

SENATE BILL No. 354

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-30-5-1; IC 16-31-3-14; IC 22-15-5-16; IC 25-1-1.1-2; IC 31-37-2-8; IC 35-48-4.

Synopsis: Marijuana offenses. Adds to the defense of operating a vehicle and committing a traffic offense with a controlled substance that the substance was identified as marijuana through a chemical test offered by a law enforcement officer. Provides that possession or consumption of marijuana by a minor is a delinquent act. Provides that a person who knowingly or intentionally possesses more than two ounces of marijuana commits the offense of possession of marijuana. (Current law provides that the offense of possession of marijuana can be for any amount of marijuana.) Repeals the offense of possession of marijuana, hash oil, hashish, or salvia as a Level 6 felony. Establishes a penalty for a minor who possesses or consumes marijuana. Provides for the suspension of the minor's driving privileges if the minor possessed or consumed the marijuana while operating a motor vehicle. Makes conforming amendments.

Effective: July 1, 2022.

Pol Jr.

January 11, 2022, read first time and referred to Committee on Corrections and Criminal Law.



Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

SENATE BILL No. 354

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 9-30-5-1, AS AMENDED BY P.L.49-2021,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2022]: Sec. 1. (a) A person who operates a vehicle with an
4 alcohol concentration equivalent to at least eight-hundredths (0.08)
5 gram of alcohol but less than fifteen-hundredths (0.15) gram of alcohol
6 per:
7 (1) one hundred (100) milliliters of the person's blood; or
8 (2) two hundred ten (210) liters of the person's breath;
9 commits a Class C misdemeanor.
10 (b) A person who operates a vehicle with an alcohol concentration
11 equivalent to at least fifteen-hundredths (0.15) gram of alcohol per:
12 (1) one hundred (100) milliliters of the person's blood; or
13 (2) two hundred ten (210) liters of the person's breath;
14 commits a Class A misdemeanor.
15 (c) A person who operates a vehicle with a controlled substance
16 listed in schedule I or II of IC 35-48-2 or its metabolite in the person's
17 blood commits a Class C misdemeanor.



- 1 (d) It is a defense to subsection (c) that:
- 2 (1) the accused person consumed the controlled substance in
- 3 accordance with a valid prescription or order of a practitioner (as
- 4 defined in IC 35-48-1) who acted in the course of the
- 5 practitioner's professional practice; or
- 6 (2) the:
- 7 (A) controlled substance is marijuana or a metabolite of
- 8 marijuana;
- 9 (B) person was not intoxicated;
- 10 (C) person did not cause a traffic accident; and
- 11 (D) substance was identified by means of a chemical test taken
- 12 pursuant to **IC 9-30-6 or IC 9-30-7**.
- 13 SECTION 2. IC 16-31-3-14, AS AMENDED BY P.L.142-2020,
- 14 SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 15 JULY 1, 2022]: Sec. 14. (a) A person holding a certificate or license
- 16 issued under this article must comply with the applicable standards and
- 17 rules established under this article. A certificate holder or license
- 18 holder is subject to disciplinary sanctions under subsection (b) if the
- 19 department of homeland security determines that the certificate holder
- 20 or license holder:
- 21 (1) engaged in or knowingly cooperated in fraud or material
- 22 deception in order to obtain a certificate or license, including
- 23 cheating on a certification or licensure examination;
- 24 (2) engaged in fraud or material deception in the course of
- 25 professional services or activities;
- 26 (3) advertised services or goods in a false or misleading manner;
- 27 (4) falsified or knowingly allowed another person to falsify
- 28 attendance records or certificates of completion of continuing
- 29 education courses required under this article or rules adopted
- 30 under this article;
- 31 (5) is convicted of a crime, if the act that resulted in the
- 32 conviction has a direct bearing on determining if the certificate
- 33 holder or license holder should be entrusted to provide emergency
- 34 medical services;
- 35 (6) is convicted of violating IC 9-19-14.5;
- 36 (7) fails to comply and maintain compliance with or violates any
- 37 applicable provision, standard, or other requirement of this article
- 38 or rules adopted under this article;
- 39 (8) continues to practice if the certificate holder or license holder
- 40 becomes unfit to practice due to:
- 41 (A) professional incompetence that includes the undertaking
- 42 of professional activities that the certificate holder or license



- 1 holder is not qualified by training or experience to undertake;
 2 (B) failure to keep abreast of current professional theory or
 3 practice;
 4 (C) physical or mental disability; or
 5 (D) addiction to, abuse of, or dependency on alcohol or other
 6 drugs that endanger the public by impairing the certificate
 7 holder's or license holder's ability to practice safely;
 8 (9) engages in a course of lewd or immoral conduct in connection
 9 with the delivery of services to the public;
 10 (10) allows the certificate holder's or license holder's name or a
 11 certificate or license issued under this article to be used in
 12 connection with a person who renders services beyond the scope
 13 of that person's training, experience, or competence;
 14 (11) is subjected to disciplinary action in another state or
 15 jurisdiction on grounds similar to those contained in this chapter.
 16 For purposes of this subdivision, a certified copy of a record of
 17 disciplinary action constitutes prima facie evidence of a
 18 disciplinary action in another jurisdiction;
 19 (12) assists another person in committing an act that would
 20 constitute a ground for disciplinary sanction under this chapter;
 21 or
 22 (13) allows a certificate or license issued by the commission to
 23 be:
 24 (A) used by another person; or
 25 (B) displayed to the public when the certificate or license is
 26 expired, inactive, invalid, revoked, or suspended.
 27 (b) The department of homeland security may issue an order under
 28 IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if
 29 the department of homeland security determines that a certificate
 30 holder or license holder is subject to disciplinary sanctions under
 31 subsection (a):
 32 (1) Revocation of a certificate holder's certificate or license
 33 holder's license for a period not to exceed seven (7) years.
 34 (2) Suspension of a certificate holder's certificate or license
 35 holder's license for a period not to exceed seven (7) years.
 36 (3) Censure of a certificate holder or license holder.
 37 (4) Issuance of a letter of reprimand.
 38 (5) Assessment of a civil penalty against the certificate holder or
 39 license holder in accordance with the following:
 40 (A) The civil penalty may not exceed five hundred dollars
 41 (\$500) per day per violation.
 42 (B) If the certificate holder or license holder fails to pay the



- 1 civil penalty within the time specified by the department of
2 homeland security, the department of homeland security may
3 suspend the certificate holder's certificate or license holder's
4 license without additional proceedings.
- 5 (6) Placement of a certificate holder or license holder on
6 probation status and requirement of the certificate holder or
7 license holder to:
- 8 (A) report regularly to the department of homeland security
9 upon the matters that are the basis of probation;
- 10 (B) limit practice to those areas prescribed by the department
11 of homeland security;
- 12 (C) continue or renew professional education approved by the
13 department of homeland security until a satisfactory degree of
14 skill has been attained in those areas that are the basis of the
15 probation; or
- 16 (D) perform or refrain from performing any acts, including
17 community restitution or service without compensation, that
18 the department of homeland security considers appropriate to
19 the public interest or to the rehabilitation or treatment of the
20 certificate holder or license holder.
- 21 The department of homeland security may withdraw or modify
22 this probation if the department of homeland security finds after
23 a hearing that the deficiency that required disciplinary action is
24 remedied or that changed circumstances warrant a modification
25 of the order.
- 26 (c) If an applicant or a certificate holder or license holder has
27 engaged in or knowingly cooperated in fraud or material deception to
28 obtain a certificate or license, including cheating on the certification or
29 licensure examination, the department of homeland security may
30 rescind the certificate or license if it has been granted, void the
31 examination or other fraudulent or deceptive material, and prohibit the
32 applicant from reapplying for the certificate or license for a length of
33 time established by the department of homeland security.
- 34 (d) The department of homeland security may deny certification or
35 licensure to an applicant who would be subject to disciplinary sanctions
36 under subsection (b) if that person were a certificate holder or license
37 holder, has had disciplinary action taken against the applicant or the
38 applicant's certificate or license to practice in another state or
39 jurisdiction, or has practiced without a certificate or license in violation
40 of the law. A certified copy of the record of disciplinary action is
41 conclusive evidence of the other jurisdiction's disciplinary action.
- 42 (e) The department of homeland security may order a certificate



1 holder or license holder to submit to a reasonable physical or mental
 2 examination if the certificate holder's or license holder's physical or
 3 mental capacity to practice safely and competently is at issue in a
 4 disciplinary proceeding. Failure to comply with a department of
 5 homeland security order to submit to a physical or mental examination
 6 makes a certificate holder or license holder liable to temporary
 7 suspension under subsection (i).

8 (f) Except as provided under subsection (a), subsection (g), and
 9 section 14.5 of this chapter, a certificate or license may not be denied,
 10 revoked, or suspended because the applicant, certificate holder, or
 11 license holder has been convicted of an offense. The acts from which
 12 the applicant's, certificate holder's, or license holder's conviction
 13 resulted may be considered as to whether the applicant or certificate
 14 holder or license holder should be entrusted to serve the public in a
 15 specific capacity.

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

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

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

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

23 (4) Fraudulently obtaining a controlled substance under
 24 IC 35-48-4-7(c).

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

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

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

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

39 ~~(9)~~ (8) A felony offense under IC 35-48-4 involving:

40 (A) possession of a synthetic drug (as defined in
 41 IC 35-31.5-2-321);

42 (B) possession of a synthetic drug lookalike substance (as



- 1 defined in IC 35-31.5-2-321.5 (before its repeal on July 1,
2 2019)) as a:
- 3 (i) Class D felony (for a crime committed before July 1,
4 2014); or
- 5 (ii) Level 6 felony (for a crime committed after June 30,
6 2014);
- 7 under IC 35-48-4-11.5 (before its repeal on July 1, 2019); or
8 (C) possession of a controlled substance analog (as defined in
9 IC 35-48-1-9.3).
- 10 ~~(+)~~ **(9)** Maintaining a common nuisance under IC 35-48-4-13
11 (repealed) or IC 35-45-1-5, if the common nuisance involves a
12 controlled substance.
- 13 ~~(+)~~ **(10)** An offense relating to registration, labeling, and
14 prescription forms under IC 35-48-4-14.
- 15 (h) A decision of the department of homeland security under
16 subsections (b) through (g) may be appealed to the commission under
17 IC 4-21.5-3-7.
- 18 (i) The department of homeland security may temporarily suspend
19 a certificate holder's certificate or license holder's license under
20 IC 4-21.5-4 before a final adjudication or during the appeals process if
21 the department of homeland security finds that a certificate holder or
22 license holder would represent a clear and immediate danger to the
23 public's health, safety, or property if the certificate holder or license
24 holder were allowed to continue to practice.
- 25 (j) On receipt of a complaint or information alleging that a person
26 certified or licensed under this chapter or IC 16-31-3.5 has engaged in
27 or is engaging in a practice that is subject to disciplinary sanctions
28 under this chapter, the department of homeland security must initiate
29 an investigation against the person.
- 30 (k) The department of homeland security shall conduct a factfinding
31 investigation as the department of homeland security considers proper
32 in relation to the complaint.
- 33 (l) The department of homeland security may reinstate a certificate
34 or license that has been suspended under this section if the department
35 of homeland security is satisfied that the applicant is able to practice
36 with reasonable skill, competency, and safety to the public. As a
37 condition of reinstatement, the department of homeland security may
38 impose disciplinary or corrective measures authorized under this
39 chapter.
- 40 (m) The department of homeland security may not reinstate a
41 certificate or license that has been revoked under this chapter.
- 42 (n) The department of homeland security must be consistent in the



1 application of sanctions authorized in this chapter. Significant
 2 departures from prior decisions involving similar conduct must be
 3 explained in the department of homeland security's findings or orders.

4 (o) A certificate holder may not surrender the certificate holder's
 5 certificate, and a license holder may not surrender the license holder's
 6 license, without the written approval of the department of homeland
 7 security, and the department of homeland security may impose any
 8 conditions appropriate to the surrender or reinstatement of a
 9 surrendered certificate or license.

10 (p) For purposes of this section, "certificate holder" means a person
 11 who holds:

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

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

- 17 (1) an unlimited license;
- 18 (2) a limited or probationary license; or
- 19 (3) an inactive license.

20 SECTION 3. IC 22-15-5-16, AS AMENDED BY P.L.142-2020,
 21 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 JULY 1, 2022]: Sec. 16. (a) A practitioner shall comply with the
 23 standards established under this licensing program. A practitioner is
 24 subject to the exercise of the disciplinary sanctions under subsection
 25 (b) if the department finds that a practitioner has:

- 26 (1) engaged in or knowingly cooperated in fraud or material
 27 deception in order to obtain a license to practice, including
 28 cheating on a licensing examination;
- 29 (2) engaged in fraud or material deception in the course of
 30 professional services or activities;
- 31 (3) advertised services or goods in a false or misleading manner;
- 32 (4) falsified or knowingly allowed another person to falsify
 33 attendance records or certificates of completion of continuing
 34 education courses provided under this chapter;
- 35 (5) been convicted of a crime that has a direct bearing on the
 36 practitioner's ability to continue to practice competently;
- 37 (6) knowingly violated a state statute or rule or federal statute or
 38 regulation regulating the profession for which the practitioner is
 39 licensed;
- 40 (7) continued to practice although the practitioner has become
 41 unfit to practice due to:
 42 (A) professional incompetence;



- 1 (B) failure to keep abreast of current professional theory or
 2 practice;
 3 (C) physical or mental disability; or
 4 (D) addiction to, abuse of, or severe dependency on alcohol or
 5 other drugs that endanger the public by impairing a
 6 practitioner's ability to practice safely;
 7 (8) engaged in a course of lewd or immoral conduct in connection
 8 with the delivery of services to the public;
 9 (9) allowed the practitioner's name or a license issued under this
 10 chapter to be used in connection with an individual or business
 11 who renders services beyond the scope of that individual's or
 12 business's training, experience, or competence;
 13 (10) had disciplinary action taken against the practitioner or the
 14 practitioner's license to practice in another state or jurisdiction on
 15 grounds similar to those under this chapter;
 16 (11) assisted another person in committing an act that would
 17 constitute a ground for disciplinary sanction under this chapter;
 18 or
 19 (12) allowed a license issued by the department to be:
 20 (A) used by another person; or
 21 (B) displayed to the public when the license has expired, is
 22 inactive, is invalid, or has been revoked or suspended.
- 23 For purposes of subdivision (10), a certified copy of a record of
 24 disciplinary action constitutes prima facie evidence of a disciplinary
 25 action in another jurisdiction.
- 26 (b) The department may impose one (1) or more of the following
 27 sanctions if the department finds that a practitioner is subject to
 28 disciplinary sanctions under subsection (a):
 29 (1) Permanent revocation of a practitioner's license.
 30 (2) Suspension of a practitioner's license.
 31 (3) Censure of a practitioner.
 32 (4) Issuance of a letter of reprimand.
 33 (5) Assessment of a civil penalty against the practitioner in
 34 accordance with the following:
 35 (A) The civil penalty may not be more than one thousand
 36 dollars (\$1,000) for each violation listed in subsection (a),
 37 except for a finding of incompetency due to a physical or
 38 mental disability.
 39 (B) When imposing a civil penalty, the department shall
 40 consider a practitioner's ability to pay the amount assessed. If
 41 the practitioner fails to pay the civil penalty within the time
 42 specified by the department, the department may suspend the



1 practitioner's license without additional proceedings. However,
2 a suspension may not be imposed if the sole basis for the
3 suspension is the practitioner's inability to pay a civil penalty.

4 (6) Placement of a practitioner on probation status and
5 requirement of the practitioner to:

6 (A) report regularly to the department upon the matters that
7 are the basis of probation;

8 (B) limit practice to those areas prescribed by the department;

9 (C) continue or renew professional education approved by the
10 department until a satisfactory degree of skill has been attained
11 in those areas that are the basis of the probation; or

12 (D) perform or refrain from performing any acts, including
13 community restitution or service without compensation, that
14 the department considers appropriate to the public interest or
15 to the rehabilitation or treatment of the practitioner.

16 The department may withdraw or modify this probation if the
17 department finds after a hearing that the deficiency that required
18 disciplinary action has been remedied or that changed
19 circumstances warrant a modification of the order.

20 (c) If an applicant or a practitioner has engaged in or knowingly
21 cooperated in fraud or material deception to obtain a license to
22 practice, including cheating on the licensing examination, the
23 department may rescind the license if it has been granted, void the
24 examination or other fraudulent or deceptive material, and prohibit the
25 applicant from reapplying for the license for a length of time
26 established by the department.

27 (d) The department may deny licensure to an applicant who has had
28 disciplinary action taken against the applicant or the applicant's license
29 to practice in another state or jurisdiction or who has practiced without
30 a license in violation of the law. A certified copy of the record of
31 disciplinary action is conclusive evidence of the other jurisdiction's
32 disciplinary action.

33 (e) The department may order a practitioner to submit to a
34 reasonable physical or mental examination if the practitioner's physical
35 or mental capacity to practice safely and competently is at issue in a
36 disciplinary proceeding. Failure to comply with a department order to
37 submit to a physical or mental examination makes a practitioner liable
38 to temporary suspension under subsection (j).

39 (f) Except as provided under subsection (g) or (h), a license may not
40 be denied, revoked, or suspended because the applicant or holder has
41 been convicted of an offense. The acts from which the applicant's or
42 holder's conviction resulted may, however, be considered as to whether



1 the applicant or holder should be entrusted to serve the public in a
2 specific capacity.

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

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

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

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

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

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

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

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

22 ~~(8) Possession of marijuana, hash oil, hashish, or salvia as a Class~~
23 ~~D felony (for a crime committed before July 1, 2014) or a Level~~
24 ~~6 felony (for a crime committed after June 30, 2014) under~~
25 ~~IC 35-48-4-11.~~

26 ~~(9)~~ **(8)** A felony offense under IC 35-48-4 involving possession of
27 a synthetic drug (as defined in IC 35-31.5-2-321), possession of
28 a controlled substance analog (as defined in IC 35-48-1-9.3), or
29 possession of a synthetic drug lookalike substance (as defined in
30 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:

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

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

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

38 ~~(11)~~ **(10)** An offense relating to registration, labeling, and
39 prescription forms under IC 35-48-4-14.

40 (h) The department shall deny, revoke, or suspend a license issued
41 under this chapter if the individual who holds the license is convicted
42 of any of the following:



- 1 (1) Dealing in a controlled substance resulting in death under
 2 IC 35-42-1-1.5.
- 3 (2) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.
- 4 (3) Dealing in methamphetamine under IC 35-48-4-1.1.
- 5 (4) Manufacturing methamphetamine under IC 35-48-4-1.2.
- 6 (5) Dealing in a schedule I, II, or III controlled substance under
 7 IC 35-48-4-2.
- 8 (6) Dealing in a schedule IV controlled substance under
 9 IC 35-48-4-3.
- 10 (7) Dealing in a schedule V controlled substance under
 11 IC 35-48-4-4.
- 12 (8) Dealing in a substance represented to be a controlled
 13 substance under IC 35-48-4-4.5 (repealed).
- 14 (9) Knowingly or intentionally manufacturing, advertising,
 15 distributing, or possessing with intent to manufacture, advertise,
 16 or distribute a substance represented to be a controlled substance
 17 under IC 35-48-4-4.6.
- 18 (10) Dealing in a counterfeit substance under IC 35-48-4-5.
- 19 (11) Dealing in marijuana, hash oil, hashish, or salvia as a felony
 20 under IC 35-48-4-10.
- 21 (12) An offense under IC 35-48-4 involving the manufacture or
 22 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a
 23 synthetic drug lookalike substance (as defined in
 24 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under
 25 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled
 26 substance analog (as defined in IC 35-48-1-9.3), or a substance
 27 represented to be a controlled substance (as described in
 28 IC 35-48-4-4.6).
- 29 (13) A violation of any federal or state drug law or rule related to
 30 wholesale legend drug distributors licensed under IC 25-26-14.
- 31 (i) A decision of the department under subsections (b) through (h)
 32 may be appealed to the commission under IC 4-21.5-3-7.
- 33 (j) The department may temporarily suspend a practitioner's license
 34 under IC 4-21.5-4 before a final adjudication or during the appeals
 35 process if the department finds that a practitioner represents a clear and
 36 immediate danger to the public's health, safety, or property if the
 37 practitioner is allowed to continue to practice.
- 38 (k) On receipt of a complaint or an information alleging that a
 39 person licensed under this chapter has engaged in or is engaging in a
 40 practice that jeopardizes the public health, safety, or welfare, the
 41 department shall initiate an investigation against the person.
- 42 (l) Any complaint filed with the office of the attorney general



1 alleging a violation of this licensing program shall be referred to the
2 department for summary review and for its general information and any
3 authorized action at the time of the filing.

4 (m) The department shall conduct a fact finding investigation as the
5 department considers proper in relation to the complaint.

6 (n) The department may reinstate a license that has been suspended
7 under this section if, after a hearing, the department is satisfied that the
8 applicant is able to practice with reasonable skill, safety, and
9 competency to the public. As a condition of reinstatement, the
10 department may impose disciplinary or corrective measures authorized
11 under this chapter.

12 (o) The department may not reinstate a license that has been
13 revoked under this chapter. An individual whose license has been
14 revoked under this chapter may not apply for a new license until seven
15 (7) years after the date of revocation.

16 (p) The department shall seek to achieve consistency in the
17 application of sanctions authorized in this chapter. Significant
18 departures from prior decisions involving similar conduct must be
19 explained in the department's findings or orders.

20 (q) A practitioner may petition the department to accept the
21 surrender of the practitioner's license instead of having a hearing before
22 the commission. The practitioner may not surrender the practitioner's
23 license without the written approval of the department, and the
24 department may impose any conditions appropriate to the surrender or
25 reinstatement of a surrendered license.

26 (r) A practitioner who has been subjected to disciplinary sanctions
27 may be required by the commission to pay the costs of the proceeding.
28 The practitioner's ability to pay shall be considered when costs are
29 assessed. If the practitioner fails to pay the costs, a suspension may not
30 be imposed solely upon the practitioner's inability to pay the amount
31 assessed. The costs are limited to costs for the following:

- 32 (1) Court reporters.
- 33 (2) Transcripts.
- 34 (3) Certification of documents.
- 35 (4) Photo duplication.
- 36 (5) Witness attendance and mileage fees.
- 37 (6) Postage.
- 38 (7) Expert witnesses.
- 39 (8) Depositions.
- 40 (9) Notarizations.

41 SECTION 4. IC 25-1-1.1-2, AS AMENDED BY P.L.142-2020,
42 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2022]: Sec. 2. Notwithstanding IC 25-1-7, a board, a
 2 commission, or a committee may suspend, deny, or revoke a license or
 3 certificate issued under this title by the board, the commission, or the
 4 committee without an investigation by the office of the attorney general
 5 if the individual who holds the license or certificate is convicted of any
 6 of the following and the board, commission, or committee determines,
 7 after the individual has appeared in person, that the offense affects the
 8 individual's ability to perform the duties of the profession:

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

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

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

12 (4) Fraudulently obtaining a controlled substance under
 13 IC 35-48-4-7(c).

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

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

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

24 ~~(8) Possession of marijuana, hash oil, hashish, or salvia as a Class~~
 25 ~~D felony (for a crime committed before July 1, 2014) or a Level~~
 26 ~~6 felony (for a crime committed after June 30, 2014) under~~
 27 ~~IC 35-48-4-11.~~

28 ~~(9)~~ **(8)** A felony offense under IC 35-48-4 involving possession of
 29 a synthetic drug (as defined in IC 35-31.5-2-321), possession of
 30 a controlled substance analog (as defined in IC 35-48-1-9.3), or
 31 possession of a synthetic drug lookalike substance (as defined in
 32 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:

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

34 or

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

37 ~~(10)~~ **(9)** Maintaining a common nuisance under IC 35-48-4-13
 38 (repealed) or IC 35-45-1-5, if the common nuisance involves a
 39 controlled substance.

40 ~~(11)~~ **(10)** An offense relating to registration, labeling, and
 41 prescription forms under IC 35-48-4-14.

42 ~~(12)~~ **(11)** A sex crime under IC 35-42-4.



- 1 ~~(13)~~ **(12)** A felony that reflects adversely on the individual's
 2 fitness to hold a professional license.
- 3 SECTION 5. IC 31-37-2-8 IS ADDED TO THE INDIANA CODE
 4 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 5 1, 2022]: **Sec. 8. A child commits a delinquent act if, before
 6 becoming eighteen (18) years of age, the child violates
 7 IC 35-48-4-11.2 concerning marijuana possession or consumption.**
- 8 SECTION 6. IC 35-48-4-11, AS AMENDED BY P.L.153-2018,
 9 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2022]: Sec. 11. (a) A person who:
 11 (1) knowingly or intentionally possesses (pure or adulterated):
 12 **(A) more than two (2) ounces of marijuana;**
 13 **(B) hash oil;**
 14 **(C) hashish; or**
 15 **(D) salvia;**
 16 (2) knowingly or intentionally grows or cultivates marijuana; or
 17 (3) knowing that marijuana is growing on the person's premises,
 18 fails to destroy the marijuana plants;
 19 commits possession of marijuana, hash oil, hashish, or salvia, a Class
 20 B misdemeanor, except as provided in ~~subsections~~ **subsection (b).**
 21 **through (c):**
- 22 (b) The offense described in subsection (a) is a Class A
 23 misdemeanor if:
 24 (1) the person has a prior conviction for a drug offense; or
 25 (2) the:
 26 (A) marijuana, hash oil, hashish, or salvia is packaged in a
 27 manner that appears to be low THC hemp extract; and
 28 (B) person knew or reasonably should have known that the
 29 product was marijuana, hash oil, hashish, or salvia.
- 30 ~~(c) The offense described in subsection (a) is a Level 6 felony if:~~
 31 ~~(1) the person has a prior conviction for a drug offense; and~~
 32 ~~(2) the person possesses:~~
 33 ~~(A) at least thirty (30) grams of marijuana; or~~
 34 ~~(B) at least five (5) grams of hash oil, hashish, or salvia.~~
- 35 SECTION 7. IC 35-48-4-11.2 IS ADDED TO THE INDIANA
 36 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2022]: **Sec. 11.2. (a) A minor who knowingly
 38 or intentionally:**
 39 **(1) possesses marijuana; or**
 40 **(2) consumes marijuana;**
 41 **commits a Class C misdemeanor and commits a delinquent act**
 42 **under IC 31-37-2.**



1 **(b) If a minor is found to have violated subsection (a) while**
2 **operating a motor vehicle, the court may order the minor's driving**
3 **privileges suspended for up to one (1) year. However, the court**
4 **shall order the minor's driving privileges suspended for at least**
5 **sixty (60) days.**

6 **(c) The court shall deliver any order suspending a minor's**
7 **driving privileges under this section to the bureau of motor**
8 **vehicles, which shall suspend the minor's driving privileges under**
9 **IC 9-24-18-12.2 for the period ordered by the court.**

