

# HOUSE BILL No. 1148

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-48.

**Synopsis:** Cannabidiol. Defines "cannabidiol", and provides an affirmative defense to possession of cannabidiol if the person or the person's child has been diagnosed with certain medical conditions, the cannabidiol contains no THC, and other specified conditions are met.

**Effective:** July 1, 2017.

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## Friend, Moseley, Arnold L

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January 5, 2017, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session of the 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

## HOUSE BILL No. 1148

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 35-48-1-6.5 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2017]: **Sec. 6.5. "Cannabidiol", for purposes of IC 35-48-4-11,**  
4 **means 2-(6-isopropenyl-3- methyl-2- cyclohexen-1-yl)- 5- pentyl-**  
5 **1,3-benzenediol.**  
6 SECTION 2. IC 35-48-4-11, AS AMENDED BY P.L.226-2014(ts),  
7 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2017]: Sec. 11. (a) A person who:  
9 (1) knowingly or intentionally possesses (pure or adulterated)  
10 marijuana, hash oil, hashish, or salvia;  
11 (2) knowingly or intentionally grows or cultivates marijuana; or  
12 (3) knowing that marijuana is growing on the person's premises,  
13 fails to destroy the marijuana plants;  
14 commits possession of marijuana, hash oil, hashish, or salvia, a Class  
15 B misdemeanor, except as provided in subsections (b) through (c).  
16 (b) The offense described in subsection (a) is a Class A  
17 misdemeanor if the person has a prior conviction for a drug offense.



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

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

3 (2) the person possesses:

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

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

6 **(d) It is a defense to a prosecution under this section based on**  
7 **possession of a substance containing cannabidiol if all of the**  
8 **following apply:**

9 **(1) The substance containing cannabidiol is a pharmaceutical**  
10 **product provided:**

11 **(A) by a wholesale drug distributor (as defined in**  
12 **IC 25-26-14-12):**

13 **(i) approved by the federal Food and Drug**  
14 **Administration; or**

15 **(ii) subject to regulation by, and in compliance with rules**  
16 **adopted by, the Indiana board of pharmacy; or**

17 **(B) as part of a clinical trial by a:**

18 **(i) governmental entity; or**

19 **(ii) regionally accredited college or university.**

20 **(2) The substance containing cannabidiol is delivered in a**  
21 **container labeled with the origin, volume, and concentration**  
22 **of the active ingredient.**

23 **(3) The substance containing cannabidiol contains no**  
24 **delta-9-tetrahydrocannabinol (THC).**

25 **(4) The person who possesses the cannabidiol:**

26 **(A) has a written diagnosis from a physician stating that**  
27 **the person has been diagnosed with Dravet syndrome or**  
28 **Lennox-Gastaut syndrome; or**

29 **(B) is the parent, guardian, or caretaker of a child and has**  
30 **a written diagnosis from a physician stating that the child**  
31 **has been diagnosed with Dravet syndrome or**  
32 **Lennox-Gastaut syndrome.**

