



SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 1001 be amended to read as follows:

- 1 Page 77, between lines 31 and 32, begin a new paragraph and insert:
- 2 "SECTION 36. IC 2-5-41.1 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2025]:
- 5 **Chapter 41.1. ICC Advisory Committee**
- 6 **Sec. 1. The following definitions apply throughout this chapter:**
- 7 (1) "Advisory committee" means the ICC advisory committee
- 8 established by section 2 of this chapter.
- 9 (2) "ICC" means the Indiana cannabis commission
- 10 established by IC 7.1-9-2-1.
- 11 **Sec. 2. The ICC advisory committee is established to serve the**
- 12 **general assembly as a continuing committee. Except as otherwise**
- 13 **provided by this chapter, the advisory committee shall operate**
- 14 **under the rules of the legislative council.**
- 15 **Sec. 3. (a) The advisory committee consists of the following four**
- 16 **(4) voting members and eight (8) nonvoting members:**
- 17 (1) One (1) legislative member, appointed as a voting member
- 18 by the speaker.
- 19 (2) One (1) legislative member, appointed as a voting member
- 20 by the minority leader of the house of representatives.
- 21 (3) One (1) legislative member, appointed as a voting member
- 22 by the president pro tempore.
- 23 (4) One (1) legislative member, appointed as a voting member
- 24 by the minority leader of the senate.
- 25 (5) One (1) representative of law enforcement, appointed as a
- 26 nonvoting member by the speaker.
- 27 (6) One (1) individual having experience in the treatment of
- 28 medical conditions by means of cannabis as a patient,

1 physician, or caregiver, appointed as a nonvoting member by
2 the president pro tempore.

3 (7) The commissioner of the department of state revenue or
4 the commissioner's designee, who serves as a nonvoting
5 member.

6 (8) The director of the Indiana state department of
7 agriculture or the director's designee, who serves as a
8 nonvoting member.

9 (9) The state health commissioner or the commissioner's
10 designee, who serves as a nonvoting member.

11 (10) A representative of an Indiana based cannabis trade
12 organization, appointed by the speaker as a nonvoting
13 member.

14 (11) A representative of an experienced manufacturer of low
15 THC hemp extract, appointed by the president pro tempore
16 as a nonvoting member.

17 (12) An experienced hemp grower, appointed by the state seed
18 commissioner as a nonvoting member.

19 (b) The chairperson of the legislative council shall annually
20 select one (1) of the voting members to serve as chairperson of the
21 advisory committee. Whenever there is a new chairperson of the
22 legislative council, that chairperson may select a new voting
23 member to serve as chairperson of the advisory committee. The
24 chairperson of the advisory committee serves at the pleasure of the
25 chairperson of the legislative council.

26 Sec. 4. (a) Except as otherwise provided in this chapter, the term
27 of a member of the advisory committee ends on June 30 of the next
28 odd-numbered year following the member's appointment.
29 However, the member may be reappointed to subsequent terms.

30 (b) A member of the advisory committee may be removed at any
31 time by the appointing authority who appointed the member.

32 (c) If a vacancy exists on the advisory committee, the appointing
33 authority who appointed the former member whose position has
34 become vacant shall appoint an individual to fill the vacancy. An
35 individual appointed to fill a vacancy serves for the remainder of
36 the term of the former member.

37 (d) If a member of the advisory committee ceases to:

38 (1) be a member of the chamber from which the member was
39 appointed; or

40 (2) hold the member's office;

41 the member ceases to be a member of the advisory committee.

42 Sec. 5. Each member of the advisory committee is entitled to
43 receive the same per diem, mileage, and travel allowances paid to
44 individuals who serve as legislative and lay members, respectively,
45 of interim study committees established by the legislative council.

46 Sec. 6. (a) The advisory committee shall meet at the call of the
47 chairperson.

(b) Seven (7) members of the advisory committee constitute a quorum if at least three (3) of the members present are voting members.

(c) The affirmative vote of a majority of the voting members appointed to the advisory committee is required for the advisory committee to take action on any measure, including final reports.

Sec. 7. The advisory committee shall do the following, as applicable:

(1) Review rules adopted by the ICC.

(2) Review legislative proposals suggested by the ICC.

(3) Evaluate the cannabis research and development program under IC 7.1-9-5.

(4) Evaluate the operation of the cannabis programs.

(5) Consider any other matter that has bearing on the operation of the medical and adult use cannabis programs.

Sec. 8. All meetings of the advisory committee are open to the public in accordance with and subject to IC 5-14-1.5. All records of the advisory committee are subject to the requirements of IC 5-14-3.

Sec. 9. The legislative services agency shall staff the advisory committee.

Sec. 10. All funds necessary to carry out this chapter shall be paid from appropriations to the legislative council and the legislative services agency."

Page 91, between lines 42 and 43, begin a new paragraph and insert:

"SECTION 50. IC 6-2.5-5-58.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 58.1. Transactions involving medical cannabis (as defined in IC 7.1-8.1-1-1) and adult use cannabis (as defined in IC 7.1-8.1-1-1) are exempt from the state gross retail tax if the person acquiring the cannabis is a veteran (as defined in IC 23-14-54.5-5)."

Page 105, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 83. IC 6-7-3 IS REPEALED [EFFECTIVE JULY 1, 2025]. (Controlled Substance Excise Tax).

SECTION 84. IC 6-7-5.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]:

Chapter 5.2. Adult Use Cannabis Excise Tax

Sec. 1. The following definitions apply throughout this chapter:

(1) "Adult use cannabis" has the meaning set forth in IC 7.1-8.1-1-1.

(2) "Department" means the department of state revenue.

(3) "Medical cannabis" has the meaning set forth in IC 7.1-8.1-1-1.

(4) "Qualified retailer" has the meaning set forth in

1 **IC 7.1-8.1-1-1.**

2 **Sec. 2. The adult use cannabis excise tax is imposed on adult use**
 3 **cannabis sold in Indiana. The adult use cannabis excise tax is not**
 4 **imposed on medical cannabis.**

5 **Sec. 3. The adult use cannabis excise tax is:**

6 (1) one percent (1%) of the gross retail income received by the
 7 qualified retailer for the purchase of adult use cannabis,
 8 during the state fiscal year beginning July 1, 2025;

9 (2) two percent (2%) of the gross retail income received by the
 10 qualified retailer for the purchase of adult use cannabis,
 11 during the state fiscal year beginning July 1, 2026; and

12 (3) three percent (3%) of the gross retail income received by
 13 the qualified retailer for the purchase of adult use cannabis,
 14 during and after the state fiscal year beginning July 1, 2027.

15 **Sec. 4. A qualified retailer shall collect the adult use cannabis**
 16 **excise tax at the time the adult use cannabis is dispensed.**

17 **Sec. 5. Before the fifteenth day of each month, each qualified**
 18 **retailer liable for the tax imposed by this chapter shall:**

19 (1) file a return with the department that includes all
 20 information required by the department, including the:

21 (A) name of the qualified retailer;

22 (B) address of the qualified retailer;

23 (C) invoice date;

24 (D) invoice number; and

25 (E) gross retail income received from the sale of adult use
 26 cannabis dispensed during the preceding month; and

27 (2) pay the tax for which the qualified retailer is liable under
 28 this chapter for the preceding month, minus the amount
 29 specified in section 6 of this chapter.

30 **All returns required to be filed and taxes required to be paid under**
 31 **this chapter must be made in an electronic format prescribed by**
 32 **the department.**

33 **Sec. 6. A qualified retailer that files a complete return and pays**
 34 **the tax due within the time specified in section 5 of this chapter is**
 35 **entitled to deduct and retain from the tax a collection allowance of**
 36 **seven-thousandths (0.007) of the amount due. If a qualified retailer**
 37 **files an incomplete report, the department may reduce the**
 38 **collection allowance by an amount that does not exceed the lesser**
 39 **of:**

40 (1) ten percent (10%) of the collection allowance; or

41 (2) fifty dollars (\$50).

42 **Sec. 7. The department shall deposit the taxes collected under**
 43 **this chapter in the state general fund.**

44 **SECTION 85. IC 7.1-8.1 IS ADDED TO THE INDIANA CODE AS**
 45 **A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,**
 46 **2025]:**

ARTICLE 8.1. CANNABIS**Chapter 1. Definitions**

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

(1) "Adult cannabis user" means a person at least twenty-one (21) years of age who has not been issued a patient or caregiver identification card, unless the patient or caregiver identification card has expired.

(2) "Adult use cannabis" means cannabis for use by a person at least twenty-one (21) years of age.

(3) "Cannabis" means any part of the plant genus Cannabis.

(4) "Cannabis organization" means a qualified retailer, a grower, a processor, or a testing laboratory.

(5) "Caregiver" means the individual designated by a patient under this article to obtain, possess, deliver, and assist in the administration of cannabis to the patient.

(6) "Certification" means the certification issued to a patient by a physician under this article.

(7) "Family or household member" means a person described in IC 35-31.5-2-128.

(8) "Form of cannabis" means the characteristics of the cannabis recommended for a particular patient, including the method of consumption, and any particular dosage, strain, variety, quantity, or percentage of cannabis or of a particular active ingredient.

(9) "Grower" means a person that holds a permit issued by the ICC to grow cannabis.

(10) "ICC" means the Indiana cannabis commission established by IC 7.1-9-2-1.

(11) "INSPECT" means the Indiana scheduled prescription electronic collection and tracking program established by IC 25-1-13-4.

(12) "Medical cannabis" means cannabis for medical use.

(13) "Patient" means an individual who:

(A) has a serious medical condition; and

(B) meets the requirements for certification for the use of cannabis under this article.

(14) "Patient or caregiver identification card" means a document issued to a patient or caregiver by the ICC authorizing access to cannabis.

(15) "Permit" means an authorization issued by the ICC to a cannabis organization to conduct activities under this article.

(16) "Processor" means a person that holds a permit issued by the ICC to process or convert cannabis into a marketable form.

(17) "Qualified retailer" means a person that holds a permit issued by the ICC to sell cannabis.

(18) "Serious medical condition" means a medical condition

for which, in the professional opinion of a physician, the benefits of treatment with cannabis are greater than the risks of treatment with cannabis.

(19) "Testing laboratory" means a laboratory that analyzes cannabis.

(20) "Transporter" means a person who transports cannabis or paraphernalia. The term includes a person who does not possess a permit or patient or caregiver identification card.

Chapter 2. Cannabis Program

Sec. 1. (a) The cannabis program is established to serve:

- (1) patients suffering from a serious medical condition; and
- (2) adult cannabis users.

(b) The ICC shall administer the program.

(c) The ICC has regulatory, enforcement, and exporting authority over the growing, processing, sale, transporting, and use of medical and adult use cannabis. The ICC shall contract with the state chemist for the testing and growing of medical and adult use cannabis.

Sec. 2. The ICC shall do the following:

(1) Issue a permit to a qualifying cannabis organization authorizing the cannabis organization to grow, process, sell, or test cannabis.

(2) Establish and maintain an electronic data base to store and track information relating to the cannabis program. The electronic data base must:

(A) have the ability to authenticate in real time a patient or caregiver identification card presented to a qualified retailer;

(B) track in real time the amount of cannabis provided to:

(i) a patient or caregiver; or

(ii) an adult cannabis user;

at a qualified retailer, share this information in real time with other qualified retailers to prevent diversion, and issue a "stop sale" warning if a purchaser will exceed the allowable amount of cannabis that the purchaser may possess;

(C) store records relating to a certification, including, if applicable, the recommended form of cannabis and any early expiration date recommended by the physician; and

(D) track the cultivation, processing, transport, storage, and sale of cannabis.

(3) Maintain within the ICC's electronic data base an electronic directory of patients and caregivers approved to use or assist in the administration of medical cannabis.

(4) Develop enforcement procedures, including announced and unannounced inspections of:

(A) a qualified retailer;

- 1 (B) a grower facility;
- 2 (C) a processor facility; and
- 3 (D) all records of a cannabis organization.
- 4 (5) Establish a program to authorize the use of cannabis for
- 5 research purposes, and issue documents to permit a research
- 6 facility to obtain cannabis for research purposes.
- 7 (6) Establish and maintain public outreach programs about
- 8 the cannabis program, including:
- 9 (A) a dedicated telephone number for adult cannabis users,
- 10 patients, caregivers, and members of the public to obtain
- 11 basic information about the sale of medical and adult use
- 12 cannabis; and
- 13 (B) a publicly accessible website containing information
- 14 similar to that described in clause (A).
- 15 (7) Collaborate as necessary with other state agencies, and
- 16 contract with third parties as necessary to carry out the
- 17 cannabis program, including public education campaigns
- 18 regarding the dangers of impaired driving and inappropriate
- 19 consumption by youth.
- 20 (8) Develop record keeping requirements for all books and
- 21 papers, any electronic data base or tracking system data, and
- 22 other information of a cannabis organization. Information
- 23 shall be retained for at least four (4) years unless otherwise
- 24 provided by the ICC.
- 25 (9) Restrict the advertising and marketing of cannabis, which
- 26 must be consistent with the federal regulations governing
- 27 prescription drug advertising and marketing.
- 28 **Sec. 3. The ICC shall adopt rules under IC 4-22-2 to implement**
- 29 **this article.**
- 30 **Sec. 4. (a) The ICC shall maintain a confidential list of patients**
- 31 **and caregivers to whom it has issued patient or caregiver**
- 32 **identification cards. Except as provided in subsection (b), all**
- 33 **information obtained by the ICC relating to patients, caregivers,**
- 34 **and other applicants is confidential.**
- 35 **(b) The following records are public:**
- 36 **(1) An application for a permit submitted by a cannabis**
- 37 **organization.**
- 38 **(2) Information relating to penalties or other disciplinary**
- 39 **actions taken against a cannabis organization for violation of**
- 40 **this article.**
- 41 **Chapter 3. Use of Cannabis**
- 42 **Sec. 1. Notwithstanding any law to the contrary, the use,**
- 43 **possession, delivery, distribution, transport, cultivation, or**
- 44 **manufacture of:**
- 45 **(1) cannabis; or**
- 46 **(2) paraphernalia used in connection with cannabis;**
- 47 **is lawful if the use or possession complies with this article.**

1 However, this article does not authorize a person to operate a
2 motor vehicle, a motorboat, or any other device or equipment
3 while under the influence of cannabis.

4 Sec. 2. The use of medical cannabis is subject to the following:

5 (1) Cannabis may be sold only to:

6 (A) a patient who receives a certification from a physician
7 and is in possession of a valid patient or caregiver
8 identification card issued by the ICC that authorizes sale
9 of cannabis to the patient;

10 (B) a caregiver who possesses a valid patient or caregiver
11 identification card issued by the ICC; or

12 (C) a research facility authorized by the ICC, under terms
13 and conditions established by the ICC.

14 (2) If a physician has ordered that cannabis be sold in a
15 specific form, cannabis may be sold only in that form.

16 (3) An individual may not act as a caregiver for more than ten
17 (10) patients.

18 (4) A patient may designate up to two (2) caregivers at any
19 one (1) time.

20 (5) Cannabis that has not been used by the patient shall be
21 kept in the original package in which it was sold.

22 (6) A patient or caregiver shall possess a patient or caregiver
23 identification card whenever the patient or caregiver is in
24 possession of cannabis.

25 Sec. 3. The use of adult use cannabis is subject to the following:

26 (1) Adult use cannabis may be sold only to an adult cannabis
27 user.

28 (2) In any thirty (30) day period, an adult cannabis user may
29 possess not more than one (1) ounce of cannabis.

30 (3) If cannabis is transported in a motor vehicle, it must be
31 kept in a secured and sealed container.

32 (4) An adult cannabis user may not cultivate cannabis.

33 (5) To purchase adult use cannabis, the purchaser must
34 present a valid, government issued photo identification card
35 displaying the person's date of birth.

36 Sec. 4. A product packaged by a cannabis organization may be
37 identified only by:

38 (1) the name of the grower or processor;

39 (2) the name of the qualified retailer;

40 (3) the form and species of cannabis;

41 (4) the percentage of tetrahydrocannabinol and cannabiol
42 contained in the product;

43 (5) the harvest or manufacture date, as applicable; and

44 (6) any other labeling required by the ICC.

45 Sec. 5. (a) Except as expressly otherwise provided in this article,
46 the possession or use of cannabis is unlawful.

47 (b) In addition to any other penalty provided by law, the

unlawful possession or use of cannabis may be a crime under IC 35-48-4.

Sec. 6. The following acts are unlawful:

(1) To grow cannabis unless the person is a:

(A) grower that has received a permit from the ICC;

(B) patient with a valid patient or caregiver identification card who is authorized to cultivate cannabis for personal use under this article; or

(C) research facility authorized by the ICC.

(2) To sell cannabis unless the qualified retailer has received a permit from the ICC.

Chapter 4. Physicians

Sec. 1. (a) A physician who issues a certification to a patient under this article may not have an ownership interest in a cannabis organization.

(b) A physician may issue a certification to a patient only if the physician:

(1) establishes and intends to maintain a bona fide physician-patient relationship with the patient for the provision of medical services that is established by an in-person visit and for which there is an expectation that the physician will provide care to the patient on an ongoing basis; or

(2) establishes coordination with the patient's existing primary care physician for treatment of the patient's serious medical condition.

(c) A physician who violates this section may be subject to professional discipline.

Sec. 2. A physician may issue a certification to use cannabis to a patient if the following requirements are met:

(1) The physician has determined that the patient has a serious medical condition and has included the serious medical condition in the patient's health care record.

(2) The patient is under the physician's continuing care for the serious medical condition, except as provided in section 1(b)(2) of this chapter.

(3) The physician has determined the patient is likely to receive therapeutic or palliative benefit from the use of cannabis.

Sec. 3. A physician issuing a certification under section 1(b)(2) of this chapter may not issue a certification unless the physician has contacted the patient's existing primary care physician to discuss the patient's serious medical condition and which form of cannabis the patient is likely to benefit from.

Sec. 4. A certification must include the following information:

(1) The patient's name, date of birth, and address.

(2) The specific serious medical condition of the patient.

(3) A statement by the physician that the patient has a serious medical condition and the patient is under continuing care for the serious medical condition that is provided by:

(A) the physician; or

(B) the patient's existing primary care physician (as described under section 1(b)(2) of this chapter).

(4) The date of issuance.

(5) The name, address, telephone number, and signature of the physician.

(6) Any requirement or limitation concerning the appropriate form of cannabis, the maximum quantity of cannabis that the patient may use, and any limitation on the duration of use, if applicable.

Sec. 5. A physician shall do the following:

(1) Provide the certification to the patient.

(2) Provide a copy of the certification to the ICC, which shall place the information in the patient directory within the ICC's electronic data base. The certification may be transmitted to the ICC electronically.

(3) File a copy of the certification in the patient's health care record.

Sec. 6. A physician may not issue a certification for the physician's own use or for the use of a family or household member of the physician.

Chapter 5. Certification Form

Sec. 1. The ICC shall develop a standard certification form, which the ICC shall provide to a physician upon request. The form must be available electronically. The form must include a statement that a false statement made by a physician is punishable under the penalties of perjury.

Chapter 6. Patients

Sec. 1. The ICC shall issue a patient or caregiver identification card to a patient who has a valid certification and who otherwise meets the requirements of this article.

Sec. 2. The ICC shall issue a patient or caregiver identification card to a caregiver designated by the patient in accordance with this article.

Sec. 3. Except as provided in section 4 of this chapter, a patient or caregiver identification card issued to a patient authorizes the patient to obtain and use cannabis as authorized by this article. Except as provided in section 4 of this chapter, a patient or caregiver identification card issued to a caregiver authorizes the caregiver to obtain cannabis on behalf of the patient.

Sec. 4. (a) A patient holding a valid patient or caregiver identification card may cultivate cannabis for the patient's own use if the patient complies with the following requirements:

(1) The patient notifies the ICC on or before the date that the

1 patient begins cultivation and informs the ICC of the number
2 of plants the patient intends to cultivate and the location of
3 cultivation.

4 (2) The patient cultivates not more than six (6) plants.

5 (3) Not more than three (3) of the plants may be mature at
6 any one (1) time.

7 (4) Cannabis from the plant is used only for the patient's
8 personal use.

9 (5) Not later than thirty (30) days before the expected date
10 that the plants become mature, the patient notifies the ICC of
11 the anticipated maturity date.

12 (b) If the mature plants of a patient cultivating cannabis for the
13 patient's own use die, become damaged, or are otherwise unable to
14 produce cannabis for medical use, the patient shall notify the ICC,
15 which shall reinstate the patient's authorization to obtain cannabis
16 from a qualified retailer not later than fifteen (15) days after
17 receipt of the notice.

18 Chapter 7. Patient or Caregiver Identification Cards

19 Sec. 1. The ICC shall do the following:

20 (1) Review applications for patient or caregiver identification
21 cards.

22 (2) Review certifications submitted by physicians.

23 (3) Issue patient or caregiver identification cards to patients
24 and caregivers.

25 (4) Note in the electronic data base if a patient or caregiver
26 identification card may not be used to obtain cannabis from
27 a qualified retailer because the patient is cultivating the
28 patient's own cannabis.

29 Sec. 2. A patient or caregiver may apply, in a form and manner
30 prescribed by the ICC, for issuance or renewal of a patient or
31 caregiver identification card. A caregiver must submit a separate
32 application for issuance or renewal. Each application must include:

33 (1) the name, address, and date of birth of the patient;

34 (2) the name, address, and date of birth of a caregiver, if
35 applicable;

36 (3) a copy of the certification issued by the physician;

37 (4) the name, address, and telephone number of the physician;

38 (5) the signature of the applicant and the date signed; and

39 (6) any other information required by the ICC.

40 Sec. 3. The fee to apply for or to renew a patient or caregiver
41 identification card is fifty dollars (\$50). The ICC may waive or
42 reduce the fee if the applicant demonstrates financial hardship.

43 Sec. 4. The ICC shall make application and renewal forms
44 available on the ICC's website.

45 Sec. 5. (a) The patient or caregiver identification card of a
46 patient or caregiver expires one (1) year after the date of issuance,
47 unless a physician has specified that a patient should use cannabis

1 for less than one (1) year.

2 (b) If a physician has specified that a patient's use of cannabis
3 should be limited to certain forms of cannabis, the forms of
4 cannabis must be listed on the patient or caregiver identification
5 card.

6 Sec. 6. (a) The ICC shall issue separate patient or caregiver
7 identification cards for a patient and a caregiver as soon as
8 reasonably practicable after receiving a properly completed
9 application.

10 (b) If the ICC determines that an application is incomplete or
11 factually inaccurate, the ICC shall promptly notify the applicant.

12 (c) If a patient application designates an individual as a
13 caregiver who is not authorized to be a caregiver, the ICC shall
14 deny that portion of the application, but may approve the balance
15 of the application.

16 Sec. 7. (a) A patient or caregiver who has been issued a patient
17 or caregiver identification card shall notify the ICC not later than
18 ten (10) days after any change of name or address.

19 (b) A patient shall notify the ICC not later than ten (10) days
20 after a physician has determined the patient no longer has the
21 serious medical condition noted on the certification.

22 Sec. 8. (a) If the patient or caregiver identification card of a
23 patient or caregiver is lost, stolen, destroyed, or made illegible, the
24 patient or caregiver shall apply to the ICC for a replacement card
25 not later than ten (10) days after discovery of the loss or
26 defacement. The application for a replacement card shall be on a
27 form furnished by the ICC and, except as provided in subsection
28 (b), accompanied by a twenty-five dollar (\$25) fee. The ICC may
29 establish higher fees for issuance of second and subsequent
30 replacement patient or caregiver identification cards.

31 (b) The ICC may waive or reduce the fee in cases of
32 demonstrated financial hardship.

33 (c) The ICC shall issue a replacement patient or caregiver
34 identification card as soon as practicable.

35 (d) A patient or caregiver may not obtain cannabis from a
36 qualified retailer until the ICC issues the replacement patient or
37 caregiver identification card.

38 Sec. 9. The patient or caregiver identification card must contain
39 the following information:

40 (1) The name of the patient or caregiver, as applicable. The
41 patient or caregiver identification card must also state
42 whether the individual is designated as a patient or as a
43 caregiver.

44 (2) The date of issuance and expiration date.

45 (3) A unique identification number for the patient or
46 caregiver, as applicable.

47 (4) A photograph of the individual to whom the patient or

caregiver identification card is issued.

(5) Any requirement or limitation set by the physician as to the form of cannabis.

(6) Any other requirements as determined by the ICC. However, the ICC may not require that a patient or caregiver identification card disclose the patient's serious medical condition.

The ICC shall establish guidelines specifying an acceptable photograph under subdivision (4) and shall provide a reasonable accommodation for a patient who is confined to the patient's home or is in inpatient care.

Sec. 10. The ICC shall monthly transmit fees received under this chapter to the state comptroller for deposit in the state general fund.

Chapter 8. Caregivers

Sec. 1. (a) A caregiver must be at least eighteen (18) years of age.

(b) A caregiver may be less than twenty-one (21) years of age only if the ICC determines that it is in the best interests of the patient that a specific person less than twenty-one (21) years of age serves as a caregiver.

Sec. 2. (a) A patient may terminate a person's designation as caregiver at any time.

(b) The patient shall notify the ICC that the patient has terminated the person's caregiver designation as soon as reasonably practicable after the termination.

(c) Upon learning that a patient has terminated a person's caregiver designation, the ICC shall cancel the caregiver's patient or caregiver identification card and notify the caregiver to return the physical copy of the card.

Sec. 3. If a patient designates a caregiver, the caregiver may submit an application for a patient or caregiver identification card as a caregiver. The caregiver application must include:

- (1) the name, address, and date of birth of the caregiver;
- (2) if the caregiver has a patient or caregiver identification card for the caregiver (as a patient) or another patient (as a caregiver), the expiration date of each patient or caregiver identification card; and
- (3) any other information required by the ICC.

The application must be signed and dated by the caregiver applicant and verified under penalties of perjury.

Sec. 4. (a) Except as provided in subsection (c), before the caregiver application is approved, the caregiver must authorize the ICC to perform a national criminal history background check of the caregiver.

(b) The caregiver is responsible for the fee for the national criminal history background check.

(c) The ICC may conduct only one (1) national criminal history background check of the caregiver per year.

Sec. 5. The caregiver shall pay an application fee of fifty dollars (\$50). The ICC may waive or reduce the fee in cases of demonstrated financial hardship.

Sec. 6. After receiving the caregiver application, the fee, and the results of the national criminal history background check, the ICC shall:

- (1) verify the information contained in the application; and
- (2) review INSPECT with respect to the caregiver applicant.

Sec. 7. The ICC shall monthly transmit fees received under this chapter to the state comptroller for deposit in the state general fund.

Chapter 9. Minor Patients

Sec. 1. If a patient is less than eighteen (18) years of age, the following apply:

- (1) The patient must have a caregiver.
- (2) The caregiver must be:
 - (A) the patient's parent or legal guardian;
 - (B) an individual designated by a parent or legal guardian;
 - or
 - (C) an appropriate individual approved by the ICC on a sufficient showing that no parent or legal guardian is appropriate or available.

Chapter 10. Suspension

Sec. 1. If a patient or caregiver knowingly, intentionally, or recklessly:

- (1) violates any provision of this article; or
- (2) transfers or sells cannabis to a person not qualified as a patient under this article;

the ICC may suspend or revoke the patient's or caregiver's patient or caregiver identification card. The suspension or revocation is in addition to any criminal or other penalty.

Chapter 11. General Prohibitions

Sec. 1. A person may not operate a motor vehicle, including a motorboat, while under the influence of cannabis.

Sec. 2. A person may not perform any employment duties in exposed high places or in confined spaces while under the influence of cannabis.

Sec. 3. A person's employer may prohibit a person from performing any task while under the influence of cannabis. The prohibition is not an adverse employment decision or unlawful discrimination even if the prohibition results in financial harm for the person.

Chapter 12. Cannabis Organizations

Sec. 1. The following entities may receive a permit to operate as a cannabis organization to grow, process, or sell cannabis:

- (1) A grower.
- (2) A processor.
- (3) A qualified retailer.

Sec. 2. (a) The ICC shall develop an application for a:

- (1) grower permit allowing the grower to grow cannabis;
- (2) qualified retailer permit allowing a qualified retailer to sell cannabis;
- (3) processor permit allowing a processor to process cannabis;
- and
- (4) testing laboratory permit allowing a testing laboratory to test cannabis.

(b) The following information must be included in the permit application:

- (1) The name, address, telephone number, and other contact information for every person having an ownership interest in the cannabis organization.
- (2) Information relating to a similar permit, license, or other authorization granted in another jurisdiction, including any suspensions, revocations, or discipline in that jurisdiction.
- (3) A release authorizing the ICC to conduct a background check of the persons having an ownership interest in the cannabis organization.
- (4) A statement as to whether the cannabis organization intends to operate as a grower, a processor, or a qualified retailer, and a concise description of the business activities in which the cannabis organization intends to engage.
- (5) The address or other location where the cannabis organization intends to operate.
- (6) A statement that no person having an ownership interest in the cannabis organization has a felony conviction related to the production, possession, or sale of marijuana that has not been expunged and that was entered within the three (3) years prior to submission of the permit application.
- (7) Any other information required by the ICC.

(c) A permit application described in this section shall be verified and completed subject to the penalties of perjury.

(d) An applicant shall submit the appropriate application and permit fees at the time the applicant submits the application.

Chapter 13. Cannabis Organization Permits

Sec. 1. Subject to the limits and conditions described in section 10 of this chapter, the ICC may grant a cannabis organization a permit if the ICC makes the following findings:

- (1) The applicant will maintain effective control of cannabis in the custody of the applicant.
- (2) The applicant will comply with all state statutes, all rules adopted by the ICC, and any ordinances adopted by a governmental unit.

(3) The applicant has the ability to properly carry out the activity for which the permit is sought.

(4) The applicant has sufficient financial means to acquire all property, equipment, and permits required to properly grow, process, or sell cannabis.

(5) The applicant is able to implement and maintain appropriate security, tracking, record keeping, and surveillance systems relating to the acquisition, possession, growth, manufacture, delivery, transportation, distribution, or sale of cannabis.

(6) The applicant satisfies any other conditions required under rules adopted by the ICC.

(7) Granting a permit to the applicant serves the public interest.

Sec. 2. If the ICC finds that information included in the application is insufficient for the ICC to grant a permit to the cannabis organization, the ICC may request that the applicant submit additional documentation relating to one (1) or more items listed in section 1 of this chapter.

Sec. 3. (a) Except as provided under subsection (b), a permit granted under this chapter is nontransferable.

(b) A permit holder may transfer a permit to a person authorized to hold a permit in accordance with rules adopted by the ICC if:

(1) the permit holder has held the permit for at least twenty-four (24) months; or

(2) the transfer is necessary due to the death or disability of the permit holder or a similar severe hardship. For purposes of this subdivision, financial hardship is not a severe hardship.

Sec. 4. A permit granted under this chapter is valid for one (1) year after the date of issuance.

Sec. 5. (a) A permit may be renewed for one (1) or more additional one (1) year periods.

(b) The ICC shall establish deadlines for filing a renewal application that provide the ICC with sufficient time to review the application without causing an interruption in the cannabis organization's activities.

(c) The same standards that apply for granting an initial application apply to an application for renewal. In determining whether the renewal of a permit serves the public interest, the ICC shall consider the manner in which the renewal applicant has operated the cannabis organization and complied with all relevant laws.

Sec. 6. A permit issued by the ICC to a cannabis organization must include the following information:

(1) The name and address of the cannabis organization.

(2) The type of permit.

- (3) The activities that are permitted under the permit.
- (4) A description of the property and facilities authorized to be used by the cannabis organization.
- (5) Any other information required by the ICC.

Sec. 7. The ICC may suspend or revoke all or part of a permit granted under this chapter if, following a hearing, the ICC finds any of the following:

- (1) That one (1) or more of the determinations made under section 1 of this chapter are no longer valid.
- (2) That the cannabis organization knowingly or intentionally sold or distributed cannabis to a person not permitted to receive cannabis under this article.
- (3) That the cannabis organization has failed to maintain effective control against diversion of cannabis.
- (4) That the cannabis organization has violated a provision of this article or a rule adopted by the ICC.
- (5) That the cannabis organization has failed to comply with another law regulating controlled substances.

Sec. 8. (a) An applicant for a permit has a continuing duty to notify the ICC of any material change in facts or circumstances relating to the applicant's application, including a change in ownership.

(b) An applicant's duty to notify the ICC begins on the date the applicant submits the application and continues for as long as the applicant holds a permit.

Sec. 9. The ICC may, upon request of a permit holder, amend an existing permit to authorize a permit holder to:

- (1) move the permit holder's operations from one (1) location to another; or
- (2) perform additional activities, or cease the performance of certain activities now performed, at the permit holder's facility;

if the ICC finds that the amendment is reasonable under the circumstances.

Sec. 10. (a) The ICC shall initially issue:

- (1) ten (10) processor permits; and
- (2) one hundred (100) grower permits.

(b) The ICC shall ensure that, to the extent practicable:

- (1) at least one (1) processor permit is issued for a facility located in each geographical region described in IC 10-11-2-5(d);
- (2) at least three (3) grower permits are issued for cultivation in each geographical region described in IC 10-11-2-5(d); and
- (3) the persons receiving a permit reflect the diversity and makeup of Indiana.

(c) The ICC may issue additional permits in order to meet the demand for cannabis in Indiana and to ensure a competitive

1 market. The ICC shall annually complete a market analysis to
 2 determine whether additional permits are needed to continue the
 3 capture of market share from illicit sources. The ICC shall hold
 4 public hearings as part of the market analysis to hear from
 5 consumers, market stakeholders, and potential new applicants.

6 Chapter 14. General Duties of a Permit Holder

7 Sec. 1. The holder of a permit must do the following:

8 (1) Report the loss, theft, or unexplained disappearance of
 9 cannabis to a law enforcement agency not later than
 10 twenty-four (24) hours after the loss, theft, or disappearance
 11 is discovered.

12 (2) Permit announced or unannounced inspections by the ICC
 13 of all cannabis organization facilities and records.

14 Chapter 15. Application and Permit Fees

15 Sec. 1. The following fees apply to a grower:

16 (1) A nonrefundable grower permit application fee of five
 17 hundred dollars (\$500).

18 (2) A refundable grower permit fee of two thousand five
 19 hundred dollars (\$2,500).

20 (3) A refundable grower permit renewal fee of one thousand
 21 dollars (\$1,000).

22 (4) A nonrefundable permit amendment fee of two hundred
 23 fifty dollars (\$250).

24 Sec. 2. The following fees apply to a processor:

25 (1) A nonrefundable processor permit application fee of two
 26 thousand five hundred dollars (\$2,500).

27 (2) A refundable processor permit fee of ten thousand dollars
 28 (\$10,000).

29 (3) A refundable processor permit renewal fee of five
 30 thousand dollars (\$5,000).

31 (4) A nonrefundable permit amendment fee of two hundred
 32 fifty dollars (\$250).

33 Sec. 3. The following fees apply to a qualified retailer:

34 (1) A nonrefundable qualified retailer permit application fee
 35 of two hundred dollars (\$200).

36 (2) A refundable qualified retailer permit fee of one thousand
 37 dollars (\$1,000) for each qualified retailer location.

38 (3) A refundable qualified retailer permit renewal fee of seven
 39 hundred fifty dollars (\$750) for each qualified retailer
 40 location.

41 (4) A nonrefundable permit amendment fee of two hundred
 42 fifty dollars (\$250).

43 Sec. 4. The following fees apply to a testing laboratory:

44 (1) A nonrefundable testing laboratory permit application fee
 45 of one thousand dollars (\$1,000).

46 (2) A refundable testing laboratory permit fee of two
 47 thousand five hundred dollars (\$2,500) for each testing

laboratory location.

(3) A refundable testing laboratory permit renewal fee of two thousand dollars (\$2,000) for each testing laboratory location.

(4) A nonrefundable permit amendment fee of two hundred fifty dollars (\$250).

Sec. 5. An applicant must submit the application fee and permit fee at the time the applicant submits the application.

Sec. 6. (a) The ICC shall retain the application fee even if the application is not approved.

(b) The ICC shall refund the permit fee and renewal fee if the permit or renewal is not approved. However, the permit fee and renewal fee are not refundable if the permit is initially granted but later suspended or revoked.

(c) The ICC shall retain the permit amendment fee even if the application for amendment is not approved.

Sec. 7. The ICC shall transfer all fees to the state comptroller for deposit in the state general fund.

Chapter 16. Tracking and Record Keeping

Sec. 1. (a) A cannabis organization shall implement an electronic inventory tracking system, which must be directly accessible to the ICC through an electronic data base that is updated at least one (1) time each day.

(b) The electronic inventory tracking system must include the following:

(1) For a grower, a seed to sale tracking system that tracks the cannabis from seed to plant until the cannabis is sold or transferred to its final destination.

(2) For a processor, a system that tracks cannabis from its purchase from a grower to its transfer to a qualified retailer, testing laboratory, or research facility as authorized by this article.

(3) For a qualified retailer, a system that tracks cannabis from its purchase from a grower or processor to its sale to an adult cannabis user, patient, or caregiver, or its transfer to a testing laboratory, research facility, grower, or processor as authorized by this article.

(4) For a qualified retailer, a system to verify that a patient or caregiver identification card presented by a patient or caregiver purchasing cannabis:

(A) is valid; and

(B) authorizes the patient or caregiver to receive cannabis from a qualified retailer.

(5) For a qualified retailer, a system to record and transmit the identification of an adult cannabis user and the quantity and form of cannabis purchased to ensure that the adult cannabis user complies with possession limits.

(6) For a cannabis organization, a:

- (A) daily log of each day's beginning inventory, acquisitions, amounts purchased and sold, disbursements, disposals, and ending inventory, including prices paid and amounts collected from adult cannabis users, patients, and caregivers;
- (B) system to recall defective cannabis; and
- (C) system to track the waste resulting from the growth of cannabis, including the name and address of a disposal service.

Sec. 2. A cannabis organization must implement a plan for:

- (1) security and surveillance; and
- (2) record keeping and record retention.

Sec. 3. The ICC:

- (1) shall require a cannabis organization to make an annual report to the ICC; and
- (2) may require a cannabis organization to make a quarterly report to the ICC.

The ICC shall determine the form and contents of the report and may make all or part of the report available to the public.

Chapter 17. Grower Operations

Sec. 1. A person holding a grower permit may do all the following in accordance with rules adopted by the ICC:

- (1) Obtain seed and plant material from another grower.
- (2) Sell and transport seed and plant material to another grower or processor.
- (3) Sell and transport cannabis to a processor, qualified retailer, testing laboratory, or research facility authorized by the ICC.

The ICC may authorize a person holding a grower permit to sell and transport seed, plant material, and cannabis to a grower, processor, qualified retailer, testing laboratory, or research facility in another state.

Sec. 2. The ICC shall determine the manner in which cannabis may be grown, harvested, and stored at the cultivation or harvesting facility.

Sec. 3. The ICC shall determine the manner in which transportation of cannabis shall be conducted between or among growers, processors, qualified retailers, testing laboratories, or research facilities. Rules adopted by the ICC must include the following:

- (1) Requirements relating to shipping containers and packaging.
- (2) The manner in which trucks, vans, trailers, or other carriers will be secured.
- (3) Obtaining copies of driver's licenses and registrations and other information related to security and tracking.
- (4) The use of a GPS tracking system.

(5) Record keeping requirements for delivery and receipt of cannabis products.

Sec. 4. A grower shall contract with an independent testing laboratory to test the cannabis produced by the grower. The ICC shall approve the testing laboratory and require that the testing laboratory report testing results in the manner determined by the ICC. If a grower learns that the grower's sample has failed required testing, the grower must take steps to remediate the harvest to allowable levels under IC 7.1-8-20-3, or immediately dispose of the harvest.

Chapter 18. Processor Operations

Sec. 1. A person holding a processor permit may do all the following in accordance with rules adopted by the ICC:

- (1) Obtain cannabis from a grower.
- (2) Sell and transport processed cannabis to another grower or processor.
- (3) Sell and transport cannabis to a processor, qualified retailer, testing laboratory, or research facility authorized by the ICC.

The ICC shall authorize a person holding a processor permit to sell and transport processed cannabis to a grower, processor, qualified retailer, testing laboratory, or research facility in another state if the person meets the requirements established by the ICC.

Sec. 2. The ICC shall determine the manner in which cannabis may be processed or stored at the processor facility.

Sec. 3. The ICC shall determine the manner in which transportation of cannabis shall be conducted between or among cannabis organizations and research facilities. Rules adopted by the ICC must include the following:

- (1) Requirements relating to shipping containers and packaging.
- (2) The manner in which trucks, vans, trailers, or other carriers will be secured.
- (3) Obtaining copies of driver's licenses and registrations and other information related to security and tracking.
- (4) The use of a GPS tracking system.
- (5) Record keeping requirements for delivery and receipt of cannabis products.

Sec. 4. A processor shall develop a plan to ensure that cannabis products are properly labeled, are not packaged in a manner that is appealing to children, and are placed in child resistant packaging.

Sec. 5. A processor shall include on its labeling of cannabis products the following:

- (1) The number of doses contained within the package, the species, and the percentage of tetrahydrocannabinol and cannabidiol.

(2) A warning that the cannabis must be kept in the original container in which it was sold.

(3) A warning that unauthorized use is unlawful and will subject the person to criminal penalties.

(4) A list of ingredients.

(5) The manufacture or harvest date.

(6) Any other information required by the ICC.

Sec. 6. A processor shall contract with an independent testing laboratory to test the cannabis product produced by the processor. The testing laboratory must be approved by the ICC, and the ICC shall require that the testing laboratory report testing results in the manner determined by the ICC. If a processor learns that a sample submitted by the processor has failed required testing, the processor must take steps to remediate the product to allowable levels under IC 7.1-8.1-20-3, or immediately dispose of the batch.

Chapter 19. Qualified Retailer Operations

Sec. 1. (a) A qualified retailer holding a valid permit under this article may sell cannabis to a patient or caregiver upon presentation of a valid patient or caregiver identification card for that patient or caregiver and electronic verification that the patient or caregiver identification card is valid and authorizes the patient or caregiver to receive cannabis from a qualified retailer.

(b) A qualified retailer holding a valid permit under this article may sell cannabis to an adult cannabis user upon presentation of a valid government issued photo identification card containing the person's date of birth, and electronic verification that:

(1) the sale will not permit the adult cannabis user to exceed the limit described in section 3 of this chapter; and

(2) the adult cannabis user does not possess a valid, unexpired certification.

Sec. 2. A qualified retailer shall provide to a purchaser a receipt including all of the following:

(1) The name and address of the qualified retailer.

(2) The name and address of the purchaser.

(3) The date the cannabis was sold.

(4) For medical cannabis, any requirement or limitation by the physician as to the form of cannabis for the patient.

(5) The form and the quantity of cannabis sold.

Sec. 3. A qualified retailer may not sell to a patient (or a caregiver on behalf of a specific patient):

(1) in any thirty (30) day period:

(A) more cannabis than the maximum amount authorized by the certification; or

(B) ten (10) ounces of cannabis;

whichever is less;

(2) subject to subdivision (1), more than two and one-half (2.5) ounces of cannabis per day, of which not more than fifteen

- (15) grams may be cannabis concentrate;
- (3) a form of cannabis that is not authorized on the certification; or
- (4) cannabis, if the patient is cultivating mature cannabis plants for the patient's own use.

Sec. 4. Cannabis packaging must include the following information:

- (1) The number of doses contained within the package, the species, and the percentage of tetrahydrocannabinol and cannabitol.
- (2) A warning that the cannabis must be kept in the original container in which it was sold.
- (3) A warning that unauthorized use is unlawful and will subject the person to criminal penalties.
- (4) Any other information required by the ICC.

Sec. 5. A qualified retailer:

- (1) may sell cannabis only in an indoor, enclosed, secure facility located in Indiana;
- (2) may sell medical devices and instruments that are needed to administer cannabis; and
- (3) may sell services approved by the ICC related to the use of cannabis.

Sec. 6. A qualified retailer shall post a copy of its permit in a location within its facility in a manner that is easily observable by the public.

Sec. 7. A qualified retailer shall establish a plan to:

- (1) prevent diversion of cannabis and cannabis products; and
- (2) ensure a patient is not sold more cannabis than is permitted under this article.

Chapter 20. Testing Laboratory Operations

Sec. 1. A testing laboratory may test cannabis from a cannabis organization in accordance with rules adopted by the ICC if the testing laboratory:

- (1) holds a valid permit issued under this article; or
- (2) is already accredited as a testing laboratory to International Organization for Standardization (ISO) 17025 by a third party accrediting body such as the American Association for Laboratory Accreditation (A2LA) or Assured Calibration and Laboratory Accreditation Select Services (ACCLASS).

Sec. 2. A testing laboratory shall maintain policies and procedures for the secure and proper analytical testing of cannabis, which must include:

- (1) laboratory analysis techniques, including specific instrumentation and protocols necessary to perform the tests required by the ICC;
- (2) the implementation of standards and methods for

conducting analysis of forms of cannabis in accordance with the requirements of ISO/IEC 17025 "General Requirements for the Competence of Testing and Calibration Laboratories"; and

(3) methods of testing to detect:

(A) potency levels of tetrahydrocannabinol and cannabinol;

(B) microbials;

(C) mycotoxins;

(D) pesticides;

(E) residual solvents; and

(F) any other matter as required by the ICC.

Sec. 3. The ICC shall establish the allowable level of microbials, mycotoxins, pesticides, residual solvents, and other matter determined by the ICC. If a sample received from a grower or processor exceeds allowable levels, the testing laboratory must immediately notify the grower or processor from which the testing laboratory received the sample.

Sec. 4. A person holding an ownership interest in a qualified retailer, a grower, or a processor permit may not have an ownership interest in a testing laboratory permit.

Chapter 21. Transportation

Sec. 1. A transporter may transport cannabis or paraphernalia from a:

(1) grower or processor to a qualified retailer;

(2) grower or processor to a testing laboratory or research facility authorized by the ICC;

(3) qualified retailer to a grower or processor;

(4) qualified retailer to a testing laboratory or research facility authorized by the ICC;

(5) cannabis organization to another cannabis organization; or

(6) cannabis organization to another person if authorized to do so by the ICC;

if the transporter complies with this chapter.

Sec. 2. No employee of a transporter under this chapter who is directly involved in the transport of cannabis or paraphernalia may have a felony conviction related to the production, possession, or sale of marijuana that was entered within the previous three (3) years and that has not been expunged.

Sec. 3. Cannabis or paraphernalia transported under this chapter must be:

(1) packed in a tamper resistant and tamper evident package;

(2) clearly marked as to quantity and contents; and

(3) securely stored in the vehicle used for transport.

Sec. 4. The transporter shall proceed as directly and expeditiously as practicable from the shipping location to the

receiving location.

Sec. 5. The person who ships the cannabis or paraphernalia shall provide the transporter with a shipping manifest clearly stating the:

- (1) exact quantity of cannabis or paraphernalia that is being transported;
- (2) address of the shipping location;
- (3) address of the receiving location;
- (4) identification of the person transporting the material; and
- (5) time the person transporting the material left the shipping location.

Sec. 6. The transporter shall keep the shipping manifest in the transporter's possession at all times.

Sec. 7. The ICC may adopt rules under IC 4-22-2 to regulate the transport of cannabis or paraphernalia. The ICC may authorize a transporter to transport cannabis or paraphernalia out of state.

Chapter 22. Reports

Sec. 1. The ICC shall, not later than December 31 of each year, submit a report concerning the cannabis program to the legislative council, the governor, and the chief justice of the supreme court. The report to the legislative council must be in an electronic format under IC 5-14-6.

Chapter 23. Civil Penalties

Sec. 1. The ICC may assess a civil penalty of not more than twenty thousand dollars (\$20,000) for each violation of this article or a rule adopted under this article. In addition, the ICC may impose an additional penalty of not more than two thousand five hundred dollars (\$2,500) for each day of a continuing violation.

Sec. 2. (a) In determining the amount of a civil penalty imposed under this chapter, the ICC shall consider the following:

- (1) The seriousness of the violation.
- (2) The potential harm resulting from the violation to adult cannabis users, patients, caregivers, or the general public.
- (3) The willfulness of the violation.
- (4) Any previous violations.
- (5) The economic benefit that accrued to the person who committed the violation.

(b) If the ICC finds that the:

- (1) violation did not threaten the safety or health of an adult cannabis user, a patient, a caregiver, or the general public; and
- (2) violator took immediate action to remedy the violation upon learning of it;

the ICC may issue a written warning instead of assessing a civil penalty.

Sec. 3. In addition to the civil penalty described in this chapter and any other penalty authorized by law, the ICC may revoke or

1 suspend a person's permit or patient or caregiver identification
2 card.

3 **Chapter 24. Research**

4 **Sec. 1. (a)** The ICC may provide assistance to universities,
5 research facilities, pharmaceutical companies, state agencies, and
6 similar entities that wish to conduct research concerning cannabis.

7 **(b)** The ICC may conduct research concerning cannabis.

8 **Sec. 2.** The ICC may authorize persons conducting research on
9 cannabis to obtain, possess, transport, and use cannabis for
10 research purposes, under terms and conditions established by the
11 ICC. The ICC shall issue appropriate documentation to allow
12 persons to obtain cannabis for research purposes.

13 **Chapter 25. Employment**

14 **Sec. 1.** The following definitions apply throughout this chapter:

15 **(1)** "On call" means that an employee is scheduled with at
16 least twenty-four (24) hours notice by the employee's
17 employer to be on standby or otherwise responsible for
18 performing tasks related to the employee's employment either
19 at the employer's premises or other previously designated
20 location by the employee's employer or supervisor to perform
21 a work related task.

22 **(2)** "Workplace" means the employer's premises, including
23 any building, real property, and parking area under the
24 control of the employer or area used by an employee while in
25 performance of the employee's job duties, and vehicles,
26 whether leased, rented, or owned. The term includes another
27 location as defined by the employer's written employment
28 policy, to the extent that the policy is generally consistent with
29 this subdivision.

30 **Sec. 2.** This article does not:

31 **(1)** prohibit an employer from adopting reasonable zero
32 tolerance or drug free workplace policies, or employment
33 policies concerning drug testing, smoking, consumption,
34 storage, or use of cannabis in the workplace or while on call
35 provided that the policy is applied in a nondiscriminatory
36 manner;

37 **(2)** require an employer to permit an employee to be under
38 the influence of or use cannabis in the employer's workplace
39 or while performing the employee's job duties or while on
40 call; or

41 **(3)** limit or prevent an employer from disciplining an
42 employee or terminating employment of an employee for
43 violating an employer's employment policies or workplace
44 drug policies.

45 **Sec. 3.** For purposes of section 2 of this chapter, an employer
46 may consider an employee to be impaired by or under the influence
47 of cannabis if the employer has a good faith belief that an employee

1 manifests specific, articulable symptoms while working that
 2 decrease or lessen the employee's performance of the duties or
 3 tasks of the employee's job position, including symptoms of the
 4 employee's speech, physical dexterity, agility, coordination,
 5 demeanor, irrational or unusual behavior, or negligence or
 6 carelessness in operating equipment or machinery; disregard for
 7 the safety of the employee or others, or involvement in any accident
 8 that results in serious damage to equipment or property;
 9 disruption of a production or manufacturing process; or
 10 carelessness that results in any injury to the employee or others. If
 11 an employer elects to discipline an employee on the basis that the
 12 employee is under the influence of or impaired by cannabis, the
 13 employer must afford the employee a reasonable opportunity to
 14 contest the basis of the determination.

15 **Sec. 4.** This article does not create or imply a cause of action for
 16 any person against an employer for:

17 (1) actions, including subjecting an employee or applicant to
 18 reasonable drug and alcohol testing under the employer's
 19 workplace drug policy, including an employee's refusal to be
 20 tested or to cooperate in testing procedures or disciplining or
 21 termination of employment, based on the employer's good
 22 faith belief that an employee used or possessed cannabis in the
 23 employer's workplace or while performing the employee's job
 24 duties or while on call in violation of the employer's
 25 employment policies;

26 (2) actions, including discipline or termination of employment,
 27 based on the employer's good faith belief that an employee
 28 was impaired as a result of the use of cannabis, or under the
 29 influence of cannabis, while at the employer's workplace or
 30 while performing the employee's job duties or while on call in
 31 violation of the employer's workplace drug policy; or

32 (3) injury, loss, or liability to a third party if the employer
 33 neither knew nor had reason to know that the employee was
 34 impaired.

35 **Sec. 5.** This article does not enhance or diminish protections
 36 afforded by any other law.

37 **Sec. 6.** This article does not interfere with any federal, state, or
 38 local restrictions on employment including the United States
 39 Department of Transportation regulation 49 CFR 40.151(e) or
 40 impact an employer's ability to comply with federal or state law or
 41 cause an employer to lose any federal or state contract or funding.

42 SECTION 86. IC 7.1-9 IS ADDED TO THE INDIANA CODE AS
 43 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
 44 2025]:

45 **ARTICLE 9. INDIANA CANNABIS COMMISSION**

46 **Chapter 1. Definitions**

47 **Sec. 1.** The definitions in IC 7.1-8.1-1-1 apply throughout this

1 article.

2 **Chapter 2. General Provisions**

3 **Sec. 1. The Indiana cannabis commission (ICC) is established as**
 4 **an agency of the executive branch of state government for purposes**
 5 **of administering the cannabis program.**

6 **Sec. 2. (a) The ICC consists of:**

- 7 (1) the ICC board;
- 8 (2) the executive director; and
- 9 (3) other employees necessary to carry out the duties of the
- 10 ICC.

11 (b) The ICC board is established as a continuing board of the
 12 executive branch of state government.

13 (c) The ICC board consists of three (3) commissioners, who shall
 14 direct and oversee the operation of the ICC.

15 **Sec. 3. (a) The commissioners shall be appointed by the**
 16 **governor.**

17 (b) A commissioner serves for a term that ends June 30 of the
 18 next odd-numbered year after appointment. A commissioner is
 19 eligible for reappointment.

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

22 (d) A commissioner serves the commissioner's term at the
 23 pleasure of the governor.

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

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

31 **Sec. 5. The governor shall appoint one (1) commissioner to serve**
 32 **as chairperson of the ICC board, and one (1) commissioner to**
 33 **serve as vice chairperson. The vice chairperson shall act as the**
 34 **chairperson if the chairperson is unable to attend a meeting of the**
 35 **ICC board. The chairperson and vice chairperson serve at the**
 36 **pleasure of the governor.**

37 **Sec. 6. A commissioner appointed to fill a vacancy in the**
 38 **membership of the ICC board shall serve only for the remainder**
 39 **of the unexpired term. In all other respects, an appointment to fill**
 40 **a vacancy shall be made in the same manner that an original**
 41 **appointment is made.**

42 **Sec. 7. (a) As compensation for services, each commissioner is**
 43 **entitled to the minimum salary per diem provided by**
 44 **IC 4-10-11-2.1(b). A commissioner is also entitled to**
 45 **reimbursement for traveling expenses as provided under**
 46 **IC 4-13-1-4 and other expenses actually incurred in connection**
 47 **with the commissioner's duties as provided in the state policies and**

procedures established by the Indiana department of administration and approved by the budget agency.

(b) The expenses of the ICC board shall be paid from funds appropriated to the ICC.

Sec. 8. Each commissioner shall execute:

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

(2) an oath of office.

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

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

Sec. 10. The ICC board shall hold meetings at the call of the chairperson. The ICC board may establish rules governing meetings.

Sec. 11. (a) Two (2) ICC commissioners constitute a quorum for the transaction of business.

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

(c) Action of the ICC board may be taken only upon the affirmative votes of at least two (2) commissioners.

Sec. 12. An ICC commissioner may not solicit or accept a political contribution from a patient, a caregiver, or any individual or entity that has a permit or has applied for a permit issued by the ICC. However, the right of a commissioner to vote as the commissioner chooses and to express the commissioner's opinions on political subjects and candidates may not be impaired.

Chapter 3. Employees and Administration

Sec. 1. (a) The ICC board shall appoint an executive director to assist the ICC in the efficient administration of its powers and duties.

(b) The ICC board shall fix the salary of the executive director, subject to the approval of the budget agency.

Sec. 2. The ICC has the power to employ all necessary employees, determine their duties, and, subject to the approval of the ICC board and the budget agency, fix their salaries.

Chapter 4. Powers and Duties

Sec. 1. The chairperson is the presiding officer at the meetings of the ICC board. The chairperson, together with the executive director, shall prepare, certify, and authenticate all proceedings, minutes, records, rules, and regulations of the ICC board. The chairperson shall also perform all other duties as imposed on the chairperson by this title.

Sec. 2. The ICC has the power to organize its work, to enforce and administer this article and IC 7.1-8.1, and to enforce and administer the rules adopted by the ICC.

1 **Sec. 3. The ICC shall adopt rules under IC 4-22-2 to prescribe**
 2 **the forms for all applications, documents, permits, patient or**
 3 **caregiver identification cards, and licenses used in the**
 4 **administration of this article and IC 7.1-8.1.**

5 **Sec. 4. The ICC has the following powers:**

- 6 (1) **To hold hearings before the ICC or its representative.**
- 7 (2) **To take testimony and receive evidence.**
- 8 (3) **To conduct inquiries with or without a hearing.**
- 9 (4) **To receive reports of investigators or other governmental**
 10 **officers and employees.**
- 11 (5) **To administer oaths.**
- 12 (6) **To subpoena witnesses and to compel them to appear and**
 13 **testify.**
- 14 (7) **To certify copies of records of the ICC or any other**
 15 **document or record on file with the ICC.**
- 16 (8) **To fix the form, mode, manner, time, and number of times**
 17 **for the posting or publication of any required notices if not**
 18 **otherwise provided.**
- 19 (9) **To adopt rules under IC 4-22-2 to carry out this article**
 20 **and IC 7.1-8.1.**

21 **Sec. 5. The ICC has the following duties:**

- 22 (1) **To establish the cannabis program described in IC 7.1-8.1**
 23 **and to adopt all necessary rules to implement the program.**
- 24 (2) **To implement protocols for the application and issuance**
 25 **of a patient or caregiver identification card, including**
 26 **protocols to:**
 - 27 (A) **prevent fraud;**
 - 28 (B) **ensure the accuracy of information contained in the**
 29 **application; and**
 - 30 (C) **protect the privacy of an applicant.**
- 31 (3) **To advise the general assembly concerning the**
 32 **establishment of a program for the:**
 - 33 (A) **manufacture;**
 - 34 (B) **cultivation;**
 - 35 (C) **advertising;**
 - 36 (D) **transportation; and**
 - 37 (E) **sale;**
 38 **of cannabis.**
- 39 (4) **To encourage research concerning cannabis.**

40 **Chapter 5. Research and Development**

41 **Sec. 1. To permit and encourage research concerning cannabis:**

- 42 (1) **an accredited institution of higher education with a**
 43 **physical presence in Indiana; and**
- 44 (2) **a pharmaceutical or agricultural business having a**
 45 **research facility in Indiana;**

46 **may apply to the ICC for a license to conduct research concerning**
 47 **cannabis.**

1 **Sec. 2. An application under this chapter must include the**
 2 **following:**

3 **(1) The nature of the research project.**

4 **(2) The names of the individuals who will conduct the**
 5 **research project.**

6 **(3) The approximate quantity of cannabis that will be used in**
 7 **the research project.**

8 **(4) The security protocol to be implemented to ensure that**
 9 **cannabis is not diverted for uses other than the research**
 10 **project.**

11 **(5) Any other information required by the ICC.**

12 **Sec. 3. Upon receipt of a completed application, the ICC may**
 13 **issue a research license to the accredited institution of higher**
 14 **education or pharmaceutical or agricultural business. The research**
 15 **license must specifically list the names of each individual**
 16 **participating in the research project who will have custody or**
 17 **control of cannabis for research purposes and the approximate**
 18 **quantity of the cannabis that will be used in the research project.**

19 **Sec. 4. The ICC may charge a reasonable fee for issuance of a**
 20 **research license."**

21 Page 109, between lines 5 and 6, begin a new paragraph and insert:

22 "SECTION 97. IC 9-30-5-1, AS AMENDED BY P.L.49-2021,
 23 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 24 JULY 1, 2025]: Sec. 1. (a) A person who operates a vehicle with an
 25 alcohol concentration equivalent to at least eight-hundredths (0.08)
 26 gram of alcohol but less than fifteen-hundredths (0.15) gram of alcohol
 27 per:

28 (1) one hundred (100) milliliters of the person's blood; or

29 (2) two hundred ten (210) liters of the person's breath;

30 commits a Class C misdemeanor.

31 (b) A person who operates a vehicle with an alcohol concentration
 32 equivalent to at least fifteen-hundredths (0.15) gram of alcohol per:

33 (1) one hundred (100) milliliters of the person's blood; or

34 (2) two hundred ten (210) liters of the person's breath;

35 commits a Class A misdemeanor.

36 (c) A person who operates a vehicle with a controlled substance
 37 listed in schedule I or II of IC 35-48-2 or its metabolite, **not including**
 38 **THC**, in the person's blood commits a Class C misdemeanor.

39 (d) It is a defense to subsection (c) that:

40 (1) the accused person consumed the controlled substance in
 41 accordance with a valid prescription or order of a practitioner (as
 42 defined in IC 35-48-1) who acted in the course of the
 43 practitioner's professional practice; or

44 (2) the:

45 (A) controlled substance is marijuana or a metabolite of
 46 marijuana;

- (B) person was not intoxicated;
- (C) person did not cause a traffic accident; and
- (D) substance was identified by means of a chemical test taken pursuant to IC 9-30-7.

(e) A person who:

- (1) operates a vehicle with at least five (5) nanograms of THC per milliliter of the person's whole blood; and**
- (2) is impaired;**

commits a Class C misdemeanor.

SECTION 98. IC 9-30-5-4, AS AMENDED BY P.L.184-2019, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 4. (a) A person who causes serious bodily injury to another person when operating a vehicle:

- (1) with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

- (A) one hundred (100) milliliters of the person's blood; or
- (B) two hundred ten (210) liters of the person's breath;

- (2) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite, **not including THC**, in the person's blood;

- (3) with at least five (5) nanograms of THC per milliliter of the person's whole blood; or**

- ~~(4)~~ **(4)** while intoxicated;

commits a Level 5 felony. However, the offense is a Level 4 felony if the person has a previous conviction of operating while intoxicated within the five (5) years preceding the commission of the offense.

(b) A person who violates subsection (a) commits a separate offense for each person whose serious bodily injury is caused by the violation of subsection (a).

(c) It is a defense under subsection (a)(2) that the accused person consumed the controlled substance in accordance with a valid prescription or order of a practitioner (as defined in IC 35-48-1) who acted in the course of the practitioner's professional practice.

SECTION 99. IC 9-30-5-5, AS AMENDED BY P.L.184-2019, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 5. (a) A person who causes the death or catastrophic injury of another person when operating a vehicle:

- (1) with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

- (A) one hundred (100) milliliters of the person's blood; or
- (B) two hundred ten (210) liters of the person's breath;

- (2) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite, **not including THC**, in the person's blood;

- (3) with at least five (5) nanograms of THC per milliliter of the person's whole blood; or**

(3) (4) while intoxicated;
commits a Level 4 felony.

(b) A person who causes the death of a law enforcement animal (as defined in IC 35-46-3-4.5) when operating a vehicle:

(1) with an alcohol concentration equivalent to at least eight-hundredths (0.08) gram of alcohol per:

(A) one hundred (100) milliliters of the person's blood; or

(B) two hundred ten (210) liters of the person's breath; ~~or~~

(2) with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite, **not including THC**, in the person's blood; **or**

(3) with at least five (5) nanograms of THC per milliliter of the person's whole blood;

commits a Level 6 felony.

(c) A person who commits an offense under subsection (a) or (b) commits a separate offense for each person or law enforcement animal whose death (or catastrophic injury, in the case of a person) is caused by the violation of subsection (a) or (b).

(d) It is a defense under subsection (a) or (b) that the person accused of causing the death or catastrophic injury of another person or the death of a law enforcement animal when operating a vehicle with a controlled substance listed in schedule I or II of IC 35-48-2 or its metabolite in the person's blood consumed the controlled substance in accordance with a valid prescription or order of a practitioner (as defined in IC 35-48-1) who acted in the course of the practitioner's professional practice.

SECTION 100. IC 9-30-6-6, AS AMENDED BY P.L.174-2021, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 6. (a) A physician, a person trained in retrieving contraband or obtaining bodily substance samples and acting under the direction of or under a protocol prepared by a physician, or a licensed health care professional acting within the professional's scope of practice and under the direction of or under a protocol prepared by a physician, who:

(1) obtains a blood, urine, or other bodily substance sample from a person, regardless of whether the sample is taken for diagnostic purposes or at the request of a law enforcement officer under this section;

(2) performs a chemical test on blood, urine, or other bodily substance obtained from a person; or

(3) searches for or retrieves contraband from the body cavity of an individual;

shall deliver the sample or contraband or disclose the results of the test to a law enforcement officer who requests the sample, contraband, or results as a part of a criminal investigation. Samples, contraband, and test results shall be provided to a law enforcement officer even if the

1 person has not consented to or otherwise authorized their release.

2 (b) A physician, a licensed health care professional, a hospital, or an
3 agent of a physician or hospital is not civilly or criminally liable for any
4 of the following:

5 (1) Disclosing test results in accordance with this section.

6 (2) Delivering contraband, or a blood, urine, or other bodily
7 substance sample in accordance with this section.

8 (3) Searching for or retrieving contraband or obtaining a blood,
9 urine, or other bodily substance sample in accordance with this
10 section.

11 (4) Disclosing to the prosecuting attorney or the deputy
12 prosecuting attorney for use at or testifying at the criminal trial of
13 the person as to facts observed or opinions formed.

14 (5) Failing to treat a person from whom contraband is retrieved or
15 a blood, urine, or other bodily substance sample is obtained at the
16 request of a law enforcement officer if the person declines
17 treatment.

18 (6) Injury to a person arising from the performance of duties in
19 good faith under this section. However, immunity does not apply
20 if the physician, licensed health care professional, hospital, or
21 agent of a physician or hospital acts with gross negligence or
22 willful or wanton misconduct.

23 (c) For the purposes of a criminal proceeding:

24 (1) the privileges arising from a patient-physician relationship do
25 not apply to the contraband, samples, test results, or testimony
26 described in this section; and

27 (2) contraband, samples, test results, and testimony may be
28 admitted in a proceeding in accordance with the applicable rules
29 of evidence.

30 (d) The exceptions to the patient-physician relationship specified in
31 subsection (c) do not affect those relationships in a proceeding that is
32 not a criminal proceeding.

33 (e) The contraband, test results, and samples obtained by a law
34 enforcement officer under subsection (a) may be disclosed only to a
35 prosecuting attorney or a deputy prosecuting attorney for use as
36 evidence in a criminal proceeding.

37 (f) This section does not require a physician or a person under the
38 direction of a physician to perform a chemical test or to retrieve
39 contraband.

40 (g) If the person:

41 (1) from whom the contraband is to be retrieved or the bodily
42 substance sample is to be obtained under this section does not
43 consent; and

44 (2) resists the retrieval of the contraband or the taking of a
45 sample;

46 the law enforcement officer may use reasonable force to assist an

individual, who must be authorized under this section to retrieve contraband or obtain a sample, in the retrieval of the contraband or the taking of the sample.

(h) The person authorized under this section to retrieve contraband or obtain a bodily substance sample shall take the sample or retrieve the contraband in a medically accepted manner.

(i) This subsection does not apply to contraband retrieved or a bodily substance sample taken at a licensed hospital (as defined in IC 16-18-2-179(a) and IC 16-18-2-179(b)). A law enforcement officer may transport the person to a place where the contraband may be retrieved or the sample may be obtained by any of the following persons who are trained in retrieving contraband or obtaining bodily substance samples and who have been engaged to retrieve contraband or obtain samples under this section:

(1) A physician holding an unlimited license to practice medicine or osteopathy.

(2) A registered nurse.

(3) A licensed practical nurse.

(4) An advanced emergency medical technician (as defined in IC 16-18-2-6.5).

(5) A paramedic (as defined in IC 16-18-2-266).

(6) Except as provided in subsections (j) through (k), any other person qualified through training, experience, or education to retrieve contraband or obtain a bodily substance sample.

(j) A law enforcement officer may not retrieve contraband or obtain a bodily substance sample under this section if the contraband is to be retrieved or the sample is to be obtained from another law enforcement officer as a result of the other law enforcement officer's involvement in an accident or alleged crime.

(k) A law enforcement officer who is otherwise qualified to obtain a bodily substance sample under this section may obtain a bodily substance sample from a person involved in an accident or alleged crime who is not a law enforcement officer only if:

(1) the officer obtained a bodily substance sample from an individual as part of the officer's official duties as a law enforcement officer; and

(2) the:

(A) person consents to the officer obtaining a bodily substance sample; or

(B) obtaining of the bodily substance sample is authorized by a search warrant.

(l) A physician or a person trained in obtaining bodily samples who is acting under the direction of or under a protocol prepared by a physician shall obtain a blood sample if the following conditions are satisfied:

(1) A law enforcement officer requests that the sample be

obtained.

(2) The law enforcement officer has certified in writing the following:

(A) That the officer has probable cause to believe the person from whom the sample is to be obtained has violated IC 9-30-5-4, IC 9-30-5-5, ~~IC 35-46-9-6(b)(2)~~, **IC 35-46-9-6(c)(2)**, or ~~IC 35-46-9-6(e)~~. **IC 35-46-9-6(d)**.

(B) That the offense resulting in a criminal investigation described in subsection (a) occurred not more than three (3) hours before the time the sample is requested.

(C) That exigent circumstances exist that create pressing health, safety, or law enforcement needs that would take priority over a warrant application.

(3) Not more than the use of reasonable force is necessary to obtain the sample."

Page 159, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 100. IC 35-38-9-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: **Sec. 1.5. (a) This section applies only to a person convicted of one (1) or more of the following offenses if the act constituting the offense is now permitted under IC 7.1-8.1-3:**

(1) IC 35-48-4-8.3 (possession of paraphernalia).

(2) IC 35-48-4-8.5 (dealing in paraphernalia).

(3) IC 35-48-4-10 (dealing in marijuana).

(4) IC 35-48-4-11 (possession of marijuana).

(b) A person to whom this section applies may petition a court to expunge all conviction records, including records contained in:

(1) a court's files;

(2) the files of the department of correction;

(3) the files of the bureau of motor vehicles; and

(4) the files of any other person who provided treatment or services to the petitioning person under a court order;

that relate to the person's conviction, including records of a collateral action.

(c) A petition for expungement of records must be verified and filed in a circuit or superior court in the county of conviction. The petition must set forth:

(1) the date of the conviction;

(2) the county of conviction;

(3) the court that entered the conviction;

(4) any other known identifying information, such as:

(A) the name of the arresting officer;

(B) the case number or court cause number;

(C) any aliases or other names used by the petitioner;

- 1 (D) the petitioner's driver's license number; and
- 2 (E) a list of each criminal charge and its disposition, if
- 3 applicable;
- 4 (5) the date of the petitioner's birth; and
- 5 (6) the petitioner's Social Security number.

6 A person who files a petition under this section is not required to
7 pay a filing fee.

8 (d) The court shall serve a copy of the petition on the
9 prosecuting attorney.

10 (e) Upon receipt of a petition for expungement, the court:

11 (1) may summarily deny the petition if the petition does not
12 meet the requirements of this section, or if the statements
13 contained in the petition indicate that the petitioner is not
14 entitled to relief; and

15 (2) shall grant the petition unless the conditions described in
16 subsection (a) have not been met.

17 (f) Whenever the petition of a person under this section is
18 granted:

19 (1) no information concerning the conviction (including
20 information from a collateral action that identifies the
21 petitioner) may be placed or retained in any state central
22 repository for criminal history information or in any other
23 alphabetically arranged criminal history information system
24 maintained by a local, regional, or statewide law enforcement
25 agency;

26 (2) the clerk of the supreme court shall seal or redact any
27 records in the clerk's possession that relate to the vacated
28 conviction;

29 (3) the records of:

30 (A) the sentencing court;

31 (B) a court that conducted a collateral action;

32 (C) a court of appeals; and

33 (D) the supreme court;

34 concerning the person shall be redacted or permanently
35 sealed; and

36 (4) with respect to the records of a person who is named as an
37 appellant or an appellee in an opinion or memorandum
38 decision by the supreme court or the court of appeals, or who
39 is identified in a collateral action, the court shall:

40 (A) redact the opinion or memorandum decision as it
41 appears on the computer gateway administered by the
42 office of technology so that it does not include the
43 petitioner's name (in the same manner that opinions
44 involving juveniles are redacted); and

45 (B) provide a redacted copy of the opinion or
46 memorandum decision to any publisher or organization to
47 whom the opinion or memorandum decision is provided

1 after the date of the order of expungement.
 2 The supreme court and the court of appeals are not required to
 3 redact, destroy, or otherwise dispose of any existing copy of an
 4 opinion or memorandum decision that includes the petitioner's
 5 name.

6 (g) If the court issues an order granting a petition for
 7 expungement under this section, the order must include the
 8 information described in subsection (f).

9 (h) If a person whose records are expunged brings an action that
 10 might be defended with the contents of the expunged records, the
 11 defendant is presumed to have a complete defense to the action. In
 12 order for the plaintiff to recover, the plaintiff must show that the
 13 contents of the expunged records would not exonerate the
 14 defendant. The plaintiff may be required to state under oath
 15 whether the plaintiff had records in the criminal or juvenile justice
 16 system and whether those records were expunged. If the plaintiff
 17 denies the existence of the records, the defendant may prove their
 18 existence in any manner compatible with the law of evidence.

19 SECTION 101. IC 35-46-9-6, AS AMENDED BY P.L.184-2019,
 20 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2025]: Sec. 6. (a) Except as provided in subsections ~~(b)~~ and
 22 (c) and (d), a person who operates a motorboat while:

23 (1) having an alcohol concentration equivalent (as defined in
 24 IC 9-13-2-2.4) to at least eight-hundredths (0.08) gram of alcohol
 25 per:

26 (A) one hundred (100) milliliters of the person's blood; or

27 (B) two hundred ten (210) liters of the person's breath;

28 (2) having a controlled substance listed in schedule I or II of
 29 IC 35-48-2 or its metabolite, **not including THC**, in the person's
 30 body; or

31 (3) intoxicated;

32 commits a Class C misdemeanor.

33 (b) A person who:

34 (1) operates a vehicle with at least five (5) nanograms of THC
 35 per milliliter of the person's whole blood; and

36 (2) is impaired;

37 commits a Class C misdemeanor.

38 ~~(b)~~ (c) The offense under subsection (a) or (b) is a Level 6 felony
 39 if:

40 (1) the person has a previous conviction under:

41 (A) IC 14-1-5 (repealed);

42 (B) IC 14-15-8-8 (repealed); or

43 (C) this chapter; or

44 (2) the offense results in serious bodily injury to another person.

45 ~~(c)~~ (d) The offense under subsection (a) or (b) is a Level 5 felony
 46 if the offense results in the death or catastrophic injury of another

1 person.

2 ~~(d)~~ (e) It is a defense to a prosecution under subsection (a)(2) that
3 the accused person consumed the controlled substance in accordance
4 with a valid prescription or order of a practitioner (as defined in
5 IC 35-48-1-24) who acted in the course of the practitioner's
6 professional practice.

7 SECTION 102. IC 35-48-4-8.3, AS AMENDED BY P.L.187-2015,
8 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2025]: Sec. 8.3. (a) This section does not apply to:

10 (1) a rolling paper; or

11 (2) **a person, including an adult cannabis user, patient,**
12 **caregiver, cannabis organization, testing laboratory, research**
13 **facility, or transporter described in IC 7.1-8.1, if the person is**
14 **in substantial compliance with the requirements of IC 7.1-8.1.**

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

18 (1) introducing into the person's body a controlled substance;

19 (2) testing the strength, effectiveness, or purity of a controlled
20 substance; or

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

22 commits a Class C misdemeanor. However, the offense is a Class A
23 misdemeanor if the person has a prior unrelated judgment or conviction
24 under this section.

25 SECTION 103. IC 35-48-4-8.5, AS AMENDED BY P.L.153-2018,
26 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2025]: Sec. 8.5. (a) A person who keeps for sale, offers for
28 sale, delivers, or finances the delivery of a raw material, an instrument,
29 a device, or other object that is intended to be or that is designed or
30 marketed to be used primarily for:

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

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

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

37 (4) manufacturing, compounding, converting, producing,
38 processing, or preparing marijuana, hash oil, hashish, salvia, a
39 synthetic drug, or a controlled substance;

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

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

44 commits a Class A infraction for dealing in paraphernalia.

45 (b) A person who knowingly or intentionally violates subsection (a)
46 commits a Class A misdemeanor. However, the offense is a Level 6

felony if the person has a prior unrelated judgment or conviction under this section.

(c) 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 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.

(3) A qualified entity (as defined in IC 16-41-7.5-3) that provides a syringe or needle as part of a program under IC 16-41-7.5.

(4) Any entity or person that provides funding to a qualified entity (as defined in IC 16-41-7.5-3) to operate a program described in IC 16-41-7.5.

(5) A person, including an adult cannabis user, patient, caregiver, cannabis organization, testing laboratory, research facility, or transporter described in IC 7.1-8.1, if the person is in substantial compliance with the requirements of IC 7.1-8.1.

SECTION 104. IC 35-48-4-10, AS AMENDED BY P.L.153-2018, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: 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, or salvia, 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, or salvia, pure or adulterated;

commits dealing in marijuana, hash oil, hashish, or salvia, a Class A misdemeanor, except as provided in subsections (b) through (d).

(b) A person may be convicted of an offense under subsection (a)(2) only if:

(1) there is evidence in addition to the weight of the drug that the person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the drug; or

(2) the amount of the drug involved is at least:

(A) ten (10) pounds, if the drug is marijuana; or

- 1 (B) three hundred (300) grams, if the drug is hash oil, hashish,
 2 or salvia.
- 3 (c) The offense is a Level 6 felony if:
 4 (1) the person has a prior conviction for a drug offense and the
 5 amount of the drug involved is:
 6 (A) less than thirty (30) grams of marijuana; or
 7 (B) less than five (5) grams of hash oil, hashish, or salvia; or
 8 (2) the amount of the drug involved is:
 9 (A) at least thirty (30) grams but less than ten (10) pounds of
 10 marijuana; or
 11 (B) at least five (5) grams but less than three hundred (300)
 12 grams of hash oil, hashish, or salvia.
- 13 (d) The offense is a Level 5 felony if:
 14 (1) the person has a prior conviction for a drug dealing offense
 15 and the amount of the drug involved is:
 16 (A) at least thirty (30) grams but less than ten (10) pounds of
 17 marijuana; or
 18 (B) at least five (5) grams but less than three hundred (300)
 19 grams of hash oil, hashish, or salvia;
 20 (2) the:
 21 (A) amount of the drug involved is:
 22 (i) at least ten (10) pounds of marijuana; or
 23 (ii) at least three hundred (300) grams of hash oil, hashish,
 24 or salvia; or
 25 (B) offense involved a sale to a minor; or
 26 (3) the:
 27 (A) person is a retailer;
 28 (B) marijuana, hash oil, hashish, or salvia is packaged in a
 29 manner that appears to be low THC hemp extract; and
 30 (C) person knew or reasonably should have known that the
 31 product was marijuana, hash oil, hashish, or salvia.
- 32 **(e) This section does not apply to a person, including an adult**
 33 **cannabis user, patient, caregiver, cannabis organization, testing**
 34 **laboratory, research facility, or transporter described in IC 7.1-8.1,**
 35 **if the person is in substantial compliance with the requirements of**
 36 **IC 7.1-8.1.**
- 37 SECTION 105. IC 35-48-4-11, AS AMENDED BY P.L.153-2018,
 38 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 JULY 1, 2025]: Sec. 11. (a) A person who:
 40 (1) knowingly or intentionally possesses (pure or adulterated)
 41 marijuana, hash oil, hashish, or salvia;
 42 (2) knowingly or intentionally grows or cultivates marijuana; or
 43 (3) knowing that marijuana is growing on the person's premises,
 44 fails to destroy the marijuana plants;
 45 commits possession of marijuana, hash oil, hashish, or salvia, a Class
 46 B misdemeanor, except as provided in subsections (b) through (c).

(b) The offense described in subsection (a) is a Class A misdemeanor if:

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

(2) the:

(A) marijuana, hash oil, hashish, or salvia is packaged in a manner that appears to be low THC hemp extract; and

(B) person knew or reasonably should have known that the product was marijuana, hash oil, hashish, or salvia.

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

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

(2) the person possesses:

(A) at least thirty (30) grams of marijuana; or

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

(d) This section does not apply to a person, including an adult cannabis user, patient, caregiver, cannabis organization, testing laboratory, research facility, or transporter described in IC 7.1-8.1, if the person is in substantial compliance with the requirements of IC 7.1-8.1."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1001 as printed April 11, 2025.)

Senator POL JR.