



Reprinted
March 6, 2018

ENGROSSED

HOUSE BILL No. 1214

DIGEST OF HB 1214 (Updated March 5, 2018 4:10 pm - DI 106)

Citations Affected: IC 6-2.5; IC 16-18; IC 16-42; IC 24-4; IC 35-31.5; IC 35-48.

Synopsis: Low THC hemp extract. Repeals all provisions concerning the cannabidiol registry and a "substance containing cannabidiol" (all added by HEA 1148-2017). Defines "low THC hemp extract" as an industrial hemp product derived from *Cannabis sativa* L. that contains not more than 0.3% delta-9-THC (including precursors) and no other controlled substances. Establishes requirements for the manufacture, labeling, and sale of low THC hemp extract. Provides that the Indiana department of state revenue may revoke a registered retail merchant's certificate if the retailer sells a product falsely labeled as low THC hemp extract. Provides that a retailer commits dealing in marijuana as a Level 5 felony if: (1) the retailer sells marijuana; (2) the marijuana is packaged in a manner that appears to be low THC extract; and (3) the retailer knows or reasonably know that the product is marijuana. Makes possession of marijuana a Class A misdemeanor if: (1) the marijuana is packaged in a manner that appears to be low THC hemp extract; and (2) the person knows or reasonably should know that the product is marijuana.

Effective: Upon passage.

Friend, Davisson, Clere, Goodin

(SENATE SPONSORS — YOUNG M, HEAD, DORIOT, TAYLOR G,
LANANE, RANDOLPH LONNIE M)

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.

January 29, 2018, read second time, ordered engrossed. Engrossed.

January 30, 2018, read third time, passed. Yeas 93, nays 0.

SENATE ACTION

February 1, 2018, read first time and referred to Committee on Corrections and Criminal Law.

February 27, 2018, amended, reported favorably — Do Pass.

March 5, 2018, read second time, amended, ordered engrossed.

EH 1214—LS 6775/DI 77



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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.

ENGROSSED 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 6-2.5-8-7, AS AMENDED BY P.L.97-2017,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 7. (a) The department may, for good cause,
4 revoke a certificate issued under section 1, 3, or 4 of this chapter.
5 However, the department must give the certificate holder at least five
6 (5) days notice before it revokes the certificate under this subsection.
7 Good cause for revocation may include the following:
8 (1) Failure to:
9 (A) file a return required under this chapter or for any tax
10 collected for the state in trust; or
11 (B) remit any tax collected for the state in trust.
12 (2) Being charged with a violation of any provision under IC 35.
13 (3) Being subject to a court order under IC 7.1-2-6-7,
14 IC 32-30-6-8, IC 32-30-7, or IC 32-30-8.
15 (4) Being charged with a violation of IC 23-15-12.
16 (5) **Selling low THC hemp extract (as defined in**
17 **IC 35-48-1-17.5) if the retailer knew or reasonably should**

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- 1 **have known that the product is not low THC hemp extract.**
 2 The department may revoke a certificate before a criminal adjudication
 3 or without a criminal charge being filed. If the department gives notice
 4 of an intent to revoke based on an alleged violation of subdivision (2),
 5 the department shall hold a public hearing to determine whether good
 6 cause exists. If the department finds in a public hearing by a
 7 preponderance of the evidence that a person has committed a violation
 8 described in subdivision (2), the department shall proceed in
 9 accordance with subsection (i) (if the violation resulted in a criminal
 10 conviction) or subsection (j) (if the violation resulted in a judgment for
 11 an infraction).
- 12 (b) The department shall revoke a certificate issued under section
 13 1, 3, or 4 of this chapter if, for a period of three (3) years, the certificate
 14 holder fails to:
- 15 (1) file the returns required by IC 6-2.5-6-1; or
 16 (2) report the collection of any state gross retail or use tax on the
 17 returns filed under IC 6-2.5-6-1.
- 18 However, the department must give the certificate holder at least five
 19 (5) days notice before it revokes the certificate.
- 20 (c) The department may, for good cause, revoke a certificate issued
 21 under section 1 of this chapter after at least five (5) days notice to the
 22 certificate holder if:
- 23 (1) the certificate holder is subject to an innkeeper's tax under
 24 IC 6-9; and
 25 (2) a board, bureau, or commission established under IC 6-9 files
 26 a written statement with the department.
- 27 (d) The statement filed under subsection (c) must state that:
- 28 (1) information obtained by the board, bureau, or commission
 29 under IC 6-8.1-7-1 indicates that the certificate holder has not
 30 complied with IC 6-9; and
 31 (2) the board, bureau, or commission has determined that
 32 significant harm will result to the county from the certificate
 33 holder's failure to comply with IC 6-9.
- 34 (e) The department shall revoke or suspend a certificate issued
 35 under section 1 of this chapter after at least five (5) days notice to the
 36 certificate holder if:
- 37 (1) the certificate holder owes taxes, penalties, fines, interest, or
 38 costs due under IC 6-1.1 that remain unpaid at least sixty (60)
 39 days after the due date under IC 6-1.1; and
 40 (2) the treasurer of the county to which the taxes are due requests
 41 the department to revoke or suspend the certificate.
- 42 (f) The department shall reinstate a certificate suspended under



1 subsection (e) if the taxes and any penalties due under IC 6-1.1 are paid
 2 or the county treasurer requests the department to reinstate the
 3 certificate because an agreement for the payment of taxes and any
 4 penalties due under IC 6-1.1 has been reached to the satisfaction of the
 5 county treasurer.

6 (g) The department shall revoke a certificate issued under section
 7 1 of this chapter after at least five (5) days notice to the certificate
 8 holder if the department finds in a public hearing by a preponderance
 9 of the evidence that the certificate holder has violated IC 35-45-5-3,
 10 IC 35-45-5-3.5, or IC 35-45-5-4.

11 (h) If a person makes a payment for the certificate under section 1
 12 or 3 of this chapter with a check, credit card, debit card, or electronic
 13 funds transfer, and the department is unable to obtain payment of the
 14 check, credit card, debit card, or electronic funds transfer for its full
 15 face amount when the check, credit card, debit card, or electronic funds
 16 transfer is presented for payment through normal banking channels, the
 17 department shall notify the person by mail that the check, credit card,
 18 debit card, or electronic funds transfer was not honored and that the
 19 person has five (5) days after the notice is mailed to pay the fee in cash,
 20 by certified check, or other guaranteed payment. If the person fails to
 21 make the payment within the five (5) day period, the department shall
 22 revoke the certificate.

23 (i) If the department finds in a public hearing by a preponderance of
 24 the evidence that a person has a conviction for a violation of
 25 IC 35-48-4-10.5 and the conviction involved the sale of or the offer to
 26 sell, in the normal course of business, a synthetic drug or a synthetic
 27 drug lookalike substance by a retail merchant in a place of business for
 28 which the retail merchant has been issued a registered retail merchant
 29 certificate under section 1 of this chapter, the department:

30 (1) shall suspend the registered retail merchant certificate for the
 31 place of business for one (1) year; and

32 (2) may not issue another retail merchant certificate under section
 33 1 of this chapter for one (1) year to any person:

34 (A) that:

35 (i) applied for; or

36 (ii) made a retail transaction under;

37 the retail merchant certificate suspended under subdivision
 38 (1); or

39 (B) that:

40 (i) owned or co-owned, directly or indirectly; or

41 (ii) was an officer, a director, a manager, or a partner of;

42 the retail merchant that was issued the retail merchant



1 certificate suspended under subdivision (1).

2 (j) If the department finds in a public hearing by a preponderance of
3 the evidence that a person has a judgment for a violation of
4 IC 35-48-4-10.5 as an infraction and the violation involved the sale of
5 or the offer to sell, in the normal course of business, a synthetic drug
6 or a synthetic drug lookalike substance by a retail merchant in a place
7 of business for which the retail merchant has been issued a registered
8 retail merchant certificate under section 1 of this chapter, the
9 department:

10 (1) may suspend the registered retail merchant certificate for the
11 place of business for six (6) months; and

12 (2) may withhold issuance of another retail merchant certificate
13 under section 1 of this chapter for six (6) months to any person:

14 (A) that:

15 (i) applied for; or

16 (ii) made a retail transaction under;

17 the retail merchant certificate suspended under subdivision
18 (1); or

19 (B) that:

20 (i) owned or co-owned, directly or indirectly; or

21 (ii) was an officer, a director, a manager, or a partner of;

22 the retail merchant that was issued the retail merchant
23 certificate suspended under subdivision (1).

24 SECTION 2. IC 16-18-2-45.5 IS REPEALED [EFFECTIVE UPON
25 PASSAGE]. Sec. 45.5. "Cannabidiol", for purposes of IC 16-42-28.6;
26 has the meaning set forth in IC 16-42-28.6-1.

27 SECTION 3. IC 16-18-2-48.7 IS REPEALED [EFFECTIVE UPON
28 PASSAGE]. Sec. 48.7. "Caregiver", for purposes of IC 16-42-28.6; has
29 the meaning set forth in IC 16-42-28.6-2.

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

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

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

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

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



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

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

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

10 (1) was the physician last in attendance (as defined in section
 11 282.2 of this chapter); or

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

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

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

17 SECTION 6. IC 16-18-2-342.6 IS REPEALED [EFFECTIVE
 18 UPON PASSAGE]. Sec. 342.6. ~~"Substance containing cannabidiol",
 19 for purposes of IC 16-42-28.6, has the meaning set forth in
 20 IC 16-42-28.6-5.~~

21 SECTION 7. IC 16-18-2-354.7 IS REPEALED [EFFECTIVE
 22 UPON PASSAGE]. Sec. 354.7. ~~"Treatment resistant epilepsy", for
 23 purposes of IC 16-42-28.6, has the meaning set forth in
 24 IC 16-42-28.6-6.~~

25 SECTION 8. IC 16-42-28.6 IS REPEALED [EFFECTIVE UPON
 26 PASSAGE]. (Drugs: Use of Cannabidiol for the Treatment of
 27 Epilepsy).

28 SECTION 9. IC 24-4-21 IS ADDED TO THE INDIANA CODE AS
 29 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
 30 PASSAGE]:

31 **Chapter 21. Low THC Hemp Extract Production**

32 **Sec. 1. The following definitions apply throughout this chapter:**

33 (1) "Certificate of analysis" means a certificate from an
 34 independent testing laboratory describing the results of the
 35 laboratory's testing of a sample.

36 (2) "Independent testing laboratory" means a laboratory:

37 (A) with respect to which no person having a direct or
 38 indirect interest in the laboratory also has a direct or
 39 indirect interest in a facility that:

40 (i) processes, distributes, or sells low THC hemp extract,
 41 or a substantially similar substance in another
 42 jurisdiction;



1 (ii) cultivates, processes, distributes, dispenses, or sells
2 marijuana; or

3 (iii) cultivates, processes, or distributes industrial hemp;
4 and

5 (B) that is accredited as a testing laboratory to
6 International Organization for Standardization (ISO)
7 17025 by a third party accrediting body such as the
8 American Association for Laboratory Accreditation
9 (A2LA) or Assured Calibration and Laboratory
10 Accreditation Select Services (ACLASS).

11 (3) "Low THC hemp extract" has the meaning set forth in
12 IC 35-48-1-17.5.

13 Sec. 2. A person may:

14 (1) manufacture low THC hemp extract for distribution in
15 Indiana; and

16 (2) distribute low THC hemp extract to a retailer or
17 independent testing laboratory in Indiana;

18 if the person meets the requirements of this chapter.

19 Sec. 3. A manufacturer shall submit a random sample of each
20 batch of product to an independent testing laboratory for testing
21 before the batch may be distributed. The manufacturer shall select
22 and submit the sample in a manner determined by the independent
23 testing laboratory. A manufacturer may not distribute a batch
24 until the manufacturer has obtained a certificate of analysis from
25 the independent testing laboratory showing that the sample
26 contains not more than three-tenths percent (0.3%) total
27 delta-9-tetrahydrocannabinol (THC), including precursors, by
28 weight.

29 Sec. 4. If testing by the independent testing laboratory
30 demonstrates that a sample contains more than three-tenths
31 percent (0.3%) total delta-9-tetrahydrocannabinol (THC),
32 including precursors, by weight, the manufacturer:

33 (1) may not distribute the batch; and

34 (2) may reprocess the batch.

35 A manufacturer shall treat a reprocessed batch as a new batch for
36 all purposes, and shall submit a new sample from the batch to the
37 independent testing laboratory for testing in accordance with
38 section 3 of this chapter.

39 Sec. 5. After receiving a certificate of analysis showing that the
40 product contains not more than three-tenths percent (0.3%) total
41 delta-9-tetrahydrocannabinol (THC), including precursors, by
42 weight, the manufacturer shall package the low THC hemp extract



- 1 in packaging that contains the following information:
 2 (1) A scannable bar code or QR code linked to a document
 3 that contains information with respect to the manufacture of
 4 the low THC hemp extract, including the:
 5 (A) batch identification number;
 6 (B) product name;
 7 (C) batch date;
 8 (D) expiration date, which must be not more than two (2)
 9 years from the date of manufacture;
 10 (E) batch size;
 11 (F) total quantity produced;
 12 (G) ingredients used, including the:
 13 (i) ingredient name;
 14 (ii) name of the company that manufactured the
 15 ingredient;
 16 (iii) company or product identification number or code,
 17 if applicable; and
 18 (iv) ingredient lot number; and
 19 (H) download link for a certificate of analysis for the low
 20 THC hemp extract.
 21 (2) The batch number.
 22 (3) The Internet address of a web site to obtain batch
 23 information.
 24 (4) The expiration date.
 25 (5) The number of milligrams of low THC hemp extract.
 26 (6) The manufacturer.
 27 (7) The fact that the product contains not more than
 28 t h r e e - t e n t h s p e r c e n t (0 . 3 %) t o t a l
 29 delta-9-tetrahydrocannabinol (THC), including precursors, by
 30 weight.
 31 (8) The following statement in bold type or capital letters:
 32 **THIS PRODUCT CONTAINS A SCHEDULE I**
 33 **CONTROLLED SUBSTANCE.**
 34 **Sec. 6. A person who violates sections 3 through 5 of this chapter**
 35 **commits a Class B infraction. However, the offense is a Class A**
 36 **infraction if the person has a prior unrelated judgment for a**
 37 **violation of this chapter.**
 38 SECTION 10. IC 24-4-22 IS ADDED TO THE INDIANA CODE
 39 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 40 UPON PASSAGE]:
 41 **Chapter 22. Low THC Hemp Extract Sales**
 42 **Sec. 1. The following definitions apply throughout this chapter:**



1 (1) "Certificate of analysis" has the meaning set forth in
2 IC 24-4-21-1.

3 (2) "Low THC hemp extract" has the meaning set forth in
4 IC 35-48-1-17.5.

5 **Sec. 2. A person may sell low THC hemp extract at retail if the**
6 **packaging complies with the requirements of IC 24-4-21-5.**

7 **Sec. 3. A person who violates section 2 of this chapter commits**
8 **a Class C infraction. However, the violation is a Class B infraction**
9 **if the person has one (1) prior unrelated judgment for a violation**
10 **of section 2 of this chapter, and a Class A infraction if the person**
11 **has two (2) or more prior unrelated judgments for a violation of**
12 **section 2 of this chapter.**

13 SECTION 11. IC 35-31.5-2-33.5 IS REPEALED [EFFECTIVE
14 UPON PASSAGE]. ~~Sec. 33.5. "Cannabidiol", for purposes of IC 35-48,~~
15 ~~has the meaning set forth in IC 35-48-1-6.5.~~

16 SECTION 12. IC 35-31.5-2-150.5 IS ADDED TO THE INDIANA
17 CODE AS A NEW SECTION TO READ AS FOLLOWS
18 [EFFECTIVE UPON PASSAGE]: **Sec. 150.5. "Hashish", for**
19 **purposes of IC 35-48, has the meaning set forth in IC 35-48-1-16.8.**

20 SECTION 13. IC 35-31.5-2-150.6 IS ADDED TO THE INDIANA
21 CODE AS A NEW SECTION TO READ AS FOLLOWS
22 [EFFECTIVE UPON PASSAGE]: **Sec. 150.6. "Hash oil", for**
23 **purposes of IC 35-48, has the meaning set forth in IC 35-48-1-16.9.**

24 SECTION 14. IC 35-31.5-2-316.9 IS REPEALED [EFFECTIVE
25 UPON PASSAGE]. ~~Sec. 316.9. "Substance containing cannabidiol",~~
26 ~~for purposes of IC 35-48; has the meaning set forth in IC 35-48-1-26.7.~~

27 SECTION 15. IC 35-31.5-2-189.9 IS ADDED TO THE INDIANA
28 CODE AS A NEW SECTION TO READ AS FOLLOWS
29 [EFFECTIVE UPON PASSAGE]: **Sec. 189.9. "Low THC hemp**
30 **extract", for purposes of IC 35-48, has the meaning set forth in**
31 **IC 35-48-1-17.5.**

32 SECTION 16. IC 35-48-1-6.5 IS REPEALED [EFFECTIVE UPON
33 PASSAGE]. ~~Sec. 6.5. "Cannabidiol" has the meaning set forth in~~
34 ~~IC 16-42-28.6-1.~~

35 SECTION 17. IC 35-48-1-9 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9. "Controlled**
37 **substance" means a drug, substance, or immediate precursor in**
38 **schedule I, II, III, IV, or V under:**

39 (1) IC 35-48-2-4, IC 35-48-2-6, IC 35-48-2-8, IC 35-48-2-10, or
40 IC 35-48-2-12, if IC 35-48-2-14 does not apply; or

41 (2) a rule adopted by the board, if IC 35-48-2-14 applies.

42 **The term does not include low THC hemp extract.**



1 SECTION 18. IC 35-48-1-9.3 IS AMENDED TO READ AS
 2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9.3. (a) "Controlled
 3 substance analog" means a substance:

4 (1) the chemical structure of which is substantially similar to that
 5 of a controlled substance included in schedule I or II and that has;
 6 or

7 (2) that a person represents or intends to have;
 8 a narcotic, stimulant, depressant, or hallucinogenic effect on the central
 9 nervous system substantially similar to or greater than the narcotic,
 10 stimulant, depressant, or hallucinogenic effect on the central nervous
 11 system of a controlled substance included in schedule I or II.

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

13 (1) a controlled substance;

14 (2) a substance for which there is an approved new drug
 15 application;

16 (3) a substance for which an exemption is in effect for
 17 investigational use by a person under Section 505 of the federal
 18 Food, Drug and Cosmetic Act (chapter 675, 52 Stat. 1052 (21
 19 U.S.C. 355)), to the extent that conduct with respect to the
 20 substance is permitted under the exemption; or

21 (4) a substance to the extent not intended for human consumption
 22 before an exemption takes effect regarding the substance; or

23 **(5) Low THC hemp extract.**

24 SECTION 19. IC 35-48-1-16.8 IS ADDED TO THE INDIANA
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE UPON PASSAGE]: **Sec. 16.8. "Hashish" does not**
 27 **include low THC hemp extract.**

28 SECTION 20. IC 35-48-1-16.9 IS ADDED TO THE INDIANA
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
 30 [EFFECTIVE UPON PASSAGE]: **Sec. 16.9. "Hash oil" does not**
 31 **include low THC hemp extract.**

32 SECTION 21. IC 35-48-1-17.5 IS ADDED TO THE INDIANA
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS
 34 [EFFECTIVE UPON PASSAGE]: **Sec. 17.5. "Low THC hemp**
 35 **extract" means a substance or compound that:**

36 (1) is:

37 (A) derived from or contains any part of the plant
 38 *Cannabis sativa L.*; and

39 (B) derived from industrial hemp (as defined in
 40 IC 15-15-13-6);

41 (2) contains not more than three-tenths percent (0.3%) total
 42 delta-9-tetrahydrocannabinol (THC), including precursors, by



1 **weight; and**

2 **(3) contains no other controlled substances.**

3 SECTION 22. IC 35-48-1-19, AS AMENDED BY P.L.165-2014,
4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: Sec. 19. (a) "Marijuana" means any part of the
6 plant genus Cannabis whether growing or not; the seeds thereof; the
7 resin extracted from any part of the plant, including hashish and hash
8 oil; any compound, manufacture, salt, derivative, mixture, or
9 preparation of the plant, its seeds or resin.

10 (b) The term does not include:

11 (1) the mature stalks of the plant;

12 (2) fiber produced from the stalks;

13 (3) oil or cake made from the seeds of the plant;

14 (4) any other compound, manufacture, salt, derivative, mixture,
15 or preparation of the mature stalks (except the resin extracted
16 therefrom);

17 (5) the sterilized seed of the plant which is incapable of
18 germination; **or**

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

20 **(7) low THC hemp extract.**

21 SECTION 23. IC 35-48-1-26.7 IS REPEALED [EFFECTIVE
22 UPON PASSAGE]. ~~Sec. 26.7. "Substance containing cannabidiol" has~~
23 ~~the meaning set forth in IC 16-42-28.6-5.~~

24 SECTION 24. IC 35-48-3.5 IS ADDED TO THE INDIANA CODE
25 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
26 UPON PASSAGE]:

27 **Chapter 3.5. Defenses Relating to Controlled Substances**

28 **Sec. 1. (a) This section does not apply to a person who sells**
29 **marijuana, hashish, hash oil, or tetrahydrocannabinol:**

30 (1) **without having obtained a certificate of analysis (as**
31 **defined in IC 24-4-21-1) showing that the substance contains**
32 **not more than three-tenths percent (0.3%) total**
33 **delta-9-tetrahydrocannabinol (THC), including precursors, by**
34 **weight; or**

35 (2) **after having obtained a certificate of analysis showing that**
36 **the substance contains more than three-tenths percent (0.3%)**
37 **total delta-9-tetrahydrocannabinol (THC), including**
38 **precursors, by weight.**

39 (b) **It is a defense to a prosecution under IC 35-48-4-2 (dealing**
40 **in a schedule I, II, or III controlled substance), IC 35-48-4-7**
41 **(possession of a controlled substance), IC 35-48-4-10 (dealing in**
42 **marijuana, hash oil, or hashish), or IC 35-48-4-11 (possession of**



1 marijuana, hash oil, or hashish) that all of the following apply:

2 (1) The person is:

3 (A) a manufacturer of low THC hemp extract as described
4 in IC 24-4-21; or

5 (B) an independent testing laboratory (as defined in
6 IC 24-4-21-1).

7 (2) The person is charged with an offense relating to
8 marijuana, hashish, hash oil, or tetrahydrocannabinol.

9 (3) The person possessed, delivered, or manufactured the
10 marijuana, hashish, hash oil, or tetrahydrocannabinol within
11 the scope of manufacturing or testing low THC hemp extract
12 under IC 24-4-21.

13 (4) The person substantially complied with the requirements
14 of IC 24-4-21.

15 SECTION 25. IC 35-48-4-8.5, AS AMENDED BY P.L.188-2017,
16 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 UPON PASSAGE]: Sec. 8.5. (a) A person who keeps for sale, offers
18 for sale, delivers, or finances the delivery of a raw material, an
19 instrument, a device, or other object that is intended to be or that is
20 designed or marketed to be used primarily for:

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

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

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

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

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

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

34 commits a Class A infraction for dealing in paraphernalia.

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

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

40 (1) Items marketed for use in the preparation, compounding,
41 packaging, labeling, or other use of marijuana, hash oil, hashish,
42 salvia, a synthetic drug, or a controlled substance as an incident



- 1 to lawful research, teaching, or chemical analysis and not for sale.
- 2 (2) Items marketed for or historically and customarily used in
- 3 connection with the planting, propagating, cultivating, growing,
- 4 harvesting, manufacturing, compounding, converting, producing,
- 5 processing, preparing, testing, analyzing, packaging, repackaging,
- 6 storing, containing, concealing, injecting, ingesting, or inhaling
- 7 of tobacco or any other lawful substance. ~~excluding the lawful~~
- 8 ~~possession of a substance containing cannabidiol under~~
- 9 ~~IC 35-48-4-11.~~
- 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 SECTION 26. IC 35-48-4-10, AS AMENDED BY P.L.44-2016,
- 16 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 17 UPON PASSAGE]: Sec. 10. (a) A person who:
- 18 (1) knowingly or intentionally:
- 19 (A) manufactures;
- 20 (B) finances the manufacture of;
- 21 (C) delivers; or
- 22 (D) finances the delivery of;
- 23 marijuana, hash oil, hashish, or salvia, pure or adulterated; or
- 24 (2) possesses, with intent to:
- 25 (A) manufacture;
- 26 (B) finance the manufacture of;
- 27 (C) deliver; or
- 28 (D) finance the delivery of;
- 29 marijuana, hash oil, hashish, or salvia, pure or adulterated;
- 30 commits dealing in marijuana, hash oil, hashish, or salvia, a Class A
- 31 misdemeanor, except as provided in subsections (b) through (d).
- 32 (b) A person may be convicted of an offense under subsection (a)(2)
- 33 only if:
- 34 (1) there is evidence in addition to the weight of the drug that the
- 35 person intended to manufacture, finance the manufacture of,
- 36 deliver, or finance the delivery of the drug; or
- 37 (2) the amount of the drug involved is at least:
- 38 (A) ten (10) pounds, if the drug is marijuana; or
- 39 (B) three hundred (300) grams, if the drug is hash oil, hashish,
- 40 or salvia.
- 41 (c) The offense is a Level 6 felony if:
- 42 (1) the person has a prior conviction for a drug offense and the



- 1 amount of the drug involved is:
- 2 (A) less than thirty (30) grams of marijuana; or
- 3 (B) less than five (5) grams of hash oil, hashish, or salvia; or
- 4 (2) the amount of the drug involved is:
- 5 (A) at least thirty (30) grams but less than ten (10) pounds of
- 6 marijuana; or
- 7 (B) at least five (5) grams but less than three hundred (300)
- 8 grams of hash oil, hashish, or salvia.
- 9 (d) The offense is a Level 5 felony if:
- 10 (1) the person has a prior conviction for a drug dealing offense
- 11 and the amount of the drug involved is:
- 12 (A) at least thirty (30) grams but less than ten (10) pounds of
- 13 marijuana; or
- 14 (B) at least five (5) grams but less than three hundred (300)
- 15 grams of hash oil, hashish, or salvia; ~~or~~
- 16 (2) the:
- 17 (A) amount of the drug involved is:
- 18 (i) at least ten (10) pounds of marijuana; or
- 19 (ii) at least three hundred (300) grams of hash oil, hashish,
- 20 or salvia; or
- 21 (B) offense involved a sale to a minor; **or**
- 22 **(3) the:**
- 23 **(A) person is a retailer;**
- 24 **(B) marijuana, hash oil, hashish, or salvia is packaged in a**
- 25 **manner that appears to be low THC hemp extract; and**
- 26 **(C) person knew or reasonably should have known that the**
- 27 **product was marijuana, hash oil, hashish, or salvia.**
- 28 SECTION 27. IC 35-48-4-11, AS AMENDED BY P.L.188-2017,
- 29 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 30 UPON PASSAGE]: Sec. 11. (a) A person who:
- 31 (1) knowingly or intentionally possesses (pure or adulterated)
- 32 marijuana, hash oil, hashish, or salvia;
- 33 (2) knowingly or intentionally grows or cultivates marijuana; or
- 34 (3) knowing that marijuana is growing on the person's premises,
- 35 fails to destroy the marijuana plants;
- 36 commits possession of marijuana, hash oil, hashish, or salvia, a Class
- 37 B misdemeanor, except as provided in subsections (b) through (c).
- 38 (b) The offense described in subsection (a) is a Class A
- 39 misdemeanor if:
- 40 **(1) the person has a prior conviction for a drug offense; or**
- 41 **(2) the:**
- 42 **(A) marijuana, hash oil, hashish, or salvia is packaged in a**



1 **manner that appears to be low THC hemp extract; and**
 2 **(B) person knew or reasonably should have known that the**
 3 **product was marijuana, hash oil, hashish, or salvia.**
 4 (c) The offense described in subsection (a) is a Level 6 felony if:
 5 (1) the person has a prior conviction for a drug offense; and
 6 (2) the person possesses:
 7 (A) at least thirty (30) grams of marijuana; or
 8 (B) at least five (5) grams of hash oil, hashish, or salvia.
 9 (d) It is a defense to a prosecution under subsection (a)(1) based on
 10 the possession of a substance containing cannabidiol that:
 11 (1) the person is a patient or caregiver registered under
 12 IC 16-42-28.6 for the use of a substance containing cannabidiol;
 13 (2) the person reasonably believed that the substance possessed
 14 by the person was a substance containing cannabidiol; and
 15 (3) the substance containing cannabidiol is packaged in a
 16 container labeled with the origin, volume, and concentration by
 17 weight of total THC, including its precursors and derivatives, and
 18 cannabidiol.
 19 (e) It is a defense to a prosecution under this section based on the
 20 possession of a substance containing cannabidiol that:
 21 (1) the substance containing cannabidiol has been approved by
 22 the federal Food and Drug Administration or the federal Drug
 23 Enforcement Agency as a prescription drug; and
 24 (2) the substance was prescribed and dispensed in accordance
 25 with the federal approval described in subdivision (1).
 26 **SECTION 28. 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.



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:

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- (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.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred House Bill No. 1214, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective dates in SECTIONS 2 through 8 with "[EFFECTIVE UPON PASSAGE]".

Page 1, delete lines 1 through 17.

Page 3, delete lines 2 through 42, begin a new paragraph and insert: "SECTION 8. IC 24-4-21 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:"

Chapter 21. Low THC Hemp Extract Production

Sec. 1. The following definitions apply throughout this chapter:

- (1) "Certificate of analysis" means a certificate from an independent testing laboratory describing the results of the laboratory's testing of a sample.
- (2) "Independent testing laboratory" means a laboratory:
 - (A) with respect to which no person having a direct or indirect interest in the laboratory also has a direct or indirect interest in a facility that:
 - (i) processes, distributes, or sells low THC hemp extract, or a substantially similar substance in another



jurisdiction;

(ii) cultivates, processes, distributes, dispenses, or sells marijuana; or

(iii) cultivates, processes, or distributes industrial hemp; and

(B) that is accredited as a testing laboratory to International Organization for Standardization (ISO) 17025 by a third party accrediting body such as the American Association for Laboratory Accreditation (A2LA) or Assured Calibration and Laboratory Accreditation Select Services (ACLASS).

(3) "Low THC hemp extract" has the meaning set forth in IC 35-48-1-17.5.

Sec. 2. A person may:

(1) manufacture low THC hemp extract for distribution in Indiana; and

(2) distribute low THC hemp extract to a retailer or independent testing laboratory in Indiana;

if the person meets the requirements of this chapter.

Sec. 3. A manufacturer shall submit a random sample of each batch of product to an independent testing laboratory for testing before the batch may be distributed. The manufacturer shall select and submit the sample in a manner determined by the independent testing laboratory. A manufacturer may not distribute a batch until the manufacturer has obtained a certificate of analysis from the independent testing laboratory showing that the sample contains not more than three-tenths percent (0.3%) total delta-9-tetrahydrocannabinol (THC) by dry weight.

Sec. 4. If testing by the independent testing laboratory demonstrates that a sample contains more than three-tenths percent (0.3%) total delta-9-tetrahydrocannabinol (THC) by dry weight, the manufacturer:

(1) may not distribute the batch; and

(2) may reprocess the batch.

A manufacturer shall treat a reprocessed batch as a new batch for all purposes, and shall submit a new sample from the batch to the independent testing laboratory for testing in accordance with section 3 of this chapter.

Sec. 5. After receiving a certificate of analysis showing that the product contains not more than three-tenths percent (0.3%) total delta-9-tetrahydrocannabinol (THC) by dry weight, the manufacturer shall package the low THC hemp extract in



packaging that contains the following information:

- (1) A scannable bar code or QR code linked to a document that contains information with respect to the manufacture of the low THC hemp extract, including the:
 - (A) batch identification number;
 - (B) product name;
 - (C) batch date;
 - (D) expiration date, which must be not more than two (2) years from the date of manufacture;
 - (E) batch size;
 - (F) total quantity produced;
 - (G) ingredients used, including the:
 - (i) ingredient name;
 - (ii) name of the company that manufactured the ingredient;
 - (iii) company or product identification number or code, if applicable; and
 - (iv) ingredient lot number; and
 - (H) download link for a certificate of analysis for the low THC hemp extract.
- (2) The batch number.
- (3) The Internet address of a web site to obtain batch information.
- (4) The expiration date.
- (5) The number of milligrams of low THC hemp extract.
- (6) The manufacturer.
- (7) The fact that the product contains not more than three-tenths percent (0.3%) total delta-9-tetrahydrocannabinol (THC) by dry weight.

Sec. 6. A person who violates sections 3 through 5 of this chapter commits a Class B infraction. However, the offense is a Class A infraction if the person has a prior unrelated judgment for a violation of this chapter.

SECTION 9. IC 24-4-22 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 22. Low THC Hemp Extract Sales

Sec. 1. The following definitions apply throughout this chapter:

- (1) "Certificate of analysis" has the meaning set forth in IC 24-4-21-1.
- (2) "Low THC hemp extract" has the meaning set forth in IC 35-48-1-17.5.



Sec. 2. A person may sell low THC hemp extract at retail if the packaging complies with the requirements of IC 24-4-21-5.

Sec. 3. A person who violates section 2 of this chapter commits a Class C infraction. However, the violation is a Class B infraction if the person has one (1) prior unrelated judgment for a violation of section 2 of this chapter, and a Class A infraction if the person has two (2) or more prior unrelated judgments for a violation of section 2 of this chapter.

SECTION 10. IC 35-31.5-2-33.5 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 33.5. "Cannabidiol", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-6.5.~~

SECTION 11. IC 35-31.5-2-150.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 150.5. "Hashish", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-16.8.**

SECTION 12. IC 35-31.5-2-150.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 150.6. "Hash oil", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-16.9.**

SECTION 13. IC 35-31.5-2-316.9 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~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 14. IC 35-31.5-2-189.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 189.9. "Low THC hemp extract", for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-17.5.**

SECTION 15. IC 35-48-1-6.5 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 6.5. "Cannabidiol" has the meaning set forth in IC 16-42-28.6-1.~~

SECTION 16. IC 35-48-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **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 low THC hemp extract.

SECTION 17. IC 35-48-1-9.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **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) Low THC hemp extract.

SECTION 18. IC 35-48-1-16.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 16.8. "Hashish" does not include low THC hemp extract.**

SECTION 19. IC 35-48-1-16.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 16.9. "Hash oil" does not include low THC hemp extract.**

SECTION 20. IC 35-48-1-17.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 17.5. "Low THC hemp extract" means a substance or compound that:**

(1) is derived from or contains any part of the plant Cannabis sativa L.;

(2) contains not more than three-tenths percent (0.3%) total delta-9-tetrahydrocannabinol (THC) by dry weight; and

(3) contains no other controlled substances.

SECTION 21. IC 35-48-1-19, AS AMENDED BY P.L.165-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: 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) **low THC hemp extract.**

SECTION 22. IC 35-48-1-26.7 IS REPEALED [EFFECTIVE UPON PASSAGE]. ~~Sec. 26.7. "Substance containing cannabidiol" has the meaning set forth in IC 16-42-28.6-5.~~

SECTION 23. IC 35-48-3.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 3.5. Defenses Relating to Controlled Substances

Sec. 1. (a) This section does not apply to a person who sells marijuana, hashish, hash oil, or tetrahydrocannabinol:

- (1) without having obtained a certificate of analysis (as defined in IC 24-4-21-1) showing that the substance contains not more than three-tenths percent (0.3%) total delta-9-tetrahydrocannabinol (THC) by dry weight; or
- (2) after having obtained a certificate of analysis showing that the substance contains more than three-tenths percent (0.3%) total delta-9-tetrahydrocannabinol (THC) by dry weight.

(b) It is a defense to a prosecution under IC 35-48-4-2 (dealing in a schedule I, II, or III controlled substance), IC 35-48-4-7 (possession of a controlled substance), IC 35-48-4-10 (dealing in marijuana, hash oil, or hashish), or IC 35-48-4-11 (possession of marijuana, hash oil, or hashish) that all of the following apply:

- (1) The person is:
 - (A) a manufacturer of low THC hemp extract as described in IC 24-4-21; or
 - (B) an independent testing laboratory (as defined in IC 24-4-21-1).
- (2) The person is charged with an offense relating to marijuana, hashish, hash oil, or tetrahydrocannabinol.
- (3) The person possessed, delivered, or manufactured the marijuana, hashish, hash oil, or tetrahydrocannabinol within



the scope of manufacturing or testing low THC hemp extract under IC 24-4-21.

(4) The person substantially complied with the requirements of IC 24-4-21.

SECTION 24. IC 35-48-4-8.5, AS AMENDED BY P.L.188-2017, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: 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 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 25. IC 35-48-4-11, AS AMENDED BY P.L.188-2017, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: 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:

- (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 26. **An emergency is declared for this act.**"

Delete pages 4 through 6.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1214 Digest Correction as printed January 26, 2018.)

YOUNG M, Chairperson

Committee Vote: Yeas 6, Nays 2.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1214 be amended to read as follows:

Page 4, between lines 30 and 31, begin a new line block indented and insert:

**"(8) The following statement in bold type or capital letters:
THIS PRODUCT CONTAINS A SCHEDULE I
CONTROLLED SUBSTANCE."**

(Reference is to EHB 1214 as printed February 28, 2018.)

KOCH

SENATE MOTION

Madam President: I move that Engrossed House Bill 1214 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-2.5-8-7, AS AMENDED BY P.L.97-2017, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The department may, for good cause, revoke a certificate issued under section 1, 3, or 4 of this chapter. However, the department must give the certificate holder at least five (5) days notice before it revokes the certificate under this subsection. Good cause for revocation may include the following:

(1) Failure to:

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- (A) file a return required under this chapter or for any tax collected for the state in trust; or
- (B) remit any tax collected for the state in trust.
- (2) Being charged with a violation of any provision under IC 35.
- (3) Being subject to a court order under IC 7.1-2-6-7, IC 32-30-6-8, IC 32-30-7, or IC 32-30-8.
- (4) Being charged with a violation of IC 23-15-12.
- (5) Selling low THC hemp extract (as defined in IC 35-48-1-17.5) if the retailer knew or reasonably should have known that the product is not low THC hemp extract.**

The department may revoke a certificate before a criminal adjudication or without a criminal charge being filed. If the department gives notice of an intent to revoke based on an alleged violation of subdivision (2), the department shall hold a public hearing to determine whether good cause exists. If the department finds in a public hearing by a preponderance of the evidence that a person has committed a violation described in subdivision (2), the department shall proceed in accordance with subsection (i) (if the violation resulted in a criminal conviction) or subsection (j) (if the violation resulted in a judgment for an infraction).

(b) The department shall revoke a certificate issued under section 1, 3, or 4 of this chapter if, for a period of three (3) years, the certificate holder fails to:

- (1) file the returns required by IC 6-2.5-6-1; or
- (2) report the collection of any state gross retail or use tax on the returns filed under IC 6-2.5-6-1.

However, the department must give the certificate holder at least five (5) days notice before it revokes the certificate.

(c) The department may, for good cause, revoke a certificate issued under section 1 of this chapter after at least five (5) days notice to the certificate holder if:

- (1) the certificate holder is subject to an innkeeper's tax under IC 6-9; and
- (2) a board, bureau, or commission established under IC 6-9 files a written statement with the department.

(d) The statement filed under subsection (c) must state that:

- (1) information obtained by the board, bureau, or commission under IC 6-8.1-7-1 indicates that the certificate holder has not complied with IC 6-9; and
- (2) the board, bureau, or commission has determined that significant harm will result to the county from the certificate holder's failure to comply with IC 6-9.



(e) The department shall revoke or suspend a certificate issued under section 1 of this chapter after at least five (5) days notice to the certificate holder if:

- (1) the certificate holder owes taxes, penalties, fines, interest, or costs due under IC 6-1.1 that remain unpaid at least sixty (60) days after the due date under IC 6-1.1; and
- (2) the treasurer of the county to which the taxes are due requests the department to revoke or suspend the certificate.

(f) The department shall reinstate a certificate suspended under subsection (e) if the taxes and any penalties due under IC 6-1.1 are paid or the county treasurer requests the department to reinstate the certificate because an agreement for the payment of taxes and any penalties due under IC 6-1.1 has been reached to the satisfaction of the county treasurer.

(g) The department shall revoke a certificate issued under section 1 of this chapter after at least five (5) days notice to the certificate holder if the department finds in a public hearing by a preponderance of the evidence that the certificate holder has violated IC 35-45-5-3, IC 35-45-5-3.5, or IC 35-45-5-4.

(h) If a person makes a payment for the certificate under section 1 or 3 of this chapter with a check, credit card, debit card, or electronic funds transfer, and the department is unable to obtain payment of the check, credit card, debit card, or electronic funds transfer for its full face amount when the check, credit card, debit card, or electronic funds transfer is presented for payment through normal banking channels, the department shall notify the person by mail that the check, credit card, debit card, or electronic funds transfer was not honored and that the person has five (5) days after the notice is mailed to pay the fee in cash, by certified check, or other guaranteed payment. If the person fails to make the payment within the five (5) day period, the department shall revoke the certificate.

(i) If the department finds in a public hearing by a preponderance of the evidence that a person has a conviction for a violation of IC 35-48-4-10.5 and the conviction involved the sale of or the offer to sell, in the normal course of business, a synthetic drug or a synthetic drug lookalike substance by a retail merchant in a place of business for which the retail merchant has been issued a registered retail merchant certificate under section 1 of this chapter, the department:

- (1) shall suspend the registered retail merchant certificate for the place of business for one (1) year; and
- (2) may not issue another retail merchant certificate under section 1 of this chapter for one (1) year to any person:



- (A) that:
 - (i) applied for; or
 - (ii) made a retail transaction under;
 the retail merchant certificate suspended under subdivision (1); or
- (B) that:
 - (i) owned or co-owned, directly or indirectly; or
 - (ii) was an officer, a director, a manager, or a partner of;
 the retail merchant that was issued the retail merchant certificate suspended under subdivision (1).

(j) If the department finds in a public hearing by a preponderance of the evidence that a person has a judgment for a violation of IC 35-48-4-10.5 as an infraction and the violation involved the sale of or the offer to sell, in the normal course of business, a synthetic drug or a synthetic drug lookalike substance by a retail merchant in a place of business for which the retail merchant has been issued a registered retail merchant certificate under section 1 of this chapter, the department:

- (1) may suspend the registered retail merchant certificate for the place of business for six (6) months; and
- (2) may withhold issuance of another retail merchant certificate under section 1 of this chapter for six (6) months to any person:
 - (A) that:
 - (i) applied for; or
 - (ii) made a retail transaction under;
 the retail merchant certificate suspended under subdivision (1); or
 - (B) that:
 - (i) owned or co-owned, directly or indirectly; or
 - (ii) was an officer, a director, a manager, or a partner of;
 the retail merchant that was issued the retail merchant certificate suspended under subdivision (1).".

Page 3, line 29, delete "(THC)" and insert "**(THC), including precursors,**".

Page 3, line 29, delete "dry".

Page 3, line 32, delete "(THC)" and insert "**(THC), including precursors,**".

Page 3, line 32, delete "dry".

Page 3, line 42, delete "(THC)" and insert "**(THC), including precursors,**".

Page 3, line 42, delete "dry".

Page 4, line 30, delete "(THC)" and insert "**(THC), including**".



precursors,".

Page 4, line 30, delete "dry".

Page 6, delete lines 33 through 34, begin a new line block indented and insert:

"(1) is:

(A) derived from or contains any part of the plant Cannabis sativa L.; and

(B) derived from industrial hemp (as defined in IC 15-15-13-6);".

Page 6, line 36, delete "(THC)" and insert **"(THC), including precursors,".**

Page 6, line 36, delete "dry".

Page 7, line 26, delete "(THC)" and insert **"(THC), including precursors,".**

Page 7, line 26, delete "dry".

Page 7, line 29, delete "(THC)" and insert **"(THC), including precursors,".**

Page 7, line 29, delete "dry".

Page 9, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 26. IC 35-48-4-10, AS AMENDED BY P.L.44-2016, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

marijuana, hash oil, hashish, or salvia, pure or adulterated; or

(2) possesses, with intent to:

(A) manufacture;

(B) finance the manufacture of;

(C) deliver; or

(D) finance the delivery of;

marijuana, hash oil, hashish, or salvia, pure or adulterated;

commits dealing in marijuana, hash oil, hashish, or salvia, a Class A misdemeanor, except as provided in subsections (b) through (d).

(b) A person may be convicted of an offense under subsection (a)(2) only if:

(1) there is evidence in addition to the weight of the drug that the person intended to manufacture, finance the manufacture of, deliver, or finance the delivery of the drug; or

(2) the amount of the drug involved is at least:

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- (A) ten (10) pounds, if the drug is marijuana; or
 - (B) three hundred (300) grams, if the drug is hash oil, hashish, or salvia.
- (c) The offense is a Level 6 felony if:
- (1) the person has a prior conviction for a drug offense and the amount of the drug involved is:
 - (A) less than thirty (30) grams of marijuana; or
 - (B) less than five (5) grams of hash oil, hashish, or salvia; or
 - (2) the amount of the drug involved is:
 - (A) at least thirty (30) grams but less than ten (10) pounds of marijuana; or
 - (B) at least five (5) grams but less than three hundred (300) grams of hash oil, hashish, or salvia.
- (d) The offense is a Level 5 felony if:
- (1) the person has a prior conviction for a drug dealing offense and the amount of the drug involved is:
 - (A) at least thirty (30) grams but less than ten (10) pounds of marijuana; or
 - (B) at least five (5) grams but less than three hundred (300) grams of hash oil, hashish, or salvia; ~~or~~
 - (2) the:
 - (A) amount of the drug involved is:
 - (i) at least ten (10) pounds of marijuana; or
 - (ii) at least three hundred (300) grams of hash oil, hashish, or salvia; or
 - (B) offense involved a sale to a minor; **or**
 - (3) the:**
 - (A) person is a retailer;**
 - (B) marijuana, hash oil, hashish, or salvia is packaged in a manner that appears to be low THC hemp extract; and**
 - (C) person knew or reasonably should have known that the product was marijuana, hash oil, hashish, or salvia."**

Page 9, line 17, delete "if" and insert "if:

(1)".

Page 9, line 17, delete "offense." and insert "offense; **or**

(2) the:

(A) marijuana, hash oil, hashish, or salvia is packaged in a manner that appears to be low THC hemp extract; and



(B) person knew or reasonably should have known that the product was marijuana, hash oil, hashish, or salvia."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1214 as printed February 28, 2018.)

YOUNG M

