 11, nays 0.

 HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 234 be amended to read as follows:

Page 6, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 2. IC 6-2.5-8-7, AS AMENDED BY P.L.172-2011, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. (a) The department may, for good cause, revoke a certificate issued under section 1, 3, or 4 of this chapter. However, the department must give the certificate holder at least five (5) days notice before it revokes the certificate under this subsection.

(b) The department shall revoke a certificate issued under section 1, 3, or 4 of this chapter if, for a period of three (3) years, the certificate holder fails to:

- (1) file the returns required by IC 6-2.5-6-1; or
- (2) report the collection of any state gross retail or use tax on the returns filed under IC 6-2.5-6-1.

However, the department must give the certificate holder at least five (5) days notice before it revokes the certificate.

(c) The department may, for good cause, revoke a certificate issued under section 1 of this chapter after at least five (5) days notice to the certificate holder if:

- (1) the certificate holder is subject to an innkeeper's tax under IC 6-9; and
- (2) a board, bureau, or commission established under IC 6-9 files a written statement with the department.

(d) The statement filed under subsection (c) must state that:

- (1) information obtained by the board, bureau, or commission under IC 6-8.1-7-1 indicates that the certificate holder has not complied with IC 6-9; and
- (2) the board, bureau, or commission has determined that

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significant harm will result to the county from the certificate holder's failure to comply with IC 6-9.

(e) The department shall revoke or suspend a certificate issued under section 1 of this chapter after at least five (5) days notice to the certificate holder if:

(1) the certificate holder owes taxes, penalties, fines, interest, or costs due under IC 6-1.1 that remain unpaid at least sixty (60) days after the due date under IC 6-1.1; and

(2) the treasurer of the county to which the taxes are due requests the department to revoke or suspend the certificate.

(f) The department shall reinstate a certificate suspended under subsection (e) if the taxes and any penalties due under IC 6-1.1 are paid or the county treasurer requests the department to reinstate the certificate because an agreement for the payment of taxes and any penalties due under IC 6-1.1 has been reached to the satisfaction of the county treasurer.

(g) The department shall revoke a certificate issued under section 1 of this chapter after at least five (5) days notice to the certificate holder if the department finds in a public hearing by a preponderance of the evidence that the certificate holder has violated IC 35-45-5-3, IC 35-45-5-3.5, or IC 35-45-5-4.

(h) If a person makes a payment for the certificate under section 1 or 3 of this chapter with a check, credit card, debit card, or electronic funds transfer, and the department is unable to obtain payment of the check, credit card, debit card, or electronic funds transfer for its full face amount when the check, credit card, debit card, or electronic funds transfer is presented for payment through normal banking channels, the department shall notify the person by mail that the check, credit card, debit card, or electronic funds transfer was not honored and that the person has five (5) days after the notice is mailed to pay the fee in cash, by certified check, or other guaranteed payment. If the person fails to make the payment within the five (5) day period, the department shall revoke the certificate.

(i) If the department finds in a public hearing by a preponderance of the evidence that a person has been convicted of violating IC 35-48-4-10 and the conviction involved the sale or the offer to sell a synthetic drug by a retail merchant in a place of business for which the retail merchant has been issued a registered retail merchant certificate under section 1 of this chapter, the department:

(1) shall suspend the registered retail merchant certificate for the place of business for one (1) year; and

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(2) may not issue another retail merchant certificate under section 1 of this chapter for one (1) year to any person:

(A) that:

(i) applied for; or

(ii) made a retail transaction under;

the retail merchant certificate suspended under subdivision (1); or

(B) that:

(i) owned or co-owned, directly or indirectly; or

(ii) was an officer, a director, a manager, or a partner of;

the retail merchant that was issued the retail merchant certificate suspended under subdivision (1)."

Renumber all SECTIONS consecutively.

(Reference is to ESB 234 as printed February 17, 2012.)

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