

# SENATE BILL No. 126

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 2-5-48; IC 5-2-8; IC 6-7-3; IC 7.1-8; IC 7.1-9; IC 15-16-7-8; IC 33-37; IC 35-48-4; IC 35-52-7-97.

**Synopsis:** Medical cannabis. Establishes a medical marijuana program (program), and permits caregivers and patients who have received a physician recommendation to possess a certain quantity of marijuana for treatment of certain medical conditions. Establishes a regulatory agency to oversee the program, and creates the regulatory agency advisory committee to review the effectiveness of the program and to consider recommendations from the regulatory agency. Authorizes the regulatory agency to grant research licenses to research facilities with a physical presence in Indiana. Repeals the controlled substance excise tax and the marijuana eradication program. Makes conforming amendments.

**Effective:** July 1, 2024.

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## Taylor G

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January 8, 2024, read first time and referred to Committee on Commerce and Technology.

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Second Regular Session of the 123rd General Assembly (2024)

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 2023 Regular Session of the General Assembly.

# SENATE BILL No. 126

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 2-5-48 IS ADDED TO THE INDIANA CODE AS  
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2024]:  
4 **Chapter 48. Regulatory Agency Advisory Committee**  
5 **Sec. 1. The following definitions apply throughout this chapter:**  
6 (1) "Advisory committee" means the regulatory agency  
7 advisory committee established by section 2 of this chapter.  
8 (2) "Regulatory agency" means the regulatory agency  
9 established by IC 7.1-9-2-1.  
10 **Sec. 2. The regulatory agency advisory committee is established**  
11 **to serve the general assembly as a continuing committee. Except as**  
12 **otherwise provided by this chapter, the advisory committee shall**  
13 **operate under the rules of the legislative council.**  
14 **Sec. 3. (a) The advisory committee consists of the following four**  
15 **(4) voting members and five (5) nonvoting members:**  
16 (1) **One (1) legislative member appointed by the speaker of the**  
17 **house of representatives.**



- 1           **(2) One (1) legislative member appointed by the minority**  
 2           **leader of the house of representatives.**  
 3           **(3) One (1) legislative member appointed by the president pro**  
 4           **tempore of the senate.**  
 5           **(4) One (1) legislative member appointed by the minority**  
 6           **leader of the senate.**  
 7           **(5) One (1) representative of law enforcement, appointed as a**  
 8           **nonvoting member by the speaker of the house of**  
 9           **representatives.**  
 10          **(6) One (1) individual having experience in the treatment of**  
 11          **medical conditions by means of medical marijuana as a**  
 12          **patient, physician, or caregiver, appointed as a nonvoting**  
 13          **member by the president pro tempore of the senate.**  
 14          **(7) The commissioner of the department of state revenue or**  
 15          **the commissioner's designee, who serves as a nonvoting**  
 16          **member.**  
 17          **(8) The director of the department of agriculture or the**  
 18          **director's designee, who serves as a nonvoting member.**  
 19          **(9) The state health commissioner or the commissioner's**  
 20          **designee, who serves as a nonvoting member.**  
 21          **(b) The chairperson of the legislative council shall annually**  
 22          **select one (1) of the voting members to serve as chairperson of the**  
 23          **advisory committee. Whenever there is a new chairperson of the**  
 24          **legislative council, that chairperson may select a new voting**  
 25          **member to serve as chairperson of the advisory committee. The**  
 26          **chairperson of the advisory committee serves at the pleasure of the**  
 27          **chairperson of the legislative council.**  
 28          **Sec. 4. (a) Except as otherwise provided in this chapter, the term**  
 29          **of a member of the advisory committee ends on June 30 of the next**  
 30          **odd-numbered year following the member's appointment.**  
 31          **However, the member may be reappointed to subsequent terms.**  
 32          **(b) A member of the advisory committee may be removed at any**  
 33          **time by the appointing authority who appointed the member.**  
 34          **(c) If a vacancy exists on the advisory committee, the appointing**  
 35          **authority who appointed the former member whose position has**  
 36          **become vacant shall appoint an individual to fill the vacancy. An**  
 37          **individual appointed to fill a vacancy serves for the remainder of**  
 38          **the term of the former member.**  
 39          **(d) If a member of the advisory committee ceases to:**  
 40               **(1) be a member of the chamber from which the member was**  
 41               **appointed; or**  
 42               **(2) hold the member's office;**



1 the member ceases to be a member of the advisory committee.

2 Sec. 5. Each member of the advisory committee is entitled to  
3 receive the same per diem, mileage, and travel allowances paid to  
4 individuals who serve as legislative and lay members, respectively,  
5 of interim study committees established by the legislative council.

6 Sec. 6. (a) The advisory committee shall meet at the call of the  
7 chairperson.

8 (b) Five (5) members of the advisory committee constitute a  
9 quorum if at least three (3) of the members present are voting  
10 members.

11 (c) The affirmative votes of a majority of the voting members  
12 appointed to the advisory committee are required for the advisory  
13 committee to take action on any measure, including final reports.

14 Sec. 7. The advisory committee shall do the following:

15 (1) Review rules adopted by the regulatory agency.

16 (2) Review legislative proposals suggested by the regulatory  
17 agency.

18 (3) Evaluate the medical marijuana research and development  
19 program under IC 7.1-9-5.

20 (4) Evaluate the operation of the medical marijuana program.

21 (5) Consider any other matter that has bearing on the  
22 operation of the medical marijuana program.

23 Sec. 8. All meetings of the advisory committee are open to the  
24 public in accordance with and subject to IC 5-14-1.5. All records  
25 of the advisory committee are subject to the requirements of  
26 IC 5-14-3.

27 Sec. 9. The legislative services agency shall staff the advisory  
28 committee.

29 Sec. 10. All funds necessary to carry out this chapter shall be  
30 paid from appropriations to the legislative council and the  
31 legislative services agency.

32 SECTION 2. IC 5-2-8-5, AS AMENDED BY P.L.217-2017,  
33 SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
34 JULY 1, 2024]: Sec. 5. (a) There is established the state police training  
35 fund. The fund consists of amounts collected under ~~IC 33-37-4-1(b)(4)~~;  
36 **IC 33-37-4-1(b)(3)**, IC 33-37-4-2(b)(3), and ~~IC 33-37-4-3(b)(4)~~  
37 **IC 33-37-4-3(b)(3)** on behalf of the state police department.

38 (b) If the state police department files a claim under IC 33-37-8-4  
39 or IC 33-37-8-6 against a city or town user fee fund or a county user fee  
40 fund, the fiscal officer of the city or town or the county auditor shall  
41 deposit fees collected under the cause numbers submitted by the state  
42 police department into the state police training fund established under



- 1 this section.
- 2 (c) Claims against the state police training fund must be submitted  
3 in accordance with IC 5-11-10.
- 4 (d) Money in excess of one hundred dollars (\$100) that is  
5 unencumbered and remains in the state police training fund for at least  
6 one (1) entire calendar year from the date of its deposit shall, at the end  
7 of the state's fiscal year, be deposited in the law enforcement academy  
8 fund established under IC 5-2-1-13.
- 9 (e) As used in this subsection, "abuse" has the meaning set forth in  
10 section 1(a) of this chapter. As a part of the state police department's  
11 in-service training, the department shall provide to each law  
12 enforcement officer employed by the department continuing education  
13 concerning the following:
- 14 (1) Duties of a law enforcement officer in enforcing restraining  
15 orders, protective orders, temporary injunctions, and permanent  
16 injunctions involving abuse.
  - 17 (2) Guidelines for making felony and misdemeanor arrests in  
18 cases involving abuse.
  - 19 (3) Techniques for handling incidents of abuse that:
    - 20 (A) minimize the likelihood of injury to the law enforcement  
21 officer; and
    - 22 (B) promote the safety of a victim.
  - 23 (4) Information about the nature and extent of the abuse.
  - 24 (5) Information about the legal rights of and remedies available  
25 to victims of abuse.
  - 26 (6) How to document and collect evidence in an abuse case.
  - 27 (7) The legal consequences of abuse.
  - 28 (8) The impact on children of law enforcement intervention in  
29 abuse cases.
  - 30 (9) Services and facilities available to victims of abuse and  
31 abusers.
  - 32 (10) Verification of restraining orders, protective orders,  
33 temporary injunctions, and permanent injunctions.
  - 34 (11) Policies concerning arrest or release of suspects in abuse  
35 cases.
  - 36 (12) Emergency assistance to victims of abuse and criminal  
37 justice options for victims of abuse.
  - 38 (13) Landlord-tenant concerns in abuse cases.
  - 39 (14) The taking of an abused child into protective custody.
  - 40 (15) Assessment of a situation in which a child may be seriously  
41 endangered if the child is left in the child's home.
  - 42 (16) Assessment of a situation involving an endangered adult (as



1 defined in IC 12-10-3-2).

2 (17) Response to a sudden, unexpected infant death.

3 The cost of providing continuing education under this subsection shall  
4 be paid from money in the state police training fund.

5 SECTION 3. IC 5-2-8-7, AS AMENDED BY P.L.217-2017,  
6 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
7 JULY 1, 2024]: Sec. 7. (a) There is established the conservation  
8 officers training fund. The department of natural resources shall  
9 administer the fund. The fund consists of amounts collected under  
10 ~~IC 33-37-4-1(b)(4)~~, **IC 33-37-4-1(b)(3)**, IC 33-37-4-2(b)(3), and  
11 ~~IC 33-37-4-3(b)(4)~~ **IC 33-37-4-3(b)(3)** on behalf of the department of  
12 natural resources.

13 (b) If the department of natural resources files a claim under  
14 IC 33-37-8-4 or IC 33-37-8-6 against a city or town user fee fund or a  
15 county user fee fund, the fiscal officer of the city or town or the county  
16 auditor shall deposit fees collected under the cause numbers submitted  
17 by the department of natural resources into the conservation officers  
18 training fund established under this section.

19 (c) Claims against the conservation officers training fund must be  
20 submitted in accordance with IC 5-11-10.

21 (d) Money in excess of one hundred dollars (\$100) that is  
22 unencumbered and remains in the conservation officers' training fund  
23 for at least one (1) entire calendar year from the date of its deposit  
24 shall, at the end of the state's fiscal year, be deposited in the law  
25 enforcement academy fund established under IC 5-2-1-13.

26 SECTION 4. IC 5-2-8-8, AS AMENDED BY P.L.217-2017,  
27 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
28 JULY 1, 2024]: Sec. 8. (a) There is established the alcoholic beverage  
29 enforcement officers' training fund. The alcohol and tobacco  
30 commission shall administer the fund. The fund consists of amounts  
31 collected under ~~IC 33-37-4-1(b)(4)~~, **IC 33-37-4-1(b)(3)**,  
32 IC 33-37-4-2(b)(3), and ~~IC 33-37-4-3(b)(4)~~ **IC 33-37-4-3(b)(3)** on  
33 behalf of the alcohol and tobacco commission.

34 (b) If the alcohol and tobacco commission files a claim under  
35 IC 33-37-8-4 or IC 33-37-8-6 against a city or town user fee fund or a  
36 county user fee fund, the fiscal officer of the city or town or the county  
37 auditor shall deposit fees collected under the cause numbers submitted  
38 by the alcohol and tobacco commission into the alcoholic beverage  
39 enforcement officers' training fund established under this section.

40 (c) Claims against the alcoholic beverage enforcement officers'  
41 training fund must be submitted in accordance with IC 5-11-10.

42 (d) Money in excess of one hundred dollars (\$100) that is



1 unencumbered and remains in the alcoholic beverage enforcement  
 2 officers' training fund for at least one (1) entire calendar year from the  
 3 date of its deposit shall, at the end of the state's fiscal year, be deposited  
 4 in the law enforcement academy fund established under IC 5-2-1-13.

5 SECTION 5. IC 6-7-3 IS REPEALED [EFFECTIVE JULY 1, 2024].  
 6 (Controlled Substance Excise Tax).

7 SECTION 6. IC 7.1-8 IS ADDED TO THE INDIANA CODE AS A  
 8 NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 9 2024]:

10 **ARTICLE 8. MEDICAL MARIJUANA**

11 **Chapter 1. Definitions**

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

13 (1) "Adequate supply for treatment" means the amount of  
 14 marijuana necessary to provide care for a treatable medical  
 15 condition for a thirty (30) day period, as determined by a  
 16 physician recommendation.

17 (2) "Marijuana" means any part of the plant genus *Cannabis*.

18 (3) "Medical marijuana card" means a valid card issued by  
 19 the regulatory agency that authorizes the individual to whom  
 20 the card is issued to possess marijuana.

21 (4) "Physician" means an individual holding an unlimited  
 22 license to practice medicine in Indiana.

23 (5) "Physician recommendation" means a written  
 24 recommendation that the use of marijuana may benefit a  
 25 particular patient suffering from a treatable medical  
 26 condition. A physician recommendation may specify an  
 27 adequate supply for treatment.

28 (6) "Qualified patient" means an individual who has been  
 29 issued a medical marijuana card by the regulatory agency.

30 (7) "Qualified primary caregiver" means the primary  
 31 caregiver for a qualified patient who has been issued a  
 32 medical marijuana card by the regulatory agency on behalf of  
 33 the qualified patient.

34 (8) "Regulatory agency" means the regulatory agency  
 35 established by IC 7.1-9-2-1.

36 (9) "Regulatory agency commission" means the regulatory  
 37 agency commissioners described in IC 7.1-9-2.

38 (10) "Treatable medical condition" means an illness or other  
 39 condition, the symptoms of which (including the side effects  
 40 and symptoms caused by any other treatment for the  
 41 condition) may be treated by the use of marijuana. The term  
 42 includes the following:



- 1 (A) Acquired immune deficiency syndrome (AIDS) or  
 2 positive status for the human immunodeficiency virus  
 3 (HIV).  
 4 (B) Anorexia.  
 5 (C) Arthritis.  
 6 (D) Cachexia.  
 7 (E) Chronic cancer pain.  
 8 (F) Glaucoma.  
 9 (G) Migraine.  
 10 (H) Persistent muscle spasms, including spasms associated  
 11 with multiple sclerosis, Crohn's disease, or related  
 12 conditions.  
 13 (I) Seizures, including those characteristic of epilepsy.  
 14 (J) Severe nausea.  
 15 (K) Posttraumatic stress disorder.  
 16 (L) Any persistent or chronic illness or condition that, in  
 17 the opinion of a physician:  
 18 (i) substantially limits the ability of an individual to  
 19 conduct one (1) or more major life activities; or  
 20 (ii) may cause serious harm to a patient's safety or  
 21 mental or physical health if not alleviated;  
 22 if the illness or condition may be improved by the use of  
 23 marijuana.  
 24 (M) Any other illness or condition determined by the  
 25 regulatory agency to be a treatable medical condition.
- 26 **Chapter 2. Qualified Patients and Qualified Primary Caregivers**  
 27 **Sec. 1. (a) An individual may apply to the regulatory agency to**  
 28 **be a qualified patient if the individual suffers from a treatable**  
 29 **medical condition. An individual may apply to the regulatory**  
 30 **agency to be a qualified primary caregiver if the individual for**  
 31 **whom the individual provides care suffers from a treatable medical**  
 32 **condition.**  
 33 (b) To be approved as a qualified patient, an individual must  
 34 submit to the regulatory agency a physician recommendation  
 35 stating that the individual suffers from a treatable medical  
 36 condition. To be approved as a qualified primary caregiver, an  
 37 individual must submit to the regulatory agency a physician  
 38 recommendation stating that the individual for whom the caregiver  
 39 provides care suffers from a treatable medical condition.  
 40 (c) The regulatory agency shall issue to an individual a medical  
 41 marijuana card indicating that the individual is a qualified patient  
 42 or a qualified primary caregiver after:



- 1 (1) receipt of a:  
 2 (A) completed application; and  
 3 (B) physician recommendation;  
 4 (2) verification that the individual who tendered the physician  
 5 recommendation is a licensed physician; and  
 6 (3) compliance with any other rule adopted by the regulatory  
 7 agency.
- 8 (d) An application for a medical marijuana card may be denied  
 9 for the following reasons:  
 10 (1) The application is not complete or required information is  
 11 missing.  
 12 (2) The applicant submits false information.  
 13 (3) The applicant does not meet the criteria required to obtain  
 14 a medical marijuana card.  
 15 (4) The individual who tendered the physician  
 16 recommendation is not a licensed physician.
- 17 (e) A medical marijuana card issued under this section is valid  
 18 for two (2) years, unless the physician recommendation expressly  
 19 recommends a shorter period.
- 20 (f) The regulatory agency may charge a reasonable fee, not to  
 21 exceed one hundred dollars (\$100), to apply for a medical  
 22 marijuana card. The fee shall be deposited in the state general  
 23 fund.
- 24 (g) Except as provided in subsection (h), for purposes of  
 25 IC 5-14-3-4(a)(1), the following information is confidential, may  
 26 not be published, and is not open to public inspection:  
 27 (1) Information submitted by an individual under this section  
 28 to obtain a medical marijuana card.  
 29 (2) Information obtained by a federal, state, or local  
 30 government entity in the course of an investigation concerning  
 31 an individual who applies to obtain a medical marijuana card.  
 32 (3) The name and address of the individual, and any other  
 33 information that may be used to identify an individual, who  
 34 holds a medical marijuana card.
- 35 (h) Notwithstanding subsection (g):  
 36 (1) any information concerning an individual who applies for,  
 37 or an individual who holds, a medical marijuana card may be  
 38 released to a federal, state, or local government entity:  
 39 (A) for law enforcement purposes; or  
 40 (B) to determine the validity of a medical marijuana card;  
 41 and  
 42 (2) general information concerning the issuance of a medical



1 marijuana card in Indiana may be released to a person  
 2 conducting journalistic or academic research (including the  
 3 research described in IC 7.1-9-5), but only if all personal  
 4 information that may be used to identify any individual who  
 5 applies for or holds a medical marijuana card issued under  
 6 this chapter has been removed from the general information.

7 (i) A person who knowingly or intentionally violates this section  
 8 by releasing confidential information commits disclosure of  
 9 confidential medical information, a Class B misdemeanor.

10 (j) A person who knowingly makes a material misstatement in  
 11 an application for a medical marijuana card under this section  
 12 commits fraudulent application for a medical marijuana card, a  
 13 Class B misdemeanor.

14 **Sec. 2. A qualified patient or qualified primary caregiver may:**

15 (1) possess the greater of:

16 (A) eight (8) ounces or less of dried marijuana; or

17 (B) an adequate supply for treatment as set forth in a  
 18 physician recommendation; and

19 (2) possess, grow, or cultivate not more than twelve (12)  
 20 marijuana plants.

21 **Sec. 3. (a) A qualified primary caregiver may deliver to, or**  
 22 **possess with intent to deliver to, a qualified patient for whom the**  
 23 **caregiver is the primary caregiver:**

24 (1) the greater of:

25 (A) eight (8) ounces or less of dried marijuana; or

26 (B) an adequate supply for treatment as set forth in a  
 27 physician recommendation; and

28 (2) not more than twelve (12) marijuana plants.

29 (b) A qualified primary caregiver may possess, grow, or  
 30 cultivate not more than twelve (12) marijuana plants for use by a  
 31 qualified patient for whom the individual is the primary caregiver.

32 **Sec. 4. The medical licensing board may not take an adverse**  
 33 **action against a physician who makes a physician recommendation**  
 34 **in good faith under this article if the sole basis for taking the**  
 35 **adverse action is the physician recommendation.**

36 SECTION 7. IC 7.1-9 IS ADDED TO THE INDIANA CODE AS A  
 37 NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
 38 2024]:

39 **ARTICLE 9. REGULATION OF MEDICAL MARIJUANA**

40 **Chapter 1. Definitions**

41 **Sec. 1. The definitions in IC 7.1-8-1-1 apply throughout this**  
 42 **article.**



1           **Chapter 2. General Provisions**

2           **Sec. 1. A regulatory agency to be named by the governor is**  
3 **established as an agency of the state for purposes of administering**  
4 **the medical marijuana program.**

5           **Sec. 2. (a) The regulatory agency consists of:**

- 6                   **(1) the regulatory agency commission;**  
7                   **(2) the executive director; and**  
8                   **(3) other employees necessary to carry out the duties of the**  
9 **regulatory agency.**

10           **(b) The regulatory agency commission is established as a**  
11 **continuing commission of the executive branch.**

12           **(c) The regulatory agency commission consists of four (4)**  
13 **commissioners, who shall direct and oversee the operation of the**  
14 **regulatory agency.**

15           **Sec. 3. (a) The regulatory agency commissioners shall be**  
16 **appointed by the governor.**

17           **(b) A commissioner serves for a term that ends June 30 of the**  
18 **next odd-numbered year after appointment. A commissioner is**  
19 **eligible for reappointment.**

20           **(c) Not more than two (2) commissioners may belong to the**  
21 **same political party.**

22           **(d) A commissioner serves the commissioner's term at the**  
23 **pleasure of the governor.**

24           **Sec. 4. To be eligible for appointment as a commissioner, an**  
25 **individual must have the following qualifications:**

- 26                   **(1) The individual may not be employed by the state in any**  
27 **other capacity.**  
28                   **(2) The individual must have good moral character.**  
29                   **(3) The individual must have been a resident of Indiana for at**  
30 **least ten (10) years immediately preceding the appointment.**

31           **Sec. 5. The governor shall appoint one (1) commissioner to serve**  
32 **as chairperson of the regulatory agency commission, and one (1)**  
33 **commissioner to serve as vice chairperson. The vice chairperson**  
34 **shall act as the chairperson if the chairperson is unable to attend**  
35 **a meeting of the regulatory agency commission. The chairperson**  
36 **and vice chairperson serve at the pleasure of the governor.**

37           **Sec. 6. A commissioner appointed to fill a vacancy in the**  
38 **membership of the regulatory agency commission shall serve only**  
39 **for the unexpired part of the original, vacated term. In all other**  
40 **respects, an appointment to fill a vacancy shall be made in the**  
41 **same manner that an original appointment is made.**

42           **Sec. 7. (a) As compensation for services, each commissioner is**



1 entitled to the minimum salary per diem provided by  
 2 IC 4-10-11-2.1(b). A commissioner is also entitled to  
 3 reimbursement for traveling expenses as provided under  
 4 IC 4-13-1-4 and other expenses actually incurred in connection  
 5 with the commissioner's duties as provided in the state policies and  
 6 procedures established by the Indiana department of  
 7 administration and approved by the budget agency.

8 (b) The expenses of the regulatory agency commission shall be  
 9 paid from funds appropriated to the regulatory agency.

10 Sec. 8. Each commissioner shall execute:

11 (1) a surety bond in the amount of ten thousand dollars  
 12 (\$10,000), with surety approved by the governor; and

13 (2) an oath of office.

14 The surety bond and the oath of office shall be filed in the office of  
 15 the secretary of state.

16 Sec. 9. The required surety bond executed and filed on behalf of  
 17 a commissioner shall be made payable to the state of Indiana and  
 18 conditioned upon the faithful discharge of the commissioner's  
 19 duties.

20 Sec. 10. The regulatory agency commission shall hold meetings  
 21 at the call of the chairperson. The regulatory agency commission  
 22 may establish rules governing meetings.

23 Sec. 11. (a) Three (3) regulatory agency commissioners  
 24 constitute a quorum for the transaction of business.

25 (b) Each commissioner has one (1) vote.

26 (c) Action of the regulatory agency commission may be taken  
 27 only upon the affirmative votes of at least two (2) commissioners.  
 28 If a vote is a tie, the position for which the chairperson voted  
 29 prevails, as long as that position has received the affirmative votes  
 30 of at least two (2) commissioners.

31 (d) The regulatory agency shall staff the regulatory agency  
 32 commission.

33 Sec. 12. A commissioner may not solicit or accept a political  
 34 contribution from a qualified patient, qualified primary caregiver,  
 35 or any individual or entity that has a permit or has applied for a  
 36 permit issued by the regulatory agency. However, the right of a  
 37 commissioner to vote as the commissioner chooses and to express  
 38 the commissioner's opinions on political subjects and candidates  
 39 may not be impaired.

40 Chapter 3. Employees and Administration

41 Sec. 1. (a) The regulatory agency commission shall appoint an  
 42 executive director to assist the regulatory agency in the efficient



1 administration of its powers and duties.

2 (b) The regulatory agency commission shall fix the salary of the  
3 executive director, subject to the approval of the budget agency.

4 Sec. 2. The regulatory agency has the power to employ all  
5 necessary employees, determine their duties, and, subject to the  
6 approval of the regulatory agency commission and the budget  
7 agency, fix their salaries.

8 **Chapter 4. Powers and Duties**

9 Sec. 1. The chairperson is the presiding officer at the meetings  
10 of the regulatory agency commission. The chairperson, together  
11 with the executive director, shall prepare, certify, and authenticate  
12 all proceedings, minutes, records, rules, and regulations of the  
13 regulatory agency commission. The chairperson shall also perform  
14 all other duties as imposed on the chairperson by this article.

15 Sec. 2. The regulatory agency has the power to organize its  
16 work, to enforce and administer this article and IC 7.1-8, and to  
17 enforce and administer the rules adopted by the regulatory agency.

18 Sec. 3. The regulatory agency shall adopt rules under IC 4-22-2  
19 to prescribe the forms for all applications, documents, permits,  
20 medical marijuana cards, and licenses used in the administration  
21 of this article and IC 7.1-8.

22 Sec. 4. The regulatory agency has the following powers:

- 23 (1) To hold hearings before the regulatory agency or its  
24 representative.  
25 (2) To take testimony and receive evidence.  
26 (3) To conduct inquiries with or without a hearing.  
27 (4) To receive reports of investigators or other governmental  
28 officers and employees.  
29 (5) To administer oaths.  
30 (6) To subpoena witnesses and to compel them to appear and  
31 testify.  
32 (7) To certify copies of records of the regulatory agency or  
33 any other document or record on file with the regulatory  
34 agency.  
35 (8) To fix the form, mode, manner, time, and number of times  
36 for the posting or publication of any required notices if not  
37 otherwise provided.  
38 (9) To adopt rules under IC 4-22-2 to carry out this article  
39 and IC 7.1-8.

40 Sec. 5. The regulatory agency has the following duties:

- 41 (1) To establish the medical marijuana program described in  
42 IC 7.1-8 and to adopt all necessary rules to implement the



1 program.

2 (2) To implement protocols for the application and issuance  
3 of a medical marijuana card, including protocols to:

4 (A) prevent fraud;

5 (B) ensure the accuracy of information contained in the  
6 application; and

7 (C) protect the privacy of an applicant.

8 (3) To advise the general assembly concerning the  
9 establishment of a program for the:

10 (A) manufacture;

11 (B) cultivation;

12 (C) transportation; and

13 (D) dispensing;

14 of medical marijuana.

15 (4) To encourage research concerning medical marijuana and  
16 issue licenses as described in IC 7.1-9-5.

17 **Chapter 5. Research and Development**

18 **Sec. 1. To permit and encourage research concerning medical  
19 marijuana:**

20 (1) an accredited institution of higher education with a  
21 physical presence in Indiana; and

22 (2) a pharmaceutical or agricultural business having a  
23 research facility in Indiana;

24 may apply to the regulatory agency for a license to conduct  
25 research concerning medical marijuana.

26 **Sec. 2. An application under this chapter must include the  
27 following:**

28 (1) The nature of the research project.

29 (2) The names of the individuals who will conduct the  
30 research project.

31 (3) The approximate quantity of marijuana that will be used  
32 in the research project.

33 (4) The security protocol to be implemented to ensure that  
34 marijuana is not diverted for uses other than the research  
35 project.

36 (5) Any other information required by the regulatory agency.

37 **Sec. 3. Upon receipt of a completed application, the regulatory  
38 agency may issue a research license to the accredited institution of  
39 higher education or pharmaceutical or agricultural business. The  
40 research license must specifically list the names of each individual  
41 participating in the research project who will have custody or  
42 control of marijuana for research purposes and the approximate**



1 **quantity of the marijuana that will be used in the research project.**

2 **Sec. 4. The regulatory agency may charge a reasonable fee for**  
3 **issuance of a research license.**

4 SECTION 8. IC 15-16-7-8 IS REPEALED [EFFECTIVE JULY 1,  
5 2024]. ~~Sec. 8: In addition to the weed control board's powers and duties~~  
6 ~~under section 7 of this chapter, the weed control board may establish~~  
7 ~~a marijuana eradication program to eliminate and destroy wild~~  
8 ~~marijuana plants within the county. The program is funded by amounts~~  
9 ~~appropriated by the county:~~

10 ~~(1) under IC 33-37-8; and~~

11 ~~(2) from the county general fund.~~

12 SECTION 9. IC 33-37-4-1, AS AMENDED BY P.L.120-2023,  
13 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2024]: Sec. 1. (a) For each action that results in a felony  
15 conviction under IC 35-50-2 or a misdemeanor conviction under  
16 IC 35-50-3, the clerk shall collect from the defendant a criminal costs  
17 fee of one hundred twenty dollars (\$120).

18 (b) In addition to the criminal costs fee collected under this section,  
19 the clerk shall collect from the defendant the following fees if they are  
20 required under IC 33-37-5:

21 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or  
22 IC 33-37-5-4).

23 ~~(2) A marijuana eradication program fee (IC 33-37-5-7).~~

24 ~~(3) (2) An alcohol and drug services program fee (IC~~  
25 ~~33-37-5-8(b)).~~

26 ~~(4) (3) A law enforcement continuing education program fee (IC~~  
27 ~~33-37-5-8(c)).~~

28 ~~(5) (4) A drug abuse, prosecution, interdiction, and correction fee~~  
29 ~~(IC 33-37-5-9).~~

30 ~~(6) (5) An alcohol and drug countermeasures fee (IC 33-37-5-10).~~

31 ~~(7) (6) A child abuse prevention fee (IC 33-37-5-12).~~

32 ~~(8) (7) A domestic violence prevention and treatment fee (IC~~  
33 ~~33-37-5-13).~~

34 ~~(9) (8) A highway worksite fee (IC 33-37-5-14).~~

35 ~~(10) (9) A deferred prosecution fee (IC 33-37-5-17).~~

36 ~~(11) (10) A document storage fee (IC 33-37-5-20).~~

37 ~~(12) (11) An automated record keeping fee (IC 33-37-5-21).~~

38 ~~(13) (12) A late payment fee (IC 33-37-5-22).~~

39 ~~(14) (13) A sexual assault victims assistance fee (IC 33-37-5-23).~~

40 ~~(15) (14) A public defense administration fee (IC 33-37-5-21.2).~~

41 ~~(16) (15) A judicial insurance adjustment fee (IC 33-37-5-25).~~

42 ~~(17) (16) A judicial salaries fee (IC 33-37-5-26).~~



- 1           ~~(18)~~ **(17)** A court administration fee (IC 33-37-5-27).  
 2           ~~(19)~~ **(18)** A DNA sample processing fee (IC 33-37-5-26.2).  
 3           (c) Instead of the criminal costs fee prescribed by this section,  
 4           except for the automated record keeping fee (IC 33-37-5-21), the clerk  
 5           shall collect a pretrial diversion program fee if an agreement between  
 6           the prosecuting attorney and the accused person entered into under  
 7           IC 33-39-1-8 requires payment of those fees by the accused person.  
 8           The pretrial diversion program fee is:  
 9           (1) an initial user's fee of fifty dollars (\$50) for a misdemeanor  
 10           offense;  
 11           (2) an initial user's fee of seventy-five dollars (\$75) for a felony  
 12           offense;  
 13           (3) a monthly user's fee of twenty dollars (\$20) for each month  
 14           that the person remains in the pretrial diversion program; and  
 15           (4) any additional program fee or cost that is:  
 16           (A) reasonably related to the person's rehabilitation; and  
 17           (B) approved by the court.  
 18           A monthly user fee may not be collected beyond the maximum length  
 19           of the possible sentence.  
 20           (d) The clerk shall transfer to the county auditor or city or town  
 21           fiscal officer the following fees, not later than thirty (30) days after the  
 22           fees are collected:  
 23           (1) The pretrial diversion fee.  
 24           ~~(2) The marijuana eradication program fee.~~  
 25           ~~(3)~~ **(2)** The alcohol and drug services program fee.  
 26           ~~(4)~~ **(3)** The law enforcement continuing education program fee.  
 27           The auditor or fiscal officer shall deposit fees transferred under this  
 28           subsection in the appropriate user fee fund established under  
 29           IC 33-37-8.  
 30           (e) Unless otherwise directed by a court, if a clerk collects only part  
 31           of a criminal costs fee from a defendant under this section, the clerk  
 32           shall distribute the partial payment of the criminal costs fee as follows:  
 33           (1) The clerk shall apply the partial payment to general court  
 34           costs.  
 35           (2) If there is money remaining after the partial payment is  
 36           applied to general court costs under subdivision (1), the clerk  
 37           shall distribute the remainder of the partial payment for deposit in  
 38           the appropriate county user fee fund.  
 39           (3) If there is money remaining after distribution under  
 40           subdivision (2), the clerk shall distribute the remainder of the  
 41           partial payment for deposit in the state user fee fund.  
 42           (4) If there is money remaining after distribution under



1 subdivision (3), the clerk shall distribute the remainder of the  
2 partial payment to any other applicable user fee fund.

3 (5) If there is money remaining after distribution under  
4 subdivision (4), the clerk shall apply the remainder of the partial  
5 payment to any outstanding fines owed by the defendant.

6 SECTION 10. IC 33-37-4-3, AS AMENDED BY P.L.85-2017,  
7 SECTION 110, IS AMENDED TO READ AS FOLLOWS  
8 [EFFECTIVE JULY 1, 2024]: Sec. 3. (a) The clerk shall collect a  
9 juvenile costs fee of one hundred twenty dollars (\$120) for each action  
10 filed under any of the following:

11 (1) IC 31-34 (children in need of services).

12 (2) IC 31-37 (delinquent children).

13 (3) IC 31-14 (paternity).

14 (b) In addition to the juvenile costs fee collected under this section,  
15 the clerk shall collect the following fees, if they are required under  
16 IC 33-37-5:

17 (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or  
18 IC 33-37-5-4).

19 ~~(2) A marijuana eradication program fee (IC 33-37-5-7).~~

20 ~~(3)~~ (2) An alcohol and drug services program fee (IC  
21 33-37-5-8(b)).

22 ~~(4)~~ (3) A law enforcement continuing education program fee (IC  
23 33-37-5-8(c)).

24 ~~(5)~~ (4) An alcohol and drug countermeasures fee (IC 33-37-5-10).

25 ~~(6)~~ (5) A document storage fee (IC 33-37-5-20).

26 ~~(7)~~ (6) An automated record keeping fee (IC 33-37-5-21).

27 ~~(8)~~ (7) A late payment fee (IC 33-37-5-22).

28 ~~(9)~~ (8) A public defense administration fee (IC 33-37-5-21.2).

29 ~~(10)~~ (9) A judicial insurance adjustment fee (IC 33-37-5-25).

30 ~~(11)~~ (10) A judicial salaries fee (IC 33-37-5-26).

31 ~~(12)~~ (11) A court administration fee (IC 33-37-5-27).

32 ~~(13)~~ (12) A DNA sample processing fee (IC 33-37-5-26.2).

33 (c) The clerk shall transfer to the county auditor or city or town  
34 fiscal officer the following fees not later than thirty (30) days after they  
35 are collected:

36 ~~(1) The marijuana eradication program fee (IC 33-37-5-7).~~

37 ~~(2)~~ (1) The alcohol and drug services program fee (IC  
38 33-37-5-8(b)).

39 ~~(3)~~ (2) The law enforcement continuing education program fee  
40 (IC 33-37-5-8(c)).

41 The auditor or fiscal officer shall deposit the fees in the appropriate  
42 user fee fund established under IC 33-37-8.



1 SECTION 11. IC 33-37-5-7 IS REPEALED [EFFECTIVE JULY 1,  
2 2024]. Sec. 7: (a) This section applies to criminal actions:

3 (b) The clerk shall collect the marijuana eradication program fee set  
4 by the court under ~~IC 15-16-7-8~~, if:

5 (1) a weed control board has been established in the county under  
6 ~~IC 15-16-7-3~~; and

7 (2) the person has been convicted of an offense under ~~IC 35-48-4~~  
8 in a case prosecuted in that county.

9 (c) The court may set a fee under this section of not more than three  
10 hundred dollars (\$300):

11 SECTION 12. IC 33-37-7-2, AS AMENDED BY THE  
12 TECHNICAL CORRECTIONS BILL OF THE 2024 GENERAL  
13 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
14 JULY 1, 2024]: Sec. 2. (a) The clerk of a circuit court shall distribute  
15 semiannually to the ~~auditor~~ of state **comptroller** as the state share for  
16 deposit in the homeowner protection unit account established by  
17 IC 4-6-12-9 one hundred percent (100%) of the automated record  
18 keeping fees collected under IC 33-37-5-21 with respect to actions  
19 resulting in the accused person entering into a pretrial diversion  
20 program agreement under IC 33-39-1-8 or a deferral program  
21 agreement under IC 34-28-5-1 and for deposit in the state general fund  
22 seventy percent (70%) of the amount of fees collected under the  
23 following:

24 (1) IC 33-37-4-1(a) (criminal costs fees).

25 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

26 (3) IC 33-37-4-3(a) (juvenile costs fees).

27 (4) IC 33-37-4-4(a) (civil costs fees).

28 (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

29 (6) IC 33-37-4-7(a) (probate costs fees).

30 (7) IC 33-37-5-17 (deferred prosecution fees).

31 (b) The clerk of a circuit court shall distribute semiannually to the  
32 ~~auditor~~ of state **comptroller** for deposit in the state user fee fund  
33 established in IC 33-37-9-2 the following:

34 (1) Twenty-five percent (25%) of the drug abuse, prosecution,  
35 interdiction, and correction fees collected under  
36 ~~IC 33-37-4-1(b)(5)~~. **IC 33-37-4-1(b)(4)**.

37 (2) Twenty-five percent (25%) of the alcohol and drug  
38 countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~;  
39 **IC 33-37-4-1(b)(5)**, IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5)~~.  
40 **IC 33-37-4-3(b)(4)**.

41 (3) One hundred percent (100%) of the child abuse prevention  
42 fees collected under ~~IC 33-37-4-1(b)(7)~~. **IC 33-37-4-1(b)(6)**.



- 1 (4) One hundred percent (100%) of the domestic violence  
 2 prevention and treatment fees collected under ~~IC 33-37-4-1(b)(8)~~;  
 3 **IC 33-37-4-1(b)(7)**.  
 4 (5) One hundred percent (100%) of the highway worksite fees  
 5 collected under ~~IC 33-37-4-1(b)(9)~~ **IC 33-37-4-1(b)(8)** and  
 6 IC 33-37-4-2(b)(5).  
 7 (6) Seventy-five percent (75%) of the safe schools fee collected  
 8 under IC 33-37-5-18.  
 9 (7) One hundred percent (100%) of the automated record keeping  
 10 fee collected under IC 33-37-5-21 not distributed under  
 11 subsection (a).  
 12 (c) The clerk of a circuit court shall distribute monthly to the county  
 13 auditor the following:  
 14 (1) Seventy-five percent (75%) of the drug abuse, prosecution,  
 15 interdiction, and correction fees collected under  
 16 ~~IC 33-37-4-1(b)(5)~~ **IC 33-37-4-1(b)(4)**.  
 17 (2) Seventy-five percent (75%) of the alcohol and drug  
 18 countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~;  
 19 **IC 33-37-4-1(b)(5)**, IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5)~~;  
 20 **IC 33-37-4-3(b)(4)**.  
 21 The county auditor shall deposit fees distributed by a clerk under this  
 22 subsection into the county drug free community fund established under  
 23 IC 5-2-11.  
 24 (d) The clerk of a circuit court shall distribute monthly to the county  
 25 auditor one hundred percent (100%) of the late payment fees collected  
 26 under IC 33-37-5-22. The county auditor shall deposit fees distributed  
 27 by a clerk under this subsection as follows:  
 28 (1) If directed to do so by an ordinance adopted by the county  
 29 fiscal body, the county auditor shall deposit forty percent (40%)  
 30 of the fees in the clerk's record perpetuation fund established  
 31 under IC 33-37-5-2 and sixty percent (60%) of the fees in the  
 32 county general fund.  
 33 (2) If the county fiscal body has not adopted an ordinance  
 34 described in subdivision (1), the county auditor shall deposit all  
 35 the fees in the county general fund.  
 36 (e) The clerk of the circuit court shall distribute semiannually to the  
 37 ~~auditor of state~~ **comptroller** for deposit in the sexual assault victims  
 38 assistance fund established by IC 5-2-6-23(d) one hundred percent  
 39 (100%) of the sexual assault victims assistance fees collected under  
 40 IC 33-37-5-23.  
 41 (f) The clerk of a circuit court shall distribute monthly to the county  
 42 auditor the following:



1 (1) One hundred percent (100%) of the support and maintenance  
 2 fees for cases designated as non-Title IV-D child support cases in  
 3 the Indiana support enforcement tracking system (ISETS) or the  
 4 successor statewide automated support enforcement system  
 5 collected under IC 33-37-5-6.

6 (2) The percentage share of the support and maintenance fees for  
 7 cases designated as Title IV-D child support cases in ISETS or the  
 8 successor statewide automated support enforcement system  
 9 collected under IC 33-37-5-6 that is reimbursable to the county at  
 10 the federal financial participation rate.

11 The county clerk shall distribute monthly to the department of child  
 12 services the percentage share of the support and maintenance fees for  
 13 cases designated as Title IV-D child support cases in ISETS, or the  
 14 successor statewide automated support enforcement system, collected  
 15 under IC 33-37-5-6 that is not reimbursable to the county at the  
 16 applicable federal financial participation rate.

17 (g) The clerk of a circuit court shall distribute monthly to the county  
 18 auditor the following:

19 (1) One hundred percent (100%) of the small claims service fee  
 20 under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in  
 21 the county general fund.

22 (2) One hundred percent (100%) of the small claims garnishee  
 23 service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for  
 24 deposit in the county general fund.

25 (3) Twenty-five percent (25%) of the safe schools fee collected  
 26 under IC 33-37-5-18 for deposit in the county general fund.

27 (h) This subsection does not apply to court administration fees  
 28 collected in small claims actions filed in a court described in IC 33-34.  
 29 The clerk of a circuit court shall semiannually distribute to the ~~auditor~~  
 30 ~~of state~~ **comptroller** for deposit in the state general fund one hundred  
 31 percent (100%) of the following:

32 (1) The public defense administration fee collected under  
 33 IC 33-37-5-21.2.

34 (2) The judicial salaries fees collected under IC 33-37-5-26.

35 (3) The DNA sample processing fees collected under  
 36 IC 33-37-5-26.2.

37 (4) The court administration fees collected under IC 33-37-5-27.

38 (5) The judicial insurance adjustment fee collected under  
 39 IC 33-37-5-25.

40 (i) The proceeds of the service fee collected under  
 41 IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2) shall be distributed as  
 42 follows:



1 (1) The clerk shall distribute one hundred percent (100%) of the  
 2 service fees collected in a circuit, superior, county, or probate  
 3 court to the county auditor for deposit in the county general fund.

4 (2) The clerk shall distribute one hundred percent (100%) of the  
 5 service fees collected in a city or town court to the city or town  
 6 fiscal officer for deposit in the city or town general fund.

7 (j) The proceeds of the garnishee service fee collected under  
 8 IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as  
 9 follows:

10 (1) The clerk shall distribute one hundred percent (100%) of the  
 11 garnishee service fees collected in a circuit, superior, county, or  
 12 probate court to the county auditor for deposit in the county  
 13 general fund.

14 (2) The clerk shall distribute one hundred percent (100%) of the  
 15 garnishee service fees collected in a city or town court to the city  
 16 or town fiscal officer for deposit in the city or town general fund.

17 (k) The clerk of the circuit court shall distribute semiannually to the  
 18 ~~auditor of state~~ **comptroller** for deposit in the home ownership  
 19 education account established by IC 5-20-1-27 one hundred percent  
 20 (100%) of the following:

21 (1) The mortgage foreclosure counseling and education fees  
 22 collected under IC 33-37-5-33 (before its expiration on July 1,  
 23 2017).

24 (2) Any civil penalties imposed and collected by a court for a  
 25 violation of a court order in a foreclosure action under  
 26 IC 32-30-10.5.

27 (l) The clerk of a circuit court shall distribute semiannually to the  
 28 ~~auditor of state~~ **comptroller** for deposit in the pro bono legal services  
 29 fund established by IC 33-37-5-34 one hundred percent (100%) of the  
 30 pro bono legal services fees collected before July 1, 2025, under  
 31 IC 33-37-5-31.

32 SECTION 13. IC 33-37-7-8, AS AMENDED BY THE  
 33 TECHNICAL CORRECTIONS BILL OF THE 2024 GENERAL  
 34 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 JULY 1, 2024]: Sec. 8. (a) The clerk of a city or town court shall  
 36 distribute semiannually to the ~~auditor of state~~ **comptroller** as the state  
 37 share for deposit in the homeowner protection unit account established  
 38 by IC 4-6-12-9 one hundred percent (100%) of the automated record  
 39 keeping fees collected under IC 33-37-5-21 with respect to actions  
 40 resulting in the accused person entering into a pretrial diversion  
 41 program agreement under IC 33-39-1-8 or a deferral program  
 42 agreement under IC 34-28-5-1 and for deposit in the state general fund



1 fifty-five percent (55%) of the amount of fees collected under the  
2 following:

- 3 (1) IC 33-37-4-1(a) (criminal costs fees).  
4 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).  
5 (3) IC 33-37-4-4(a) (civil costs fees).  
6 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).  
7 (5) IC 33-37-5-17 (deferred prosecution fees).

8 (b) The city or town fiscal officer shall distribute monthly to the  
9 county auditor as the county share twenty percent (20%) of the amount  
10 of fees collected under the following:

- 11 (1) IC 33-37-4-1(a) (criminal costs fees).  
12 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).  
13 (3) IC 33-37-4-4(a) (civil costs fees).  
14 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).  
15 (5) IC 33-37-5-17 (deferred prosecution fees).

16 (c) The city or town fiscal officer shall retain twenty-five percent  
17 (25%) as the city or town share of the fees collected under the  
18 following:

- 19 (1) IC 33-37-4-1(a) (criminal costs fees).  
20 (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).  
21 (3) IC 33-37-4-4(a) (civil costs fees).  
22 (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).  
23 (5) IC 33-37-5-17 (deferred prosecution fees).

24 (d) The clerk of a city or town court shall distribute semiannually to  
25 the ~~auditor of state~~ **comptroller** for deposit in the state user fee fund  
26 established in IC 33-37-9 the following:

- 27 (1) Twenty-five percent (25%) of the drug abuse, prosecution,  
28 interdiction, and correction fees collected under  
29 ~~IC 33-37-4-1(b)(5)~~ **IC 33-37-4-1(b)(4)**.  
30 (2) Twenty-five percent (25%) of the alcohol and drug  
31 countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~,  
32 **IC 33-37-4-1(b)(5)**, IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5)~~.  
33 **IC 33-37-4-3(b)(4)**.  
34 (3) One hundred percent (100%) of the highway worksite fees  
35 collected under ~~IC 33-37-4-1(b)(9)~~ **IC 33-37-4-1(b)(8)** and  
36 IC 33-37-4-2(b)(5).  
37 (4) Seventy-five percent (75%) of the safe schools fee collected  
38 under IC 33-37-5-18.  
39 (5) One hundred percent (100%) of the automated record keeping  
40 fee collected under IC 33-37-5-21 not distributed under  
41 subsection (a).

42 (e) The clerk of a city or town court shall distribute monthly to the



- 1 county auditor the following:
- 2 (1) Seventy-five percent (75%) of the drug abuse, prosecution,  
3 interdiction, and correction fees collected under  
4 ~~IC 33-37-4-1(b)(5)~~. **IC 33-37-4-1(b)(4)**.
- 5 (2) Seventy-five percent (75%) of the alcohol and drug  
6 countermeasures fees collected under ~~IC 33-37-4-1(b)(6)~~;  
7 **IC 33-37-4-1(b)(5)**, IC 33-37-4-2(b)(4), and ~~IC 33-37-4-3(b)(5)~~.  
8 **IC 33-37-4-3(b)(4)**.
- 9 The county auditor shall deposit fees distributed by a clerk under this  
10 subsection into the county drug free community fund established under  
11 IC 5-2-11.
- 12 (f) The clerk of a city or town court shall distribute monthly to the  
13 city or town fiscal officer (as defined in IC 36-1-2-7) one hundred  
14 percent (100%) of the following:
- 15 (1) The late payment fees collected under IC 33-37-5-22.  
16 (2) The small claims service fee collected under  
17 IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).  
18 (3) The small claims garnishee service fee collected under  
19 IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).  
20 (4) Twenty-five percent (25%) of the safe schools fee collected  
21 under IC 33-37-5-18.
- 22 The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit  
23 fees distributed by a clerk under this subsection in the city or town  
24 general fund.
- 25 (g) The clerk of a city or town court shall semiannually distribute to  
26 the ~~auditor of state~~ **comptroller** for deposit in the state general fund  
27 one hundred percent (100%) of the following:
- 28 (1) The public defense administration fee collected under  
29 IC 33-37-5-21.2.  
30 (2) The DNA sample processing fees collected under  
31 IC 33-37-5-26.2.  
32 (3) The court administration fees collected under IC 33-37-5-27.  
33 (4) The judicial insurance adjustment fee collected under  
34 IC 33-37-5-25.
- 35 (h) The clerk of a city or town court shall semiannually distribute to  
36 the ~~auditor of state~~ **comptroller** for deposit in the state general fund  
37 seventy-five percent (75%) of the judicial salaries fee collected under  
38 IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five  
39 percent (25%) of the judicial salaries fee collected under  
40 IC 33-37-5-26. The funds retained by the city or town shall be  
41 prioritized to fund city or town court operations.
- 42 (i) The clerk of a city or town court shall distribute semiannually to



1 the ~~auditor~~ of state **comptroller** for deposit in the pro bono legal  
 2 services fund established by IC 33-37-5-34 one hundred percent  
 3 (100%) of the pro bono legal services fees collected before July 1,  
 4 2025, under IC 33-37-5-31.

5 SECTION 14. IC 33-37-8-5, AS AMENDED BY P.L.101-2022,  
 6 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 JULY 1, 2024]: Sec. 5. (a) A county user fee fund is established in each  
 8 county to finance various program services. The county fund is  
 9 administered by the county auditor.

10 (b) The county fund consists of the following fees collected by a  
 11 clerk under this article:

- 12 (1) The pretrial diversion program fee.
- 13 ~~(2) The marijuana eradication program fee.~~
- 14 ~~(3)~~ **(2)** The alcohol and drug services program fee.
- 15 ~~(4)~~ **(3)** The law enforcement continuing education program fee.
- 16 ~~(5)~~ **(4)** The deferral program fee.
- 17 ~~(6)~~ **(5)** The jury fee.
- 18 ~~(7)~~ **(6)** The problem solving court fee.

19 (c) All of the jury fee and two dollars (\$2) of a deferral program fee  
 20 collected under IC 33-37-4-2(e) shall be deposited by the county  
 21 auditor in the jury pay fund established under IC 33-37-11.

22 SECTION 15. IC 35-48-4-8.3, AS AMENDED BY P.L.187-2015,  
 23 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2024]: Sec. 8.3. (a) This section does not apply to a rolling  
 25 paper.

26 (b) A person who knowingly or intentionally possesses an  
 27 instrument, a device, or another object that the person intends to use  
 28 for:

- 29 (1) introducing into the person's body a controlled substance;
- 30 (2) testing the strength, effectiveness, or purity of a controlled  
 31 substance; or
- 32 (3) enhancing the effect of a controlled substance;

33 commits a Class C misdemeanor. However, the offense is a Class A  
 34 misdemeanor if the person has a prior unrelated judgment or conviction  
 35 under this section.

36 **(c) It is a defense to an action or prosecution under this section**  
 37 **that:**

- 38 **(1) the person who possesses the instrument, device, or other**  
 39 **object is a:**
  - 40 **(A) qualified patient (as defined in IC 7.1-8-1) or qualified**  
 41 **primary caregiver (as defined in IC 7.1-8-1); or**
  - 42 **(B) person listed on a valid marijuana research license**



1                   **issued by the regulatory agency under IC 7.1-9; and**  
 2                   **(2) the instrument, device, or other object is for the use of**  
 3                   **medical marijuana or research relating to the use of medical**  
 4                   **marijuana.**

5                   SECTION 16. IC 35-48-4-10, AS AMENDED BY P.L.153-2018,  
 6                   SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7                   JULY 1, 2024]: Sec. 10. (a) A person who:

8                   (1) knowingly or intentionally:

- 9                   (A) manufactures;  
 10                   (B) finances the manufacture of;  
 11                   (C) delivers; or  
 12                   (D) finances the delivery of;

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

14                   (2) possesses, with intent to:

- 15                   (A) manufacture;  
 16                   (B) finance the manufacture of;  
 17                   (C) deliver; or  
 18                   (D) finance the delivery of;

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

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

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

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

- 28                   (A) ten (10) pounds, if the drug is marijuana; or  
 29                   (B) three hundred (300) grams, if the drug is hash oil, hashish,  
 30                   or salvia.

31                   (c) The offense is a Level 6 felony if:

32                   (1) the person has a prior conviction for a drug offense and the  
 33                   amount of the drug involved is:

- 34                   (A) less than thirty (30) grams of marijuana; or  
 35                   (B) less than five (5) grams of hash oil, hashish, or salvia; or

36                   (2) the amount of the drug involved is:

- 37                   (A) at least thirty (30) grams but less than ten (10) pounds of  
 38                   marijuana; or  
 39                   (B) at least five (5) grams but less than three hundred (300)  
 40                   grams of hash oil, hashish, or salvia.

41                   (d) The offense is a Level 5 felony if:

42                   (1) the person has a prior conviction for a drug dealing offense



1 and the amount of the drug involved is:

2 (A) at least thirty (30) grams but less than ten (10) pounds of  
3 marijuana; or

4 (B) at least five (5) grams but less than three hundred (300)  
5 grams of hash oil, hashish, or salvia;

6 (2) the:

7 (A) amount of the drug involved is:

8 (i) at least ten (10) pounds of marijuana; or

9 (ii) at least three hundred (300) grams of hash oil, hashish,  
10 or salvia; or

11 (B) offense involved a sale to a minor; or

12 (3) the:

13 (A) person is a retailer;

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

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

18 **(e) It is a defense to a prosecution under this section for an**  
19 **offense involving marijuana, hash oil, or hashish that the person is**  
20 **a:**

21 **(1) qualified primary caregiver (as defined in IC 7.1-8-1), if:**

22 **(A) the possession or delivery of the marijuana, hash oil, or**  
23 **hashish is permitted under IC 7.1-8-2-3; and**

24 **(B) the quantity of marijuana, hash oil, or hashish**  
25 **possessed or delivered does not exceed the permissible**  
26 **amounts set forth in IC 7.1-8-2-3; or**

27 **(2) person listed on a valid marijuana research license issued**  
28 **by the regulatory agency under IC 7.1-9, if:**

29 **(A) the possession or delivery of the marijuana, hash oil, or**  
30 **hashish is permitted by the research license issued by the**  
31 **regulatory agency under IC 7.1-9-5; and**

32 **(B) the quantity of marijuana, hash oil, or hashish**  
33 **possessed or delivered does not exceed the permissible**  
34 **quantity authorized by the research license issued by the**  
35 **regulatory agency.**

36 SECTION 17. IC 35-48-4-11, AS AMENDED BY P.L.153-2018,  
37 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
38 JULY 1, 2024]: Sec. 11. (a) A person who:

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

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

42 (3) knowing that marijuana is growing on the person's premises,



1 fails to destroy the marijuana plants;  
 2 commits possession of marijuana, hash oil, hashish, or salvia, a Class  
 3 B misdemeanor, except as provided in subsections (b) through (c).

4 (b) The offense described in subsection (a) is a Class A  
 5 misdemeanor if:

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

7 (2) the:

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

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

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

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

14 (2) the person possesses:

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

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

17 **(d) It is a defense to a prosecution under this section for an**  
 18 **offense involving marijuana, hash oil, or hashish that the person is**  
 19 **a:**

20 **(1) qualified patient (as defined in IC 7.1-8-1) or qualified**  
 21 **primary caregiver (as defined in IC 7.1-8-1), if:**

22 **(A) the possession or cultivation of the marijuana, hash oil,**  
 23 **or hashish is permitted under IC 7.1-8-2-2; and**

24 **(B) the quantity of marijuana, hash oil, or hashish**  
 25 **possessed or cultivated does not exceed the permissible**  
 26 **amounts set forth in IC 7.1-8-2-2; or**

27 **(2) person listed on a valid marijuana research license issued**  
 28 **by the regulatory agency under IC 7.1-9, if:**

29 **(A) the possession or cultivation of the marijuana, hash oil,**  
 30 **or hashish is permitted by the research license issued by**  
 31 **the regulatory agency under IC 7.1-9-5; and**

32 **(B) the quantity of marijuana, hash oil, or hashish**  
 33 **possessed or cultivated does not exceed the permissible**  
 34 **quantity authorized by the research license issued by the**  
 35 **regulatory agency.**

36 SECTION 18. IC 35-52-7-97 IS ADDED TO THE INDIANA  
 37 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 38 [EFFECTIVE JULY 1, 2024]: **Sec. 97. IC 7.1-8-2-1 defines crimes**  
 39 **concerning medical marijuana.**

