



Digest Correction
January 26, 2018

HOUSE BILL No. 1214

DIGEST OF HB 1214 (Updated January 26, 2018 4:37 pm - DI 131)

Citations Affected: IC 15-15; IC 16-18; IC 16-42; IC 35-31.5; IC 35-48.

Synopsis: CBD oil and industrial hemp. Specifies that the definition of "industrial hemp" includes the resins of the Cannabis sativa plant. Defines "CBD oil" as a product that contains: (1) not more than 0.3% THC; (2) at least 5% cannabidiol; and (3) no other controlled substances. Legalizes CBD oil. Repeals superseded provisions relating to cannabidiol registration.

Effective: Upon passage; July 1, 2018.

Friend, Davisson, Clere, Goodin

January 9, 2018, read first time and referred to Committee on Agriculture and Rural Development.

January 11, 2018, reassigned to Committee on Courts and Criminal Code.

January 25, 2018, amended, reported — Do Pass.

HB 1214—LS 6775/DI 77



Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1214

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

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

- 1 SECTION 1. IC 15-15-13-6, AS ADDED BY P.L.165-2014,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 6. As used in this chapter, "industrial hemp"
4 means:
5 (1) all nonseed parts and varieties of the Cannabis sativa plant,
6 **including resins**, whether growing or not, that contain a crop
7 wide average tetrahydrocannabinol (THC) concentration that does
8 not exceed the lesser of:
9 (A) three-tenths of one percent (0.3%) on a dry weight basis;
10 or
11 (B) the percent based on a dry weight basis determined by the
12 federal Controlled Substances Act (21 U.S.C. 801 et seq.); or
13 (2) any Cannabis sativa seed that is:
14 (A) part of a growing crop;
15 (B) retained by a grower for future planting; or
16 (C) for processing into, or use as, agricultural hemp seed.
17 The term does not include industrial hemp commodities or products.

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1 SECTION 2. IC 16-18-2-45.5 IS REPEALED [EFFECTIVE JULY
2 1, 2018]. ~~Sec. 45.5: "Cannabidiol", for purposes of IC 16-42-28.6, has~~
3 ~~the meaning set forth in IC 16-42-28.6-1.~~

4 SECTION 3. IC 16-18-2-48.7 IS REPEALED [EFFECTIVE JULY
5 1, 2018]. ~~Sec. 48.7: "Caregiver", for purposes of IC 16-42-28.6, has the~~
6 ~~meaning set forth in IC 16-42-28.6-2.~~

7 SECTION 4. IC 16-18-2-272, AS AMENDED BY P.L.188-2017,
8 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2018]: Sec. 272. (a) "Patient", for purposes of IC 16-27-1, has
10 the meaning set forth in IC 16-27-1-6.

11 (b) "Patient", for purposes of IC 16-28 and IC 16-29, means an
12 individual who has been accepted and assured care by a health facility.

13 (c) "Patient", for purposes of IC 16-36-1.5, has the meaning set forth
14 in IC 16-36-1.5-3.

15 (d) "Patient", for purposes of IC 16-39, means an individual who has
16 received health care services from a provider for the examination,
17 treatment, diagnosis, or prevention of a physical or mental condition.

18 ~~(e) "Patient", for purposes of IC 16-42-28.6, has the meaning set~~
19 ~~forth in IC 16-42-28.6-3.~~

20 SECTION 5. IC 16-18-2-282, AS AMENDED BY P.L.188-2017,
21 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2018]: Sec. 282. (a) "Physician", except as provided in
23 subsections (b) **and (c)**, ~~through (d)~~; means a licensed physician (as
24 defined in section 202 of this chapter).

25 (b) "Physician", for purposes of IC 16-41-12, has the meaning set
26 forth in IC 16-41-12-7.

27 (c) "Physician", for purposes of IC 16-37-1-3.1 and IC 16-37-3-5,
28 means an individual who:

29 (1) was the physician last in attendance (as defined in section
30 282.2 of this chapter); or

31 (2) is licensed under IC 25-22.5.

32 ~~(d) "Physician", for purposes of IC 16-42-28.6, has the meaning set~~
33 ~~forth in IC 16-42-28.6-4.~~

34 ~~(e)~~ **(d)** "Physician", for purposes of IC 16-48-1, is subject to
35 IC 16-48-1-2.

36 SECTION 6. IC 16-18-2-342.6 IS REPEALED [EFFECTIVE JULY
37 1, 2018]. ~~Sec. 342.6: "Substance containing cannabidiol", for purposes~~
38 ~~of IC 16-42-28.6, has the meaning set forth in IC 16-42-28.6-5.~~

39 SECTION 7. IC 16-18-2-354.7 IS REPEALED [EFFECTIVE JULY
40 1, 2018]. ~~Sec. 354.7: "Treatment resistant epilepsy", for purposes of~~
41 ~~IC 16-42-28.6, has the meaning set forth in IC 16-42-28.6-6.~~

42 SECTION 8. IC 16-42-28.6 IS REPEALED [EFFECTIVE JULY 1,



2018]. (Drugs: Use of Cannabidiol for the Treatment of Epilepsy).

SECTION 9. IC 35-31.5-2-33.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 33.7. "CBD oil", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-6.7.**

SECTION 10. IC 35-31.5-2-150.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 150.5. "Hashish", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-16.8.**

SECTION 11. IC 35-31.5-2-150.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 150.6. "Hash oil", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-16.9.**

SECTION 12. IC 35-31.5-2-316.9 IS REPEALED [EFFECTIVE JULY 1, 2018]. ~~Sec. 316.9. "Substance containing cannabidiol", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-26.7.~~

SECTION 13. IC 35-48-1-6.5, AS ADDED BY P.L.188-2017, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: ~~Sec. 6.5. "Cannabidiol" has the meaning set forth in IC 16-42-28.6-1.~~ **means 2-(6-isopropenyl-3-methyl-2-cyclohexen-1-yl)- 5-pentyl- 1,3-benzenediol.**

SECTION 14. IC 35-48-1-6.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 6.7. "CBD oil" means a product that contains:**

- (1) not more than three-tenths percent (0.3%) total tetrahydrocannabinol (THC) by weight, including its precursors and derivatives;**
- (2) at least five percent (5%) cannabidiol by weight; and**
- (3) no other controlled substances.**

SECTION 15. IC 35-48-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: ~~Sec. 9. "Controlled substance" means a drug, substance, or immediate precursor in schedule I, II, III, IV, or V under:~~

- ~~(1) IC 35-48-2-4, IC 35-48-2-6, IC 35-48-2-8, IC 35-48-2-10, or IC 35-48-2-12, if IC 35-48-2-14 does not apply; or~~
- ~~(2) a rule adopted by the board, if IC 35-48-2-14 applies.~~

The term does not include CBD oil.

SECTION 16. IC 35-48-1-9.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: ~~Sec. 9.3. (a) "Controlled substance analog" means a substance:~~

- ~~(1) the chemical structure of which is substantially similar to that~~



- 1 of a controlled substance included in schedule I or II and that has;
 2 or
 3 (2) that a person represents or intends to have;
 4 a narcotic, stimulant, depressant, or hallucinogenic effect on the central
 5 nervous system substantially similar to or greater than the narcotic,
 6 stimulant, depressant, or hallucinogenic effect on the central nervous
 7 system of a controlled substance included in schedule I or II.
- 8 (b) The definition set forth in subsection (a) does not include:
 9 (1) a controlled substance;
 10 (2) a substance for which there is an approved new drug
 11 application;
 12 (3) a substance for which an exemption is in effect for
 13 investigational use by a person under Section 505 of the federal
 14 Food, Drug and Cosmetic Act (chapter 675, 52 Stat. 1052 (21
 15 U.S.C. 355)), to the extent that conduct with respect to the
 16 substance is permitted under the exemption; ~~or~~
 17 (4) a substance to the extent not intended for human consumption
 18 before an exemption takes effect regarding the substance; ~~or~~
 19 (5) **CBD oil.**
- 20 SECTION 17. IC 35-48-1-16.8 IS ADDED TO THE INDIANA
 21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2018]: **Sec. 16.8. "Hashish" does not include**
 23 **CBD oil.**
- 24 SECTION 18. IC 35-48-1-16.9 IS ADDED TO THE INDIANA
 25 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2018]: **Sec. 16.9. "Hash oil" does not include**
 27 **CBD oil.**
- 28 SECTION 19. IC 35-48-1-19, AS AMENDED BY P.L.165-2014,
 29 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 30 JULY 1, 2018]: Sec. 19. (a) "Marijuana" means any part of the plant
 31 genus Cannabis whether growing or not; the seeds thereof; the resin
 32 extracted from any part of the plant, including hashish and hash oil; any
 33 compound, manufacture, salt, derivative, mixture, or preparation of the
 34 plant, its seeds or resin.
- 35 (b) The term does not include:
 36 (1) the mature stalks of the plant;
 37 (2) fiber produced from the stalks;
 38 (3) oil or cake made from the seeds of the plant;
 39 (4) any other compound, manufacture, salt, derivative, mixture,
 40 or preparation of the mature stalks (except the resin extracted
 41 therefrom);
 42 (5) the sterilized seed of the plant which is incapable of



1 germination; or

2 (6) industrial hemp (as defined by IC 15-15-13-6); or

3 **(7) CBD oil.**

4 SECTION 20. IC 35-48-1-26.7 IS REPEALED [EFFECTIVE JULY
5 1, 2018]. ~~Sec. 26.7. "Substance containing cannabidiol" has the~~
6 ~~meaning set forth in IC 16-42-28.6-5.~~

7 SECTION 21. IC 35-48-4-8.5, AS AMENDED BY P.L.188-2017,
8 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2018]: Sec. 8.5. (a) A person who keeps for sale, offers for
10 sale, delivers, or finances the delivery of a raw material, an instrument,
11 a device, or other object that is intended to be or that is designed or
12 marketed to be used primarily for:

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

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

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

19 (4) manufacturing, compounding, converting, producing,
20 processing, or preparing marijuana, hash oil, hashish, salvia, a
21 synthetic drug, or a controlled substance;

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

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

26 commits a Class A infraction for dealing in paraphernalia.

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

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

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

36 (2) Items marketed for or historically and customarily used in
37 connection with the planting, propagating, cultivating, growing,
38 harvesting, manufacturing, compounding, converting, producing,
39 processing, preparing, testing, analyzing, packaging, repackaging,
40 storing, containing, concealing, injecting, ingesting, or inhaling
41 of tobacco, **CBD oil**, or any other lawful substance. ~~excluding the~~
42 ~~lawful possession of a substance containing cannabidiol under~~



- 1 ~~IC 35-48-4-11.~~
- 2 (3) A qualified entity (as defined in IC 16-41-7.5-3) that provides
- 3 a syringe or needle as part of a program under IC 16-41-7.5.
- 4 (4) Any entity or person that provides funding to a qualified entity
- 5 (as defined in IC 16-41-7.5-3) to operate a program described in
- 6 IC 16-41-7.5.
- 7 SECTION 22. IC 35-48-4-11, AS AMENDED BY P.L.188-2017,
- 8 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 9 JULY 1, 2018]: Sec. 11. (a) A person who:
- 10 (1) knowingly or intentionally possesses (pure or adulterated)
- 11 marijuana, hash oil, hashish, or salvia;
- 12 (2) knowingly or intentionally grows or cultivates marijuana; or
- 13 (3) knowing that marijuana is growing on the person's premises,
- 14 fails to destroy the marijuana plants;
- 15 commits possession of marijuana, hash oil, hashish, or salvia, a Class
- 16 B misdemeanor, except as provided in subsections (b) through (c).
- 17 (b) The offense described in subsection (a) is a Class A
- 18 misdemeanor if the person has a prior conviction for a drug offense.
- 19 (c) The offense described in subsection (a) is a Level 6 felony if:
- 20 (1) the person has a prior conviction for a drug offense; and
- 21 (2) the person possesses:
- 22 (A) at least thirty (30) grams of marijuana; or
- 23 (B) at least five (5) grams of hash oil, hashish, or salvia.
- 24 (d) It is a defense to a prosecution under subsection (a)(1) based on
- 25 the possession of a substance containing cannabidiol that:
- 26 (1) the person is a patient or caregiver registered under
- 27 ~~IC 16-42-28.6~~ for the use of a substance containing cannabidiol;
- 28 (2) the person reasonably believed that the substance possessed
- 29 by the person was a substance containing cannabidiol; and
- 30 (3) the substance containing cannabidiol is packaged in a
- 31 container labeled with the origin, volume, and concentration by
- 32 weight of total THC, including its precursors and derivatives, and
- 33 cannabidiol.
- 34 (e) It is a defense to a prosecution under this section based on the
- 35 possession of a substance containing cannabidiol that:
- 36 (1) the substance containing cannabidiol has been approved by
- 37 the federal Food and Drug Administration or the federal Drug
- 38 Enforcement Agency as a prescription drug; and
- 39 (2) the substance was prescribed and dispensed in accordance
- 40 with the federal approval described in subdivision (1).
- 41 SECTION 23. **An emergency is declared for this act.**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1214, 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 2, delete lines 1 through 42, begin a new paragraph and insert:

"SECTION 2. IC 16-18-2-45.5 IS REPEALED [EFFECTIVE JULY 1, 2018]. Sec. 45.5: "Cannabidiol", for purposes of IC 16-42-28.6, has the meaning set forth in IC 16-42-28.6-1.

SECTION 3. IC 16-18-2-48.7 IS REPEALED [EFFECTIVE JULY 1, 2018]. Sec. 48.7: "Caregiver", for purposes of IC 16-42-28.6, has the meaning set forth in IC 16-42-28.6-2.

SECTION 4. IC 16-18-2-272, AS AMENDED BY P.L.188-2017, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 272. (a) "Patient", for purposes of IC 16-27-1, has the meaning set forth in IC 16-27-1-6.

(b) "Patient", for purposes of IC 16-28 and IC 16-29, means an individual who has been accepted and assured care by a health facility.

(c) "Patient", for purposes of IC 16-36-1.5, has the meaning set forth in IC 16-36-1.5-3.

(d) "Patient", for purposes of IC 16-39, means an individual who has received health care services from a provider for the examination, treatment, diagnosis, or prevention of a physical or mental condition.

(e) "Patient", for purposes of IC 16-42-28.6, has the meaning set forth in IC 16-42-28.6-3.

SECTION 3. IC 16-18-2-282, AS AMENDED BY P.L.188-2017, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 282. (a) "Physician", except as provided in subsections (b) **and (c)**, ~~through (d)~~; means a licensed physician (as defined in section 202 of this chapter).

(b) "Physician", for purposes of IC 16-41-12, has the meaning set forth in IC 16-41-12-7.

(c) "Physician", for purposes of IC 16-37-1-3.1 and IC 16-37-3-5, means an individual who:

(1) was the physician last in attendance (as defined in section 282.2 of this chapter); or

(2) is licensed under IC 25-22.5.

(d) "Physician", for purposes of IC 16-42-28.6, has the meaning set forth in IC 16-42-28.6-4.

(e) (d) "Physician", for purposes of IC 16-48-1, is subject to IC 16-48-1-2.

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SECTION 4. IC 16-18-2-342.6 IS REPEALED [EFFECTIVE JULY 1, 2018]. ~~Sec. 342.6. "Substance containing cannabidiol", for purposes of IC 16-42-28.6, has the meaning set forth in IC 16-42-28.6-5.~~

SECTION 5. IC 16-18-2-354.7 IS REPEALED [EFFECTIVE JULY 1, 2018]. ~~Sec. 354.7. "Treatment resistant epilepsy"; for purposes of IC 16-42-28.6, has the meaning set forth in IC 16-42-28.6-6.~~

SECTION 6. IC 16-42-28.6 IS REPEALED [EFFECTIVE JULY 1, 2018]. (Drugs: Use of Cannabidiol for the Treatment of Epilepsy).

SECTION 7. IC 35-31.5-2-33.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 33.7. "CBD oil", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-6.7.**

SECTION 8. IC 35-31.5-2-150.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 150.5. "Hashish", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-16.8.**

SECTION 9. IC 35-31.5-2-150.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 150.6. "Hash oil", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-16.9.**

SECTION 10. IC 35-31.5-2-316.9 IS REPEALED [EFFECTIVE JULY 1, 2018]. ~~Sec. 316.9. "Substance containing cannabidiol", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-26.7.~~

SECTION 11. IC 35-48-1-6.5, AS ADDED BY P.L.188-2017, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: ~~Sec. 6.5. "Cannabidiol" has the meaning set forth in IC 16-42-28.6-1.~~ **means 2-(6-isopropenyl-3-methyl-2-cyclohexen-1-yl)-5-pentyl-1,3-benzenediol.**

SECTION 12. IC 35-48-1-6.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 6.7. "CBD oil" means a product that contains:**

- (1) not more than three-tenths percent (0.3%) total tetrahydrocannabinol (THC) by weight, including its precursors and derivatives;**
- (2) at least five percent (5%) cannabidiol by weight; and**
- (3) no other controlled substances.**

SECTION 13. IC 35-48-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: ~~Sec. 9. "Controlled substance" means a drug, substance, or immediate precursor in schedule I, II, III, IV, or V under:~~

- ~~(1) IC 35-48-2-4, IC 35-48-2-6, IC 35-48-2-8, IC 35-48-2-10, or~~



- IC 35-48-2-12, if IC 35-48-2-14 does not apply; or
 (2) a rule adopted by the board, if IC 35-48-2-14 applies.

The term does not include CBD oil.

SECTION 14. IC 35-48-1-9.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 9.3. (a) "Controlled substance analog" means a substance:

- (1) the chemical structure of which is substantially similar to that of a controlled substance included in schedule I or II and that has;
 or
 (2) that a person represents or intends to have;
 a narcotic, stimulant, depressant, or hallucinogenic effect on the central nervous system substantially similar to or greater than the narcotic, stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance included in schedule I or II.

(b) The definition set forth in subsection (a) does not include:

- (1) a controlled substance;
 (2) a substance for which there is an approved new drug application;
 (3) a substance for which an exemption is in effect for investigational use by a person under Section 505 of the federal Food, Drug and Cosmetic Act (chapter 675, 52 Stat. 1052 (21 U.S.C. 355)), to the extent that conduct with respect to the substance is permitted under the exemption; ~~or~~
 (4) a substance to the extent not intended for human consumption before an exemption takes effect regarding the substance; ~~or~~

(5) CBD oil.

SECTION 15. IC 35-48-1-16.8 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 16.8. "Hashish" does not include CBD oil.**

SECTION 16. IC 35-48-1-16.9 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: **Sec. 16.9. "Hash oil" does not include CBD oil.**

SECTION 17. IC 35-48-1-19, AS AMENDED BY P.L.165-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 19. (a) "Marijuana" means any part of the plant genus Cannabis whether growing or not; the seeds thereof; the resin extracted from any part of the plant, including hashish and hash oil; any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin.

(b) The term does not include:



- (1) the mature stalks of the plant;
- (2) fiber produced from the stalks;
- (3) oil or cake made from the seeds of the plant;
- (4) any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom);
- (5) the sterilized seed of the plant which is incapable of germination; ~~or~~
- (6) industrial hemp (as defined by IC 15-15-13-6); **or**
- (7) **CBD oil.**

SECTION 18. IC 35-48-1-26.7 IS REPEALED [EFFECTIVE JULY 1, 2018]. ~~Sec. 26.7. "Substance containing cannabidiol" has the meaning set forth in IC 16-42-28.6-5.~~

SECTION 19. IC 35-48-4-8.5, AS AMENDED BY P.L.188-2017, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 8.5. (a) A person who keeps for sale, offers for sale, delivers, or finances the delivery of a raw material, an instrument, a device, or other object that is intended to be or that is designed or marketed to be used primarily for:

- (1) ingesting, inhaling, or otherwise introducing into the human body marijuana, hash oil, hashish, salvia, a synthetic drug, or a controlled substance;
- (2) testing the strength, effectiveness, or purity of marijuana, hash oil, hashish, salvia, a synthetic drug, or a controlled substance;
- (3) enhancing the effect of a controlled substance;
- (4) manufacturing, compounding, converting, producing, processing, or preparing marijuana, hash oil, hashish, salvia, a synthetic drug, or a controlled substance;
- (5) diluting or adulterating marijuana, hash oil, hashish, salvia, a synthetic drug, or a controlled substance by individuals; or
- (6) any purpose announced or described by the seller that is in violation of this chapter;

commits a Class A infraction for dealing in paraphernalia.

(b) A person who knowingly or intentionally violates subsection (a) 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, **CBD oil**, or any other lawful substance. ~~excluding the lawful possession of a substance containing cannabidiol under IC 35-48-4-11.~~

(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.

SECTION 20. IC 35-48-4-11, AS AMENDED BY P.L.188-2017, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 11. (a) A person who:

(1) knowingly or intentionally possesses (pure or adulterated) marijuana, hash oil, hashish, or salvia;

(2) knowingly or intentionally grows or cultivates marijuana; or

(3) knowing that marijuana is growing on the person's premises, fails to destroy the marijuana plants;

commits possession of marijuana, hash oil, hashish, or salvia, a Class B misdemeanor, except as provided in subsections (b) through (c).

(b) The offense described in subsection (a) is a Class A misdemeanor if the person has a prior conviction for a drug offense.

(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) It is a defense to a prosecution under subsection (a)(1) based on the possession of a substance containing cannabidiol that:~~

~~(1) the person is a patient or caregiver registered under IC 16-42-28.6 for the use of a substance containing cannabidiol;~~

~~(2) the person reasonably believed that the substance possessed by the person was a substance containing cannabidiol; and~~

~~(3) the substance containing cannabidiol is packaged in a container labeled with the origin, volume, and concentration by weight of total THC, including its precursors and derivatives, and cannabidiol.~~

~~(e) It is a defense to a prosecution under this section based on the possession of a substance containing cannabidiol that:~~

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(1) the substance containing cannabidiol has been approved by the federal Food and Drug Administration or the federal Drug Enforcement Agency as a prescription drug; and
(2) the substance was prescribed and dispensed in accordance with the federal approval described in subdivision (1);

SECTION 21. An emergency is declared for this act."

Delete pages 3 through 9.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1214 as introduced.)

WASHBURNE

Committee Vote: yeas 9, nays 0.

