

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1196 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 4-22-2-37.1, AS AMENDED BY P.L.229-2011,
- 4 SECTION 58, IS AMENDED TO READ AS FOLLOWS
- 5 [EFFECTIVE UPON PASSAGE]: Sec. 37.1. (a) This section applies
- 6 to a rulemaking action resulting in any of the following rules:
- 7 (1) An order adopted by the commissioner of the Indiana
- 8 department of transportation under IC 9-20-1-3(d) or
- 9 IC 9-21-4-7(a) and designated by the commissioner as an
- 10 emergency rule.
- 11 (2) An action taken by the director of the department of natural
- 12 resources under IC 14-22-2-6(d) or IC 14-22-6-13.
- 13 (3) An emergency temporary standard adopted by the
- 14 occupational safety standards commission under IC 22-8-1.1-16.1.
- 15 (4) An emergency rule adopted by the solid waste management
- 16 board under IC 13-22-2-3 and classifying a waste as hazardous.
- 17 (5) A rule, other than a rule described in subdivision (6), adopted
- 18 by the department of financial institutions under IC 24-4.5-6-107
- 19 and declared necessary to meet an emergency.
- 20 (6) A rule required under IC 24-4.5-1-106 that is adopted by the
- 21 department of financial institutions and declared necessary to meet
- 22 an emergency under IC 24-4.5-6-107.
- 23 (7) A rule adopted by the Indiana utility regulatory commission to
- 24 address an emergency under IC 8-1-2-113.
- 25 (8) An emergency rule adopted by the state lottery commission

- 1 under IC 4-30-3-9.
- 2 (9) A rule adopted under IC 16-19-3-5 or IC 16-41-2-1 that the  
3 executive board of the state department of health declares is  
4 necessary to meet an emergency.
- 5 (10) An emergency rule adopted by the Indiana finance authority  
6 under IC 8-21-12.
- 7 (11) An emergency rule adopted by the insurance commissioner  
8 under IC 27-1-23-7 or IC 27-1-12.1.
- 9 (12) An emergency rule adopted by the Indiana horse racing  
10 commission under IC 4-31-3-9.
- 11 (13) An emergency rule adopted by the air pollution control  
12 board, the solid waste management board, or the water pollution  
13 control board under IC 13-15-4-10(4) or to comply with a  
14 deadline required by or other date provided by federal law,  
15 provided:
- 16 (A) the variance procedures are included in the rules; and  
17 (B) permits or licenses granted during the period the  
18 emergency rule is in effect are reviewed after the emergency  
19 rule expires.
- 20 (14) An emergency rule adopted by the Indiana election  
21 commission under IC 3-6-4.1-14.
- 22 (15) An emergency rule adopted by the department of natural  
23 resources under IC 14-10-2-5.
- 24 (16) An emergency rule adopted by the Indiana gaming  
25 commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3,  
26 IC 4-33-4-14, IC 4-33-22-12, or IC 4-35-4-2.
- 27 (17) An emergency rule adopted by the alcohol and tobacco  
28 commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or  
29 IC 7.1-3-20-24.4.
- 30 (18) An emergency rule adopted by the department of financial  
31 institutions under IC 28-15-11.
- 32 (19) An emergency rule adopted by the office of the secretary of  
33 family and social services under IC 12-8-1-12.
- 34 (20) An emergency rule adopted by the office of the children's  
35 health insurance program under IC 12-17.6-2-11.
- 36 (21) An emergency rule adopted by the office of Medicaid policy  
37 and planning under IC 12-15-41-15.
- 38 (22) An emergency rule adopted by the Indiana state board of  
39 animal health under IC 15-17-10-9.
- 40 (23) An emergency rule adopted by the board of directors of the  
41 Indiana education savings authority under IC 21-9-4-7.
- 42 (24) An emergency rule adopted by the Indiana board of tax  
43 review under IC 6-1.1-4-34 (repealed).
- 44 (25) An emergency rule adopted by the department of local  
45 government finance under IC 6-1.1-4-33 (repealed).
- 46 (26) An emergency rule adopted by the boiler and pressure vessel  
47 rules board under IC 22-13-2-8(c).

- 1 (27) An emergency rule adopted by the Indiana board of tax  
 2 review under IC 6-1.1-4-37(l) (repealed) or an emergency rule  
 3 adopted by the department of local government finance under  
 4 IC 6-1.1-4-36(j) (repealed) or IC 6-1.1-22.5-20.
- 5 (28) An emergency rule adopted by the board of the Indiana  
 6 economic development corporation under IC 5-28-5-8.
- 7 (29) A rule adopted by the department of financial institutions  
 8 under IC 34-55-10-2.5.
- 9 (30) A rule adopted by the Indiana finance authority:  
 10 (A) under IC 8-15.5-7 approving user fees (as defined in  
 11 IC 8-15.5-2-10) provided for in a public-private agreement  
 12 under IC 8-15.5;  
 13 (B) under IC 8-15-2-17.2(a)(10):  
 14 (i) establishing enforcement procedures; and  
 15 (ii) making assessments for failure to pay required tolls;  
 16 (C) under IC 8-15-2-14(a)(3) authorizing the use of and  
 17 establishing procedures for the implementation of the  
 18 collection of user fees by electronic or other nonmanual means;  
 19 or  
 20 (D) to make other changes to existing rules related to a toll  
 21 road project to accommodate the provisions of a public-private  
 22 agreement under IC 8-15.5.
- 23 (31) An emergency rule adopted by the board of the Indiana  
 24 health informatics corporation under IC 5-31-5-8.
- 25 (32) An emergency rule adopted by the department of child  
 26 services under IC 31-25-2-21, IC 31-27-2-4, IC 31-27-4-2, or  
 27 IC 31-27-4-3.
- 28 (33) An emergency rule adopted by the Indiana real estate  
 29 commission under IC 25-34.1-2-5(15).
- 30 (34) A rule adopted by the department of financial institutions  
 31 under IC 24-4.4-1-101 and determined necessary to meet an  
 32 emergency.
- 33 (35) An emergency rule adopted by the state board of pharmacy  
 34 regarding returning unused medication under IC 25-26-23.
- 35 (36) An emergency rule adopted by the department of local  
 36 government finance under IC 6-1.1-12.6 or IC 6-1.1-12.8.
- 37 (37) An emergency rule adopted by the office of the secretary of  
 38 family and social services or the office of Medicaid policy and  
 39 planning concerning the following:  
 40 (A) Federal Medicaid waiver program provisions.  
 41 (B) Federal programs administered by the office of the  
 42 secretary.
- 43 **(38) An emergency rule adopted by the Indiana board of**  
 44 **pharmacy declaring a substance to be a synthetic drug under**  
 45 **IC 25-26-13-4.1.**
- 46 (b) The following do not apply to rules described in subsection (a):  
 47 (1) Sections 24 through 36 of this chapter.

- 1 (2) IC 13-14-9.
- 2 (c) After a rule described in subsection (a) has been adopted by the  
3 agency, the agency shall submit the rule to the publisher for the  
4 assignment of a document control number. The agency shall submit the  
5 rule in the form required by section 20 of this chapter and with the  
6 documents required by section 21 of this chapter. The publisher shall  
7 determine the format of the rule and other documents to be submitted  
8 under this subsection.
- 9 (d) After the document control number has been assigned, the  
10 agency shall submit the rule to the publisher for filing. The agency shall  
11 submit the rule in the form required by section 20 of this chapter and  
12 with the documents required by section 21 of this chapter. The  
13 publisher shall determine the format of the rule and other documents to  
14 be submitted under this subsection.
- 15 (e) Subject to section 39 of this chapter, the publisher shall:  
16 (1) accept the rule for filing; and  
17 (2) electronically record the date and time that the rule is  
18 accepted.
- 19 (f) A rule described in subsection (a) takes effect on the latest of the  
20 following dates:  
21 (1) The effective date of the statute delegating authority to the  
22 agency to adopt the rule.  
23 (2) The date and time that the rule is accepted for filing under  
24 subsection (e).  
25 (3) The effective date stated by the adopting agency in the rule.  
26 (4) The date of compliance with every requirement established by  
27 law as a prerequisite to the adoption or effectiveness of the rule.  
28 **(5) The statutory effective date for an emergency rule set forth**  
29 **in the statute authorizing the agency to adopt emergency**  
30 **rules.**
- 31 (g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6,  
32 IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in  
33 subsections (j), (k), ~~and (l)~~, **and (n)**, a rule adopted under this section  
34 expires not later than ninety (90) days after the rule is accepted for  
35 filing under subsection (e). Except for a rule adopted under subsection  
36 (a)(13), (a)(24), (a)(25), or (a)(27), the rule may be extended by  
37 adopting another rule under this section, but only for one (1) extension  
38 period. The extension period for a rule adopted under subsection (a)(28)  
39 may not exceed the period for which the original rule was in effect. A  
40 rule adopted under subsection (a)(13) may be extended for two (2)  
41 extension periods. Subject to subsection (j), a rule adopted under  
42 subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited  
43 number of extension periods. Except for a rule adopted under  
44 subsection (a)(13), for a rule adopted under this section to be effective  
45 after one (1) extension period, the rule must be adopted under:  
46 (1) sections 24 through 36 of this chapter; or  
47 (2) IC 13-14-9;

- 1 as applicable.
- 2 (h) A rule described in subsection (a)(8), (a)(12), (a)(19), (a)(20),  
 3 (a)(21), (a)(29), or (a)(37) expires on the earlier of the following dates:  
 4 (1) The expiration date stated by the adopting agency in the rule.  
 5 (2) The date that the rule is amended or repealed by a later rule  
 6 adopted under sections 24 through 36 of this chapter or this  
 7 section.
- 8 (i) This section may not be used to readopt a rule under IC 4-22-2.5.
- 9 (j) A rule described in subsection (a)(24) or (a)(25) expires not later  
 10 than January 1, 2006.
- 11 (k) A rule described in subsection (a)(28) expires on the expiration  
 12 date stated by the board of the Indiana economic development  
 13 corporation in the rule.
- 14 (l) A rule described in subsection (a)(30) expires on the expiration  
 15 date stated by the Indiana finance authority in the rule.
- 16 (m) A rule described in subsection (a)(5) or (a)(6) expires on the  
 17 date the department is next required to issue a rule under the statute  
 18 authorizing or requiring the rule.
- 19 **(n) A rule described in subsection (a)(38) expires on June 30 of**  
 20 **the year following the year in which it is filed with the publisher**  
 21 **under this section."**
- 22 Page 13, between lines 39 and 40, begin a new paragraph and insert:  
 23 "SECTION 6. IC 24-26-13-4.1 IS ADDED TO THE INDIANA  
 24 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 25 [EFFECTIVE UPON PASSAGE]: **Sec. 4.1. (a) The board may adopt**  
 26 **an emergency rule to declare that a substance is a synthetic drug.**  
 27 **(b) The board may adopt an emergency rule declaring a**  
 28 **substance to be a synthetic drug if the board finds that the**  
 29 **substance:**  
 30 **(1) has been scheduled or emergency scheduled by the United**  
 31 **States Drug Enforcement Administration; or**  
 32 **(2) has been scheduled, emergency scheduled, or criminalized**  
 33 **by another state.**  
 34 **(c) A rule adopted under this section becomes effective thirty**  
 35 **(30) days after it is filed with the publisher under IC 4-22-2-37.1.**  
 36 **(d) A rule adopted under this section expires on June 30 of the**  
 37 **year following the year in which it is filed with the publisher under**  
 38 **IC 4-22-2-37.1.**  
 39 **(e) The board may readopt under this section an emergency rule**  
 40 **that has expired."**
- 41 Page 15, between lines 32 and 33, begin a new paragraph and insert:  
 42 "SECTION 9. IC 35-41-1-3.5 IS ADDED TO THE INDIANA  
 43 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 44 [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. "Analog", for purposes**  
 45 **of section 26.3 of this chapter, means a new or novel chemical**  
 46 **entity, independent of synthetic route or natural origin, having**  
 47 **substantially the same:**

- 1           **(1) carbon backbone structure; and**  
 2           **(2) pharmacological mechanism of action;**  
 3 **as a compound specifically defined as a synthetic drug in section**  
 4 **26.3 of this chapter."**  
 5       Page 15, line 37, delete "analogue, congener," and insert "**analog of**  
 6 **the compound:"**.  
 7       Page 15, delete lines 38 through 40.  
 8       Page 16, line 11, after "JWH-200" insert  
 9 "**((1-(2-morpholin-4-ylethyl)indol-3-yl)-**  
 10 **naphthalen-1-yl-methanone)**".  
 11       Page 16, delete lines 12 through 13.  
 12       Page 17, line 36, after "6-APB" insert  
 13 "**[6-(2-aminopropyl)benzofuran]"**.  
 14       Page 17, line 38, after " $\alpha$ -PPP" insert  
 15 "**[\mathit{\alpha}-pyrrolidinopropiophenone]" .  
 16       Page 18, line 16, after "MDAI" insert  
 17 "**[5,6-methylenedioxy-2-aminoindane]"**.  
 18       Page 18, line 21, delete "Pyrovalerone" and insert "**Methoxetamine**  
 19 **[2-(3-methoxyphenyl)-2-(ethylamino)- cyclohexanone.]"**.  
 20       Page 18, line 32, delete "3-(1-naphthoyl)173" and insert  
 21 "**3-(1-naphthoyl)"**.  
 22       Page 19, after line 42, begin a new line block indented and insert:  
 23       **"(9) Any compound determined to be a synthetic drug by rule**  
 24 **adopted under IC 25-26-13-4.1."**  
 25       Page 29, line 6, after "is" insert ":"  
 26           **(i)**.  
 27       Page 29, line 9, after "hashish," insert "**or**".  
 28       Page 29, line 9, after "salvia" delete "," and insert ";".  
 29       Page 29, line 9, after "or" begin a new line triple block indented and  
 30 insert:  
 31           **"(ii) more that two (2) grams of"**.  
 32       Page 29, line 13, after "if" insert ":"  
 33           **(A)**.  
 34       Page 29, line 15, after "hashish," insert "**or**".  
 35       Page 29, line 15, strike "or a synthetic".  
 36       Page 29, line 15, delete "drug,".  
 37       Page 29, line 17, after "hashish," insert "**or**".  
 38       Page 29, line 17, after "salvia" delete "," and insert ":".  
 39       Page 29, line 17, strike "or a synthetic".  
 40       Page 29, line 17, delete "drug:".  
 41       Page 29, line 18, strike "(A)" and begin a new line triple block  
 42 indented and insert "**(i)**".  
 43       Page 29, line 19, strike "(B)" and begin a new line triple block  
 44 indented and insert "**(ii)**".  
 45       Page 29, line 19, delete ":".  
 46       Page 29, line 20, strike "(i)".**

- 1 Page 29, line 20, delete ";" and insert ",".  
2 Page 29, line 21, strike "(ii)".  
3 Page 29, line 21, delete ";" and insert ",".  
4 Page 29, line 22, strike "(iii)".  
5 Page 29, line 22, delete ";" and insert ",".  
6 Page 29, line 23, strike "(iv)".  
7 Page 29, line 23, delete "." and insert "; or".  
8 Run in lines 19 through 23.  
9 Page 29, between lines 23 and 24, begin a new line double block  
10 indented and insert:  
11 **"(B) the amount involved is more than two (2) grams of a**  
12 **synthetic drug and the person delivered or financed the**  
13 **delivery of the synthetic drug:**  
14 **(i) on a school bus; or**  
15 **(ii) in, on, or within one thousand (1,000) feet of school**  
16 **property, a public park, a family housing complex, or a**  
17 **youth program center."**  
18 Renumber all SECTIONS consecutively.  
(Reference is to HB 1196 as printed January 17, 2012.)

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Representative Smith M