

# SENATE BILL No. 70

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 35-48-4-11.

**Synopsis:** Marijuana. Decriminalizes possession of one ounce or less of marijuana.

**Effective:** July 1, 2023.

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## Bohacek

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January 9, 2023, read first time and referred to Committee on Corrections and Criminal Law.

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First Regular Session of the 123rd General Assembly (2023)

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 2022 Regular Session of the General Assembly.

# SENATE BILL No. 70



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 35-48-4-11, AS AMENDED BY P.L.153-2018,  
2 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2023]: Sec. 11. (a) A person who:  
4 (1) knowingly or intentionally possesses (pure or adulterated):  
5 (A) **more than one (1) ounce of** marijuana;  
6 (B) hash oil;  
7 (C) hashish; or  
8 (D) salvia;  
9 (2) knowingly or intentionally grows or cultivates **more than one**  
10 **(1) ounce of** marijuana; or  
11 (3) knowing that **more than one (1) ounce of** marijuana is  
12 growing on the person's premises, fails to destroy the marijuana  
13 plants;  
14 commits possession of marijuana, hash oil, hashish, or salvia, a Class  
15 B misdemeanor, except as provided in subsections (b) through (c).  
16 (b) The offense described in subsection (a) is a Class A  
17 misdemeanor if:



- 1 (1) the person has a prior conviction for a drug offense; or
- 2 (2) the:
  - 3 (A) marijuana, hash oil, hashish, or salvia is packaged in a
  - 4 manner that appears to be low THC hemp extract; and
  - 5 (B) person knew or reasonably should have known that the
  - 6 product was marijuana, hash oil, hashish, or salvia.
- 7 (c) The offense described in subsection (a) is a Level 6 felony if:
  - 8 (1) the person has a prior conviction for a drug offense; and
  - 9 (2) the person possesses:
    - 10 (A) at least ~~thirty (30) grams~~ **two (2) ounces** of marijuana; or
    - 11 (B) at least five (5) grams of hash oil, hashish, or salvia.

