



Reprinted
April 6, 2017

ENGROSSED SENATE BILL No. 15

DIGEST OF SB 15 (Updated April 5, 2017 5:02 pm - DI 104)

Citations Affected: IC 16-42; IC 35-48.

Synopsis: Cannabidiol for the treatment of epilepsy. Defines "cannabidiol" and provides an affirmative defense to possession of cannabidiol if the person or the person's child has been diagnosed with certain medical conditions, the cannabidiol contains not more than 0.3% THC and at least 10% cannabidiol, and other specified conditions are met. Provides civil immunity for a health care provider if the patient who possesses the cannabidiol is a part of a clinical trial.

Effective: Upon passage; July 1, 2017.

**Tomes, Young M, Doriot, Bassler,
Ford, Randolph Lonnie M, Tallian,
Lanane, Merritt, Stoops, Charbonneau,
Hershman, Alting**

(HOUSE SPONSORS — FRIEND, MILLER D, HAMM, SCHAIBLEY,
MCNAMARA)

January 3, 2017, read first time and referred to Committee on Corrections and Criminal Law.

February 9, 2017, amended, reported favorably — Do Pass.
February 13, 2017, read second time, amended, ordered engrossed.
February 14, 2017, engrossed. Read third time, passed. Yeas 38, nays 12.

HOUSE ACTION

February 28, 2017, read first time and referred to Committee on Courts and Criminal Code.
March 30, 2017, amended, reported — Do Pass. Referred to Committee on Ways and Means pursuant to Rule 127.

April 3, 2017, referral to Committee on Ways and Means withdrawn.
April 5, 2017, read second time, amended, ordered engrossed.

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First Regular Session 120th General Assembly (2017)

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 2016 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 15

A BILL FOR AN ACT to amend the Indiana Code concerning health.

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

1 SECTION 1. IC 16-42-28 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]:

4 **Chapter 28. Drugs: Use of Cannabidiol for the Treatment of**
5 **Epilepsy**

6 **Sec. 1. As used in this chapter, "healthcare provider" has the**
7 **meaning set forth in IC 16-18-2-163(a). The term also includes a**
8 **pharmacy and an advanced practice nurse.**

9 **Sec. 2. A health care provider is immune from civil liability if**
10 **the patient who possesses the cannabidiol as defined in**
11 **IC 35-48-1-6.5, or the parent, guardian, or caretaker of the patient**
12 **who possesses the cannabidiol as defined in IC 35-48-1-6.5, is a part**
13 **of a clinical trial by a:**

14 (1) governmental entity; or
15 (2) regionally accredited college or university.

16 SECTION 2. IC 35-48-1-6.5 IS ADDED TO THE INDIANA CODE
17 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

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1 1, 2017]: **Sec. 6.5. "Cannabidiol", for purposes of IC 35-48-4-11**
 2 **and IC 16-42-28, means 2-(6-isopropenyl-3-methyl-2-**
 3 **cyclohexen-1-yl)- 5- pentyl- 1,3-benzenediol.**

4 SECTION 3. IC 35-48-4-11, AS AMENDED BY P.L.226-2014(ts),
 5 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2017]: Sec. 11. (a) A person who:

- 7 (1) knowingly or intentionally possesses (pure or adulterated)
 8 marijuana, hash oil, hashish, or salvia;
 9 (2) knowingly or intentionally grows or cultivates marijuana; or
 10 (3) knowing that marijuana is growing on the person's premises,
 11 fails to destroy the marijuana plants;

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

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

16 (c) The offense described in subsection (a) is a Level 6 felony if:

- 17 (1) the person has a prior conviction for a drug offense; and
 18 (2) the person possesses:
 19 (A) at least thirty (30) grams of marijuana; or
 20 (B) at least five (5) grams of hash oil, hashish, or salvia.

21 **(d) It is a defense to a prosecution under subsection (a)(1) based**
 22 **on possession of a substance containing cannabidiol if all of the**
 23 **following apply:**

24 **(1) The substance containing cannabidiol is a pharmaceutical**
 25 **product provided:**

26 **(A) by a wholesale drug distributor (as defined in**
 27 **IC 25-26-14-12):**

- 28 **(i) approved by the federal Food and Drug**
 29 **Administration; or**
 30 **(ii) subject to regulation by, and in compliance with rules**
 31 **adopted by, the Indiana board of pharmacy; or**

32 **(B) as part of a clinical trial by a:**

- 33 **(i) governmental entity; or**
 34 **(ii) regionally accredited college or university.**

35 **(2) Except as provided in subsection (e), the substance**
 36 **containing cannabidiol is delivered in a container labeled with**
 37 **the origin, volume, and concentration by weight of total THC,**
 38 **including its precursors and derivatives, and cannabidiol.**

39 **(3) The substance contains:**

- 40 **(A) not more than three-tenths percent (0.3%) total THC,**
 41 **including its precursors and derivatives, by weight; and**
 42 **(B) at least ten percent (10%) cannabidiol by weight.**



- 1 **(4) Except as provided in subsection (e), the person who**
- 2 **possesses the cannabidiol:**
- 3 **(A) has a written diagnosis from a physician stating that**
- 4 **the person has been diagnosed with Dravet syndrome or**
- 5 **Lennox-Gastaut syndrome; or**
- 6 **(B) is the parent or guardian of a child and has a written**
- 7 **diagnosis from a physician stating that the child has been**
- 8 **diagnosed with Dravet syndrome or Lennox-Gastaut**
- 9 **syndrome.**
- 10 **(e) The defense requirements set forth in subsection (d)(2) and**
- 11 **(d)(4) do not apply if:**
- 12 **(1) the substance at issue has been approved by the federal**
- 13 **Food and Drug Administration or the federal Drug**
- 14 **Enforcement Agency as a prescription drug; and**
- 15 **(2) the substance was prescribed and dispensed in accordance**
- 16 **with the federal approval described in subdivision (1).**



COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 15, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 7, delete "oil" and insert "**extract**".

Page 1, between lines 13 and 14, begin a new paragraph and insert:
"SECTION 4. IC 16-18-2-253.6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2017]: **Sec. 253.6 "Nurse", for purposes of IC 16-42-28, has the meaning set forth in IC 16-42-28-4.**"

Page 2, line 8, delete "IC 16-42-28-4." and insert "**IC 16-42-28-5.**".

Page 2, line 22, delete "IC 16-42-28-5." and insert "**IC 16-42-28-6.**".

Page 2, line 28, delete "Study and".

Page 2, line 28, delete "Oil" and insert "**Extract**".

Page 2, line 29, delete "Program".

Page 2, line 35, delete "oil" and insert "**extract**".

Page 2, line 39, delete "oil" and insert "**extract**".

Page 2, line 39, delete "the oil from a" and insert "**a substance containing:**

- (1) three-tenths percent (0.3%) or less tetrahydrocannabinol (THC) by weight;**
- (2) at least ten percent (10%) cannabidiol by weight; and**
- (3) no other controlled substances."**

Page 2, delete line 40.

Page 3, between lines 2 and 3, begin a new paragraph and insert:

"Sec. 4. As used in this chapter, "nurse" means an individual licensed under IC 25-23."

Page 3, line 3, delete "Sec. 4." and insert "**Sec. 5.**".

Page 3, line 7, delete "oil" and insert "**extract**".

Page 3, line 11, delete "Sec. 5." and insert "**Sec. 6.**".

Page 3, line 13, after "IC 22-22.5;" insert "**and**".

Page 3, line 14, delete "neurology; and" and insert "**neurology.**".

Page 3, delete line 15.

Page 3, line 16, delete "Sec. 6." and insert "**Sec. 7.**".

Page 3, line 17, delete "oil" and insert "**extract**".

Page 3, line 19, delete "and".

Page 3, line 20, after "caregivers;" insert "**and**

- (4) nurses;"**

Page 3, line 21, delete "oil" and insert "**extract**".



- Page 3, line 23, delete "oil" and insert **"extract"**.
- Page 3, line 26, after "physician" insert **"or nurse"**.
- Page 4, line 2, delete "oil" and insert **"extract"**.
- Page 4, delete lines 3 through 4.
- Page 4, line 8, delete "oil" and insert **"extract"**.
- Page 4, line 20, delete "oil" and insert **"extract"**.
- Page 4, line 22, delete "issuance." and insert **"issuance, unless the physician requests a shorter expiration date."**
- Page 4, line 28, delete "Sec. 7." and insert **"Sec. 8."**.
- Page 4, line 28, delete "oil" and insert **"extract"**.
- Page 4, line 37, delete "Sec. 8." and insert **"Sec. 9."**.
- Page 4, line 40, delete "oil" and insert **"extract"**.
- Page 5, line 31, delete "oil" and insert **"extract"**.
- Page 5, line 37, delete "Sec. 9." and insert **"Sec. 10."**.
- Page 5, line 40, delete "Sec. 10." and insert **"Sec. 11."**.
- Page 5, line 42, delete "oil" and insert **"extract"**.
- Page 6, line 2, after "physician" insert **"or nurse"**.
- Page 6, line 4, delete "oil" and insert **"extract"**.
- Page 6, line 7, delete "Sec. 11." and insert **"Sec. 12."**.
- Page 6, line 8, delete "section 6" and insert **"section 7"**.
- Page 6, line 14, delete "oil" and insert **"extract"**.
- Page 6, line 18, delete "Sec. 12." and insert **"Sec. 13."**.
- Page 6, line 23, delete "Oil" and insert **"Extract"**.
- Page 6, line 24, delete "oil" means the oil from a" and insert **"extract" has the meaning set forth in IC 16-42-28-2."**
- Page 6, delete line 25.
- Page 6, line 28, delete "IC 16-42-28-5)" and insert **"IC 16-42-28-6)"**.
- Page 6, line 35, delete "oil" and insert **"extract"**.
- Page 6, between lines 36 and 37, begin a new paragraph and insert:
 "SECTION 8. IC 25-26-24 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]:
- Chapter 24. Dispensing Hemp Extract**
- Sec. 1. As used in this chapter, "hemp extract" has the meaning set forth in IC 16-42-28-2.**
- Sec. 2. A pharmacist may dispense hemp extract if all of the following conditions are met:**
- (1) The pharmacist stores the hemp extract behind the counter.**
 - (2) The pharmacist dispenses the hemp extract only to a person holding a valid registration card issued by the Indiana**



state department of health, as described in IC 16-42-28-7.

(3) The pharmacist dispenses the hemp extract only to a person who possesses a valid government issued photo identification.

(4) The pharmacist dispenses no more than one (1) thirty (30) day supply of hemp extract in any one (1) thirty (30) day period to any one (1) person who meets the requirements of subdivisions (2) and (3).

Sec. 3. Notwithstanding any other law, a pharmacist and any person employing the pharmacist is immune from civil, criminal, and administrative liability based on dispensing hemp extract if the:

- (1) pharmacist complies with section 2 of this chapter; and
- (2) dispensing of hemp extract does not constitute gross negligence or willful or wanton misconduct.

For purposes of this section, dispensing hemp extract does not constitute gross negligence or willful or wanton misconduct solely because hemp extract has not been approved by a state or federal agency or is not legal in another jurisdiction."

Page 6, line 39, after "83.9." insert "(a)".

Page 6, line 39, delete "IC 16-42-28-10" and insert "IC 16-42-28-11".

Page 6, line 40, delete "oil" and insert "extract".

Page 6, between lines 41 and 42, begin a new paragraph and insert:

"(b) IC 25-26-24-3 (Concerning a pharmacist who dispenses hemp extract under IC 25-26-24)."

Page 7, line 42, delete "oil" and insert "extract".

Page 8, line 3, delete "oil" and insert "extract".

Page 8, line 6, after "patient," insert "nurse,".

Page 8, line 7, delete "oil" and insert "extract".

Page 8, line 8, delete "oil" and insert "extract".

Page 9, line 23, delete "oil" and insert "extract".

Page 9, line 26, delete "oil" and insert "extract".

Page 9, line 29, after "patient," insert "nurse,".

Page 9, line 30, delete "oil" and insert "extract".

Page 9, line 31, delete "oil" and insert "extract".

Page 9, between lines 35 and 36, begin a new paragraph and insert:

"(f) It is a defense to a prosecution under this section that the person:

- (1) is a physician, patient, nurse, or caregiver registered under IC 16-42-28 for the use of hemp extract;
- (2) reasonably believed that the substance possessed by the



**person was hemp extract as defined by IC 16-42-28-2; and
(3) obtained the substance from a pharmacy or other entity
authorized by a governmental agency in Indiana or another
state to dispense hemp extract."**

Page 10, line 14, delete "oil" and insert "extract".

Page 10, line 17, delete "oil" and insert "extract".

Page 10, line 20, after "patient," insert "nurse,".

Page 10, line 21, delete "oil" and insert "extract".

Page 10, line 22, delete "oil" and insert "extract".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 15 as introduced.)

YOUNG M, Chairperson

Committee Vote: Yeas 5, Nays 3.

SENATE MOTION

Madam President: I move that Senate Bill 15 be amended to read as follows:

Page 1, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 2. IC 16-18-2-163, AS AMENDED BY P.L.117-2015, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 163. (a) "Health care provider", for purposes of IC 16-21 and IC 16-41, means any of the following:

(1) An individual, a partnership, a corporation, a professional corporation, a facility, or an institution licensed or legally authorized by this state to provide health care or professional services as a licensed physician, a psychiatric hospital, a hospital, a health facility, an emergency ambulance service (IC 16-31-3), a dentist, a registered or licensed practical nurse, a midwife, an optometrist, a pharmacist, a podiatrist, a chiropractor, a physical therapist, a respiratory care practitioner, an occupational therapist, a psychologist, a paramedic, an emergency medical technician, an advanced emergency medical technician, an athletic trainer, or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment.

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(2) A college, university, or junior college that provides health care to a student, a faculty member, or an employee, and the governing board or a person who is an officer, employee, or agent of the college, university, or junior college acting in the course and scope of the person's employment.

(3) A blood bank, community mental health center, community intellectual disability center, community health center, or migrant health center.

(4) A home health agency (as defined in IC 16-27-1-2).

(5) A health maintenance organization (as defined in IC 27-13-1-19).

(6) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).

(7) A corporation, partnership, or professional corporation not otherwise qualified under this subsection that:

(A) provides health care as one (1) of the corporation's, partnership's, or professional corporation's functions;

(B) is organized or registered under state law; and

(C) is determined to be eligible for coverage as a health care provider under IC 34-18 for the corporation's, partnership's, or professional corporation's health care function.

Coverage for a health care provider qualified under this subdivision is limited to the health care provider's health care functions and does not extend to other causes of action.

(b) "Health care provider", for purposes of IC 16-35, has the meaning set forth in subsection (a). However, for purposes of IC 16-35, the term also includes a health facility (as defined in section 167 of this chapter).

(c) "Health care provider", for purposes of IC 16-36-5 and IC 16-36-6, means an individual licensed or authorized by this state to provide health care or professional services as:

(1) a licensed physician;

(2) a registered nurse;

(3) a licensed practical nurse;

(4) an advanced practice nurse;

(5) a certified nurse midwife;

(6) a paramedic;

(7) an emergency medical technician;

(8) an advanced emergency medical technician; or

(9) an emergency medical responder, as defined by section 109.8 of this chapter.

The term includes an individual who is an employee or agent of a



health care provider acting in the course and scope of the individual's employment.

(d) "Health care provider", for purposes of section 1.5 of this chapter and IC 16-40-4, means any of the following:

(1) An individual, a partnership, a corporation, a professional corporation, a facility, or an institution licensed or authorized by the state to provide health care or professional services as a licensed physician, a psychiatric hospital, a hospital, a health facility, an emergency ambulance service (IC 16-31-3), an ambulatory outpatient surgical center, a dentist, an optometrist, a pharmacist, a podiatrist, a chiropractor, a psychologist, or a person who is an officer, employee, or agent of the individual, partnership, corporation, professional corporation, facility, or institution acting in the course and scope of the person's employment.

(2) A blood bank, laboratory, community mental health center, community intellectual disability center, community health center, or migrant health center.

(3) A home health agency (as defined in IC 16-27-1-2).

(4) A health maintenance organization (as defined in IC 27-13-1-19).

(5) A health care organization whose members, shareholders, or partners are health care providers under subdivision (1).

(6) A corporation, partnership, or professional corporation not otherwise specified in this subsection that:

(A) provides health care as one (1) of the corporation's, partnership's, or professional corporation's functions;

(B) is organized or registered under state law; and

(C) is determined to be eligible for coverage as a health care provider under IC 34-18 for the corporation's, partnership's, or professional corporation's health care function.

(7) A person that is designated to maintain the records of a person described in subdivisions (1) through (6).

(e) "Health care provider", for purposes of IC 16-42-28, has the meaning set forth in subsection (a). However, for purposes of IC 16-42-28, the term also includes a pharmacy and an advanced practice nurse.

(f) "Health care provider", for purposes of IC 16-45-4, has the meaning set forth in 47 CFR 54.601(a)."

Page 3, line 2, delete "a" and insert **"an extract from a cannabis plant or a mixture or preparation containing cannabis plant material that:"**.



Page 3, delete line 3.

Page 3, line 4, after "(1)" insert **"is composed of not more than"**.

Page 3, line 4, delete "or less".

Page 3, line 6, after "(2)" insert **"is composed of"**.

Page 3, line 6, delete "ten percent (10%)" and insert **"five percent (5%)"**.

Page 3, line 7, after "(3)" insert **"contains"**.

Page 6, line 13, delete "is" and insert **"and any health care provider, entity, or state educational institution assisting in or collaborating with the physician in regard to the pilot permitted under this chapter are"**.

Page 6, line 15, delete ", dispensing,".

Page 6, line 15, delete "using" and insert **"making use of"**.

Page 6, between lines 28 and 29, begin a new paragraph and insert:

"Sec. 13. A health care provider is immune from civil and criminal liability if the patient who possesses the hemp extract or the parent, guardian, or caretaker of the patient who possesses the hemp extract presents and shows to a health care provider:

- (1) a registration card authorized under this chapter; or**
- (2) an equivalent authorization from another jurisdiction and the health care provider reasonably relies in good faith on the representation from the patient or the parent, guardian, or caretaker of the patient that the authorization is valid in that jurisdiction.**

Sec. 14. If a patient or the parent, guardian, or caretaker of the patient presents at a facility of a health care provider and shows to the health care provider:

- (1) a registration card authorized under this chapter; or**
- (2) an equivalent authorization from another jurisdiction and the health care provider reasonably relies in good faith on the representation from the patient or the parent, guardian, or caretaker of the patient that the authorization is valid in that jurisdiction;**

the health care provider is not required to administer the hemp extract and, instead, may require the patient or the parent, guardian, or caretaker of the patient to self administer the hemp extract."

Page 6, line 29, delete "Sec. 13." and insert **"Sec. 15."**

Page 7, line 41, delete "the dispensing or" and insert **"making"**.

Page 8, line 1, after "(b)" insert **"IC 16-42-28-13 (Concerning possession of hemp extract)."**

SECTION 13. IC 34-30-2-101.9 IS ADDED TO THE INDIANA



CODE AS A **NEW SECTION** TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2017]: **Sec. 101.9.**"

Page 9, line 3, delete "dispense or" and insert "**make**".

Page 9, line 3, after "use" insert "**of**".

Page 9, line 6, delete "dispensing or otherwise using" and insert "**making use of**".

Page 10, line 27, delete "dispense or" and insert "**make**".

Page 10, line 27, after "use" insert "**of**".

Page 10, line 30, delete "dispensing or otherwise using" and insert "**making use of**".

Page 11, line 28, delete "dispense or" and insert "**make**".

Page 11, line 28, after "use" insert "**of**".

Page 11, line 31, delete "dispensing or otherwise using" and insert "**making use of**".

Re-number all SECTIONS consecutively.

(Reference is to SB 15 as printed February 10, 2017.)

TOMES

SENATE MOTION

Madam President: I move that Senate Bill 15 be amended to read as follows:

Replace the effective dates in SECTIONS 1 through 13 with "[EFFECTIVE UPON PASSAGE]".

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

"SECTION 1. IC16-18-2-45.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 45.5. "Cannabidiol", for purposes of IC 16-42-28, has the meaning set forth in IC 16-42-28-2.**"

Page 1, delete lines 5 through 9.

Page 2, line 33, delete "Hemp Extract" and insert "**Cannabidiol**".

Page 2, line 37, delete "who is:".

Page 2, delete lines 38 through 41.

Page 2, line 42, delete "and".

Page 2, run in lines 37 through 42.

Page 3, line 2, delete ""hemp extract"" and insert ""**cannabidiol**"".

Page 3, delete lines 15 through 19.

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- Page 3, line 20, delete "and".
- Page 3, run in lines 14 through 20.
- Page 3, line 27, delete "hemp extract" and insert "**cannabidiol**".
- Page 3, line 32, delete "hemp extract" and insert "**cannabidiol**".
- Page 3, line 34, delete "hemp extract" and insert "**cannabidiol**".
- Page 4, line 5, after "(A)" insert "**if the individual is a caregiver, the individual is**".
- Page 4, line 14, delete "hemp extract" and insert "**cannabidiol**".
- Page 4, line 18, delete "hemp extract" and insert "**cannabidiol**".
- Page 4, line 30, delete "hemp extract" and insert "**cannabidiol**".
- Page 4, line 39, delete "hemp" and insert "**cannabidiol**".
- Page 4, line 40, delete "extract".
- Page 5, line 9, delete "hemp extract" and insert "**cannabidiol**".
- Page 5, line 42, delete "hemp extract" and insert "**cannabidiol**".
- Page 6, line 11, delete "hemp extract" and insert "**cannabidiol**".
- Page 6, line 15, delete "hemp extract" and insert "**cannabidiol**".
- Page 6, line 20, delete "patients who:" and insert "**other individuals with intractable medical conditions.**".
- Page 6, delete lines 21 through 25.
- Page 6, line 34, delete "Hemp Extract" and insert "**Cannabidiol**".
- Page 6, line 36, delete ""hemp extract"" and insert ""**cannabidiol**"".
- Page 7, line 5, delete "hemp extract" and insert "**cannabidiol**".
- Page 7, line 10, delete "Hemp Extract" and insert "**Cannabidiol**".
- Page 7, line 11, delete ""hemp extract"" and insert ""**cannabidiol**"".
- Page 7, line 13, delete "hemp extract" and insert "**cannabidiol**".
- Page 7, line 15, delete "hemp extract" and insert "**cannabidiol**".
- Page 7, line 17, delete "hemp extract" and insert "**cannabidiol**".
- Page 7, line 20, delete "hemp extract" and insert "**cannabidiol**".
- Page 7, line 24, delete "hemp extract" and insert "**cannabidiol**".
- Page 7, line 29, delete "hemp extract" and insert "**cannabidiol**".
- Page 7, line 32, delete "hemp extract" and insert "**cannabidiol**".
- Page 7, line 34, delete "hemp extract" and insert "**cannabidiol**".
- Page 7, line 36, delete "hemp extract" and insert "**cannabidiol**".
- Page 7, line 41, delete "hemp extract" and insert "**cannabidiol**".
- Page 8, line 2, delete "hemp extract" and insert "**cannabidiol**".
- Page 9, line 3, delete "hemp extract" and insert "**cannabidiol**".
- Page 9, line 6, delete "hemp extract" and insert "**cannabidiol**".
- Page 9, line 10, delete "hemp extract" and insert "**cannabidiol**".
- Page 9, line 11, delete "hemp extract" and insert "**cannabidiol**".
- Page 10, line 27, delete "hemp extract" and insert "**cannabidiol**".
- Page 10, line 30, delete "hemp extract" and insert "**cannabidiol**".
- Page 10, line 34, delete "hemp extract" and insert "**cannabidiol**".



Page 10, line 35, delete "hemp extract" and insert "**cannabidiol**".
 Page 11, line 2, delete "hemp extract;" and insert "**cannabidiol**";.
 Page 11, line 4, delete "hemp extract" and insert "**cannabidiol**".
 Page 11, line 7, delete "hemp extract." and insert "**cannabidiol**".
 Page 11, line 28, delete "hemp extract" and insert "**cannabidiol**".
 Page 11, line 31, delete "hemp extract" and insert "**cannabidiol**".
 Page 11, line 35, delete "hemp extract" and insert "**cannabidiol**".
 Page 11, line 36, delete "hemp extract" and insert "**cannabidiol**".
 Page 11, after line 42, begin a new paragraph and insert:
 "SECTION 14. **An emergency is declared for this act.**"
 Renumber all SECTIONS consecutively.

(Reference is to SB 15 as printed February 10, 2017.)

HERSHMAN

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 15, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 4.

Page 5, delete lines 1 through 3.

Page 5, line 9, delete ""caregiver" refers to a parent," and insert "**healthcare provider" has the meaning set forth in IC 16-18-2-163(a). The term also includes a pharmacy and an advanced practice nurse.**".

Page 5, delete lines 10 through 42.

Delete pages 6 through 7.

Page 8, delete lines 1 through 35.

Page 8, line 36, delete "Sec. 13." and insert "**Sec. 2.**".

Page 8, line 36, delete "and".

Page 8, line 37, delete "criminal".

Page 8, line 37, delete "hemp extract" and insert "**cannabidiol as defined in IC 35-48-1-6.5,**".

Page 8, line 39, delete "hemp extract" and insert "**cannabidiol as defined in IC 35-48-1-6.5,**".

Page 8, line 39, delete "presents and shows to a health care provider:" and insert "**is a part of a clinical trial by a:**

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- (1) governmental entity; or**
- (2) regionally accredited college or university."**

Page 8, delete lines 40 through 42.

Delete pages 9 through 14, begin a new paragraph and insert:

"SECTION 2. IC 35-48-1-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: **Sec. 6.5. "Cannabidiol", for purposes of IC 35-48-4-11 and IC 16-42-28, means 2-(6-isopropenyl-3-methyl-2- cyclohexen-1-yl)- 5- pentyl- 1,3-benzenediol.**

SECTION 3. IC 35-48-4-11, AS AMENDED BY P.L.226-2014(ts), SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2017]: Sec. 11. (a) A person who:

- (1) knowingly or intentionally possesses (pure or adulterated) marijuana, hash oil, hashish, or salvia;
- (2) knowingly or intentionally grows or cultivates marijuana; or
- (3) knowing that marijuana is growing on the person's premises, fails to destroy the marijuana plants;

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

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

(c) The offense described in subsection (a) is a Level 6 felony if:

- (1) the person has a prior conviction for a drug offense; and
- (2) the person possesses:
 - (A) at least thirty (30) grams of marijuana; or
 - (B) at least five (5) grams of hash oil, hashish, or salvia.

(d) It is a defense to a prosecution under subsection (a)(1) based on possession of a substance containing cannabidiol if all of the following apply:

(1) The substance containing cannabidiol is a pharmaceutical product provided:

(A) by a wholesale drug distributor (as defined in IC 25-26-14-12):

- (i) approved by the federal Food and Drug Administration; or**
- (ii) subject to regulation by, and in compliance with rules adopted by, the Indiana board of pharmacy; or**

(B) as part of a clinical trial by a:

- (i) governmental entity; or**
- (ii) regionally accredited college or university.**

(2) The substance containing cannabidiol is delivered in a container labeled with the origin, volume, and concentration



by weight of total THC, including its precursors and derivatives, and cannabidiol.

(3) The substance contains:

- (A) not more than three-tenths percent (0.3%) total THC, including its precursors and derivatives, by weight; and
- (B) at least ten percent (10%) cannabidiol by weight.

(4) The person who possesses the cannabidiol:

- (A) has a written diagnosis from a physician stating that the person has been diagnosed with Dravet syndrome or Lennox-Gastaut syndrome; or
- (B) is the parent or guardian of a child and has a written diagnosis from a physician stating that the child has been diagnosed with Dravet syndrome or Lennox-Gastaut syndrome."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 15 as reprinted February 14, 2017.)

WASHBURNE

Committee Vote: yeas 10, nays 0.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 15 be amended to read as follows:

Page 2, line 35, delete "The" and insert "**Except as provided in subsection (e), the**".

Page 3, line 1, delete "The" and insert "**Except as provided in subsection (e), the**".

Page 3, after line 8, begin a new paragraph and insert:

"(e) The defense requirements set forth in subsection (d)(2) and (d)(4) do not apply if:

- (1) the substance at issue has been approved by the federal Food and Drug Administration or the federal Drug Enforcement Agency as a prescription drug; and**



(2) the substance was prescribed and dispensed in accordance with the federal approval described in subdivision (1)."

(Reference is to ESB 15 as printed April 3, 2017.)

BROWN T

