

# HOUSE BILL No. 1158

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## DIGEST OF INTRODUCED BILL

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

**Synopsis:** Cannabis oil for medical treatment. Exempts an individual and a physician from criminal penalties for possession or use of cannabis oil if: (1) the individual is the patient of the physician and has cannabis oil transferred, dispensed, or administered to the individual as part of the individual's treatment by the physician; and (2) the physician who is treating the individual transfers, dispenses, or administers cannabis oil as part of the individual's treatment.

**Effective:** July 1, 2016.

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**Goodin, Lehe**

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January 7, 2016, read first time and referred to Committee on Courts and Criminal Code.

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Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

# HOUSE BILL No. 1158

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, 2016]: **Sec. 6.5. "Cannabis oil" means an extract from the hemp  
4 plant, including cannabidiol (CBD).**

5 SECTION 2. IC 35-48-4-8.5, AS AMENDED BY P.L.208-2015,  
6 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2016]: Sec. 8.5. (a) A person who keeps for sale, offers for  
8 sale, delivers, or finances the delivery of a raw material, an instrument,  
9 a device, or other object that is intended to be or that is designed or  
10 marketed to be used primarily for:

- 11 (1) ingesting, inhaling, or otherwise introducing into the human  
12 body marijuana, hash oil, hashish, salvia, a synthetic drug, or a  
13 controlled substance;
- 14 (2) testing the strength, effectiveness, or purity of marijuana, hash  
15 oil, hashish, salvia, a synthetic drug, or a controlled substance;
- 16 (3) enhancing the effect of a controlled substance;
- 17 (4) manufacturing, compounding, converting, producing,



1 processing, or preparing marijuana, hash oil, hashish, salvia, a  
2 synthetic drug, or a controlled substance;

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

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

7 commits a Class A infraction for dealing in paraphernalia.

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

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

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

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

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

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

28 **(5) An individual who:**

29 **(A) is the patient of a physician who is licensed under**  
30 **IC 25-22.5; and**

31 **(B) has cannabis oil transferred, dispensed, or**  
32 **administered to the individual as part of the individual's**  
33 **treatment by the physician.**

34 **(6) A physician who:**

35 **(A) is described in subdivision (5); and**

36 **(B) transfers, dispenses, or administers cannabis oil as part**  
37 **of the individual's treatment.**

38 SECTION 3. IC 35-48-4-10, AS AMENDED BY P.L.168-2014,  
39 SECTION 100, IS AMENDED TO READ AS FOLLOWS  
40 [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) A person who:

41 (1) knowingly or intentionally:

42 (A) manufactures;



- 1 (B) finances the manufacture of;  
 2 (C) delivers; or  
 3 (D) finances the delivery of;  
 4 marijuana, hash oil, hashish, or salvia, pure or adulterated; or  
 5 (2) possesses, with intent to:  
 6 (A) manufacture;  
 7 (B) finance the manufacture of;  
 8 (C) deliver; or  
 9 (D) finance the delivery of;  
 10 marijuana, hash oil, hashish, or salvia, pure or adulterated;  
 11 commits dealing in marijuana, hash oil, hashish, or salvia, a Class A  
 12 misdemeanor, except as provided in subsections (b) through (d).  
 13 (b) A person may be convicted of an offense under subsection (a)(2)  
 14 only if there is evidence in addition to the weight of the drug that the  
 15 person intended to manufacture, finance the manufacture of, deliver,  
 16 or finance the delivery of the drug.  
 17 (c) The offense is a Level 6 felony if:  
 18 (1) the person has a prior conviction for a drug offense and the  
 19 amount of the drug involved is:  
 20 (A) less than thirty (30) grams of marijuana; or  
 21 (B) less than five (5) grams of hash oil, hashish, or salvia; or  
 22 (2) the amount of the drug involved is:  
 23 (A) at least thirty (30) grams but less than ten (10) pounds of  
 24 marijuana; or  
 25 (B) at least five (5) grams but less than three hundred (300)  
 26 grams of hash oil, hashish, or salvia.  
 27 (d) The offense is a Level 5 felony if:  
 28 (1) the person has a prior conviction for a drug dealing offense  
 29 and the amount of the drug involved is:  
 30 (A) at least thirty (30) grams but less than ten (10) pounds of  
 31 marijuana; or  
 32 (B) at least five (5) grams but less than three hundred (300)  
 33 grams of hash oil, hashish, or salvia; or  
 34 (2) the:  
 35 (A) amount of the drug involved is:  
 36 (i) at least ten (10) pounds of marijuana; or  
 37 (ii) at least three hundred (300) grams of hash oil, hashish,  
 38 or salvia; or  
 39 (B) offense involved a sale to a minor.  
 40 **(e) This section does not apply to the following:**  
 41 **(1) An individual who:**  
 42 **(A) is the patient of a physician who is licensed under**



- 1           **IC 25-22.5; and**  
 2           **(B) has cannabis oil transferred, dispensed, or**  
 3           **administered to the individual as part of the individual's**  
 4           **treatment by the physician.**  
 5           **(2) A physician who:**  
 6           **(A) is described in subdivision (1); and**  
 7           **(B) transfers, dispenses, or administers cannabis oil as part**  
 8           **of the treatment of an individual described in subdivision**  
 9           **(1).**
- 10           SECTION 4. IC 35-48-4-11, AS AMENDED BY P.L.226-2014(ts),  
 11           SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12           JULY 1, 2016]: Sec. 11. (a) A person who:  
 13           (1) knowingly or intentionally possesses (pure or adulterated)  
 14           marijuana, hash oil, hashish, or salvia;  
 15           (2) knowingly or intentionally grows or cultivates marijuana; or  
 16           (3) knowing that marijuana is growing on the person's premises,  
 17           fails to destroy the marijuana plants;  
 18           commits possession of marijuana, hash oil, hashish, or salvia, a Class  
 19           B misdemeanor, except as provided in subsections (b) through (c).  
 20           (b) The offense described in subsection (a) is a Class A  
 21           misdemeanor if the person has a prior conviction for a drug offense.  
 22           (c) The offense described in subsection (a) is a Level 6 felony if:  
 23           (1) the person has a prior conviction for a drug offense; and  
 24           (2) the person possesses:  
 25           (A) at least thirty (30) grams of marijuana; or  
 26           (B) at least five (5) grams of hash oil, hashish, or salvia.  
 27           **(d) This section does not apply to the following:**  
 28           **(1) An individual who:**  
 29           **(A) is the patient of a physician who is licensed under**  
 30           **IC 25-22.5; and**  
 31           **(B) has cannabis oil transferred, dispensed, or**  
 32           **administered to the individual as part of the individual's**  
 33           **treatment by the physician.**  
 34           **(2) A physician who:**  
 35           **(A) is described in subdivision (1); and**  
 36           **(B) transfers, dispenses, or administers cannabis oil as part**  
 37           **of the treatment of an individual described in subdivision**  
 38           **(1).**

