

# SENATE BILL No. 113

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 15-15-13; IC 35-48.

**Synopsis:** Smokable hemp. Removes references to "smokable hemp".

**Effective:** July 1, 2020.

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January 6, 2020, read first time and referred to Committee on Corrections and Criminal Law.

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Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

# SENATE BILL No. 113

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 15-15-13-6.5, AS ADDED BY P.L.190-2019,  
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2020]: Sec. 6.5. As used in this chapter, "hemp product"  
4 means a product derived from, or made by, processing hemp plants or  
5 plant parts including derivatives, extracts, cannabinoids, isomers, acids,  
6 salts, and salts of isomers. However, the term does not include  
7 ~~(1) smokable hemp (as defined by IC 35-48-1-26.6); or~~  
8 ~~(2) products that contain a total delta-9-tetrahydrocannabinol~~  
9 ~~concentration of more than three-tenths of one percent (0.3%) by~~  
10 ~~weight.~~

11 SECTION 2. IC 15-15-13-20, AS ADDED BY P.L.190-2019,  
12 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2020]: Sec. 20. (a) A person who knowingly or intentionally  
14 violates:

- 15 (1) a term, condition, or requirement of a license issued; or
- 16 (2) a rule adopted;
- 17 under this chapter is subject to a civil penalty, determined by the state



1 seed commissioner, not to exceed ten thousand dollars (\$10,000) per  
 2 violation. The state seed commissioner may also revoke the license of  
 3 a person who violates this subsection.

4 (b) A person who knowingly or intentionally:

- 5 (1) grows hemp;
- 6 (2) handles hemp; or
- 7 (3) sells agricultural hemp seed;

8 ~~not including smokable hemp (as defined by IC 35-48-1-26.6); and is~~  
 9 ~~not licensed under this chapter, commits a Class A misdemeanor.~~

10 SECTION 3. IC 35-48-1-17.5, AS AMENDED BY P.L.190-2019,  
 11 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2020]: Sec. 17.5. (a) "Low THC hemp extract" means a  
 13 substance or compound that:

- 14 (1) is derived from or contains any part of the plant *Cannabis*  
 15 *sativa* L. that meets the definition of hemp under IC 15-15-13-6;
- 16 (2) contains not more than three-tenths percent (0.3%) total  
 17 delta-9-tetrahydrocannabinol (THC), including precursors, by  
 18 weight; and
- 19 (3) contains no other controlled substances.

20 (b) The term does not include

- 21 ~~(1) the harvested reproductive organ, whether immature or~~  
 22 ~~mature, of the female hemp plant. **or**~~  
 23 ~~(2) smokable hemp.~~

24 SECTION 4. IC 35-48-1-19, AS AMENDED BY P.L.190-2019,  
 25 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2020]: Sec. 19. (a) "Marijuana" means any part of the plant  
 27 genus *Cannabis* whether growing or not; the seeds thereof; the resin  
 28 extracted from any part of the plant, including hashish and hash oil; any  
 29 compound, manufacture, salt, derivative, mixture, or preparation of the  
 30 plant, its seeds or resin.

31 (b) The term does not include:

- 32 (1) the mature stalks of the plant;
- 33 (2) fiber produced from the stalks;
- 34 (3) oil or cake made from the seeds of the plant;
- 35 (4) any other compound, manufacture, salt, derivative, mixture,  
 36 or preparation of the mature stalks (except the resin extracted  
 37 therefrom);
- 38 (5) the sterilized seed of the plant which is incapable of  
 39 germination;
- 40 (6) hemp (as defined by IC 15-15-13-6); **or**
- 41 (7) low THC hemp extract. **or**
- 42 ~~(8) smokable hemp.~~



1 SECTION 5. IC 35-48-1-26.6 IS REPEALED [EFFECTIVE JULY  
2 1, 2020]. Sec. 26.6: (a) Except as provided in subsection (b), "smokable  
3 hemp" means a product containing not more than three-tenths percent  
4 (0.3%) delta-9-tetrahydrocannabinol (THC), including precursors and  
5 derivatives of THC; in a form that allows THC to be introduced into the  
6 human body by inhalation of smoke. The term includes:

7 (1) hemp bud; and

8 (2) hemp flower.

9 (b) The term does not include:

10 (1) a hemp plant that is; or

11 (2) parts of a hemp plant that are;

12 grown or handled by a licensee for processing or manufacturing into a  
13 legal hemp product.

14 SECTION 6. IC 35-48-4-10.1 IS REPEALED [EFFECTIVE JULY  
15 1, 2020]. Sec. 10.1: (a) A person who:

16 (1) knowingly or intentionally:

17 (A) manufactures;

18 (B) finances the manufacture of;

19 (C) delivers;

20 (D) finances the delivery of; or

21 (E) possesses;

22 smokable hemp; or

23 (2) possesses smokable hemp with intent to:

24 (A) manufacture;

25 (B) finance the manufacture of;

26 (C) deliver; or

27 (D) finance the delivery of;

28 smokable hemp;

29 commits dealing in smokable hemp, a Class A misdemeanor.

30 (b) Subsection (a)(1)(B); (a)(1)(D); (a)(2)(B); and (a)(2)(D) do not  
31 apply to:

32 (1) a financial institution organized or reorganized under the laws  
33 of Indiana; any other state; or the United States; or

34 (2) any agency or instrumentality of the state or the United States.

35 SECTION 7. IC 35-48-4-12, AS AMENDED BY P.L.80-2019,  
36 SECTION 31, AND AS AMENDED BY P.L.190-2019, SECTION 32,  
37 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
38 [EFFECTIVE JULY 1, 2020]: Sec. 12. If a person who has no prior  
39 conviction of an offense under this article or under a law of another

40 jurisdiction relating to controlled substances pleads guilty to possession  
41 of marijuana, hashish, *or salvia smokable hemp, or a synthetic drug or*  
42 *a synthetic drug lookalike substance* as a misdemeanor, the court,



1 without entering a judgment of conviction and with the consent of the  
2 person, may defer further proceedings and place the person in the  
3 custody of the court under conditions determined by the court. Upon  
4 violation of a condition of the custody, the court may enter a judgment  
5 of conviction. However, if the person fulfills the conditions of the  
6 custody, the court shall dismiss the charges against the person. There  
7 may be only one (1) dismissal under this section with respect to a  
8 person.

