

HOUSE BILL No. 1053

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-48-4.

Synopsis: Possession of controlled substance paraphernalia. Removes provisions related to testing the strength, effectiveness, or purity of a controlled substance in the criminal laws concerning possession of controlled substance paraphernalia.

Effective: July 1, 2024.

Garcia Wilburn, Meltzer, Negele

January 8, 2024, read first time and referred to Committee on Courts and Criminal Code.



Second Regular Session of the 123rd General Assembly (2024)

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

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

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1053



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

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

1 SECTION 1. IC 35-48-4-8.1, AS AMENDED BY P.L.158-2013,
2 SECTION 634, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2024]: Sec. 8.1. (a) A person who
4 manufactures, finances the manufacture of, or designs an instrument,
5 a device, or other object that is intended to be used primarily for:
6 (1) introducing into the human body a controlled substance; **or**
7 (2) ~~testing the strength, effectiveness, or purity of a controlled~~
8 ~~substance; or~~
9 (3) ~~(2)~~ enhancing the effect of a controlled substance;
10 in violation of this chapter commits a Class A infraction for
11 manufacturing paraphernalia.
12 (b) A person who:
13 (1) knowingly or intentionally violates this section; and
14 (2) has a previous judgment for violation of this section;
15 commits manufacture of paraphernalia, a Level 6 felony.
16 SECTION 2. IC 35-48-4-8.3, AS AMENDED BY P.L.187-2015,
17 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2024]: Sec. 8.3. (a) This section does not apply to a rolling
2 paper.

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

6 (1) introducing into the person's body a controlled substance; **or**
7 ~~(2) testing the strength, effectiveness, or purity of a controlled~~
8 ~~substance; or~~

9 ~~(3) (2) enhancing the effect of a controlled substance;~~
10 commits a Class C misdemeanor. However, the offense is a Class A
11 misdemeanor if the person has a prior unrelated judgment or conviction
12 under this section.

13 SECTION 3. IC 35-48-4-8.5, AS AMENDED BY P.L.153-2018,
14 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2024]: Sec. 8.5. (a) A person who keeps for sale, offers for
16 sale, delivers, or finances the delivery of a raw material, an instrument,
17 a device, or other object that is intended to be or that is designed or
18 marketed to be used primarily for:

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

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

24 ~~(3) (2) enhancing the effect of a controlled substance;~~

25 ~~(4) (3) manufacturing, compounding, converting, producing,~~
26 ~~processing, or preparing marijuana, hash oil, hashish, salvia, a~~
27 ~~synthetic drug, or a controlled substance;~~

28 ~~(5) (4) diluting or adulterating marijuana, hash oil, hashish, salvia,~~
29 ~~a synthetic drug, or a controlled substance by individuals; or~~

30 ~~(6) (5) any purpose announced or described by the seller that is in~~
31 ~~violation of this chapter;~~

32 commits a Class A infraction for dealing in paraphernalia.

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

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

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

42 (2) Items marketed for or historically and customarily used in



1 connection with the planting, propagating, cultivating, growing,
2 harvesting, manufacturing, compounding, converting, producing,
3 processing, preparing, testing, analyzing, packaging, repackaging,
4 storing, containing, concealing, injecting, ingesting, or inhaling
5 of tobacco or any other lawful substance.
6 (3) A qualified entity (as defined in IC 16-41-7.5-3) that provides
7 a syringe or needle as part of a program under IC 16-41-7.5.
8 (4) Any entity or person that provides funding to a qualified entity
9 (as defined in IC 16-41-7.5-3) to operate a program described in
10 IC 16-41-7.5.

