

HOUSE BILL No. 1547

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2; IC 16-31-3-14; IC 16-42-27-2; IC 16-51; IC 22-15-5-16; IC 25-1-1.1-2; IC 34-30-2; IC 35-38-2; IC 35-48; IC 35-52-16.

Synopsis: Medical cannabis. Establishes a medical cannabis program, administered by the state department of health, to permit the use of medical cannabis in Indiana. Reduces the penalty for possession of marijuana, hashish, hash oil, and salvia to: (1) a Class C infraction for a first offense; (2) a Class C misdemeanor for a second or subsequent offense; and (3) a Class A misdemeanor for a second or subsequent offense if the person possesses more than a specified amount. Reduces the penalty for possession of marijuana, hashish, hash oil, or salvia packaged in a container labeled as containing low THC hemp extract to a Class C misdemeanor. Provides that a person's probation may not be revoked solely on the basis that the person tested positive for marijuana or a metabolite of marijuana. Makes conforming amendments.

Effective: July 1, 2021.

Payne, Teshka, VanNatter

January 14, 2021, read first time and referred to Committee on Public Health.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1547

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

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

1 SECTION 1. IC 16-18-2-1.9 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2021]: **Sec. 1.9. "Adequate supply", for purposes of IC 16-51, has**
4 **the meaning set forth in IC 16-51-1-1.**

5 SECTION 2. IC 16-18-2-37.9 IS ADDED TO THE INDIANA
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2021]: **Sec. 37.9. "Bona fide medical**
8 **physician-patient relationship", for purposes of IC 16-51, has the**
9 **meaning set forth in IC 16-51-1-1.**

10 SECTION 3. IC 16-18-2-48.1 IS ADDED TO THE INDIANA
11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2021]: **Sec. 48.1. "Cannabis", for purposes**
13 **of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

14 SECTION 4. IC 16-18-2-48.2 IS ADDED TO THE INDIANA
15 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2021]: **Sec. 48.2. "Cannabis plant monitoring**
17 **system", for purposes of IC 16-51, has the meaning set forth in**



- 1 **IC 16-51-1-1.**
2 SECTION 5. IC 16-18-2-48.4 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2021]: **Sec. 48.4. "Cardholder", for purposes**
5 **of IC 16-51, has the meaning set forth in IC 16-51-1-1.**
6 SECTION 6. IC 16-18-2-88.6 IS ADDED TO THE INDIANA
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
8 [EFFECTIVE JULY 1, 2021]: **Sec. 88.6. "Cultivation center", for**
9 **purposes of IC 16-51, has the meaning set forth in IC 16-51-1-1.**
10 SECTION 7. IC 16-18-2-88.7 IS ADDED TO THE INDIANA
11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2021]: **Sec. 88.7. "Cultivation center agent",**
13 **for purposes of IC 16-51, has the meaning set forth in IC 16-51-1-1.**
14 SECTION 8. IC 16-18-2-88.8 IS ADDED TO THE INDIANA
15 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2021]: **Sec. 88.8. "Cultivation center agent**
17 **identification card", for purposes of IC 16-51, has the meaning set**
18 **forth in IC 16-51-1-1.**
19 SECTION 9. IC 16-18-2-92.2 IS ADDED TO THE INDIANA
20 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2021]: **Sec. 92.2. "Debilitating medical**
22 **condition", for purposes of IC 16-51, has the meaning set forth in**
23 **IC 16-51-1-1.**
24 SECTION 10. IC 16-18-2-96.6 IS ADDED TO THE INDIANA
25 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
26 [EFFECTIVE JULY 1, 2021]: **Sec. 96.6. "Dispensing organization",**
27 **for purposes of IC 16-51, has the meaning set forth in IC 16-51-1-1.**
28 SECTION 11. IC 16-18-2-96.7 IS ADDED TO THE INDIANA
29 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2021]: **Sec. 96.7. "Dispensing organization**
31 **agent identification card", for purposes of IC 16-51, has the**
32 **meaning set forth in IC 16-51-1-1.**
33 SECTION 12. IC 16-18-2-114.8 IS ADDED TO THE INDIANA
34 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 2021]: **Sec. 114.8. "Enclosed, locked facility",**
36 **for purposes of IC 16-51, has the meaning set forth in IC 16-51-1-1.**
37 SECTION 13. IC 16-18-2-118.5 IS ADDED TO THE INDIANA
38 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
39 [EFFECTIVE JULY 1, 2021]: **Sec. 118.5. "Excluded offense", for**
40 **purposes of IC 16-51, has the meaning set forth in IC 16-51-1-1.**
41 SECTION 14. IC 16-18-2-223.1 IS ADDED TO THE INDIANA
42 CODE AS A **NEW** SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2021]: **Sec. 223.1. "Medical cannabis infused**
 2 **product", for purposes of IC 16-51, has the meaning set forth in**
 3 **IC 16-51-1-1.**

4 SECTION 15. IC 16-18-2-223.8 IS ADDED TO THE INDIANA
 5 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 6 [EFFECTIVE JULY 1, 2021]: **Sec. 223.8. "Medical use of cannabis",**
 7 **for purposes of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

8 SECTION 16. IC 16-18-2-277.4 IS ADDED TO THE INDIANA
 9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 10 [EFFECTIVE JULY 1, 2021]: **Sec. 277.4. "Personal caregiver", for**
 11 **purposes of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

12 SECTION 17. IC 16-18-2-282, AS AMENDED BY P.L.153-2018,
 13 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 14 JULY 1, 2021]: Sec. 282. (a) "Physician", except as provided in
 15 subsections (b) and (c), means a licensed physician (as defined in
 16 section 202 of this chapter).

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

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

21 (1) was the physician last in attendance (as defined in section
 22 282.2 of this chapter); or

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

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

26 (e) **"Physician", for purposes of IC 16-51, has the meaning set**
 27 **forth in IC 16-51-1-1.**

28 SECTION 18. IC 16-18-2-302.7 IS ADDED TO THE INDIANA
 29 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 30 [EFFECTIVE JULY 1, 2021]: **Sec. 302.7. "Qualifying patient", for**
 31 **purposes of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

32 SECTION 19. IC 16-18-2-361.6 IS ADDED TO THE INDIANA
 33 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 34 [EFFECTIVE JULY 1, 2021]: **Sec. 361.6. "Usable cannabis", for**
 35 **purposes of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

36 SECTION 20. IC 16-18-2-363.4 IS ADDED TO THE INDIANA
 37 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 38 [EFFECTIVE JULY 1, 2021]: **Sec. 363.4. "Verification system", for**
 39 **purposes of IC 16-51, has the meaning set forth in IC 16-51-1-1.**

40 SECTION 21. IC 16-18-2-378.5 IS ADDED TO THE INDIANA
 41 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 42 [EFFECTIVE JULY 1, 2021]: **Sec. 378.5. "Written**



1 **recommendation", for purposes of IC 16-51, has the meaning set**
 2 **forth in IC 16-51-1-1.**

3 SECTION 22. IC 16-31-3-14, AS AMENDED BY P.L.142-2020,
 4 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2021]: Sec. 14. (a) A person holding a certificate or license
 6 issued under this article must comply with the applicable standards and
 7 rules established under this article. A certificate holder or license
 8 holder is subject to disciplinary sanctions under subsection (b) if the
 9 department of homeland security determines that the certificate holder
 10 or license holder:

- 11 (1) engaged in or knowingly cooperated in fraud or material
 12 deception in order to obtain a certificate or license, including
 13 cheating on a certification or licensure examination;
 14 (2) engaged in fraud or material deception in the course of
 15 professional services or activities;
 16 (3) advertised services or goods in a false or misleading manner;
 17 (4) falsified or knowingly allowed another person to falsify
 18 attendance records or certificates of completion of continuing
 19 education courses required under this article or rules adopted
 20 under this article;
 21 (5) is convicted of a crime, if the act that resulted in the
 22 conviction has a direct bearing on determining if the certificate
 23 holder or license holder should be entrusted to provide emergency
 24 medical services;
 25 (6) is convicted of violating IC 9-19-14.5;
 26 (7) fails to comply and maintain compliance with or violates any
 27 applicable provision, standard, or other requirement of this article
 28 or rules adopted under this article;
 29 (8) continues to practice if the certificate holder or license holder
 30 becomes unfit to practice due to:
 31 (A) professional incompetence that includes the undertaking
 32 of professional activities that the certificate holder or license
 33 holder is not qualified by training or experience to undertake;
 34 (B) failure to keep abreast of current professional theory or
 35 practice;
 36 (C) physical or mental disability; or
 37 (D) addiction to, abuse of, or dependency on alcohol or other
 38 drugs that endanger the public by impairing the certificate
 39 holder's or license holder's ability to practice safely;
 40 (9) engages in a course of lewd or immoral conduct in connection
 41 with the delivery of services to the public;
 42 (10) allows the certificate holder's or license holder's name or a



- 1 certificate or license issued under this article to be used in
 2 connection with a person who renders services beyond the scope
 3 of that person's training, experience, or competence;
 4 (11) is subjected to disciplinary action in another state or
 5 jurisdiction on grounds similar to those contained in this chapter.
 6 For purposes of this subdivision, a certified copy of a record of
 7 disciplinary action constitutes prima facie evidence of a
 8 disciplinary action in another jurisdiction;
 9 (12) assists another person in committing an act that would
 10 constitute a ground for disciplinary sanction under this chapter;
 11 or
 12 (13) allows a certificate or license issued by the commission to
 13 be:
 14 (A) used by another person; or
 15 (B) displayed to the public when the certificate or license is
 16 expired, inactive, invalid, revoked, or suspended.
- 17 (b) The department of homeland security may issue an order under
 18 IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if
 19 the department of homeland security determines that a certificate
 20 holder or license holder is subject to disciplinary sanctions under
 21 subsection (a):
 22 (1) Revocation of a certificate holder's certificate or license
 23 holder's license for a period not to exceed seven (7) years.
 24 (2) Suspension of a certificate holder's certificate or license
 25 holder's license for a period not to exceed seven (7) years.
 26 (3) Censure of a certificate holder or license holder.
 27 (4) Issuance of a letter of reprimand.
 28 (5) Assessment of a civil penalty against the certificate holder or
 29 license holder in accordance with the following:
 30 (A) The civil penalty may not exceed five hundred dollars
 31 (\$500) per day per violation.
 32 (B) If the certificate holder or license holder fails to pay the
 33 civil penalty within the time specified by the department of
 34 homeland security, the department of homeland security may
 35 suspend the certificate holder's certificate or license holder's
 36 license without additional proceedings.
 37 (6) Placement of a certificate holder or license holder on
 38 probation status and requirement of the certificate holder or
 39 license holder to:
 40 (A) report regularly to the department of homeland security
 41 upon the matters that are the basis of probation;
 42 (B) limit practice to those areas prescribed by the department



- 1 of homeland security;
- 2 (C) continue or renew professional education approved by the
- 3 department of homeland security until a satisfactory degree of
- 4 skill has been attained in those areas that are the basis of the
- 5 probation; or
- 6 (D) perform or refrain from performing any acts, including
- 7 community restitution or service without compensation, that
- 8 the department of homeland security considers appropriate to
- 9 the public interest or to the rehabilitation or treatment of the
- 10 certificate holder or license holder.
- 11 The department of homeland security may withdraw or modify
- 12 this probation if the department of homeland security finds after
- 13 a hearing that the deficiency that required disciplinary action is
- 14 remedied or that changed circumstances warrant a modification
- 15 of the order.
- 16 (c) If an applicant or a certificate holder or license holder has
- 17 engaged in or knowingly cooperated in fraud or material deception to
- 18 obtain a certificate or license, including cheating on the certification or
- 19 licensure examination, the department of homeland security may
- 20 rescind the certificate or license if it has been granted, void the
- 21 examination or other fraudulent or deceptive material, and prohibit the
- 22 applicant from reapplying for the certificate or license for a length of
- 23 time established by the department of homeland security.
- 24 (d) The department of homeland security may deny certification or
- 25 licensure to an applicant who would be subject to disciplinary sanctions
- 26 under subsection (b) if that person were a certificate holder or license
- 27 holder, has had disciplinary action taken against the applicant or the
- 28 applicant's certificate or license to practice in another state or
- 29 jurisdiction, or has practiced without a certificate or license in violation
- 30 of the law. A certified copy of the record of disciplinary action is
- 31 conclusive evidence of the other jurisdiction's disciplinary action.
- 32 (e) The department of homeland security may order a certificate
- 33 holder or license holder to submit to a reasonable physical or mental
- 34 examination if the certificate holder's or license holder's physical or
- 35 mental capacity to practice safely and competently is at issue in a
- 36 disciplinary proceeding. Failure to comply with a department of
- 37 homeland security order to submit to a physical or mental examination
- 38 makes a certificate holder or license holder liable to temporary
- 39 suspension under subsection (i).
- 40 (f) Except as provided under subsection (a), subsection (g), and
- 41 section 14.5 of this chapter, a certificate or license may not be denied,
- 42 revoked, or suspended because the applicant, certificate holder, or



1 license holder has been convicted of an offense. The acts from which
 2 the applicant's, certificate holder's, or license holder's conviction
 3 resulted may be considered as to whether the applicant or certificate
 4 holder or license holder should be entrusted to serve the public in a
 5 specific capacity.

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

- 10 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
 11 (2) Possession of methamphetamine under IC 35-48-4-6.1.
 12 (3) Possession of a controlled substance under IC 35-48-4-7(a).
 13 (4) Fraudulently obtaining a controlled substance under
 14 IC 35-48-4-7(c).
 15 (5) Manufacture of paraphernalia as a Class D felony (for a crime
 16 committed before July 1, 2014) or Level 6 felony (for a crime
 17 committed after June 30, 2014) under IC 35-48-4-8.1(b).
 18 (6) Dealing in paraphernalia as a Class D felony (for a crime
 19 committed before July 1, 2014) or Level 6 felony (for a crime
 20 committed after June 30, 2014) under IC 35-48-4-8.5(b).
 21 (7) Possession of paraphernalia as a Class D felony (for a crime
 22 committed before July 1, 2014) or Level 6 felony (for a crime
 23 committed after June 30, 2014) under IC 35-48-4-8.3(b) (before
 24 its amendment on July 1, 2015).
 25 (8) Possession of marijuana, hash oil, hashish, or salvia as a Class
 26 D felony (for a crime committed before July 1, 2014) or Level 6
 27 felony (for a crime committed after June 30, 2014, **and before**
 28 **July 1, 2021**) under IC 35-48-4-11.
 29 (9) A felony offense under IC 35-48-4 involving:
 30 (A) possession of a synthetic drug (as defined in
 31 IC 35-31.5-2-321);
 32 (B) possession of a synthetic drug lookalike substance (as
 33 defined in IC 35-31.5-2-321.5 (before its repeal on July 1,
 34 2019)) as a:
 35 (i) Class D felony (for a crime committed before July 1,
 36 2014); or
 37 (ii) Level 6 felony (for a crime committed after June 30,
 38 2014);
 39 under IC 35-48-4-11.5 (before its repeal on July 1, 2019); or
 40 (C) possession of a controlled substance analog (as defined in
 41 IC 35-48-1-9.3).
 42 (10) Maintaining a common nuisance under IC 35-48-4-13



- 1 (repealed) or IC 35-45-1-5, if the common nuisance involves a
2 controlled substance.
- 3 (11) An offense relating to registration, labeling, and prescription
4 forms under IC 35-48-4-14.
- 5 (h) A decision of the department of homeland security under
6 subsections (b) through (g) may be appealed to the commission under
7 IC 4-21.5-3-7.
- 8 (i) The department of homeland security may temporarily suspend
9 a certificate holder's certificate or license holder's license under
10 IC 4-21.5-4 before a final adjudication or during the appeals process if
11 the department of homeland security finds that a certificate holder or
12 license holder would represent a clear and immediate danger to the
13 public's health, safety, or property if the certificate holder or license
14 holder were allowed to continue to practice.
- 15 (j) On receipt of a complaint or information alleging that a person
16 certified or licensed under this chapter or IC 16-31-3.5 has engaged in
17 or is engaging in a practice that is subject to disciplinary sanctions
18 under this chapter, the department of homeland security must initiate
19 an investigation against the person.
- 20 (k) The department of homeland security shall conduct a factfinding
21 investigation as the department of homeland security considers proper
22 in relation to the complaint.
- 23 (l) The department of homeland security may reinstate a certificate
24 or license that has been suspended under this section if the department
25 of homeland security is satisfied that the applicant is able to practice
26 with reasonable skill, competency, and safety to the public. As a
27 condition of reinstatement, the department of homeland security may
28 impose disciplinary or corrective measures authorized under this
29 chapter.
- 30 (m) The department of homeland security may not reinstate a
31 certificate or license that has been revoked under this chapter.
- 32 (n) The department of homeland security must be consistent in the
33 application of sanctions authorized in this chapter. Significant
34 departures from prior decisions involving similar conduct must be
35 explained in the department of homeland security's findings or orders.
- 36 (o) A certificate holder may not surrender the certificate holder's
37 certificate, and a license holder may not surrender the license holder's
38 license, without the written approval of the department of homeland
39 security, and the department of homeland security may impose any
40 conditions appropriate to the surrender or reinstatement of a
41 surrendered certificate or license.
- 42 (p) For purposes of this section, "certificate holder" means a person



1 who holds:

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

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

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

10 SECTION 23. IC 16-42-27-2, AS AMENDED BY P.L.80-2019,
 11 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2021]: Sec. 2. (a) A prescriber may, directly or by standing
 13 order, prescribe or dispense an overdose intervention drug without
 14 examining the individual to whom it may be administered if all of the
 15 following conditions are met:

- 16 (1) The overdose intervention drug is dispensed or prescribed to:
 17 (A) a person at risk of experiencing an opioid-related
 18 overdose; or
 19 (B) a family member, a friend, or any other individual or entity
 20 in a position to assist an individual who, there is reason to
 21 believe, is at risk of experiencing an opioid-related overdose.
 22 (2) The prescriber instructs the individual receiving the overdose
 23 intervention drug or prescription to summon emergency services
 24 either immediately before or immediately after administering the
 25 overdose intervention drug to an individual experiencing an
 26 opioid-related overdose.
 27 (3) The prescriber provides education and training on drug
 28 overdose response and treatment, including the administration of
 29 an overdose intervention drug.
 30 (4) The prescriber provides drug addiction treatment information
 31 and referrals to drug treatment programs, including programs in
 32 the local area and programs that offer medication assisted
 33 treatment that includes a federal Food and Drug Administration
 34 approved long acting, nonaddictive medication for the treatment
 35 of opioid or alcohol dependence.

36 (b) A prescriber may provide a prescription of an overdose
 37 intervention drug to an individual as a part of the individual's addiction
 38 treatment plan.

39 (c) An individual described in subsection (a)(1) may administer an
 40 overdose intervention drug to an individual who is suffering from an
 41 overdose.

42 (d) An individual described in subsection (a)(1) may not be



1 considered to be practicing medicine without a license in violation of
 2 IC 25-22.5-8-2, if the individual, acting in good faith, does the
 3 following:

4 (1) Obtains the overdose intervention drug from a prescriber or
 5 entity acting under a standing order issued by a prescriber.

6 (2) Administers the overdose intervention drug to an individual
 7 who is experiencing an apparent opioid-related overdose.

8 (3) Attempts to summon emergency services either immediately
 9 before or immediately after administering the overdose
 10 intervention drug.

11 (e) An entity acting under a standing order issued by a prescriber
 12 must do the following:

13 (1) Annually register with either the:

14 (A) state department; or

15 (B) local health department in the county where services will
 16 be provided by the entity;

17 in a manner prescribed by the state department.

18 (2) Provide education and training on drug overdose response and
 19 treatment, including the administration of an overdose
 20 intervention drug.

21 (3) Provide drug addiction treatment information and referrals to
 22 drug treatment programs, including programs in the local area and
 23 programs that offer medication assisted treatment that includes a
 24 federal Food and Drug Administration approved long acting,
 25 nonaddictive medication for the treatment of opioid or alcohol
 26 dependence.

27 (4) Submit an annual report to the state department containing:

28 (A) the number of sales of the overdose intervention drug
 29 dispensed;

30 (B) the dates of sale of the overdose intervention drug
 31 dispensed; and

32 (C) any additional information requested by the state
 33 department.

34 (f) The state department shall ensure that a statewide standing order
 35 for the dispensing of an overdose intervention drug in Indiana is issued
 36 under this section. The state health commissioner or a designated
 37 public health authority who is a licensed prescriber may, as part of the
 38 individual's official capacity, issue a statewide standing order that may
 39 be used for the dispensing of an overdose intervention drug under this
 40 section. The immunity provided in IC 34-13-3-3 applies to an
 41 individual described in this subsection.

42 (g) A law enforcement officer may not take an individual into



1 custody based solely on the commission of an offense described in
2 subsection (h), if the law enforcement officer, after making a
3 reasonable determination and considering the facts and surrounding
4 circumstances, reasonably believes that the individual:

- 5 (1) obtained the overdose intervention drug as described in
6 subsection (a)(1);
- 7 (2) complied with the provisions in subsection (d);
- 8 (3) administered an overdose intervention drug to an individual
9 who appeared to be experiencing an opioid-related overdose;
- 10 (4) provided:
 - 11 (A) the individual's full name; and
 - 12 (B) any other relevant information requested by the law
13 enforcement officer;
- 14 (5) remained at the scene with the individual who reasonably
15 appeared to be in need of medical assistance until emergency
16 medical assistance arrived;
- 17 (6) cooperated with emergency medical assistance personnel and
18 law enforcement officers at the scene; and
- 19 (7) came into contact with law enforcement because the
20 individual requested emergency medical assistance for another
21 individual who appeared to be experiencing an opioid-related
22 overdose.

23 (h) An individual who meets the criteria in subsection (g) is immune
24 from criminal prosecution for the following:

- 25 (1) IC 35-48-4-6 (possession of cocaine).
- 26 (2) IC 35-48-4-6.1 (possession of methamphetamine).
- 27 (3) IC 35-48-4-7 (possession of a controlled substance).
- 28 (4) IC 35-48-4-8.3 (possession of paraphernalia).
- 29 (5) IC 35-48-4-11 (possession of marijuana).
- 30 (6) An offense under IC 35-48-4 involving possession of a
31 synthetic drug (as defined in IC 35-31.5-2-321), possession of a
32 controlled substance analog (as defined in IC 35-48-1-9.3), or
33 possession of a substance represented to be a controlled substance
34 (as described in IC 35-48-4-4.6).

35 **(i) An individual who meets the criteria in subsection (g) is**
36 **immune from prosecution for an infraction for a violation of**
37 **IC 35-48-4-11 (possession of marijuana).**

38 SECTION 24. IC 16-51 IS ADDED TO THE INDIANA CODE AS
39 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,
40 2021]:

41 **ARTICLE 51. MEDICAL CANNABIS PROGRAM**
42 **Chapter 1. Definitions**



1 **Sec. 1. The following definitions apply throughout this article:**

2 (1) "Adequate supply" means two and one-half (2 1/2) ounces
3 of usable cannabis, derived solely from an intrastate source,
4 during a period of fourteen (14) days, unless a physician has
5 authorized a larger amount in accordance with rules adopted
6 by the state department. The term includes the premixed
7 weight of medical cannabis used in making a cannabis infused
8 product.

9 (2) "Bona fide medical physician-patient relationship" means
10 a relationship between a physician and a patient that includes:

11 (A) a physical examination and review of medical history,
12 or a referral from a primary care practitioner;

13 (B) an explanation of the benefits and risks of medical use
14 of cannabis; and

15 (C) an ongoing expectation of care.

16 (3) "Cannabis" means any part of the plant genus *Cannabis*,
17 including the seeds, the resin extracted from any part of the
18 plant, and any compound, manufacture, salt, derivative,
19 mixture, or preparation of the plant, its seeds, or its resin.

20 (4) "Cannabis plant monitoring system" means a system that
21 includes testing and data collection established and
22 maintained by a cultivation center and available to the state
23 department for the purposes of documenting each cannabis
24 plant and for monitoring plant development throughout the
25 life cycle of a cannabis plant cultivated for the intended use by
26 a qualifying patient from seed planting to final packaging.

27 (5) "Cardholder" means a qualifying patient or personal
28 caregiver holding a valid registry identification card
29 authorizing the purchase of medical cannabis.

30 (6) "Cultivation center" means a facility operated by a person
31 that is registered with and authorized by the state department
32 to perform necessary activities to provide usable medical
33 cannabis to only medical cannabis dispensing organizations.

34 (7) "Cultivation center agent" means a principal officer,
35 board member, employee, or agent of a cultivation center.

36 (8) "Cultivation center agent identification card" means a
37 document issued by the state department that identifies a
38 person as a cultivation center agent.

39 (9) "Debilitating medical condition" means:

40 (A) cancer;

41 (B) glaucoma;

42 (C) positive status for human immunodeficiency virus



- 1 (HIV);
 2 (D) acquired immune deficiency syndrome (AIDS);
 3 (E) hepatitis C;
 4 (F) amyotrophic lateral sclerosis;
 5 (G) Crohn's disease;
 6 (H) Alzheimer's disease;
 7 (I) nail patella syndrome;
 8 (J) multiple sclerosis;
 9 (K) injury or disease to the spinal cord, spinal column, or
 10 vertebra, including arachnoiditis, Tarlov cysts,
 11 hydromyelia, rheumatoid arthritis, fibrous dysplasia,
 12 spinal cord injury, traumatic brain injury, and
 13 postconcussion syndrome;
 14 (L) myelomalacia;
 15 (M) celiac disease;
 16 (N) sickle cell disease;
 17 (O) muscular dystrophy;
 18 (P) severe fibromyalgia;
 19 (Q) Arnold-Chiari malformation;
 20 (R) syringomyelia;
 21 (S) spinocerebellar ataxia (SCA);
 22 (T) Parkinson's disease;
 23 (U) Tourette syndrome;
 24 (V) myoclonus;
 25 (W) dystonia;
 26 (X) reflex sympathetic dystrophy (RSD);
 27 (Y) complex regional pain syndrome (CRPS) type I and II;
 28 (Z) causalgia;
 29 (AA) neurofibromatosis;
 30 (BB) chronic inflammatory demyelinating polyneuropathy;
 31 (CC) Sjogren's syndrome;
 32 (DD) lupus;
 33 (EE) interstitial cystitis;
 34 (FF) myasthenia gravis;
 35 (GG) hydrocephalus;
 36 (HH) residual limb pain;
 37 (II) posttraumatic stress disorder (PTSD);
 38 (JJ) a chronic or debilitating disease or medical condition
 39 or the treatment for a chronic or debilitating disease or
 40 medical condition that produces:
 41 (i) cachexia or wasting syndrome;
 42 (ii) severe or chronic pain;



- 1 (iii) severe or chronic nausea;
- 2 (iv) seizures, including seizures that are characteristic of
- 3 epilepsy; or
- 4 (v) severe or persistent muscle spasms;
- 5 (KK) a condition that is, or would otherwise be, treated by
- 6 prescribing opioids for more than fourteen (14) days; and
- 7 (LL) any other disease, condition, or symptom that the
- 8 state department determines by its rulemaking authority
- 9 under IC 4-22-2 to be a debilitating medical condition.
- 10 (10) "Dispensing organization" means a facility operated by
- 11 a person that is registered by the state department to acquire
- 12 medical cannabis from a cultivation center for the purpose of
- 13 dispensing cannabis, paraphernalia, or related supplies and
- 14 educational materials to qualifying patients and personal
- 15 caregivers.
- 16 (11) "Dispensing organization agent identification card"
- 17 means a document issued by the state department that
- 18 identifies a person as a medical cannabis dispensing
- 19 organization agent.
- 20 (12) "Enclosed, locked facility" means a room, greenhouse,
- 21 building, or other enclosed area equipped with locks or other
- 22 security devices that permit access only by a cultivation
- 23 center's agents or a dispensing organization's agent working
- 24 for the cultivation center or the registered dispensing
- 25 organization to cultivate, store, and distribute cannabis for
- 26 qualifying patients.
- 27 (13) "Excluded offense" for cultivation center agents and
- 28 dispensing organizations means:
- 29 (A) a crime of violence (as defined by IC 35-50-1-2) or a
- 30 substantially similar offense in another jurisdiction;
- 31 (B) a violation of IC 35-48 involving the possession or
- 32 delivery of a controlled substance; or
- 33 (C) a violation of the controlled substances law of another
- 34 state that is a felony, unless the state department finds that
- 35 the conviction was for the possession, cultivation, transfer,
- 36 or delivery of a reasonable amount of cannabis intended
- 37 for medical use.
- 38 (14) "Medical cannabis infused product" means food, oils,
- 39 ointments, or other products containing usable cannabis that
- 40 are not smoked.
- 41 (15) "Medical use of cannabis" means the acquisition,
- 42 cultivation, possession, processing, manufacturing, transfer,



1 transportation, sale, distribution, dispensing, or
 2 administration of cannabis or cannabis infused products for
 3 the benefit of qualifying patients.

4 (16) "Personal caregiver" means a person who has agreed to
 5 assist with a qualifying patient's medical use of cannabis.

6 (17) "Physician" means a person having an unlimited license
 7 to practice medicine under IC 25-22.5.

8 (18) "Qualifying patient" means a person who has a written
 9 recommendation from a physician for the medical use of
 10 cannabis.

11 (19) "Usable cannabis" means the seeds, leaves, buds, and
 12 flowers of the cannabis plant and any mixture or preparation
 13 thereof, but does not include the stalks and roots of the plant.
 14 It does not include the weight of any noncannabis ingredients
 15 combined with cannabis, such as ingredients added to prepare
 16 a topical administration, food, or drink.

17 (20) "Verification system" means an Internet based system
 18 established and maintained by the state department that is
 19 available to the department of agriculture, law enforcement
 20 officers, and registered medical cannabis dispensing
 21 organization agents for the verification of registry
 22 identification cards, the tracking of delivery of medical
 23 cannabis to medical cannabis dispensing organizations, and
 24 the tracking of the date of sale, amount, and price of medical
 25 cannabis purchased by a qualifying patient.

26 (21) "Written recommendation" means a document
 27 authorizing a qualifying patient's medical use of cannabis that
 28 is:

29 (A) written on tamper resistant paper;

30 (B) signed by a physician; and

31 (C) made only in the course of a bona fide medical
 32 physician-patient relationship.

33 The written recommendation must include a description of
 34 the debilitating medical condition.

35 Chapter 2. Medical Cannabis Program

36 Sec. 1. The medical cannabis program is established to permit
 37 the use of medical cannabis in Indiana. The state department shall
 38 administer and enforce the provisions of this article.

39 Sec. 2. (a) A physician is immune from civil and criminal
 40 liability for:

41 (1) advising a qualifying patient about the risks and benefits
 42 of the medical use of cannabis; or



1 (2) providing a qualifying patient with a written
2 recommendation based upon a full assessment of the
3 qualifying patient's medical history and condition.

4 **However, the immunity described in this subsection does not apply**
5 **to a physician who commits gross negligence or engages in willful**
6 **or wanton misconduct.**

7 (b) The medical licensing board may not take any action against
8 a physician who is immune under subsection (a) for performing an
9 act described in subsection (a)(1) or (a)(2).

10 (c) Unless required by federal law or to obtain federal funding,
11 a person may not discriminate in employment or housing based
12 solely on a person's:

13 (1) status as a cardholder; or

14 (2) positive test for use of cannabis if the person is a
15 cardholder.

16 **However, this subsection does not prevent an employer from**
17 **taking an adverse employment action against an employee who is**
18 **impaired by the use of cannabis while on the employer's premises**
19 **or while carrying out the employee's duties.**

20 Chapter 3. Medical Cannabis Fund

21 Sec. 1. (a) The medical cannabis fund is established for the
22 purpose of defraying the expenses of the medical cannabis
23 program. The fund shall be administered by the state department.

24 (b) The fund consists of fees collected under this article.

25 (c) The expenses of administering the fund shall be paid from
26 money in the fund.

27 (d) The treasurer of state shall invest the money in the fund not
28 currently needed to meet the obligations of the fund in the same
29 manner as other public money may be invested. Interest that
30 accrues from these investments shall be deposited in the fund.

31 (e) Money in the fund at the end of a state fiscal year does not
32 revert to the state general fund.

33 Chapter 4. Immunities and Privileges

34 Sec. 1. Except as otherwise provided in this article, a qualifying
35 patient is not subject to arrest, prosecution, or denial of any right
36 or privilege, including imposition of a civil penalty or a disciplinary
37 action by an occupational or professional licensing board, for the
38 medical use of cannabis in accordance with this article if:

39 (1) the qualifying patient possesses an amount of cannabis
40 that does not exceed an adequate supply; and

41 (2) in the case of a qualifying patient who is a licensed
42 professional, the use of cannabis does not impair the licensed



1 professional while the licensed professional is engaged in the
2 practice of the licensed profession.

3 Sec. 2. Except as otherwise provided in this article, a personal
4 caregiver is not subject to arrest, prosecution, or denial of any
5 right or privilege, including imposition of a civil penalty or a
6 disciplinary action by an occupational or professional licensing
7 board, for acting in accordance with this article to assist a
8 qualifying patient to whom the personal caregiver is connected
9 through the registration process with the medical use of cannabis,
10 if the caregiver possesses an amount of cannabis that does not
11 exceed an adequate supply. The total amount possessed between
12 the qualifying patient and caregiver may not exceed the patient's
13 adequate supply.

14 Sec. 3. Except as otherwise provided in this article, a qualifying
15 patient or personal caregiver is not subject to arrest, prosecution,
16 or denial of any right or privilege, including imposition of a civil
17 penalty or a disciplinary action by an occupational or professional
18 licensing board, for possession of cannabis that is incidental to
19 medical use, but is not usable cannabis.

20 Sec. 4. (a) There is a rebuttable presumption that a qualifying
21 patient is engaged in, or a personal caregiver is assisting with, the
22 medical use of cannabis in accordance with this article if the
23 qualifying patient or designated caregiver is in possession of:

- 24 (1) a valid registry identification card; and
25 (2) not more than an adequate supply of cannabis.

26 (b) The presumption under subsection (a) may be rebutted by
27 evidence that conduct related to cannabis was not for the purpose
28 of treating or alleviating the qualifying patient's debilitating
29 medical condition or symptoms associated with the debilitating
30 medical condition in compliance with this article.

31 Sec. 5. (a) Except as otherwise provided in this article, a
32 physician is not subject to arrest, prosecution, or denial of any
33 right or privilege, including imposition of a civil penalty or a
34 disciplinary action by the medical licensing board, or by any other
35 occupational or professional licensing board, solely for providing
36 written certifications or for otherwise stating that, in the
37 physician's professional opinion, a patient is likely to receive
38 therapeutic or palliative benefit from the medical use of cannabis
39 to treat or alleviate the patient's debilitating medical condition or
40 symptoms associated with the debilitating medical condition.

41 (b) This section does not prevent the medical licensing board or
42 another disciplinary board from sanctioning a physician for:



- 1 (1) issuing a written certification to a patient who is not under
- 2 the physician's care for a debilitating medical condition; or
- 3 (2) failing to properly evaluate a patient's medical condition
- 4 or otherwise violating the standard of care for evaluating
- 5 medical conditions.

6 Sec. 6. Except as otherwise provided in this article, no person
 7 may be subject to arrest, prosecution, or denial of any right or
 8 privilege, including imposition of a civil penalty or a disciplinary
 9 action by an occupational or professional licensing board, solely
 10 for:

- 11 (1) selling cannabis paraphernalia to a cardholder upon
- 12 presentation of an unexpired registry identification card in
- 13 the recipient's name, if employed and registered as a
- 14 dispensing organization agent by a registered dispensing
- 15 organization;
- 16 (2) being in the presence or vicinity of the medical use of
- 17 cannabis as allowed under this article; or
- 18 (3) assisting a qualifying patient with the act of administering
- 19 cannabis.

20 Sec. 7. Except as otherwise provided by this article, a cultivation
 21 center is not subject to:

- 22 (1) prosecution;
- 23 (2) search or inspection;
- 24 (3) seizure;
- 25 (4) penalty in any manner; or
- 26 (5) denial of any right or privilege, including imposition of a
- 27 civil penalty or a disciplinary action, by a business licensing
- 28 board or entity;

29 for acting under this article to acquire, possess, cultivate,
 30 manufacture, deliver, transfer, transport, supply, or sell cannabis
 31 to registered dispensing organizations.

32 Sec. 8. Except as otherwise provided by this article, a cultivation
 33 center agent is not subject to:

- 34 (1) prosecution;
- 35 (2) search or inspection;
- 36 (3) seizure;
- 37 (4) penalty in any manner; or
- 38 (5) denial of any right or privilege, including imposition of a
- 39 civil penalty or a disciplinary action, by a business licensing
- 40 board or entity;

41 for working or volunteering for a registered cannabis cultivation
 42 center under this article, including for performing the actions



- 1 listed under section 7 of this chapter.
- 2 **Sec. 9. Except as otherwise provided by this article, a dispensing**
3 **organization is not subject to:**
- 4 (1) prosecution;
- 5 (2) search or inspection;
- 6 (3) seizure;
- 7 (4) penalty in any manner; or
- 8 (5) denial of any right or privilege, including imposition of a
9 civil penalty or a disciplinary action, by a business licensing
10 board or entity;
- 11 for acting under this article to acquire, possess, or dispense
12 cannabis, or related supplies and educational materials, to or for
13 qualifying patients or personal caregivers on behalf of qualifying
14 patients.
- 15 **Sec. 10. Except as otherwise provided by this article, a**
16 **dispensing organization agent is not subject to:**
- 17 (1) prosecution;
- 18 (2) search or inspection;
- 19 (3) seizure;
- 20 (4) penalty in any manner; or
- 21 (5) denial of any right or privilege, including imposition of a
22 civil penalty or a disciplinary action, by a business licensing
23 board or entity;
- 24 for acting under this article to work or volunteer for a dispensing
25 organization under this article, including performing the actions
26 listed under section 9 of this chapter.
- 27 **Sec. 11. Except as otherwise provided by this article, any**
28 **cannabis, cannabis paraphernalia, legal property, or interest in**
29 **legal property that is possessed, owned, or used in connection with**
30 **the medical use of cannabis as allowed under this article, or acts**
31 **incidental to that use, may not be seized or forfeited. This article**
32 **does not prevent the seizure or forfeiture of cannabis exceeding the**
33 **amounts allowed under this article, nor does it prevent seizure or**
34 **forfeiture if the basis for the action is unrelated to the cannabis**
35 **that is possessed, manufactured, transferred, or used under this**
36 **article.**
- 37 **Sec. 12. Mere possession of, or application for, a registry**
38 **identification card or registration certificate does not constitute**
39 **probable cause or reasonable suspicion, nor shall it be used as the**
40 **sole basis to support the search of the person, property, or home of**
41 **the person possessing or applying for the registry identification**
42 **card. The possession of, or application for, a registry identification**



1 card does not preclude the existence of probable cause if probable
2 cause exists on other grounds.

3 Sec. 13. Nothing in this article precludes a law enforcement
4 agency from searching a cultivation center where there is probable
5 cause to believe that a criminal law has been violated.

6 Sec. 14. Nothing in this article precludes a law enforcement
7 agency from searching a dispensing organization where there is
8 probable cause to believe that a criminal law has been violated.

9 Sec. 15. No individual employed by the state may be subject to
10 criminal or civil penalties for taking any action in accordance with
11 the provisions of this article if the action is within the scope of
12 employment.

13 Sec. 16. No law enforcement or correctional agency and no
14 person employed by a law enforcement or correctional agency is
15 subject to criminal or civil liability, except for willful and wanton
16 misconduct, as a result of taking any action within the scope of the
17 official duties of the agency or individual to prohibit or prevent the
18 possession or use of cannabis by a cardholder who is incarcerated
19 in a correctional facility or jail, on probation, on parole, or on
20 other supervised release, or otherwise under the lawful jurisdiction
21 of the agency or individual.

22 Chapter 5. Prohibited Activities

23 Sec. 1. This article does not permit a person to engage in any one
24 (1) or more of the following activities:

25 (1) Undertaking any task under the influence of cannabis,
26 when doing so would constitute negligence, professional
27 malpractice, operating while intoxicated, or professional
28 misconduct.

29 (2) Possessing cannabis:

30 (A) in a school bus;

31 (B) on school property;

32 (C) in a penal facility;

33 (D) in a motor vehicle, including a common carrier, unless
34 the medical cannabis is in a reasonably secured, sealed,
35 tamper evident container and reasonably inaccessible
36 while the vehicle is moving; or

37 (E) in a private residence that is used at any time to
38 provide licensed child care, foster care, or other similar
39 social service care on the premises.

40 (3) Using cannabis in any place where an individual could
41 reasonably be expected to be observed by others, including all
42 parts of buildings owned in whole or in part, or leased, by the



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

state or a local unit of government. However, this subdivision does not apply to a:

(A) private residence unless the private residence is used to provide licensed child care, foster care, or other similar social service care on the premises; or

(B) health care facility, including a hospital, nursing home, hospice care center, and long term care facility.

(4) Knowingly using cannabis in close physical proximity to a child.

(5) Smoking medical cannabis in any place where smoking is prohibited.

(6) Operating, navigating, or being in actual physical control of any motor vehicle, aircraft, or motorboat while using or under the influence of cannabis.

(7) Allowing any person who is not allowed to use cannabis under this article to use cannabis that a cardholder is allowed to possess under this article.

(8) The use of medical cannabis by an active duty law enforcement officer, correctional officer, correctional probation officer, or firefighter.

(9) The use of medical cannabis by a person who has a commercial driver's license.

Sec. 2. A person who knowingly or intentionally makes a material misrepresentation of a medical condition to a physician to obtain a written certification commits a Class B misdemeanor.

Sec. 3. The state department shall revoke the registry identification card of a cardholder or personal caregiver who unlawfully sells cannabis.

Sec. 4. The state department shall revoke the registry identification card of a qualifying patient who refuses a chemical test under IC 9-30-6-2.

Sec. 5. No qualifying patient or personal caregiver may knowingly obtain, seek to obtain, or possess, individually or collectively, an amount of usable cannabis from a registered medical cannabis dispensing organization that exceeds an adequate supply.

Sec. 6. Nothing in this article prevents a private business from restricting or prohibiting the medical use of cannabis on its property.

Sec. 7. Nothing in this article prevents a postsecondary educational institution from restricting or prohibiting the use of medical cannabis on its property.



1 **Chapter 6. Physician Requirements**

2 **Sec. 1. A physician who certifies a debilitating medical condition**
 3 **for a qualifying patient shall comply with all of the following**
 4 **requirements:**

5 (1) **The physician shall comply with generally accepted**
 6 **standards of medical practice.**

7 (2) **The physical examination required by this article may not**
 8 **be performed by remote means, including telemedicine.**

9 (3) **The physician shall maintain a record keeping system for**
 10 **all patients for whom the physician has certified a patient's**
 11 **medical condition. These records shall be accessible to and**
 12 **subject to review by the state department.**

13 **Sec. 2. A physician may not:**

14 (1) **accept, solicit, or offer any form of remuneration from or**
 15 **to a qualifying patient, personal caregiver, cultivation center,**
 16 **or dispensing organization, including each principal officer,**
 17 **board member, agent, and employee, to certify a patient,**
 18 **other than accepting payment from a patient for the fee**
 19 **associated with the required examination;**

20 (2) **offer a discount of any other item of value to a qualifying**
 21 **patient who uses or agrees to use a particular primary**
 22 **caregiver or dispensing organization to obtain medical**
 23 **cannabis;**

24 (3) **conduct a personal physical examination of a patient for**
 25 **purposes of diagnosing a debilitating medical condition at a**
 26 **location where medical cannabis is sold or distributed or at**
 27 **the address of a principal officer, agent, or employee of a**
 28 **medical cannabis organization;**

29 (4) **hold a direct or indirect economic interest in a cultivation**
 30 **center or dispensing organization if the physician**
 31 **recommends the use of medical cannabis to qualified patients**
 32 **or is in a partnership or other fee or profit sharing**
 33 **relationship with a physician who recommends medical**
 34 **cannabis, except for the limited purpose of performing a**
 35 **medical cannabis related research study;**

36 (5) **serve on the board of directors or as an employee of a**
 37 **cultivation center or dispensing organization;**

38 (6) **refer patients to a cultivation center, a dispensing**
 39 **organization, or a personal caregiver; or**

40 (7) **advertise in a cultivation center or a dispensing**
 41 **organization.**

42 **Sec. 3. If the state department believes that a physician has**



1 improperly certified a patient as having a debilitating condition,
2 the state department shall refer the physician to the medical
3 licensing board.

4 **Sec. 4.** A physician who violates this article is subject to
5 disciplinary sanctions by the medical licensing board.

6 **Sec. 5.** A physician who certifies a debilitating medical condition
7 for a qualifying patient must notify the state department in
8 writing:

9 (1) if the physician has reason to believe that the qualifying
10 patient has ceased to suffer from a debilitating medical
11 condition;

12 (2) that the bona fide medical physician-patient relationship
13 has ended; or

14 (3) that continued use of medical cannabis would result in
15 contraindication with the patient's other medication.

16 The state department shall revoke the qualifying patient's registry
17 identification card upon receipt of the physician's notification.

18 **Chapter 7. Written Certification**

19 **Sec. 1.** A certification confirming a patient's debilitating medical
20 condition shall be written on a form provided by the state
21 department and shall include at least the following:

22 (1) The qualifying patient's name, date of birth, home address,
23 and primary telephone number.

24 (2) The physician's name, business address, business telephone
25 number, electronic mail address, medical license number, and
26 any other information required by the state department.

27 (3) A description of the qualifying patient's debilitating
28 medical condition.

29 (4) A statement that the physician:

30 (A) has confirmed a diagnosis of a debilitating condition;

31 (B) is treating or managing treatment of the patient's
32 debilitating condition;

33 (C) has a bona fide medical physician-patient relationship
34 with the patient;

35 (D) has conducted an in person physical examination; and

36 (E) has conducted a review of the patient's medical history,
37 including reviewing medical records from other treating
38 physicians, if any, from the previous twelve (12) months.

39 (5) The physician's signature and date of certification.

40 (6) A statement that a participant in possession of a written
41 certification indicating a debilitating medical condition is not
42 an unlawful user or addicted to narcotics solely as a result of



1 the person's pending application to or participation in the
2 medical cannabis program.
3 **Sec. 2.** A written certification does not constitute a prescription
4 for medical cannabis.
5 **Sec. 3.** An application for a qualifying patient who is less than
6 eighteen (18) years of age requires a written certification from a
7 physician and a reviewing physician.
8 **Sec. 4.** A person who knowingly submits a false or fraudulent
9 certification to be a qualifying patient shall be permanently banned
10 from participating in the medical cannabis program.
11 **Chapter 8. Discrimination Prohibited**
12 **Sec. 1.** A school, landlord, or employer may not refuse to enroll,
13 lease to, employ, or otherwise penalize a person solely for the
14 person's status as a qualifying patient or a personal caregiver,
15 unless it is necessary to avoid:
16 (1) violating federal law; or
17 (2) loss of a monetary or licensing related benefit under
18 federal law or federal regulations.
19 However, this section does not prevent a landlord from prohibiting
20 the smoking of cannabis on the premises.
21 **Sec. 2.** For the purposes of medical care, including organ
22 transplants, a qualifying patient's authorized use of cannabis in
23 accordance with this article:
24 (1) is considered the equivalent of the authorized use of any
25 other medication used at the direction of a physician; and
26 (2) does not constitute the use of an illicit substance or
27 otherwise disqualify a qualifying patient from needed medical
28 care.
29 **Sec. 3.** A person otherwise entitled to custody of or visitation or
30 parenting time with a minor may not be denied that right, and
31 there is no presumption of neglect or child endangerment for
32 conduct allowed under this article unless the person's actions in
33 relation to cannabis created an unreasonable danger to the safety
34 of the minor as established by clear and convincing evidence.
35 **Sec. 4.** No school, landlord, or employer may be penalized or
36 denied any benefit under state law for enrolling, leasing to, or
37 employing a cardholder.
38 **Sec. 5.** Nothing in this article may be construed to require a
39 government medical assistance program, employer, property and
40 casualty insurer, or private health insurer to reimburse a person
41 for costs associated with the medical use of cannabis.
42 **Sec. 6.** Nothing in this article may be construed to require any



1 person or establishment in lawful possession of property to allow
 2 a guest, client, customer, or visitor who is a qualifying patient to
 3 use cannabis on or in that property.

4 **Sec. 7. Nothing in this article prohibits an employer from**
 5 **adopting reasonable regulations concerning the consumption,**
 6 **storage, or timekeeping requirements for qualifying patients**
 7 **related to the use of medical cannabis.**

8 **Sec. 8. Nothing in this article prohibits an employer from**
 9 **enforcing a policy concerning drug testing, zero tolerance, or a**
 10 **drug free workplace, provided the policy is applied in a**
 11 **nondiscriminatory manner.**

12 **Sec. 9. Nothing in this article limits an employer from**
 13 **disciplining a qualifying patient for violating a workplace drug**
 14 **policy.**

15 **Sec. 10. Nothing in this article limits an employer's ability to**
 16 **discipline an employee for failing a drug test if failing to discipline**
 17 **the employee would put the employer in violation of federal law or**
 18 **cause the employer to lose a federal contract or funding.**

19 **Sec. 11. Nothing in this article shall be construed to create a**
 20 **defense for a third party who fails a drug test.**

21 **Sec. 12. An employer may consider a qualifying patient to be**
 22 **impaired when the patient manifests specific, articulable symptoms**
 23 **while working that decrease or lessen the patient's performance of**
 24 **the duties or tasks of the employee's job position, including**
 25 **symptoms of the employee's speech, physical dexterity, agility,**
 26 **coordination, demeanor, irrational or unusual behavior, negligence**
 27 **or carelessness in operating equipment or machinery, disregard for**
 28 **the safety of the employee or others, or involvement in an accident**
 29 **that results in serious damage to equipment or property, disruption**
 30 **of a production or manufacturing process, or carelessness that**
 31 **results in any injury to the employee or others. If an employer**
 32 **elects to discipline a qualifying patient under this section, the**
 33 **employer must afford the employee a reasonable opportunity to**
 34 **contest the basis of the determination.**

35 **Sec. 13. Nothing in this article may be construed to create a**
 36 **cause of action for any person against an employer for:**

- 37 (1) an action based on the employer's good faith belief that a
 38 qualifying patient used or possessed cannabis while on the
 39 employer's premises or during the hours of employment;
 40 (2) an action based on the employer's good faith belief that a
 41 qualifying patient was impaired while working on the
 42 employer's premises during the hours of employment; or



1 (3) injury or loss to a third party if the employer did not know
2 or have reason to know that the employee was impaired.

3 **Sec. 14. Nothing in this article may be construed to interfere**
4 **with any federal restrictions on employment, including United**
5 **States Department of Transportation regulation 49 CFR 40.151(e).**

6 **Chapter 9. Addition of Medical Conditions**

7 **Sec. 1. Any resident of Indiana may petition the state**
8 **department to add debilitating conditions, diseases, or treatments**
9 **to the list of debilitating medical conditions under this article. The**
10 **state department shall approve or deny a petition within one**
11 **hundred eighty (180) days of its submission, and, upon approval,**
12 **shall proceed to add that condition by rule. The approval or denial**
13 **of any petition is a final order.**

14 **Sec. 2. The state department shall accept petitions once annually**
15 **during a one (1) month period determined by the state department.**
16 **During this open period, the state department shall accept petitions**
17 **from any resident of Indiana requesting the addition of a new**
18 **debilitating medical condition, disease, or treatment to the list of**
19 **approved debilitating medical conditions for which the use of**
20 **cannabis has been shown to have a therapeutic or palliative effect.**
21 **The state department shall provide public notice at least thirty (30)**
22 **days before the open period for accepting petitions, which shall**
23 **describe the time period for submission, the required format of the**
24 **submission, and the address to which the submission may be sent.**

25 **Sec. 3. Each petition shall be limited to one (1) proposed**
26 **debilitating medical condition, disease, or treatment.**

27 **Sec. 4. A petitioner shall file one (1) original petition in the**
28 **format provided by the state department and in the manner**
29 **specified by the state department. For a petition to be processed**
30 **and reviewed, all information required by the state department**
31 **shall be included.**

32 **Sec. 5. Upon receipt of a petition, the state department shall**
33 **evaluate the petition for completeness and determine whether it**
34 **meets the requirements established by the state department.**

35 **Sec. 6. (a) If the petition is complete and compliant, the state**
36 **department shall accept the petition for further review.**

37 **(b) If the petition does not meet the required standards, the state**
38 **department shall summarily deny the petition. A petition denied**
39 **under this subsection may be resubmitted, with deficiencies**
40 **corrected, during the next open period.**

41 **Sec. 7. The state department shall review all accepted petitions**
42 **and issue a determination on the merits.**



1 **Sec. 8. (a) The state department shall convene a medical**
 2 **cannabis advisory board composed of the following sixteen (16)**
 3 **members:**

4 **(1) A medical cannabis patient advocate or personal**
 5 **caregiver.**

6 **(2) A parent or personal caregiver of a child who is a qualified**
 7 **medical cannabis patient.**

8 **(3) Two (2) registered nurses or nurse practitioners.**

9 **(4) Three (3) qualifying patients, including one (1) veteran of**
 10 **the armed forces of the United States.**

11 **(5) Nine (9) physicians.**

12 **(b) To the extent possible, the health care providers appointed**
 13 **to the advisory board shall practice in one (1) or more of the**
 14 **following areas:**

15 **(1) Neurology.**

16 **(2) Pain management.**

17 **(3) Medical oncology.**

18 **(4) Psychiatry or mental health.**

19 **(5) Infectious disease.**

20 **(6) Family medicine.**

21 **(7) General primary care.**

22 **(8) Medical ethics.**

23 **(9) Pharmacy.**

24 **(10) Pediatrics.**

25 **(11) Psychiatry or mental health for children or adolescents.**

26 **At least one (1) appointed health care practitioner shall have direct**
 27 **experience related to the health care needs of veterans, and at least**
 28 **one (1) individual shall have pediatric experience.**

29 **Sec. 9. (a) The governor shall appoint the members of the**
 30 **advisory board.**

31 **(b) A member shall serve a term of four (4) years, or until a**
 32 **successor is appointed and qualified. A member serves at the**
 33 **pleasure of the governor.**

34 **(c) If a vacancy occurs, the governor shall appoint a**
 35 **replacement to complete the original term created by the vacancy.**

36 **(d) The governor shall select a chairperson.**

37 **(e) A member may serve multiple terms.**

38 **(f) No member may be affiliated with, serve on the board of, or**
 39 **have a business relationship with a cultivation center or a**
 40 **registered medical cannabis dispensing organization.**

41 **(g) A member shall disclose any real or apparent conflicts of**
 42 **interest that may have a direct bearing on the subject matter, such**



1 as relationships with pharmaceutical companies, biomedical device
2 manufacturers, or corporations whose products or services are
3 related to the medical condition, disease, or treatment to be
4 reviewed.

5 (h) A member who is not a state employee is not entitled to a
6 minimum salary per diem provided by IC 4-10-11-2.1(b). The
7 member is, however, entitled to reimbursement for traveling
8 expenses as provided under IC 4-13-1-4 and other expenses
9 actually incurred in connection with the member's duties as
10 provided in the state policies and procedures established by the
11 Indiana department of administration and approved by the budget
12 agency.

13 **Sec. 10.** The advisory board shall convene at the call of the
14 chairperson:

- 15 (1) to examine debilitating conditions or diseases that would
- 16 benefit from the medical use of cannabis; and
- 17 (2) to review new medical and scientific evidence related to
- 18 currently approved conditions.

19 **Sec. 11.** The advisory board shall issue an annual report of its
20 activities before November 1 of each year.

21 **Sec. 12.** The advisory board shall receive administrative support
22 from the state department.

23 **Chapter 10. Registration of Qualifying Patients and Personal**
24 **Caregivers**

25 **Sec. 1.** The state department shall issue registry identification
26 cards to qualifying patients and personal caregivers who submit a
27 completed application, and at minimum, the following, in
28 accordance with state department rules:

- 29 (1) A written certification from a physician, completed not
- 30 more than ninety (90) days immediately preceding the
- 31 application date.
- 32 (2) Upon the execution of applicable privacy waivers, medical
- 33 documentation related to the qualifying patient's debilitating
- 34 condition, and any other information that may be reasonably
- 35 required by the state department to confirm that the
- 36 physician and patient have a bona fide medical
- 37 physician-patient relationship, that the qualifying patient is in
- 38 the physician's care for the patient's debilitating medical
- 39 condition, and to substantiate the patient's diagnosis.
- 40 (3) The application or renewal fee as set by rule. The fee shall
- 41 be deposited in the medical cannabis fund.
- 42 (4) The name, address, date of birth, driver's license number,



1 and Social Security number of the qualifying patient, except
2 that if the applicant is homeless, no address is required.

3 (5) The name, business address, driver's license number, and
4 business telephone number of the qualifying patient's
5 physician.

6 (6) The name, address, and date of birth of the personal
7 caregiver, if any, chosen by the qualifying patient.

8 (7) The name of the registered medical cannabis dispensing
9 organization the qualifying patient designates.

10 (8) Signed statements from the qualifying patient and
11 designated personal caregiver affirming that they will not
12 divert medical cannabis.

13 Sec. 2. (a) Notwithstanding any other provision of this article, a
14 person provided a written certification for a debilitating medical
15 condition who has submitted a completed electronic application to
16 the state department shall receive a provisional registration and be
17 entitled to purchase medical cannabis from a specified licensed
18 dispensing organization for a period of ninety (90) days, or until
19 the application has been denied or until the patient receives a
20 registry identification card, whichever is earlier. However, a
21 person may obtain an additional provisional registration after the
22 expiration of ninety (90) days from the date of application if the
23 state department does not provide the person with a registry
24 identification card or deny the person's application within those
25 ninety (90) days.

26 (b) The provisional registration may not be extended if the
27 person does not respond to the state department's request for
28 additional information or corrections to required application
29 documentation.

30 (c) In order for a person to receive medical cannabis under this
31 article, a person must present the person's provisional registration
32 along with a valid driver's license or state identification card to the
33 licensed dispensing organization specified in the application. The
34 dispensing organization shall verify the person's provisional
35 registration through the state department's online verification
36 system.

37 (d) Upon verification of the provided documents, the dispensing
38 organization shall dispense not more than an adequate supply of
39 medical cannabis during a fourteen (14) day period to the person
40 for a period of ninety (90) days, until the application has been
41 denied, or until the person receives a registry identification card
42 from the state department, whichever is earlier. A person with a



1 provisional registration must keep the provisional registration in
 2 the person's possession at all times when transporting or engaging
 3 in the medical use of cannabis.

4 **Sec. 3. (a) A person may not charge a fee for assistance in the**
 5 **preparation, compilation, or submission of an application to the**
 6 **medical cannabis program.**

7 **(b) A person who knowingly or intentionally violates this section**
 8 **commits a Class C misdemeanor.**

9 **(c) All application forms issued by the state department must**
 10 **state that no person or business may charge a fee for assistance in**
 11 **the preparation, compilation, or submission of an application.**

12 **Sec. 4. (a) This section applies to a qualifying patient who is less**
 13 **than eighteen (18) years of age.**

14 **(b) A qualifying patient who is less than eighteen (18) years of**
 15 **age may have two (2) personal caregivers in accordance with this**
 16 **section.**

17 **(c) If both parents or two (2) legal guardians of a qualifying**
 18 **patient who is less than eighteen (18) years of age each have**
 19 **significant decision making responsibilities over the qualifying**
 20 **patient, both may serve as a designated personal caregiver if they**
 21 **otherwise qualify under this article.**

22 **(d) If only one (1) parent or legal guardian has significant**
 23 **decision making responsibilities for the qualifying patient who is**
 24 **less than eighteen (18) years of age, the parent or legal guardian**
 25 **may appoint a second personal caregiver who is qualified under**
 26 **this article.**

27 **Chapter 11. Issuance of Registry Identification Cards**

28 **Sec. 1. Except as provided in section 2 of this chapter, the state**
 29 **department shall:**

30 **(1) verify the information contained in an application or**
 31 **renewal for a registry identification card submitted under this**
 32 **article, and approve or deny an application or renewal, within**
 33 **ninety (90) days of receiving a completed application or**
 34 **renewal application and all supporting documentation;**

35 **(2) issue a registry identification card to a qualifying patient**
 36 **and the patient's personal caregiver, if any, within fifteen (15)**
 37 **business days of approving the application or renewal;**

38 **(3) enter into the verification system the registry identification**
 39 **number of the dispensing organization the qualifying patient**
 40 **designates; and**

41 **(4) allow for an electronic application process, and provide a**
 42 **confirmation by electronic or other methods that an**



1 application has been submitted.

2 **Sec. 2.** The state department may not issue a registry
3 identification card to a qualifying patient who is less than eighteen
4 (18) years of age unless that patient suffers from seizures, including
5 those characteristic of epilepsy, or unless the state department has
6 adopted a rule expressly permitting the use of medical cannabis by
7 a person less than eighteen (18) years of age. The state department
8 shall adopt rules for the issuance of a registry identification card
9 for qualifying patients who are less than eighteen (18) years of age
10 and suffering from seizures. The state department may adopt rules
11 to allow other individuals less than eighteen (18) years of age to
12 become qualifying patients under this article with the consent of a
13 parent or legal guardian. Qualifying patients less than eighteen
14 (18) years of age may not consume any form of cannabis other than
15 medical cannabis infused products or purchase usable cannabis.

16 **Sec. 3.** For purposes of this article, a veteran who has received
17 treatment at a Veterans Administration hospital has a bona fide
18 medical physician-patient relationship with a Veterans
19 Administration physician if the veteran has been examined for the
20 veteran's debilitating medical condition at the Veterans
21 Administration hospital in accordance with Veterans
22 Administration hospital protocols. All reasonable inferences
23 regarding the existence of a bona fide medical physician-patient
24 relationship shall be drawn in favor of an applicant who is a
25 veteran and has undergone treatment at a Veterans
26 Administration hospital.

27 **Sec. 4.** An individual who submits an application as someone
28 who is terminally ill shall have all fees waived. The state
29 department shall adopt emergency rules in the manner provided
30 under IC 4-22-2-37.1 to expedite approval for terminally ill
31 individuals. These rules shall require that an application by an
32 individual with a terminal illness shall be approved or denied
33 within fourteen (14) days of submission.

34 **Sec. 5.** Upon the approval of the registration and issuance of a
35 registry card, the state department shall forward the personal
36 caregiver's and qualified patient's driver's license number to the
37 bureau of motor vehicles and certify that the individual is
38 permitted to engage in the medical use of cannabis. For the
39 purposes of law enforcement, the bureau shall make a notation on
40 the person's driving record stating the person is a qualifying
41 patient or a personal caregiver who is entitled to the lawful medical
42 use of cannabis. If the person no longer holds a valid registry card,



1 the state department shall notify the bureau of motor vehicles and
 2 the bureau shall remove the notation from the person's driving
 3 record. The state department and the bureau of motor vehicles
 4 may establish a system by which the information may be shared
 5 electronically.

6 **Sec. 6.** Upon the approval of the registration and issuance of a
 7 registry card, the state department shall electronically forward the
 8 qualifying patient's and personal caregiver's identification card
 9 information to INSPECT (as defined in IC 25-1-13-3) and certify
 10 that the individual is permitted to engage in the medical use of
 11 cannabis. For the purposes of patient care, INSPECT shall make
 12 a notation on the person's prescription record stating that the
 13 person is a qualifying patient who is entitled to the lawful medical
 14 use of cannabis. If the person no longer holds a valid registry card,
 15 the state department shall notify INSPECT to remove the notation
 16 from the person's record.

17 **Chapter 12. Denial of a Registry Identification Card**

18 **Sec. 1.** The state department may deny an application or
 19 renewal of a qualifying patient's registry identification card only
 20 if the applicant:

- 21 (1) does not provide the required information and materials;
- 22 (2) previously had a registry identification card revoked;
- 23 (3) does not meet the requirements of this article;
- 24 (4) provided false or falsified information; or
- 25 (5) violated any requirement of this article.

26 **Sec. 2.** The state department may deny an application or
 27 renewal for a personal caregiver chosen by a qualifying patient
 28 whose registry identification card was granted only if:

- 29 (1) the personal caregiver does not meet the requirements of
 30 this article;
- 31 (2) the applicant did not provide the information required;
- 32 (3) the prospective patient's application was denied;
- 33 (4) the personal caregiver previously had a registry
 34 identification card revoked;
- 35 (5) the applicant or the personal caregiver provided false or
 36 falsified information; or
- 37 (6) the applicant or the personal caregiver violated any
 38 requirement of this article.

39 **Sec. 3.** The state department shall notify the qualifying patient
 40 who has designated a personal caregiver if a registry identification
 41 card will not be issued to the personal caregiver.

42 **Sec. 4.** Denial of an application or renewal is a final order.



1 **Chapter 13. Registry Identification Cards**

2 **Sec. 1. A qualifying patient or personal caregiver shall keep the**
3 **registry identification card in the patient's or caregiver's**
4 **possession at all times when engaging in the medical use of**
5 **cannabis.**

6 **Sec. 2. A registry identification card shall contain the following:**

7 **(1) The name of the cardholder.**

8 **(2) A designation of whether the cardholder is a personal**
9 **caregiver or qualifying patient.**

10 **(3) The date of issuance and expiration date of the registry**
11 **identification card.**

12 **(4) A random alphanumeric identification number that is**
13 **unique to the cardholder.**

14 **(5) If the cardholder is a personal caregiver, the random**
15 **alphanumeric identification number of the qualifying patient**
16 **the personal caregiver is receiving the registry identification**
17 **card to assist.**

18 **(6) A photograph of the cardholder, if required by state**
19 **department rules.**

20 **Sec. 3. To maintain a valid registry identification card, a**
21 **qualifying patient or personal caregiver must annually submit, at**
22 **least forty-five (45) days before the expiration date stated on the**
23 **registry identification card, a completed renewal application,**
24 **renewal fee, and accompanying documentation as described in**
25 **state department rules. The state department shall send a**
26 **notification to a qualifying patient or personal caregiver ninety**
27 **(90) days before the expiration of the registry identification card.**
28 **If the state department fails to grant or deny a renewal application**
29 **received in accordance with this chapter, the renewal shall be**
30 **conditionally granted and the qualifying patient or personal**
31 **caregiver may continue to use the expired registry identification**
32 **card until the state department denies the renewal or issues a new**
33 **registry identification card.**

34 **Sec. 4. Except as otherwise provided in this chapter, the**
35 **expiration date of a registry identification card is three (3) years**
36 **from the date of issuance of the card.**

37 **Sec. 5. The state department may electronically store on the**
38 **card any or all of the information listed in this chapter, along with**
39 **the address and date of birth of the cardholder and the qualifying**
40 **patient's designated dispensing organization, to allow the**
41 **information to be read by law enforcement agents.**

42 **Sec. 6. The renewal fee shall be deposited in the medical**



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

cannabis fund.

Chapter 14. Notification to the Indiana State Department of Health

Sec. 1. The following notifications and state department responses are required:

- (1) A qualifying patient shall notify the state department of any change in the patient's name or address, or if the qualifying patient ceases to have the debilitating medical condition, within ten (10) days of the change.**
- (2) A personal caregiver shall notify the state department of any change in the personal caregiver's name or address, or if the caregiver becomes aware that the qualifying patient has died, within ten (10) days of the change.**
- (3) Before a qualifying patient changes a personal caregiver, the qualifying patient must notify the state department.**
- (4) If a cardholder loses the cardholder's registry identification card, the cardholder shall notify the state department within ten (10) days of becoming aware the card has been lost.**

Sec. 2. If a cardholder notifies the state department under this chapter, but remains eligible under this article, the state department shall issue the cardholder a new registry identification card with a new random alphanumeric identification number within fifteen (15) business days of receiving the updated information and a fee as specified in state department rules. The fee shall be deposited in the medical cannabis fund. If the person notifying the state department is a qualifying patient, the state department shall also issue the patient's personal caregiver, if any, a new registry identification card within fifteen (15) business days of receiving the updated information.

Sec. 3. If a qualifying patient ceases to be a qualifying patient or changes the personal caregiver, the state department shall promptly notify the personal caregiver. The former personal caregiver's protections under this article as to that qualifying patient expire fifteen (15) days after notification by the state department.

Sec. 4. A cardholder who fails to notify the state department as required by this chapter commits a Class C infraction.

Sec. 5. A qualifying patient shall notify the state department of any change in the designated dispensing organization.

Sec. 6. If a qualifying patient's certifying physician notifies the state department in writing that the qualifying patient has ceased



1 to suffer from a debilitating medical condition, the bona fide
 2 medical physician-patient relationship has ended, or the continued
 3 use of medical cannabis would result in contraindication with the
 4 patient's other medications, the qualifying patient's registry
 5 identification card shall become null and void. However, the
 6 qualifying patient has fifteen (15) days after the notice to destroy
 7 the patient's remaining medical cannabis and related
 8 paraphernalia.

9 **Chapter 15. Cannabis Infused Products**

10 **Sec. 1. Notwithstanding any other provision of law, neither the**
 11 **state department nor a local health department may regulate the**
 12 **service of food by a cultivation center or dispensing organization**
 13 **if all of the following conditions are met:**

14 **(1) No cannabis infused products requiring refrigeration or**
 15 **hot-holding are manufactured at a cultivation center for sale**
 16 **or distribution at a dispensing organization.**

17 **(2) The products are allowable for sale only at dispensing**
 18 **organizations.**

19 **(3) All items shall be individually wrapped at the original**
 20 **point of preparation. The packaging of the medical cannabis**
 21 **infused product must contain a label displaying all of the**
 22 **following:**

23 **(A) The name and address of the cultivation center where**
 24 **the item was manufactured.**

25 **(B) The common or usual name of the item.**

26 **(C) All ingredients of the item, including any colors,**
 27 **artificial flavors, and preservatives, listed in descending**
 28 **order by predominance of weight and shown with common**
 29 **or usual names.**

30 **(D) A notice stating "This product was produced in a**
 31 **medical cannabis cultivation center not subject to public**
 32 **health inspection that may also process common food**
 33 **allergens."**

34 **(E) Allergen labeling as required by federal law.**

35 **(F) The total weight of usable cannabis in the package.**

36 **(G) A warning that the item:**

37 **(i) is a medical cannabis infused product and not a food;**
 38 **and**

39 **(ii) contains medical cannabis and is intended for**
 40 **consumption by qualifying patients only.**

41 **(H) The date of manufacture and the "use by" date.**

42 **(4) The dispensing organization that sells edible cannabis**



1 displays a placard stating "Edible cannabis infused products
 2 were produced in a kitchen not subject to public health
 3 inspections that may also process common food allergens."
 4 The placard may not be smaller than twenty-four (24) inches
 5 tall by thirty-six (36) inches wide, with typed letters not
 6 smaller than two (2) inches. The placard must be clearly
 7 visible, readable by customers, and written in English.

8 (5) Cannabis infused products for sale or distribution at a
 9 dispensing organization must be prepared by an approved
 10 staff member of a cultivation center.

11 (6) A cultivation center that prepares cannabis infused
 12 products for sale or distribution at a dispensing organization
 13 shall be under the operational supervision of a state
 14 department certified food service sanitation manager.

15 Sec. 2. The state department shall adopt rules for the
 16 manufacture of medical cannabis infused products and shall
 17 enforce these provisions, and for that purpose, the state
 18 department may at all times enter every building, room, basement,
 19 enclosure, or premises occupied or used or suspected of being
 20 occupied or used for the production, preparation, manufacture for
 21 sale, storage, sale, distribution, or transportation of edible medical
 22 infused cannabis products, and to inspect the premises and all
 23 utensils, fixtures, furniture, and machinery used for the
 24 preparation of these products.

25 Sec. 3. If a local health department has a reasonable belief that
 26 a cultivation center's cannabis infused product poses a public
 27 health hazard, it may refer the cultivation center to the state
 28 department. If the state department finds that a cannabis infused
 29 product poses a health hazard, it may bring an action for
 30 immediate injunctive relief.

31 Chapter 16. Cannabis Cultivation Permits

32 Sec. 1. The state department may register up to thirteen (13)
 33 cultivation centers for operation. The state department may not
 34 issue more than one (1) registration per each Indiana state police
 35 district (as specified on July 1, 2021). The state department may
 36 not issue less than the thirteen (13) registrations if there are
 37 qualified applicants that have applied with the state department.

38 Sec. 2. The registrations shall be issued and renewed annually
 39 as determined by rule.

40 Sec. 3. The state department shall establish a registration fee by
 41 rule. The registration fee shall be deposited in the medical cannabis
 42 fund.



1 **Sec. 4. A cultivation center may operate only if the cultivation**
 2 **center has been issued a valid registration from the state**
 3 **department. When applying for a cultivation center registration,**
 4 **the applicant shall submit the following in accordance with state**
 5 **department rules:**

6 **(1) The proposed legal name of the cultivation center.**

7 **(2) The proposed physical address of the cultivation center**
 8 **and description of the enclosed, locked facility as it applies to**
 9 **cultivation centers where medical cannabis will be grown,**
 10 **harvested, manufactured, packaged, or otherwise prepared**
 11 **for distribution to a dispensing organization.**

12 **(3) The name, address, and date of birth of each principal**
 13 **officer and board member of the cultivation center, each of**
 14 **whom must be at least twenty-one (21) years of age.**

15 **(4) Any instance in which a business that any of the**
 16 **prospective board members of the cultivation center managed**
 17 **or for which a prospective board member served on the board**
 18 **and was convicted, fined, censured, or had a registration or**
 19 **license suspended or revoked in any administrative or judicial**
 20 **proceeding.**

21 **(5) Cultivation, inventory, and packaging plans.**

22 **(6) Proposed operating bylaws that include procedures for the**
 23 **oversight of the cultivation center, development and**
 24 **implementation of a cannabis plant monitoring system,**
 25 **medical cannabis container tracking system, accurate record**
 26 **keeping, staffing plan, and security plan reviewed by the state**
 27 **police department that are in accordance with the rules issued**
 28 **by the state department under this article. A physical**
 29 **inventory must be performed of all cannabis plants and**
 30 **medical cannabis containers on a weekly basis.**

31 **(7) Experience with agricultural cultivation techniques and**
 32 **industry standards.**

33 **(8) Any academic degrees, certifications, or relevant**
 34 **experience with related businesses.**

35 **(9) The identity of every person, association, trust, or**
 36 **corporation having any direct or indirect pecuniary interest**
 37 **in the cultivation center operation with respect to which the**
 38 **registration is sought. If the disclosed entity is:**

39 **(A) a trust, the application shall disclose the names and**
 40 **addresses of the beneficiaries;**

41 **(B) a corporation, the names and addresses of all**
 42 **stockholders and directors; or**



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

(C) a partnership, the names and addresses of all partners, both general and limited.

(10) Verification from the state police department that all background checks of the principal officer, board members, and registered agents have been conducted and those individuals have not been convicted of an excluded offense.

(11) A copy of any current local zoning ordinance to the state department and verification that the proposed cultivation center is in compliance with the local zoning rules.

(12) An application fee set by the state department by rule. The application fee shall be deposited in the medical cannabis fund.

(13) Any other information required by state department rules, including a cultivation center applicant's experience with the cultivation of agricultural or horticultural products, operating an agriculturally related business, or operating a horticultural business.

Sec. 5. The state department shall deny an application for a cultivation center permit if any of the following conditions are met:

(1) The applicant failed to submit the materials required by this chapter, or the applicant's plans do not satisfy the security, oversight, inventory, or record keeping rules issued by the state department.

(2) The applicant would not be in compliance with local zoning requirements.

(3) One (1) or more of the prospective principal officers or board members has been convicted of an excluded offense.

(4) One (1) or more of the prospective principal officers or board members has served as a principal officer or board member for a dispensing organization or cultivation center that has had its registration revoked.

(5) One (1) or more of the prospective principal officers or board members is less than twenty-one (21) years of age.

(6) A prospective principal officer or board member has been convicted of a felony under the laws of this state, the United States, or any other state.

(7) The person has submitted an application for a certificate under this article that contains false information.

Chapter 17. Renewal of Cultivation Center Permits

Sec. 1. (a) A cultivation center permit must be renewed annually.

(b) The state department shall notify the cultivation center in



1 writing, at least ninety (90) days before the expiration of its current
2 registration, that the current registration will expire.

3 **Sec. 2.** The state department shall grant a renewal application
4 within forty-five (45) days of its submission if:

5 (1) the cultivation center submits a complete renewal
6 application and the required renewal fee established by the
7 state department by rule; and

8 (2) the state department has not suspended or revoked the
9 registration of the cultivation center for a violation of this
10 article.

11 The renewal fee shall be deposited in the medical cannabis fund.

12 **Chapter 18. Background Checks**

13 **Sec. 1.** Before granting the initial permit, the state department
14 shall require each prospective:

15 (1) principal officer;

16 (2) board member; and

17 (3) registered agent;

18 to submit the necessary information, forms, or consents for the
19 state department to obtain a national criminal history background
20 check or, as allowed by the state department, a fingerprint based
21 criminal history check, through the state police department under
22 IC 10-13-3-39.

23 **Sec. 2.** The state department shall require each person applying
24 as a cultivation center agent to submit the necessary information,
25 forms, or consents for the state department, to obtain a national
26 criminal history background check or, as allowed by the state
27 department, a fingerprint based criminal history check, through
28 the state police department under IC 10-13-3-39.

29 **Sec. 3.** Each principal officer, board member, registered agent,
30 and applicant is responsible for the cost of the national criminal
31 history background check.

32 **Chapter 19. Cultivation Center Agent Identification Card**

33 **Sec. 1.** The state department shall:

34 (1) verify the information contained in an application or
35 renewal for a cultivation center agent identification card
36 submitted under this article, and approve or deny an
37 application or renewal, within thirty (30) days of receiving a
38 completed application or renewal application and all
39 supporting documentation required by rule;

40 (2) issue a cultivation center agent identification card to a
41 qualifying agent within fifteen (15) business days of approving
42 the application or renewal;



1 (3) enter the registry identification number of the cultivation
2 center where the agent works; and

3 (4) allow for an electronic application process, and provide a
4 confirmation by electronic or other methods that an
5 application has been submitted.

6 Sec. 2. A cultivation center agent must keep the agent's
7 identification card visible at all times when on the property of a
8 cultivation center and during the transportation of medical
9 cannabis to a dispensing organization.

10 Sec. 3. A cultivation center agent identification card must
11 contain:

12 (1) the name of the cardholder;

13 (2) the date of issuance and expiration date of the cultivation
14 center agent identification card;

15 (3) a random ten (10) digit alphanumeric identification
16 number, unique to the cardholder, containing at least four (4)
17 numbers and at least four (4) letters; and

18 (4) a photograph of the cardholder.

19 Sec. 4. A cultivation center agent must immediately return the
20 identification card to the cultivation center upon termination of
21 employment.

22 Sec. 5. Any identification card lost by a cultivation center agent
23 shall be reported to the state police department and the state
24 department immediately upon discovery of the loss.

25 Sec. 6. A cultivation center agent must be at least twenty-one
26 (21) years of age.

27 Sec. 7. The state department shall deny a cultivation center
28 agent an identification card if the person has been convicted of an
29 excluded offense.

30 Chapter 20. Cultivation Center Operations

31 Sec. 1. The operating documents of a cultivation center must
32 include procedures for the oversight of the cultivation center, a
33 cannabis plant monitoring system, including a physical inventory
34 recorded weekly, a cannabis container system, including a physical
35 inventory recorded weekly, accurate record keeping, and a staffing
36 plan.

37 Sec. 2. A cultivation center shall implement a security plan
38 reviewed by the state police department. The plan must include
39 facility access controls, perimeter intrusion detection systems,
40 personnel identification systems, and a twenty-four (24) hour
41 surveillance system to monitor the interior and exterior of the
42 cultivation center facility. The surveillance system must be



1 accessible to authorized law enforcement agencies and the state
2 department in real time.

3 **Sec. 3.** A cultivation center may not be located within two
4 thousand five hundred (2,500) feet of school property or be located
5 in an area zoned for residential use.

6 **Sec. 4.** All cultivation of cannabis for distribution to a
7 dispensing organization must take place in an enclosed, locked
8 facility as it applies to cultivation centers at the physical address
9 provided to the state department during the registration process.
10 The cultivation center location must be restricted to the cultivation
11 center agents working for the cultivation center, state department
12 staff performing inspections, law enforcement or other emergency
13 personnel, and contractors working on jobs unrelated to medical
14 cannabis, such as installing or maintaining security devices or
15 performing electrical wiring.

16 **Sec. 5.** A cultivation center may not sell or distribute any
17 cannabis to any individual or entity other than a dispensing
18 organization registered under this article.

19 **Sec. 6.** All harvested cannabis intended for distribution to a
20 dispensing organization must be packaged in a labeled medical
21 cannabis container and entered into a data collection system.

22 **Sec. 7.** A person who has been convicted of an excluded offense
23 may not be a cultivation center agent.

24 **Sec. 8.** Cultivation centers are subject to random inspection by
25 the state police department.

26 **Sec. 9.** Cultivation centers are subject to random inspections by
27 the state department.

28 **Sec. 10.** A cultivation center agent shall notify local law
29 enforcement, state law enforcement, and the state department
30 within twenty-four (24) hours of the discovery of any loss or theft
31 from the cultivation center. Notification shall be made by telephone
32 or in person, or by written or electronic communication.

33 **Sec. 11.** A cultivation center must comply with all state and
34 federal laws regarding the use of pesticides.

35 **Chapter 21. Penalties for Cultivation Centers and Agents**

36 **Sec. 1.** Notwithstanding any other criminal penalties related to
37 the unlawful possession of cannabis, the state department may
38 revoke, suspend, place on probation, reprimand, issue cease and
39 desist orders, refuse to issue or renew a registration, or take any
40 other disciplinary or other action as the state department finds
41 appropriate with regard to a cultivation center or cultivation
42 center agent, including imposing a civil penalty not to exceed fifty



1 thousand dollars (\$50,000) for each violation, for any violations of
 2 this article and for a violation of rules adopted under this article.
 3 The procedures for disciplining a cultivation center or cultivation
 4 center agent and for administrative hearings shall be determined
 5 by rule.

6 **Chapter 22. Registration of Dispensing Organizations**

7 **Sec. 1. The state department may issue up to forty (40)**
 8 **dispensing organization registrations for operation. The state**
 9 **department may not issue less than the forty (40) registrations if**
 10 **there are qualified applicants that have applied with the state**
 11 **department. The organizations must be geographically dispersed**
 12 **throughout Indiana to allow all qualifying patients reasonable**
 13 **proximity and access to a dispensing organization.**

14 **Sec. 2. A dispensing organization may operate only if it has been**
 15 **issued a registration from the state department. The state**
 16 **department shall adopt rules establishing the procedures for**
 17 **applicants for dispensing organizations.**

18 **Sec. 3. When applying for a dispensing organization**
 19 **registration, the applicant shall submit, in accordance with state**
 20 **department rules:**

- 21 (1) a nonrefundable application fee established by rule, which
 22 shall be deposited in the medical cannabis fund;
 23 (2) the legal name of the dispensing organization;
 24 (3) the proposed physical address of the dispensing
 25 organization;
 26 (4) the name, address, and date of birth of each prospective
 27 principal officer and board member of the dispensing
 28 organization, all of whom must be at least twenty-one (21)
 29 years of age;
 30 (5) information, in writing, regarding any instances in which
 31 a business or nonprofit entity that any of the prospective
 32 board members managed or for which a prospective board
 33 member served on the board was convicted, fined, censured,
 34 or had a registration suspended or revoked in any
 35 administrative or judicial proceeding;
 36 (6) proposed operating bylaws that include procedures for the
 37 oversight of the medical cannabis dispensing organization and
 38 procedures to ensure accurate record keeping and security
 39 measures that are in accordance with the rules applied by the
 40 state department under this article and that include a
 41 description of the enclosed, locked facility where medical
 42 cannabis will be stored by the dispensing organization; and



1 (7) signed statements from each dispensing organization agent
2 stating that the agent will not divert medical cannabis.

3 **Sec. 4.** The state department shall require each person applying
4 as a dispensing organization agent to submit the necessary
5 information, forms, or consents for the state department to obtain
6 a national criminal history background check or, as allowed by the
7 state department, a fingerprint based criminal history check,
8 through the state police department under IC 10-13-3-39.

9 **Sec. 5.** A dispensing organization must pay a registration fee set
10 by the state department. The fee shall be deposited in the medical
11 cannabis fund.

12 **Sec. 6.** The state department shall deny an application for a
13 medical cannabis dispensing organization registration if:

14 (1) the applicant failed to submit the materials required by
15 this chapter, or the applicant's plans do not satisfy the
16 security, oversight, or record keeping rules issued by the state
17 department;

18 (2) the applicant would not be in compliance with local zoning
19 rules;

20 (3) the applicant does not meet other requirements of this
21 article;

22 (4) one (1) or more of the prospective principal officers or
23 board members has been convicted of an excluded offense;

24 (5) one (1) or more of the prospective principal officers or
25 board members has served as a principal officer or board
26 member for a registered medical cannabis dispensing
27 organization that has had its registration revoked;

28 (6) one (1) or more of the prospective principal officers or
29 board members is less than twenty-one (21) years of age; or

30 (7) one (1) or more of the prospective principal officers or
31 board members is a registered qualified patient or a personal
32 caregiver.

33 **Chapter 23. Dispensing Organization Agent Identification Card**

34 **Sec. 1.** The state department shall:

35 (1) verify the information contained in an application or
36 renewal for a dispensing organization agent identification
37 card submitted under this article, and approve or deny an
38 application or renewal within thirty (30) days of receiving a
39 completed application or renewal application and all
40 supporting documentation required by rule;

41 (2) issue a dispensing organization agent identification card to
42 a qualifying agent within fifteen (15) business days of



1 **approving the application or renewal;**
 2 **(3) enter the registry identification number of the dispensing**
 3 **organization where the agent works; and**
 4 **(4) allow for an electronic application process and provide a**
 5 **confirmation by electronic or other methods that an**
 6 **application has been submitted.**

7 **Sec. 2. A dispensing organization agent must keep the agent's**
 8 **identification card visible at all times when on the property of a**
 9 **dispensing organization.**

10 **Sec. 3. A dispensing organization agent identification card must**
 11 **contain:**

12 **(1) the name of the cardholder;**
 13 **(2) the date of issuance and expiration date of the dispensing**
 14 **organization agent identification card;**
 15 **(3) a random ten (10) digit alphanumeric identification**
 16 **number, unique to the cardholder, containing at least four (4)**
 17 **numbers and at least four (4) letters; and**
 18 **(4) a photograph of the cardholder.**

19 **Sec. 4. A dispensing organization agent must immediately**
 20 **return the identification card to the dispensing organization upon**
 21 **termination of employment.**

22 **Sec. 5. Any identification card lost by a dispensing organization**
 23 **agent shall be reported to the state police department and the state**
 24 **department immediately upon discovery of the loss.**

25 **Sec. 6. The state department shall deny a dispensing**
 26 **organization agent an identification card if the person has been**
 27 **convicted of an excluded offense.**

28 **Chapter 24. Renewal of Dispensing Organization Permits**

29 **Sec. 1. (a) A dispensing organization permit must be renewed**
 30 **annually.**

31 **(b) The state department shall notify the dispensing**
 32 **organization in writing, at least ninety (90) days before the**
 33 **expiration of its current registration, that the current registration**
 34 **will expire.**

35 **Sec. 2. The state department shall grant a renewal application**
 36 **within forty-five (45) days of its submission if:**

37 **(1) the dispensing organization submits a renewal application**
 38 **and the required renewal fee established by the state**
 39 **department by rule; and**
 40 **(2) the state department has not suspended or revoked the**
 41 **registration of the dispensing organization for a violation of**
 42 **this article.**



1 **The fee shall be deposited in the medical cannabis fund.**

2 **Chapter 25. Dispensing Organization Operations**

3 **Sec. 1. The operating documents of a dispensing organization**
4 **must include procedures for the oversight of the dispensing**
5 **organization, a cannabis inventory monitoring system, including a**
6 **physical inventory recorded weekly, a cannabis container system,**
7 **including a physical inventory recorded weekly, accurate record**
8 **keeping, and a staffing plan.**

9 **Sec. 2. A dispensing organization shall implement appropriate**
10 **security measures.**

11 **Sec. 3. A dispensing organization may not be located within one**
12 **thousand (1,000) feet of school property or be located in an area**
13 **zoned for residential use.**

14 **Sec. 4. All cultivation of cannabis for distribution to a**
15 **dispensing organization must take place in an enclosed, locked**
16 **facility as it applies to cultivation centers at the physical address**
17 **provided to the state department during the registration process.**
18 **The cultivation center location must be restricted to the cultivation**
19 **center agents working for the cultivation center, state department**
20 **staff performing inspections, law enforcement or other emergency**
21 **personnel, and contractors working on jobs unrelated to medical**
22 **cannabis, such as installing or maintaining security devices or**
23 **performing electrical wiring.**

24 **Sec. 5. A dispensing organization is prohibited from acquiring**
25 **cannabis from anyone other than a cultivation center. A dispensing**
26 **organization is prohibited from obtaining cannabis from outside**
27 **Indiana.**

28 **Sec. 6. A dispensing organization is prohibited from dispensing**
29 **cannabis for any purpose except to assist qualifying patients with**
30 **the medical use of cannabis directly or through the qualifying**
31 **patients' designated caregivers.**

32 **Sec. 7. The dispensing organization must restrict access to the**
33 **area where medical cannabis is stored to dispensing organization**
34 **agents working for the dispensing organization, state department**
35 **staff performing inspections, law enforcement or other emergency**
36 **personnel, and contractors working on jobs unrelated to medical**
37 **cannabis, such as installing or maintaining security devices or**
38 **performing electrical wiring.**

39 **Sec. 8. A dispensing organization may not dispense more than**
40 **an adequate supply of cannabis to a qualifying patient.**

41 **Sec. 9. Before medical cannabis may be dispensed to a personal**
42 **caregiver or a qualifying patient, a dispensing organization agent**



1 must determine that the individual is a current cardholder in the
2 verification system and must verify:

3 (1) that the registry identification card presented to the
4 dispensing organization is valid;

5 (2) that the person presenting the card is the person identified
6 on the registry identification card presented to the dispensing
7 organization agent;

8 (3) that the dispensing organization is the designated
9 dispensing organization for the qualifying patient who is
10 obtaining the cannabis directly or via personal caregiver; and

11 (4) that the qualifying patient has not exceeded the patient's
12 adequate supply.

13 **Sec. 10. Dispensing organizations shall ensure compliance with**
14 **dispensing limits by maintaining internal, confidential records that**
15 **include records specifying how much medical cannabis is dispensed**
16 **to each qualifying patient and whether it was dispensed directly to**
17 **the patient or to the personal caregiver. Each entry must include**
18 **the date and time the medical cannabis was dispensed. Additional**
19 **record keeping requirements may be set by rule.**

20 **Sec. 11. A person may not consume cannabis on the property of**
21 **the dispensing organization.**

22 **Sec. 12. A dispensing organization may not share office space**
23 **with or refer patients to a physician.**

24 **Sec. 13. Notwithstanding any other criminal penalties related to**
25 **the unlawful possession of cannabis, the state department may**
26 **revoke, suspend, place on probation, reprimand, issue cease and**
27 **desist orders, refuse to issue or renew a registration, or take any**
28 **other disciplinary or other action as the state department finds**
29 **appropriate with regard to a dispensing organization or dispensing**
30 **organization agent, including imposing a civil penalty not to exceed**
31 **ten thousand dollars (\$10,000) for each violation, for any violations**
32 **of this article, and for a violation of rules adopted under this**
33 **article. The procedures for disciplining a cultivation center or**
34 **cultivation center agent and for administrative hearings shall be**
35 **determined by rule.**

36 **Sec. 14. A dispensing organization is subject to random**
37 **inspection and cannabis testing by the state department and state**
38 **police department as provided by rule.**

39 **Chapter 26. Transfer of Designated Dispensing Organization**

40 **Sec. 1. A qualifying patient may obtain medical cannabis only**
41 **at the dispensing organization designated by the qualifying patient**
42 **during registration, unless the qualifying patient transfers the**



1 designation.

2 **Sec. 2.** A qualifying patient may transfer the designation to a
3 new dispensing organization electronically under rules adopted by
4 the state department.

5 **Chapter 27. Zoning**

6 **Sec. 1.** A unit of local government may adopt a reasonable
7 zoning ordinance concerning medical cannabis cultivation centers
8 and medical cannabis dispensing organizations. However, a unit
9 may not:

- 10 (1) unreasonably prohibit the cultivation, dispensing, or use
11 of medical cannabis authorized by this article; or
12 (2) otherwise regulate medical cannabis except as provided in
13 this article.

14 **Chapter 28. Confidentiality**

15 **Sec. 1.** Except as otherwise provided in this article, or as
16 provided in section 2 of this chapter, for purposes of
17 IC 5-14-3-4(a)(1), the following information is confidential, may
18 not be published, and is not open to public inspection:

- 19 (1) Information submitted by a patient or caregiver to obtain
20 a registry identification card.
21 (2) Information obtained by a federal, state, or local
22 governmental entity in the course of an investigation
23 concerning a patient or caregiver who applies to obtain a
24 registry identification card.
25 (3) The name and address of the patient or caregiver, and any
26 other information that may be used to identify an individual
27 who holds a registry identification card.

28 **Sec. 2.** Notwithstanding section 1 of this chapter:

- 29 (1) any information concerning a patient or caregiver who
30 applies for, or a patient or caregiver who holds, a registry
31 identification card may be released to a federal, state, or local
32 governmental entity:
33 (A) for law enforcement purposes; or
34 (B) to determine the validity of a registry identification
35 card; and
36 (2) general information concerning the issuance of a registry
37 identification card in Indiana may be released to a person
38 conducting journalistic or academic research, but only if all
39 personal information that may be used to identify any patient
40 or caregiver has been removed from the general information.

41 **Sec. 3.** A person who knowingly or intentionally violates this
42 chapter by releasing confidential information commits a disclosure



1 of confidential medical information, a Class B misdemeanor.

2 **Chapter 29. Registry Identification and Registration Certificate**
3 **Verification**

4 **Sec. 1. The state department shall maintain a confidential list of**
5 **the persons to whom the state department has issued registry**
6 **identification cards and their addresses, telephone numbers, and**
7 **registry identification numbers. This confidential list may not be**
8 **combined or linked in any manner with any other list or data base**
9 **except as provided in this chapter.**

10 **Sec. 2. Before January 1, 2022, the state department shall**
11 **establish a computerized data base or verification system. The data**
12 **base or verification system must allow law enforcement personnel**
13 **and medical cannabis dispensing organization agents to determine**
14 **whether or not the identification number corresponds with a**
15 **current, valid registry identification card. The system may disclose**
16 **only whether the identification card is valid, whether the**
17 **cardholder is a qualifying patient or a personal caregiver, the**
18 **registry identification number of the medical cannabis dispensing**
19 **organization designated to serve the qualifying patient who holds**
20 **the card, and the registry identification number of the patient who**
21 **is assisted by a personal caregiver who holds the card.**

22 **Sec. 3. The state department may issue registry cards during the**
23 **period in which the data base is being established to:**

- 24 (1) **qualifying patients and their designated personal**
25 **caregivers;**
26 (2) **medical cannabis dispensing organizations; and**
27 (3) **medical cannabis cultivation organizations;**

28 **that meet the requirements of this article.**

29 **Chapter 30. Annual Reports**

30 **Sec. 1. Before November 1, 2021, and November 1 of each year**
31 **thereafter, the state department shall submit an annual report to**
32 **the legislative council. The report must contain:**

- 33 (1) **the number of applications and renewals filed for registry**
34 **identification cards or registrations;**
35 (2) **the number of qualifying patients and personal caregivers**
36 **served by each dispensing organization during the report**
37 **year;**
38 (3) **the nature of the debilitating medical conditions of the**
39 **qualifying patients;**
40 (4) **the number of registry identification cards or registrations**
41 **revoked for misconduct;**
42 (5) **the number of physicians providing written certifications**



1 **for qualifying patients; and**
2 **(6) the number of registered medical cannabis cultivation**
3 **centers or dispensing organizations.**
4 **Sec. 2. The report required under this chapter must be in an**
5 **electronic format under IC 5-14-6.**
6 **Chapter 31. Rulemaking**
7 **Sec. 1. As soon as practicable after June 30, 2021, the state**
8 **department shall adopt rules under IC 4-22-2, including emergency**
9 **rules adopted in the manner provided under IC 4-22-2-37.1, to**
10 **implement, administer, and enforce this article.**
11 **Sec. 2. If the state department does not make a good faith effort**
12 **to adopt rules as required by section 1 of this chapter, any person**
13 **may bring an action, including an original action, to enforce**
14 **section 1 of this chapter.**
15 **Chapter 32. Destruction of Medical Cannabis**
16 **Sec. 1. A cultivation center shall destroy and dispose of all**
17 **cannabis byproduct, cannabis scrap, and harvested cannabis not**
18 **intended for distribution to a medical cannabis organization. The**
19 **cultivation center shall retain, at the cultivation center,**
20 **documentation of the destruction and disposal for a period of not**
21 **less than five (5) years, including the date of destruction and**
22 **amount destroyed.**
23 **Sec. 2. A cultivation center shall notify the state department and**
24 **the state police department before destroying the cannabis.**
25 **Sec. 3. A dispensing organization shall destroy all cannabis,**
26 **including medical cannabis infused products, that is not sold to**
27 **qualifying patients. Documentation of destruction and disposal**
28 **shall be retained at the dispensing organization for a period of not**
29 **less than five (5) years.**
30 **Sec. 4. A dispensing organization shall notify the state**
31 **department and the state police department before destroying the**
32 **cannabis.**
33 **SECTION 25. IC 22-15-5-16, AS AMENDED BY P.L.142-2020,**
34 **SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
35 **JULY 1, 2021]: Sec. 16. (a) A practitioner shall comply with the**
36 **standards established under this licensing program. A practitioner is**
37 **subject to the exercise of the disciplinary sanctions under subsection**
38 **(b) if the department finds that a practitioner has:**
39 **(1) engaged in or knowingly cooperated in fraud or material**
40 **deception in order to obtain a license to practice, including**
41 **cheating on a licensing examination;**
42 **(2) engaged in fraud or material deception in the course of**



- 1 professional services or activities;
 2 (3) advertised services or goods in a false or misleading manner;
 3 (4) falsified or knowingly allowed another person to falsify
 4 attendance records or certificates of completion of continuing
 5 education courses provided under this chapter;
 6 (5) been convicted of a crime that has a direct bearing on the
 7 practitioner's ability to continue to practice competently;
 8 (6) knowingly violated a state statute or rule or federal statute or
 9 regulation regulating the profession for which the practitioner is
 10 licensed;
 11 (7) continued to practice although the practitioner has become
 12 unfit to practice due to:
 13 (A) professional incompetence;
 14 (B) failure to keep abreast of current professional theory or
 15 practice;
 16 (C) physical or mental disability; or
 17 (D) addiction to, abuse of, or severe dependency on alcohol or
 18 other drugs that endanger the public by impairing a
 19 practitioner's ability to practice safely;
 20 (8) engaged in a course of lewd or immoral conduct in connection
 21 with the delivery of services to the public;
 22 (9) allowed the practitioner's name or a license issued under this
 23 chapter to be used in connection with an individual or business
 24 who renders services beyond the scope of that individual's or
 25 business's training, experience, or competence;
 26 (10) had disciplinary action taken against the practitioner or the
 27 practitioner's license to practice in another state or jurisdiction on
 28 grounds similar to those under this chapter;
 29 (11) assisted another person in committing an act that would
 30 constitute a ground for disciplinary sanction under this chapter;
 31 or
 32 (12) allowed a license issued by the department to be:
 33 (A) used by another person; or
 34 (B) displayed to the public when the license has expired, is
 35 inactive, is invalid, or has been revoked or suspended.
- 36 For purposes of subdivision (10), a certified copy of a record of
 37 disciplinary action constitutes prima facie evidence of a disciplinary
 38 action in another jurisdiction.
- 39 (b) The department may impose one (1) or more of the following
 40 sanctions if the department finds that a practitioner is subject to
 41 disciplinary sanctions under subsection (a):
 42 (1) Permanent revocation of a practitioner's license.



- 1 (2) Suspension of a practitioner's license.
 2 (3) Censure of a practitioner.
 3 (4) Issuance of a letter of reprimand.
 4 (5) Assessment of a civil penalty against the practitioner in
 5 accordance with the following:
 6 (A) The civil penalty may not be more than one thousand
 7 dollars (\$1,000) for each violation listed in subsection (a),
 8 except for a finding of incompetency due to a physical or
 9 mental disability.
 10 (B) When imposing a civil penalty, the department shall
 11 consider a practitioner's ability to pay the amount assessed. If
 12 the practitioner fails to pay the civil penalty within the time
 13 specified by the department, the department may suspend the
 14 practitioner's license without additional proceedings. However,
 15 a suspension may not be imposed if the sole basis for the
 16 suspension is the practitioner's inability to pay a civil penalty.
 17 (6) Placement of a practitioner on probation status and
 18 requirement of the practitioner to:
 19 (A) report regularly to the department upon the matters that
 20 are the basis of probation;
 21 (B) limit practice to those areas prescribed by the department;
 22 (C) continue or renew professional education approved by the
 23 department until a satisfactory degree of skill has been attained
 24 in those areas that are the basis of the probation; or
 25 (D) perform or refrain from performing any acts, including
 26 community restitution or service without compensation, that
 27 the department considers appropriate to the public interest or
 28 to the rehabilitation or treatment of the practitioner.
 29 The department may withdraw or modify this probation if the
 30 department finds after a hearing that the deficiency that required
 31 disciplinary action has been remedied or that changed
 32 circumstances warrant a modification of the order.
 33 (c) If an applicant or a practitioner has engaged in or knowingly
 34 cooperated in fraud or material deception to obtain a license to
 35 practice, including cheating on the licensing examination, the
 36 department may rescind the license if it has been granted, void the
 37 examination or other fraudulent or deceptive material, and prohibit the
 38 applicant from reapplying for the license for a length of time
 39 established by the department.
 40 (d) The department may deny licensure to an applicant who has had
 41 disciplinary action taken against the applicant or the applicant's license
 42 to practice in another state or jurisdiction or who has practiced without



1 a license in violation of the law. A certified copy of the record of
2 disciplinary action is conclusive evidence of the other jurisdiction's
3 disciplinary action.

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

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

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

19 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.

20 (2) Possession of methamphetamine under IC 35-48-4-6.1.

21 (3) Possession of a controlled substance under IC 35-48-4-7(a).

22 (4) Fraudulently obtaining a controlled substance under
23 IC 35-48-4-7(b) (for a crime committed before July 1, 2014) or
24 IC 35-48-4-7(c) (for a crime committed after June 30, 2014).

25 (5) Manufacture of paraphernalia as a Class D felony (for a crime
26 committed before July 1, 2014) or a Level 6 felony (for a crime
27 committed after June 30, 2014) under IC 35-48-4-8.1(b).

28 (6) Dealing in paraphernalia as a Class D felony (for a crime
29 committed before July 1, 2014) or a Level 6 felony (for a crime
30 committed after June 30, 2014) under IC 35-48-4-8.5(b).

31 (7) Possession of paraphernalia as a Class D felony (for a crime
32 committed before July 1, 2014) or a Level 6 felony (for a crime
33 committed after June 30, 2014) under IC 35-48-4-8.3(b) (before
34 its amendment on July 1, 2015).

35 (8) Possession of marijuana, hash oil, hashish, or salvia as a Class
36 D felony (for a crime committed before July 1, 2014) or a Level
37 6 felony (for a crime committed after June 30, 2014, **and before**
38 **July 1, 2021**) under IC 35-48-4-11.

39 (9) A felony offense under IC 35-48-4 involving possession of a
40 synthetic drug (as defined in IC 35-31.5-2-321), possession of a
41 controlled substance analog (as defined in IC 35-48-1-9.3), or
42 possession of a synthetic drug lookalike substance (as defined in



- 1 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:
2 (A) Class D felony for a crime committed before July 1, 2014;
3 or
4 (B) Level 6 felony for a crime committed after June 30, 2014;
5 under IC 35-48-4-11.5 (before its repeal on July 1, 2019).
6 (10) Maintaining a common nuisance under IC 35-48-4-13
7 (repealed) or IC 35-45-1-5, if the common nuisance involves a
8 controlled substance.
9 (11) An offense relating to registration, labeling, and prescription
10 forms under IC 35-48-4-14.
11 (h) The department shall deny, revoke, or suspend a license issued
12 under this chapter if the individual who holds the license is convicted
13 of any of the following:
14 (1) Dealing in a controlled substance resulting in death under
15 IC 35-42-1-1.5.
16 (2) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.
17 (3) Dealing in methamphetamine under IC 35-48-4-1.1.
18 (4) Manufacturing methamphetamine under IC 35-48-4-1.2.
19 (5) Dealing in a schedule I, II, or III controlled substance under
20 IC 35-48-4-2.
21 (6) Dealing in a schedule IV controlled substance under
22 IC 35-48-4-3.
23 (7) Dealing in a schedule V controlled substance under
24 IC 35-48-4-4.
25 (8) Dealing in a substance represented to be a controlled
26 substance under IC 35-48-4-4.5 (repealed).
27 (9) Knowingly or intentionally manufacturing, advertising,
28 distributing, or possessing with intent to manufacture, advertise,
29 or distribute a substance represented to be a controlled substance
30 under IC 35-48-4-4.6.
31 (10) Dealing in a counterfeit substance under IC 35-48-4-5.
32 (11) Dealing in marijuana, hash oil, hashish, or salvia as a felony
33 under IC 35-48-4-10.
34 (12) An offense under IC 35-48-4 involving the manufacture or
35 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
36 synthetic drug lookalike substance (as defined in
37 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
38 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
39 substance analog (as defined in IC 35-48-1-9.3), or a substance
40 represented to be a controlled substance (as described in
41 IC 35-48-4-4.6).
42 (13) A violation of any federal or state drug law or rule related to



- 1 wholesale legend drug distributors licensed under IC 25-26-14.
- 2 (i) A decision of the department under subsections (b) through (h)
- 3 may be appealed to the commission under IC 4-21.5-3-7.
- 4 (j) The department may temporarily suspend a practitioner's license
- 5 under IC 4-21.5-4 before a final adjudication or during the appeals
- 6 process if the department finds that a practitioner represents a clear and
- 7 immediate danger to the public's health, safety, or property if the
- 8 practitioner is allowed to continue to practice.
- 9 (k) On receipt of a complaint or an information alleging that a
- 10 person licensed under this chapter has engaged in or is engaging in a
- 11 practice that jeopardizes the public health, safety, or welfare, the
- 12 department shall initiate an investigation against the person.
- 13 (l) Any complaint filed with the office of the attorney general
- 14 alleging a violation of this licensing program shall be referred to the
- 15 department for summary review and for its general information and any
- 16 authorized action at the time of the filing.
- 17 (m) The department shall conduct a fact finding investigation as the
- 18 department considers proper in relation to the complaint.
- 19 (n) The department may reinstate a license that has been suspended
- 20 under this section if, after a hearing, the department is satisfied that the
- 21 applicant is able to practice with reasonable skill, safety, and
- 22 competency to the public. As a condition of reinstatement, the
- 23 department may impose disciplinary or corrective measures authorized
- 24 under this chapter.
- 25 (o) The department may not reinstate a license that has been
- 26 revoked under this chapter. An individual whose license has been
- 27 revoked under this chapter may not apply for a new license until seven
- 28 (7) years after the date of revocation.
- 29 (p) The department shall seek to achieve consistency in the
- 30 application of sanctions authorized in this chapter. Significant
- 31 departures from prior decisions involving similar conduct must be
- 32 explained in the department's findings or orders.
- 33 (q) A practitioner may petition the department to accept the
- 34 surrender of the practitioner's license instead of having a hearing before
- 35 the commission. The practitioner may not surrender the practitioner's
- 36 license without the written approval of the department, and the
- 37 department may impose any conditions appropriate to the surrender or
- 38 reinstatement of a surrendered license.
- 39 (r) A practitioner who has been subjected to disciplinary sanctions
- 40 may be required by the commission to pay the costs of the proceeding.
- 41 The practitioner's ability to pay shall be considered when costs are
- 42 assessed. If the practitioner fails to pay the costs, a suspension may not



1 be imposed solely upon the practitioner's inability to pay the amount
2 assessed. The costs are limited to costs for the following:

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

12 SECTION 26. IC 25-1-1.1-2, AS AMENDED BY P.L.142-2020,
13 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2021]: Sec. 2. Notwithstanding IC 25-1-7, a board, a
15 commission, or a committee may suspend, deny, or revoke a license or
16 certificate issued under this title by the board, the commission, or the
17 committee without an investigation by the office of the attorney general
18 if the individual who holds the license or certificate is convicted of any
19 of the following and the board, commission, or committee determines,
20 after the individual has appeared in person, that the offense affects the
21 individual's ability to perform the duties of the profession:

- 22 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- 23 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 24 (3) Possession of a controlled substance under IC 35-48-4-7(a).
- 25 (4) Fraudulently obtaining a controlled substance under
26 IC 35-48-4-7(c).
- 27 (5) Manufacture of paraphernalia as a Class D felony (for a crime
28 committed before July 1, 2014) or a Level 6 felony (for a crime
29 committed after June 30, 2014) under IC 35-48-4-8.1(b).
- 30 (6) Dealing in paraphernalia as a Class D felony (for a crime
31 committed before July 1, 2014) or a Level 6 felony (for a crime
32 committed after June 30, 2014) under IC 35-48-4-8.5(b).
- 33 (7) Possession of paraphernalia as a Class D felony (for a crime
34 committed before July 1, 2014) or a Level 6 felony (for a crime
35 committed after June 30, 2014) under IC 35-48-4-8.3(b) (before
36 its amendment on July 1, 2015).
- 37 (8) Possession of marijuana, hash oil, hashish, or salvia as a Class
38 D felony (for a crime committed before July 1, 2014) or a Level
39 6 felony (for a crime committed after June 30, 2014, **and before**
40 **July 1, 2021**) under IC 35-48-4-11.
- 41 (9) A felony offense under IC 35-48-4 involving possession of a
42 synthetic drug (as defined in IC 35-31.5-2-321), possession of a



1 controlled substance analog (as defined in IC 35-48-1-9.3), or
 2 possession of a synthetic drug lookalike substance (as defined in
 3 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:

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

6 (B) Level 6 felony for a crime committed after June 30, 2014;
 7 under IC 35-48-4-11.5 (before its repeal on July 1, 2019).

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

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

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

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

16 SECTION 27. IC 34-30-2-60.5 IS ADDED TO THE INDIANA
 17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2021]: **Sec. 60.5. IC 16-51-2-2 (Concerning**
 19 **a physician and medical cannabis).**

20 SECTION 28. IC 34-30-2-60.6 IS ADDED TO THE INDIANA
 21 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 22 [EFFECTIVE JULY 1, 2021]: **Sec. 60.6. IC 16-51-4-16 (Concerning**
 23 **medical cannabis).**

24 SECTION 29. IC 35-38-2-2.3, AS AMENDED BY P.L.161-2018,
 25 SECTION 123, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2021]: Sec. 2.3. (a) As a condition of probation,
 27 the court may require a person to do a combination of the following:

28 (1) Work faithfully at suitable employment or faithfully pursue a
 29 course of study or career and technical education that will equip
 30 the person for suitable employment.

31 (2) Undergo available medical or psychiatric treatment and
 32 remain in a specified institution if required for that purpose.

33 (3) Attend or reside in a facility established for the instruction,
 34 recreation, or residence of persons on probation.

35 (4) Participate in a treatment program, educational class, or
 36 rehabilitative service provided by a probation department or by
 37 referral to an agency.

38 (5) Support the person's dependents and meet other family
 39 responsibilities.

40 (6) Make restitution or reparation to the victim of the crime for
 41 damage or injury that was sustained by the victim. When
 42 restitution or reparation is a condition of probation, the court shall



- 1 fix the amount, which may not exceed an amount the person can
 2 or will be able to pay, and shall fix the manner of performance.
- 3 (7) Execute a repayment agreement with the appropriate
 4 governmental entity to repay the full amount of public relief or
 5 assistance wrongfully received, and make repayments according
 6 to a repayment schedule set out in the agreement.
- 7 (8) Pay a fine authorized by IC 35-50.
- 8 (9) Refrain from possessing a firearm or other deadly weapon
 9 unless granted written permission by the court or the person's
 10 probation officer.
- 11 (10) Report to a probation officer at reasonable times as directed
 12 by the court or the probation officer.
- 13 (11) Permit the person's probation officer to visit the person at
 14 reasonable times at the person's home or elsewhere.
- 15 (12) Remain within the jurisdiction of the court, unless granted
 16 permission to leave by the court or by the person's probation
 17 officer.
- 18 (13) Answer all reasonable inquiries by the court or the person's
 19 probation officer and promptly notify the court or probation
 20 officer of any change in address or employment.
- 21 (14) Perform uncompensated work that benefits the community.
- 22 (15) Satisfy other conditions reasonably related to the person's
 23 rehabilitation.
- 24 (16) Undergo home detention under IC 35-38-2.5.
- 25 (17) Undergo a laboratory test or series of tests approved by the
 26 state department of health to detect and confirm the presence of
 27 the human immunodeficiency virus (HIV) antigen or antibodies
 28 to the human immunodeficiency virus (HIV), if:
- 29 (A) the person had been convicted of an offense relating to a
 30 criminal sexual act and the offense created an
 31 epidemiologically demonstrated risk of transmission of the
 32 human immunodeficiency virus (HIV); or
- 33 (B) the person had been convicted of an offense relating to a
 34 controlled substance and the offense involved:
- 35 (i) the delivery by any person to another person; or
 36 (ii) the use by any person on another person;
 37 of a contaminated sharp (as defined in IC 16-41-16-2) or other
 38 paraphernalia that creates an epidemiologically demonstrated
 39 risk of transmission of HIV by involving percutaneous contact.
- 40 (18) Refrain from any direct or indirect contact with an individual
 41 and, if convicted of an offense under IC 35-46-3, any animal
 42 belonging to the individual.



- 1 (19) Execute a repayment agreement with the appropriate
 2 governmental entity or with a person for reasonable costs incurred
 3 because of the taking, detention, or return of a missing child (as
 4 defined in IC 10-13-5-4).
- 5 (20) Periodically undergo a laboratory chemical test (as defined
 6 in IC 9-13-2-22) or series of chemical tests as specified by the
 7 court to detect and confirm the presence of a controlled substance
 8 (as defined in IC 35-48-1-9). The person on probation is
 9 responsible for any charges resulting from a test and shall have
 10 the results of any test under this subdivision reported to the
 11 person's probation officer by the laboratory.
- 12 (21) If the person was confined in a penal facility, execute a
 13 reimbursement plan as directed by the court and make repayments
 14 under the plan to the authority that operates the penal facility for
 15 all or part of the costs of the person's confinement in the penal
 16 facility. The court shall fix an amount that:
- 17 (A) may not exceed an amount the person can or will be able
 18 to pay;
- 19 (B) does not harm the person's ability to reasonably be self
 20 supporting or to reasonably support any dependent of the
 21 person; and
- 22 (C) takes into consideration and gives priority to any other
 23 restitution, reparation, repayment, or fine the person is
 24 required to pay under this section.
- 25 (22) Refrain from owning, harboring, or training an animal.
- 26 (23) Participate in a reentry court program.
- 27 (24) Receive:
- 28 (A) addiction counseling;
- 29 (B) mental health counseling;
- 30 (C) inpatient detoxification; and
- 31 (D) medication assisted treatment, including a federal Food
 32 and Drug Administration approved long acting, nonaddictive
 33 medication for the treatment of opioid or alcohol dependence.
- 34 (b) When a person is placed on probation, the person shall be given
 35 a written statement specifying:
- 36 (1) the conditions of probation; and
- 37 (2) that if the person violates a condition of probation during the
 38 probationary period, a petition to revoke probation may be filed
 39 before the earlier of the following:
- 40 (A) One (1) year after the termination of probation.
- 41 (B) Forty-five (45) days after the state receives notice of the
 42 violation.



1 (c) As a condition of probation, the court may require that the
 2 person serve a term of imprisonment in an appropriate facility at the
 3 time or intervals (consecutive or intermittent) within the period of
 4 probation the court determines.

5 (d) Intermittent service may be required only for a term of not more
 6 than sixty (60) days and must be served in the county or local penal
 7 facility. The intermittent term is computed on the basis of the actual
 8 days spent in confinement and shall be completed within one (1) year.
 9 A person does not earn good time credit while serving an intermittent
 10 term of imprisonment under this subsection. When the court orders
 11 intermittent service, the court shall state:

12 (1) the term of imprisonment;

13 (2) the days or parts of days during which a person is to be
 14 confined; and

15 (3) the conditions.

16 (e) Supervision of a person may be transferred from the court that
 17 placed the person on probation to a court of another jurisdiction, with
 18 the concurrence of both courts. Retransfers of supervision may occur
 19 in the same manner. This subsection does not apply to transfers made
 20 under IC 11-13-4 or IC 11-13-5.

21 (f) When a court imposes a condition of probation described in
 22 subsection (a)(18):

23 (1) the clerk of the court shall comply with IC 5-2-9; and

24 (2) the prosecuting attorney shall file a confidential form
 25 prescribed or approved by the office of judicial administration
 26 with the clerk.

27 (g) As a condition of probation, a court shall require a person:

28 (1) who is described in IC 10-13-6-10(a);

29 (2) who has not previously provided a DNA sample in accordance
 30 with IC 10-13-6; and

31 (3) whose sentence does not involve a commitment to the
 32 department of correction;

33 to provide a DNA sample as a condition of probation.

34 (h) If a court imposes a condition of probation described in
 35 subsection (a)(4), the person on probation is responsible for any costs
 36 resulting from the participation in a program, class, or service. Any
 37 costs collected for services provided by the probation department shall
 38 be deposited in the county or local supplemental adult services fund.

39 **(i) If a court imposes a condition of probation described in**
 40 **subsection (a)(20), the court may not revoke the person's probation**
 41 **solely on the basis that the person tested positive for marijuana or**
 42 **a metabolite of marijuana.**



1 SECTION 30. IC 35-38-2-3, AS AMENDED BY P.L.74-2015,
2 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 3. (a) The court may revoke a person's probation
4 if:

5 (1) the person has violated a condition of probation during the
6 probationary period; and

7 (2) the petition to revoke probation is filed during the
8 probationary period or before the earlier of the following:

9 (A) One (1) year after the termination of probation.

10 (B) Forty-five (45) days after the state receives notice of the
11 violation.

12 (b) When a petition is filed charging a violation of a condition of
13 probation, the court may:

14 (1) order a summons to be issued to the person to appear; or

15 (2) order a warrant for the person's arrest if there is a risk of the
16 person's fleeing the jurisdiction or causing harm to others.

17 (c) The issuance of a summons or warrant tolls the period of
18 probation until the final determination of the charge.

19 (d) Except as provided in subsection (e), the court shall conduct a
20 hearing concerning the alleged violation. The court may admit the
21 person to bail pending the hearing. A person who is not admitted to bail
22 pending the hearing may not be held in jail for more than fifteen (15)
23 days without a hearing on the alleged violation of probation.

24 (e) A person may admit to a violation of probation and waive the
25 right to a probation violation hearing after being offered the
26 opportunity to consult with an attorney. If the person admits to a
27 violation and requests to waive the probation violation hearing, the
28 probation officer shall advise the person that by waiving the right to a
29 probation violation hearing the person forfeits the rights provided in
30 subsection (f). The sanction administered must follow the schedule of
31 progressive probation violation sanctions adopted by the judicial
32 conference of Indiana under IC 11-13-1-8.

33 (f) Except as provided in subsection (e), the state must prove the
34 violation by a preponderance of the evidence. The evidence shall be
35 presented in open court. The person is entitled to confrontation,
36 cross-examination, and representation by counsel.

37 (g) Probation may not be revoked for failure to comply with
38 conditions of a sentence that imposes financial obligations on the
39 person unless the person recklessly, knowingly, or intentionally fails to
40 pay.

41 (h) If the court finds that the person has violated a condition at any
42 time before termination of the period, and the petition to revoke is filed



1 within the probationary period, the court may impose one (1) or more
2 of the following sanctions:

3 (1) Continue the person on probation, with or without modifying
4 or enlarging the conditions.

5 (2) Extend the person's probationary period for not more than one
6 (1) year beyond the original probationary period.

7 (3) Order execution of all or part of the sentence that was
8 suspended at the time of initial sentencing.

9 (i) If the court finds that the person has violated a condition of home
10 detention at any time before termination of the period, and the petition
11 to revoke probation is filed within the probationary period, the court
12 shall:

13 (1) order one (1) or more sanctions as set forth in subsection (h);
14 and

15 (2) provide accrued time and good time credit, if applicable, as set
16 forth under IC 35-38-2.5-5.

17 (j) If the court finds that the person has violated a condition during
18 any time before the termination of the period, and the petition is filed
19 under subsection (a) after the probationary period has expired, the court
20 may:

21 (1) reinstate the person's probationary period, with or without
22 enlarging the conditions, if the sum of the length of the original
23 probationary period and the reinstated probationary period does
24 not exceed the length of the maximum sentence allowable for the
25 offense that is the basis of the probation; or

26 (2) order execution of all or part of the sentence that was
27 suspended at the time of the initial sentencing.

28 (k) If the court finds that the person has violated a condition of
29 home detention during any time before termination of the period, and
30 the petition is filed under subsection (a) after the probation period has
31 expired, the court shall:

32 (1) order a sanction as set forth in subsection (j); and

33 (2) provide accrued time and good time credit, if applicable, as set
34 forth under IC 35-38-2.5-5.

35 (l) A judgment revoking probation is a final appealable order.

36 (m) Failure to pay fines or costs (including fees) required as a
37 condition of probation may not be the sole basis for commitment to the
38 department of correction.

39 (n) Failure to pay fees or costs assessed against a person under
40 IC 33-40-3-6, IC 33-37-2-3(e), or IC 35-33-7-6 is not grounds for
41 revocation of probation.

42 (o) **A positive result on a chemical test showing the presence of**



1 **marijuana or a metabolite of marijuana in the person's body or**
 2 **blood may not be the sole basis for revocation of probation.**

3 SECTION 31. IC 35-48-0.5 IS ADDED TO THE INDIANA CODE
 4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 5 JULY 1, 2021]:

6 **Chapter 0.5. Defense to a Prosecution**

7 **Sec. 1. It is a defense to a prosecution for an offense under this**
 8 **article that:**

9 **(1) the acts constituting the offense are authorized under**
 10 **IC 16-51 (medical cannabis); and**

11 **(2) the person substantially complied with the requirements**
 12 **of IC 16-51 (medical cannabis).**

13 SECTION 32. IC 35-48-4-11, AS AMENDED BY P.L.153-2018,
 14 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2021]: Sec. 11. (a) A person who:

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

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

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

21 commits possession of marijuana, hash oil, hashish, or salvia, a ~~Class~~
 22 ~~B misdemeanor~~, **Class C infraction**, except as provided in subsections
 23 (b) through (c).

24 (b) The offense described in subsection (a) is a ~~Class A~~
 25 ~~misdemeanor~~ **Class C misdemeanor** if:

26 (1) the person has a prior conviction for a drug offense; or

27 (2) the:

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

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

32 (c) The offense described in subsection (a) is a ~~Level 6 felony~~ **Class**
 33 **A misdemeanor** if:

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

35 (2) the person possesses:

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

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

38 SECTION 33. IC 35-52-16-94 IS ADDED TO THE INDIANA
 39 CODE AS A NEW SECTION TO READ AS FOLLOWS
 40 [EFFECTIVE JULY 1, 2021]: **Sec. 94. IC 16-51-5-2 defines a crime**
 41 **concerning medical cannabis.**

42 SECTION 34. IC 35-52-16-95 IS ADDED TO THE INDIANA



1 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2021]: **Sec. 95. IC 16-51-10-3 defines a crime**
3 **concerning medical cannabis.**

4 SECTION 35. IC 35-52-16-96 IS ADDED TO THE INDIANA
5 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2021]: **Sec. 96. IC 16-51-28-3 defines a crime**
7 **concerning medical cannabis.**

