



January 21, 2025

HOUSE BILL No. 1167

DIGEST OF HB 1167 (Updated January 15, 2025 11:10 am - DI 106)

Citations Affected: IC 16-31; IC 22-15; IC 25-1; IC 35-48.

Synopsis: Exceptions to paraphernalia statutes. Provides that the controlled substance paraphernalia statutes do not apply to items marketed to detect the presence of a drug or controlled substance.

Effective: July 1, 2025.

Meltzer, Garcia Wilburn

January 8, 2025, read first time and referred to Committee on Courts and Criminal Code.
January 21, 2025, amended, reported — Do Pass.

HB 1167—LS 6066/DI 151



January 21, 2025

First Regular Session of the 124th General Assembly (2025)

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 2024 Regular Session of the General Assembly.

HOUSE BILL No. 1167

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 16-31-3-14, AS AMENDED BY P.L.170-2022,
2 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2025]: Sec. 14. (a) A person holding a certificate or license
4 issued under this article must comply with the applicable standards and
5 rules established under this article. A certificate holder or license
6 holder is subject to disciplinary sanctions under subsection (b) if the
7 department of homeland security determines that the certificate holder
8 or license holder:
9 (1) engaged in or knowingly cooperated in fraud or material
10 deception in order to obtain a certificate or license, including
11 cheating on a certification or licensure examination;
12 (2) engaged in fraud or material deception in the course of
13 professional services or activities;
14 (3) advertised services or goods in a false or misleading manner;
15 (4) falsified or knowingly allowed another person to falsify
16 attendance records or certificates of completion of continuing
17 education courses required under this article or rules adopted

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- 1 under this article;
- 2 (5) is convicted of a crime, if the act that resulted in the
- 3 conviction has a direct bearing on determining if the certificate
- 4 holder or license holder should be entrusted to provide emergency
- 5 medical services;
- 6 (6) is convicted of violating IC 9-19-14.5;
- 7 (7) fails to comply and maintain compliance with or violates any
- 8 applicable provision, standard, or other requirement of this article
- 9 or rules adopted under this article;
- 10 (8) continues to practice if the certificate holder or license holder
- 11 becomes unfit to practice due to:
- 12 (A) professional incompetence that includes the undertaking
- 13 of professional activities that the certificate holder or license
- 14 holder is not qualified by training or experience to undertake;
- 15 (B) failure to keep abreast of current professional theory or
- 16 practice;
- 17 (C) physical or mental disability; or
- 18 (D) addiction to, abuse of, or dependency on alcohol or other
- 19 drugs that endanger the public by impairing the certificate
- 20 holder's or license holder's ability to practice safely;
- 21 (9) engages in a course of lewd or immoral conduct in connection
- 22 with the delivery of services to the public;
- 23 (10) allows the certificate holder's or license holder's name or a
- 24 certificate or license issued under this article to be used in
- 25 connection with a person who renders services beyond the scope
- 26 of that person's training, experience, or competence;
- 27 (11) is subjected to disciplinary action in another state or
- 28 jurisdiction on grounds similar to those contained in this chapter.
- 29 For purposes of this subdivision, a certified copy of a record of
- 30 disciplinary action constitutes prima facie evidence of a
- 31 disciplinary action in another jurisdiction;
- 32 (12) assists another person in committing an act that would
- 33 constitute a ground for disciplinary sanction under this chapter;
- 34 (13) allows a certificate or license issued by the commission to
- 35 be:
- 36 (A) used by another person; or
- 37 (B) displayed to the public when the certificate or license is
- 38 expired, inactive, invalid, revoked, or suspended; or
- 39 (14) fails to notify the department in writing of any misdemeanor
- 40 or felony criminal conviction, except traffic related misdemeanors
- 41 other than operating a motor vehicle under the influence of a drug
- 42 or alcohol, within ninety (90) days after the entry of an order or



- 1 judgment. A certified copy of the order or judgment with a letter
 2 of explanation must be submitted to the department along with the
 3 written notice.
- 4 (b) The department of homeland security may issue an order under
 5 IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if
 6 the department of homeland security determines that a certificate
 7 holder or license holder is subject to disciplinary sanctions under
 8 subsection (a):
- 9 (1) Revocation of a certificate holder's certificate or license
 10 holder's license for a period not to exceed seven (7) years.
 - 11 (2) Suspension of a certificate holder's certificate or license
 12 holder's license for a period not to exceed seven (7) years.
 - 13 (3) Censure of a certificate holder or license holder.
 - 14 (4) Issuance of a letter of reprimand.
 - 15 (5) Assessment of a civil penalty against the certificate holder or
 16 license holder in accordance with the following:
 - 17 (A) The civil penalty may not exceed five hundred dollars
 18 (\$500) per day per violation.
 - 19 (B) If the certificate holder or license holder fails to pay the
 20 civil penalty within the time specified by the department of
 21 homeland security, the department of homeland security may
 22 suspend the certificate holder's certificate or license holder's
 23 license without additional proceedings.
 - 24 (6) Placement of a certificate holder or license holder on
 25 probation status and requirement of the certificate holder or
 26 license holder to:
 - 27 (A) report regularly to the department of homeland security
 28 upon the matters that are the basis of probation;
 - 29 (B) limit practice to those areas prescribed by the department
 30 of homeland security;
 - 31 (C) continue or renew professional education approved by the
 32 department of homeland security until a satisfactory degree of
 33 skill has been attained in those areas that are the basis of the
 34 probation; or
 - 35 (D) perform or refrain from performing any acts, including
 36 community restitution or service without compensation, that
 37 the department of homeland security considers appropriate to
 38 the public interest or to the rehabilitation or treatment of the
 39 certificate holder or license holder.
- 40 The department of homeland security may withdraw or modify
 41 this probation if the department of homeland security finds after
 42 a hearing that the deficiency that required disciplinary action is



1 remedied or that changed circumstances warrant a modification
2 of the order.

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

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

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

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

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

- 39 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
40 (2) Possession of methamphetamine under IC 35-48-4-6.1.
41 (3) Possession of a controlled substance under IC 35-48-4-7(a).
42 (4) Fraudulently obtaining a controlled substance under



- 1 IC 35-48-4-7(c).
 2 (5) Manufacture of paraphernalia as a Class D felony (for a crime
 3 committed before July 1, 2014) or Level 6 felony (for a crime
 4 committed after June 30, 2014) under ~~IC 35-48-4-8.1(b)~~.
 5 **IC 35-48-4-8.1(c)**.
 6 (6) Dealing in paraphernalia as a Class D felony (for a crime
 7 committed before July 1, 2014) or Level 6 felony (for a crime
 8 committed after June 30, 2014) under IC 35-48-4-8.5(b).
 9 (7) Possession of paraphernalia as a Class D felony (for a crime
 10 committed before July 1, 2014) or Level 6 felony (for a crime
 11 committed after June 30, 2014) under IC 35-48-4-8.3(b) (before
 12 its amendment on July 1, 2015).
 13 (8) Possession of marijuana, hash oil, hashish, or salvia as a Class
 14 D felony (for a crime committed before July 1, 2014) or Level 6
 15 felony (for a crime committed after June 30, 2014) under
 16 IC 35-48-4-11.
 17 (9) A felony offense under IC 35-48-4 involving:
 18 (A) possession of a synthetic drug (as defined in
 19 IC 35-31.5-2-321);
 20 (B) possession of a synthetic drug lookalike substance (as
 21 defined in IC 35-31.5-2-321.5 (before its repeal on July 1,
 22 2019)) as a:
 23 (i) Class D felony (for a crime committed before July 1,
 24 2014); or
 25 (ii) Level 6 felony (for a crime committed after June 30,
 26 2014);
 27 under IC 35-48-4-11.5 (before its repeal on July 1, 2019); or
 28 (C) possession of a controlled substance analog (as defined in
 29 IC 35-48-1-9.3).
 30 (10) Maintaining a common nuisance under IC 35-48-4-13
 31 (repealed) or IC 35-45-1-5, if the common nuisance involves a
 32 controlled substance.
 33 (11) An offense relating to registration, labeling, and prescription
 34 forms under IC 35-48-4-14.
 35 (h) A decision of the department of homeland security under
 36 subsections (b) through (g) may be appealed to the commission under
 37 IC 4-21.5-3-7.
 38 (i) The department of homeland security may temporarily suspend
 39 a certificate holder's certificate or license holder's license under
 40 IC 4-21.5-4 before a final adjudication or during the appeals process if
 41 the department of homeland security finds that a certificate holder or
 42 license holder would represent a clear and immediate danger to the



1 public's health, safety, or property if the certificate holder or license
2 holder were allowed to continue to practice.

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

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

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

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

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

24 (o) A certificate holder may not surrender the certificate holder's
25 certificate, and a license holder may not surrender the license holder's
26 license, without the written approval of the department of homeland
27 security, and the department of homeland security may impose any
28 conditions appropriate to the surrender or reinstatement of a
29 surrendered certificate or license.

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

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

35 (q) For purposes of this section, "license holder" means a person
36 who holds:

- 37 (1) an unlimited license;
- 38 (2) a limited or probationary license; or
- 39 (3) an inactive license.

40 SECTION 2. IC 22-15-5-16, AS AMENDED BY P.L.142-2020,
41 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2025]: Sec. 16. (a) A practitioner shall comply with the



1 standards established under this licensing program. A practitioner is
2 subject to the exercise of the disciplinary sanctions under subsection
3 (b) if the department finds that a practitioner has:

4 (1) engaged in or knowingly cooperated in fraud or material
5 deception in order to obtain a license to practice, including
6 cheating on a licensing examination;

7 (2) engaged in fraud or material deception in the course of
8 professional services or activities;

9 (3) advertised services or goods in a false or misleading manner;

10 (4) falsified or knowingly allowed another person to falsify
11 attendance records or certificates of completion of continuing
12 education courses provided under this chapter;

13 (5) been convicted of a crime that has a direct bearing on the
14 practitioner's ability to continue to practice competently;

15 (6) knowingly violated a state statute or rule or federal statute or
16 regulation regulating the profession for which the practitioner is
17 licensed;

18 (7) continued to practice although the practitioner has become
19 unfit to practice due to:

20 (A) professional incompetence;

21 (B) failure to keep abreast of current professional theory or
22 practice;

23 (C) physical or mental disability; or

24 (D) addiction to, abuse of, or severe dependency on alcohol or
25 other drugs that endanger the public by impairing a
26 practitioner's ability to practice safely;

27 (8) engaged in a course of lewd or immoral conduct in connection
28 with the delivery of services to the public;

29 (9) allowed the practitioner's name or a license issued under this
30 chapter to be used in connection with an individual or business
31 who renders services beyond the scope of that individual's or
32 business's training, experience, or competence;

33 (10) had disciplinary action taken against the practitioner or the
34 practitioner's license to practice in another state or jurisdiction on
35 grounds similar to those under this chapter;

36 (11) assisted another person in committing an act that would
37 constitute a ground for disciplinary sanction under this chapter;
38 or

39 (12) allowed a license issued by the department to be:

40 (A) used by another person; or

41 (B) displayed to the public when the license has expired, is
42 inactive, is invalid, or has been revoked or suspended.



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

4 (b) The department may impose one (1) or more of the following
 5 sanctions if the department finds that a practitioner is subject to
 6 disciplinary sanctions under subsection (a):

7 (1) Permanent revocation of a practitioner's license.

8 (2) Suspension of a practitioner's license.

9 (3) Censure of a practitioner.

10 (4) Issuance of a letter of reprimand.

11 (5) Assessment of a civil penalty against the practitioner in
 12 accordance with the following:

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

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

24 (6) Placement of a practitioner on probation status and
 25 requirement of the practitioner to:

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

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

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

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

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

40 (c) If an applicant or a practitioner has engaged in or knowingly
 41 cooperated in fraud or material deception to obtain a license to
 42 practice, including cheating on the licensing examination, the



1 department may rescind the license if it has been granted, void the
 2 examination or other fraudulent or deceptive material, and prohibit the
 3 applicant from reapplying for the license for a length of time
 4 established by the department.

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

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

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

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

- 26 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- 27 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 28 (3) Possession of a controlled substance under IC 35-48-4-7(a).
- 29 (4) Fraudulently obtaining a controlled substance under
 30 IC 35-48-4-7(b) (for a crime committed before July 1, 2014) or
 31 IC 35-48-4-7(c) (for a crime committed after June 30, 2014).
- 32 (5) Manufacture of paraphernalia as a Class D felony (for a crime
 33 committed before July 1, 2014) or a Level 6 felony (for a crime
 34 committed after June 30, 2014) under ~~IC 35-48-4-8.1(b).~~
 35 **IC 35-48-4-8.1(c).**
- 36 (6) Dealing in paraphernalia as a Class D felony (for a crime
 37 committed before July 1, 2014) or a Level 6 felony (for a crime
 38 committed after June 30, 2014) under IC 35-48-4-8.5(b).
- 39 (7) Possession of paraphernalia as a Class D felony (for a crime
 40 committed before July 1, 2014) or a Level 6 felony (for a crime
 41 committed after June 30, 2014) under IC 35-48-4-8.3(b) (before
 42 its amendment on July 1, 2015).



- 1 (8) Possession of marijuana, hash oil, hashish, or salvia as a Class
 2 D felony (for a crime committed before July 1, 2014) or a Level
 3 6 felony (for a crime committed after June 30, 2014) under
 4 IC 35-48-4-11.
- 5 (9) A felony offense under IC 35-48-4 involving possession of a
 6 synthetic drug (as defined in IC 35-31.5-2-321), possession of a
 7 controlled substance analog (as defined in IC 35-48-1-9.3), or
 8 possession of a synthetic drug lookalike substance (as defined in
 9 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:
- 10 (A) Class D felony for a crime committed before July 1, 2014;
 11 or
- 12 (B) Level 6 felony for a crime committed after June 30, 2014;
 13 under IC 35-48-4-11.5 (before its repeal on July 1, 2019).
- 14 (10) Maintaining a common nuisance under IC 35-48-4-13
 15 (repealed) or IC 35-45-1-5, if the common nuisance involves a
 16 controlled substance.
- 17 (11) An offense relating to registration, labeling, and prescription
 18 forms under IC 35-48-4-14.
- 19 (h) The department shall deny, revoke, or suspend a license issued
 20 under this chapter if the individual who holds the license is convicted
 21 of any of the following:
- 22 (1) Dealing in a controlled substance resulting in death under
 23 IC 35-42-1-1.5.
- 24 (2) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.
- 25 (3) Dealing in methamphetamine under IC 35-48-4-1.1.
- 26 (4) Manufacturing methamphetamine under IC 35-48-4-1.2.
- 27 (5) Dealing in a schedule I, II, or III controlled substance under
 28 IC 35-48-4-2.
- 29 (6) Dealing in a schedule IV controlled substance under
 30 IC 35-48-4-3.
- 31 (7) Dealing in a schedule V controlled substance under
 32 IC 35-48-4-4.
- 33 (8) Dealing in a substance represented to be a controlled
 34 substance under IC 35-48-4-4.5 (repealed).
- 35 (9) Knowingly or intentionally manufacturing, advertising,
 36 distributing, or possessing with intent to manufacture, advertise,
 37 or distribute a substance represented to be a controlled substance
 38 under IC 35-48-4-4.6.
- 39 (10) Dealing in a counterfeit substance under IC 35-48-4-5.
- 40 (11) Dealing in marijuana, hash oil, hashish, or salvia as a felony
 41 under IC 35-48-4-10.
- 42 (12) An offense under IC 35-48-4 involving the manufacture or



1 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
2 synthetic drug lookalike substance (as defined in
3 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
4 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
5 substance analog (as defined in IC 35-48-1-9.3), or a substance
6 represented to be a controlled substance (as described in
7 IC 35-48-4-4.6).

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

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

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

17 (k) On receipt of a complaint or an information alleging that a
18 person licensed under this chapter has engaged in or is engaging in a
19 practice that jeopardizes the public health, safety, or welfare, the
20 department shall initiate an investigation against the person.

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

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

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

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

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

41 (q) A practitioner may petition the department to accept the
42 surrender of the practitioner's license instead of having a hearing before



1 the commission. The practitioner may not surrender the practitioner's
 2 license without the written approval of the department, and the
 3 department may impose any conditions appropriate to the surrender or
 4 reinstatement of a surrendered license.

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

- 11 (1) Court reporters.
- 12 (2) Transcripts.
- 13 (3) Certification of documents.
- 14 (4) Photo duplication.
- 15 (5) Witness attendance and mileage fees.
- 16 (6) Postage.
- 17 (7) Expert witnesses.
- 18 (8) Depositions.
- 19 (9) Notarizations.

20 SECTION 3. IC 25-1-1.1-2, AS AMENDED BY P.L.142-2020,
 21 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2025]: Sec. 2. Notwithstanding IC 25-1-7, a board, a
 23 commission, or a committee may suspend, deny, or revoke a license or
 24 certificate issued under this title by the board, the commission, or the
 25 committee without an investigation by the office of the attorney general
 26 if the individual who holds the license or certificate is convicted of any
 27 of the following and the board, commission, or committee determines,
 28 after the individual has appeared in person, that the offense affects the
 29 individual's ability to perform the duties of the profession:

- 30 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- 31 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 32 (3) Possession of a controlled substance under IC 35-48-4-7(a).
- 33 (4) Fraudulently obtaining a controlled substance under
 34 IC 35-48-4-7(c).
- 35 (5) Manufacture of paraphernalia as a Class D felony (for a crime
 36 committed before July 1, 2014) or a Level 6 felony (for a crime
 37 committed after June 30, 2014) under ~~IC 35-48-4-8.1(b)~~.
 38 **IC 35-48-4-8.1(c).**
- 39 (6) Dealing in paraphernalia as a Class D felony (for a crime
 40 committed before July 1, 2014) or a Level 6 felony (for a crime
 41 committed after June 30, 2014) under IC 35-48-4-8.5(b).
- 42 (7) Possession of paraphernalia as a Class D felony (for a crime



- 1 committed before July 1, 2014) or a Level 6 felony (for a crime
 2 committed after June 30, 2014) under IC 35-48-4-8.3(b) (before
 3 its amendment on July 1, 2015).
- 4 (8) Possession of marijuana, hash oil, hashish, or salvia as a Class
 5 D felony (for a crime committed before July 1, 2014) or a Level
 6 6 felony (for a crime committed after June 30, 2014) under
 7 IC 35-48-4-11.
- 8 (9) A felony offense under IC 35-48-4 involving possession of a
 9 synthetic drug (as defined in IC 35-31.5-2-321), possession of a
 10 controlled substance analog (as defined in IC 35-48-1-9.3), or
 11 possession of a synthetic drug lookalike substance (as defined in
 12 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:
- 13 (A) Class D felony for a crime committed before July 1, 2014;
 14 or
- 15 (B) Level 6 felony for a crime committed after June 30, 2014;
 16 under IC 35-48-4-11.5 (before its repeal on July 1, 2019).
- 17 (10) Maintaining a common nuisance under IC 35-48-4-13
 18 (repealed) or IC 35-45-1-5, if the common nuisance involves a
 19 controlled substance.
- 20 (11) An offense relating to registration, labeling, and prescription
 21 forms under IC 35-48-4-14.
- 22 (12) A sex crime under IC 35-42-4.
- 23 (13) A felony that reflects adversely on the individual's fitness to
 24 hold a professional license.
- 25 SECTION 4. IC 35-48-4-8.1, AS AMENDED BY P.L.158-2013,
 26 SECTION 634, IS AMENDED TO READ AS FOLLOWS
 27 [EFFECTIVE JULY 1, 2025]: Sec. 8.1. **(a) This section does not**
 28 **apply to an item marketed to detect the presence of a drug or**
 29 **controlled substance, including field test kits and test strips.**
- 30 ~~(a)~~ **(b)** A person who manufactures, finances the manufacture of, or
 31 designs an instrument, a device, or other object that is intended to be
 32 used primarily for:
- 33 (1) introducing into the human body a controlled substance;
 34 (2) testing the strength, effectiveness, or purity of a controlled
 35 substance; or
 36 (3) enhancing the effect of a controlled substance;
 37 in violation of this chapter commits a Class A infraction for
 38 manufacturing paraphernalia.
- 39 ~~(b)~~ **(c)** A person who:
- 40 (1) knowingly or intentionally violates this section; and
 41 (2) has a previous judgment for violation of this section;
 42 commits manufacture of paraphernalia, a Level 6 felony.



1 SECTION 5. IC 35-48-4-8.3, AS AMENDED BY P.L.187-2015,
 2 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2025]: Sec. 8.3. (a) This section does not apply to:

4 (1) a rolling paper; or

5 (2) **an item marketed to detect the presence of a drug or**
 6 **controlled substance, including field test kits and test strips.**

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

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

11 (2) testing the strength, effectiveness, or purity of a controlled
 12 substance; or

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

14 commits a Class C misdemeanor. However, the offense is a Class A
 15 misdemeanor if the person has a prior unrelated judgment or conviction
 16 under this section.

17 SECTION 6. IC 35-48-4-8.5, AS AMENDED BY P.L.153-2018,
 18 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2025]: Sec. 8.5. (a) A person who keeps for sale, offers for
 20 sale, delivers, or finances the delivery of a raw material, an instrument,
 21 a device, or other object that is intended to be or that is designed or
 22 marketed to be used primarily for:

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

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

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

29 (4) manufacturing, compounding, converting, producing,
 30 processing, or preparing marijuana, hash oil, hashish, salvia, a
 31 synthetic drug, or a controlled substance;

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

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

36 commits a Class A infraction for dealing in paraphernalia.

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

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

42 (1) Items marketed for use in the preparation, compounding,



- 1 packaging, labeling, or other use of marijuana, hash oil, hashish,
2 salvia, a synthetic drug, or a controlled substance as an incident
3 to lawful research, teaching, or chemical analysis and not for sale.
4 (2) Items marketed for or historically and customarily used in
5 connection with the planting, propagating, cultivating, growing,
6 harvesting, manufacturing, compounding, converting, producing,
7 processing, preparing, testing, analyzing, packaging, repackaging,
8 storing, containing, concealing, injecting, ingesting, or inhaling
9 of tobacco or any other lawful substance.
10 (3) A qualified entity (as defined in IC 16-41-7.5-3) that provides
11 a syringe or needle as part of a program under IC 16-41-7.5.
12 (4) Any entity or person that provides funding to a qualified entity
13 (as defined in IC 16-41-7.5-3) to operate a program described in
14 IC 16-41-7.5.
15 **(5) Items marketed to detect the presence of a drug or**
16 **controlled substance, including field test kits and test strips.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1167, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph, and insert:

"SECTION 1. IC 16-31-3-14, AS AMENDED BY P.L.170-2022, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 14. (a) A person holding a certificate or license issued under this article must comply with the applicable standards and rules established under this article. A certificate holder or license holder is subject to disciplinary sanctions under subsection (b) if the department of homeland security determines that the certificate holder or license holder:

- (1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a certificate or license, including cheating on a certification or licensure examination;
- (2) engaged in fraud or material deception in the course of professional services or activities;
- (3) advertised services or goods in a false or misleading manner;
- (4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses required under this article or rules adopted under this article;
- (5) is convicted of a crime, if the act that resulted in the conviction has a direct bearing on determining if the certificate holder or license holder should be entrusted to provide emergency medical services;
- (6) is convicted of violating IC 9-19-14.5;
- (7) fails to comply and maintain compliance with or violates any applicable provision, standard, or other requirement of this article or rules adopted under this article;
- (8) continues to practice if the certificate holder or license holder becomes unfit to practice due to:
 - (A) professional incompetence that includes the undertaking of professional activities that the certificate holder or license holder is not qualified by training or experience to undertake;
 - (B) failure to keep abreast of current professional theory or practice;
 - (C) physical or mental disability; or
 - (D) addiction to, abuse of, or dependency on alcohol or other



drugs that endanger the public by impairing the certificate holder's or license holder's ability to practice safely;

(9) engages in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(10) allows the certificate holder's or license holder's name or a certificate or license issued under this article to be used in connection with a person who renders services beyond the scope of that person's training, experience, or competence;

(11) is subjected to disciplinary action in another state or jurisdiction on grounds similar to those contained in this chapter. For purposes of this subdivision, a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction;

(12) assists another person in committing an act that would constitute a ground for disciplinary sanction under this chapter;

(13) allows a certificate or license issued by the commission to be:

(A) used by another person; or

(B) displayed to the public when the certificate or license is expired, inactive, invalid, revoked, or suspended; or

(14) fails to notify the department in writing of any misdemeanor or felony criminal conviction, except traffic related misdemeanors other than operating a motor vehicle under the influence of a drug or alcohol, within ninety (90) days after the entry of an order or judgment. A certified copy of the order or judgment with a letter of explanation must be submitted to the department along with the written notice.

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

(1) Revocation of a certificate holder's certificate or license holder's license for a period not to exceed seven (7) years.

(2) Suspension of a certificate holder's certificate or license holder's license for a period not to exceed seven (7) years.

(3) Censure of a certificate holder or license holder.

(4) Issuance of a letter of reprimand.

(5) Assessment of a civil penalty against the certificate holder or license holder in accordance with the following:

(A) The civil penalty may not exceed five hundred dollars (\$500) per day per violation.



(B) If the certificate holder or license holder fails to pay the civil penalty within the time specified by the department of homeland security, the department of homeland security may suspend the certificate holder's certificate or license holder's license without additional proceedings.

(6) Placement of a certificate holder or license holder on probation status and requirement of the certificate holder or license holder to:

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

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

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

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

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

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

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



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

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

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

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(c).
- (5) Manufacture of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) under ~~IC 35-48-4-8.1(b)~~: **IC 35-48-4-8.1(c)**.
- (6) Dealing in paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.5(b).
- (7) Possession of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.3(b) (before its amendment on July 1, 2015).
- (8) Possession of marijuana, hash oil, hashish, or salvia as a Class D felony (for a crime committed before July 1, 2014) or Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-11.
- (9) A felony offense under IC 35-48-4 involving:
 - (A) possession of a synthetic drug (as defined in



IC 35-31.5-2-321);

(B) possession of a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:

(i) Class D felony (for a crime committed before July 1, 2014); or

(ii) Level 6 felony (for a crime committed after June 30, 2014);

under IC 35-48-4-11.5 (before its repeal on July 1, 2019); or

(C) possession of a controlled substance analog (as defined in IC 35-48-1-9.3).

(10) Maintaining a common nuisance under IC 35-48-4-13 (repealed) or IC 35-45-1-5, if the common nuisance involves a controlled substance.

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

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

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

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

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

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

(m) The department of homeland security may not reinstate a



certificate or license that has been revoked under this chapter.

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

(o) A certificate holder may not surrender the certificate holder's certificate, and a license holder may not surrender the license holder's license, without the written approval of the department of homeland security, and the department of homeland security may impose any conditions appropriate to the surrender or reinstatement of a surrendered certificate or license.

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

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

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

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

SECTION 2. IC 22-15-5-16, AS AMENDED BY P.L.142-2020, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 16. (a) A practitioner shall comply with the standards established under this licensing program. A practitioner is subject to the exercise of the disciplinary sanctions under subsection (b) if the department finds that a practitioner has:

- (1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;
- (2) engaged in fraud or material deception in the course of professional services or activities;
- (3) advertised services or goods in a false or misleading manner;
- (4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses provided under this chapter;
- (5) been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently;
- (6) knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;
- (7) continued to practice although the practitioner has become



unfit to practice due to:

- (A) professional incompetence;
- (B) failure to keep abreast of current professional theory or practice;
- (C) physical or mental disability; or
- (D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;
- (8) engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;
- (9) allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;
- (10) had disciplinary action taken against the practitioner or the practitioner's license to practice in another state or jurisdiction on grounds similar to those under this chapter;
- (11) assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or
- (12) allowed a license issued by the department to be:
 - (A) used by another person; or
 - (B) displayed to the public when the license has expired, is inactive, is invalid, or has been revoked or suspended.

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

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

- (1) Permanent revocation of a practitioner's license.
- (2) Suspension of a practitioner's license.
- (3) Censure of a practitioner.
- (4) Issuance of a letter of reprimand.
- (5) Assessment of a civil penalty against the practitioner in accordance with the following:
 - (A) The civil penalty may not be more than one thousand dollars (\$1,000) for each violation listed in subsection (a), except for a finding of incompetency due to a physical or mental disability.
 - (B) When imposing a civil penalty, the department shall consider a practitioner's ability to pay the amount assessed. If



the practitioner fails to pay the civil penalty within the time specified by the department, the department may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.

(6) Placement of a practitioner on probation status and requirement of the practitioner to:

- (A) report regularly to the department upon the matters that are the basis of probation;
- (B) limit practice to those areas prescribed by the department;
- (C) continue or renew professional education approved by the department until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
- (D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

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

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

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

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

(f) Except as provided under subsection (g) or (h), a license may not be denied, revoked, or suspended because the applicant or holder has



been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be entrusted to serve the public in a specific capacity.

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

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b) (for a crime committed before July 1, 2014) or IC 35-48-4-7(c) (for a crime committed after June 30, 2014).
- (5) Manufacture of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under ~~IC 35-48-4-8.1(b)~~; **IC 35-48-4-8.1(c)**.
- (6) Dealing in paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.5(b).
- (7) Possession of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.3(b) (before its amendment on July 1, 2015).
- (8) Possession of marijuana, hash oil, hashish, or salvia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-11.
- (9) A felony offense under IC 35-48-4 involving possession of a synthetic drug (as defined in IC 35-31.5-2-321), possession of a controlled substance analog (as defined in IC 35-48-1-9.3), or possession of a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:
 - (A) Class D felony for a crime committed before July 1, 2014; or
 - (B) Level 6 felony for a crime committed after June 30, 2014; under IC 35-48-4-11.5 (before its repeal on July 1, 2019).
- (10) Maintaining a common nuisance under IC 35-48-4-13 (repealed) or IC 35-45-1-5, if the common nuisance involves a controlled substance.
- (11) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.



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

- (1) Dealing in a controlled substance resulting in death under IC 35-42-1-1.5.
- (2) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.
- (3) Dealing in methamphetamine under IC 35-48-4-1.1.
- (4) Manufacturing methamphetamine under IC 35-48-4-1.2.
- (5) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
- (6) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
- (7) Dealing in a schedule V controlled substance under IC 35-48-4-4.
- (8) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5 (repealed).
- (9) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.
- (10) Dealing in a counterfeit substance under IC 35-48-4-5.
- (11) Dealing in marijuana, hash oil, hashish, or salvia as a felony under IC 35-48-4-10.
- (12) An offense under IC 35-48-4 involving the manufacture or sale of a synthetic drug (as defined in IC 35-31.5-2-321), a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled substance analog (as defined in IC 35-48-1-9.3), or a substance represented to be a controlled substance (as described in IC 35-48-4-4.6).
- (13) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

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

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

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



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

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

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

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

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

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

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

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

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



(9) Notarizations.

SECTION 3. IC 25-1-1.1-2, AS AMENDED BY P.L.142-2020, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 2. Notwithstanding IC 25-1-7, a board, a commission, or a committee may suspend, deny, or revoke a license or certificate issued under this title by the board, the commission, or the committee without an investigation by the office of the attorney general if the individual who holds the license or certificate is convicted of any of the following and the board, commission, or committee determines, after the individual has appeared in person, that the offense affects the individual's ability to perform the duties of the profession:

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(c).
- (5) Manufacture of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under ~~IC 35-48-4-8.1(b)~~: **IC 35-48-4-8.1(c)**.
- (6) Dealing in paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.5(b).
- (7) Possession of paraphernalia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-8.3(b) (before its amendment on July 1, 2015).
- (8) Possession of marijuana, hash oil, hashish, or salvia as a Class D felony (for a crime committed before July 1, 2014) or a Level 6 felony (for a crime committed after June 30, 2014) under IC 35-48-4-11.
- (9) A felony offense under IC 35-48-4 involving possession of a synthetic drug (as defined in IC 35-31.5-2-321), possession of a controlled substance analog (as defined in IC 35-48-1-9.3), or possession of a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:
 - (A) Class D felony for a crime committed before July 1, 2014; or
 - (B) Level 6 felony for a crime committed after June 30, 2014; under IC 35-48-4-11.5 (before its repeal on July 1, 2019).
- (10) Maintaining a common nuisance under IC 35-48-4-13 (repealed) or IC 35-45-1-5, if the common nuisance involves a



controlled substance.

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

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

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

SECTION 4. IC 35-48-4-8.1, AS AMENDED BY P.L.158-2013, SECTION 634, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 8.1. **(a) This section does not apply to an item marketed to detect the presence of a drug or controlled substance, including field test kits and test strips.**

~~(a)~~ **(b)** A person who manufactures, finances the manufacture of, or designs an instrument, a device, or other object that is intended to be used primarily for:

- (1) introducing into the human body a controlled substance;
- (2) testing the strength, effectiveness, or purity of a controlled substance; or
- (3) enhancing the effect of a controlled substance;

in violation of this chapter commits a Class A infraction for manufacturing paraphernalia.

~~(b)~~ **(c)** A person who:

- (1) knowingly or intentionally violates this section; and
- (2) has a previous judgment for violation of this section;

commits manufacture of paraphernalia, a Level 6 felony.

SECTION 5. IC 35-48-4-8.3, AS AMENDED BY P.L.187-2015, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2025]: Sec. 8.3. (a) This section does not apply to:

- (1) a rolling paper; or**
- (2) an item marketed to detect the presence of a drug or controlled substance, including field test kits and test strips.**

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

- (1) introducing into the person's body a controlled substance;
- (2) testing the strength, effectiveness, or purity of a controlled substance; or
- (3) enhancing the effect of a controlled substance;

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

Page 2, delete lines 1 through 12.

Page 2, reset in roman lines 22 through 23.



Page 2, line 24, reset in roman "(3)".

Page 2, line 24, delete "(2)".

Page 2, line 25, reset in roman "(4)".

Page 2, line 25, delete "(3)".

Page 2, line 28, reset in roman "(5)".

Page 2, line 28, delete "(4)".

Page 2, line 30, reset in roman "(6)".

Page 2, line 30, delete "(5)".

Page 3, after line 10, begin a new line block indented and insert:

"(5) Items marketed to detect the presence of a drug or controlled substance, including field test kits and test strips."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1167 as introduced.)

MCNAMARA

Committee Vote: yeas 13, nays 0.

