

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WITHDRAWN	Noes _____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 [EFFECTIVE
- 5 UPON PASSAGE]: Sec. 37.1. (a) This section applies to a rulemaking
- 6 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
- 15 IC 22-8-1.1-16.1.
- 16 (4) An emergency rule adopted by the solid waste management
- 17 board under IC 13-22-2-3 and classifying a waste as hazardous.
- 18 (5) A rule, other than a rule described in subdivision (6), adopted
- 19 by the department of financial institutions under IC 24-4.5-6-107
- 20 and declared necessary to meet an emergency.
- 21 (6) A rule required under IC 24-4.5-1-106 that is adopted by the
- 22 department of financial institutions and declared necessary to
- 23 meet an emergency under IC 24-4.5-6-107.
- 24 (7) A rule adopted by the Indiana utility regulatory commission to

- 1 address an emergency under IC 8-1-2-113.
2 (8) An emergency rule adopted by the state lottery commission
3 under IC 4-30-3-9.
4 (9) A rule adopted under IC 16-19-3-5 or IC 16-41-2-1 that the
5 executive board of the state department of health declares is
6 necessary to meet an emergency.
7 (10) An emergency rule adopted by the Indiana finance authority
8 under IC 8-21-12.
9 (11) An emergency rule adopted by the insurance commissioner
10 under IC 27-1-23-7 or IC 27-1-12.1.
11 (12) An emergency rule adopted by the Indiana horse racing
12 commission under IC 4-31-3-9.
13 (13) An emergency rule adopted by the air pollution control
14 board, the solid waste management board, or the water pollution
15 control board under IC 13-15-4-10(4) or to comply with a
16 deadline required by or other date provided by federal law,
17 provided:
18 (A) the variance procedures are included in the rules; and
19 (B) permits or licenses granted during the period the
20 emergency rule is in effect are reviewed after the emergency
21 rule expires.
22 (14) An emergency rule adopted by the Indiana election
23 commission under IC 3-6-4.1-14.
24 (15) An emergency rule adopted by the department of natural
25 resources under IC 14-10-2-5.
26 (16) An emergency rule adopted by the Indiana gaming
27 commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3,
28 IC 4-33-4-14, IC 4-33-22-12, or IC 4-35-4-2.
29 (17) An emergency rule adopted by the alcohol and tobacco
30 commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or
31 IC 7.1-3-20-24.4.
32 (18) An emergency rule adopted by the department of financial
33 institutions under IC 28-15-11.
34 (19) An emergency rule adopted by the office of the secretary of
35 family and social services under IC 12-8-1-12.
36 (20) An emergency rule adopted by the office of the children's
37 health insurance program under IC 12-17.6-2-11.
38 (21) An emergency rule adopted by the office of Medicaid policy
39 and planning under IC 12-15-41-15.
40 (22) An emergency rule adopted by the Indiana state board of
41 animal health under IC 15-17-10-9.
42 (23) An emergency rule adopted by the board of directors of the
43 Indiana education savings authority under IC 21-9-4-7.
44 (24) An emergency rule adopted by the Indiana board of tax
45 review under IC 6-1.1-4-34 (repealed).
46 (25) An emergency rule adopted by the department of local

- 1 government finance under IC 6-1.1-4-33 (repealed).
 2 (26) An emergency rule adopted by the boiler and pressure vessel
 3 rules board under IC 22-13-2-8(c).
 4 (27) An emergency rule adopted by the Indiana board of tax
 5 review under IC 6-1.1-4-37(l) (repealed) or an emergency rule
 6 adopted by the department of local government finance under
 7 IC 6-1.1-4-36(j) (repealed) or IC 6-1.1-22.5-20.
 8 (28) An emergency rule adopted by the board of the Indiana
 9 economic development corporation under IC 5-28-5-8.
 10 (29) A rule adopted by the department of financial institutions
 11 under IC 34-55-10-2.5.
 12 (30) A rule adopted by the Indiana finance authority:
 13 (A) under IC 8-15.5-7 approving user fees (as defined in
 14 IC 8-15.5-2-10) provided for in a public-private agreement
 15 under IC 8-15.5;
 16 (B) under IC 8-15-2-17.2(a)(10):
 17 (i) establishing enforcement procedures; and
 18 (ii) making assessments for failure to pay required tolls;
 19 (C) under IC 8-15-2-14(a)(3) authorizing the use of and
 20 establishing procedures for the implementation of the
 21 collection of user fees by electronic or other nonmanual
 22 means; or
 23 (D) to make other changes to existing rules related to a toll
 24 road project to accommodate the provisions of a public-private
 25 agreement under IC 8-15.5.
 26 (31) An emergency rule adopted by the board of the Indiana
 27 health informatics corporation under IC 5-31-5-8.
 28 (32) An emergency rule adopted by the department of child
 29 services under IC 31-25-2-21, IC 31-27-2-4, IC 31-27-4-2, or
 30 IC 31-27-4-3.
 31 (33) An emergency rule adopted by the Indiana real estate
 32 commission under IC 25-34.1-2-5(15).
 33 (34) A rule adopted by the department of financial institutions
 34 under IC 24-4.4-1-101 and determined necessary to meet an
 35 emergency.
 36 (35) An emergency rule adopted by the state board of pharmacy
 37 regarding returning unused medication under IC 25-26-23.
 38 (36) An emergency rule adopted by the department of local
 39 government finance under IC 6-1.1-12.6 or IC 6-1.1-12.8.
 40 (37) An emergency rule adopted by the office of the secretary of
 41 family and social services or the office of Medicaid policy and
 42 planning concerning the following:
 43 (A) Federal Medicaid waiver program provisions.
 44 (B) Federal programs administered by the office of the
 45 secretary.
 46 **(38) An emergency rule adopted by the Indiana board of**

- 1 **pharmacy declaring a substance to be a synthetic drug under**
 2 **IC 25-26-13-4.1.**
- 3 (b) The following do not apply to rules described in subsection (a):
 4 (1) Sections 24 through 36 of this chapter.
 5 (2) IC 13-14-9.
- 6 (c) After a rule described in subsection (a) has been adopted by the
 7 agency, the agency shall submit the rule to the publisher for the
 8 assignment of a document control number. The agency shall submit the
 9 rule in the form required by section 20 of this chapter and with the
 10 documents required by section 21 of this chapter. The publisher shall
 11 determine the format of the rule and other documents to be submitted
 12 under this subsection.
- 13 (d) After the document control number has been assigned, the
 14 agency shall submit the rule to the publisher for filing. The agency
 15 shall submit the rule in the form required by section 20 of this chapter
 16 and with the documents required by section 21 of this chapter. The
 17 publisher shall determine the format of the rule and other documents
 18 to be submitted under this subsection.
- 19 (e) Subject to section 39 of this chapter, the publisher shall:
 20 (1) accept the rule for filing; and
 21 (2) electronically record the date and time that the rule is
 22 accepted.
- 23 (f) A rule described in subsection (a) takes effect on the latest of the
 24 following dates:
 25 (1) The effective date of the statute delegating authority to the
 26 agency to adopt the rule.
 27 (2) The date and time that the rule is accepted for filing under
 28 subsection (e).
 29 (3) The effective date stated by the adopting agency in the rule.
 30 (4) The date of compliance with every requirement established by
 31 law as a prerequisite to the adoption or effectiveness of the rule.
 32 **(5) The statutory effective date for an emergency rule set**
 33 **forth in the statute authorizing the agency to adopt emergency**
 34 **rules.**
- 35 (g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6,
 36 IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in
 37 subsections (j), (k), ~~and (l)~~, **and (n)**, a rule adopted under this section
 38 expires not later than ninety (90) days after the rule is accepted for
 39 filing under subsection (e). Except for a rule adopted under subsection
 40 (a)(13), (a)(24), (a)(25), or (a)(27), the rule may be extended by
 41 adopting another rule under this section, but only for one (1) extension
 42 period. The extension period for a rule adopted under subsection
 43 (a)(28) may not exceed the period for which the original rule was in
 44 effect. A rule adopted under subsection (a)(13) may be extended for
 45 two (2) extension periods. Subject to subsection (j), a rule adopted
 46 under subsection (a)(24), (a)(25), or (a)(27) may be extended for an

1 unlimited number of extension periods. Except for a rule adopted under
 2 subsection (a)(13), for a rule adopted under this section to be effective
 3 after one (1) extension period, the rule must be adopted under:

4 (1) sections 24 through 36 of this chapter; or

5 (2) IC 13-14-9;

6 as applicable.

7 (h) A rule described in subsection (a)(8), (a)(12), (a)(19), (a)(20),
 8 (a)(21), (a)(29), or (a)(37) expires on the earlier of the following dates:

9 (1) The expiration date stated by the adopting agency in the rule.

10 (2) The date that the rule is amended or repealed by a later rule
 11 adopted under sections 24 through 36 of this chapter or this
 12 section.

13 (i) This section may not be used to readopt a rule under IC 4-22-2.5.

14 (j) A rule described in subsection (a)(24) or (a)(25) expires not later
 15 than January 1, 2006.

16 (k) A rule described in subsection (a)(28) expires on the expiration
 17 date stated by the board of the Indiana economic development
 18 corporation in the rule.

19 (l) A rule described in subsection (a)(30) expires on the expiration
 20 date stated by the Indiana finance authority in the rule.

21 (m) A rule described in subsection (a)(5) or (a)(6) expires on the
 22 date the department is next required to issue a rule under the statute
 23 authorizing or requiring the rule.

24 **(n) A rule described in subsection (a)(38) expires on June 30 of**
 25 **the year following the year in which it is filed with the publisher**
 26 **under this section."**

27 Page 15, between lines 32 and 33, begin a new paragraph and insert:

28 "SECTION 8. IC 25-26-13-4.1 IS ADDED TO THE INDIANA
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
 30 [EFFECTIVE UPON PASSAGE]: **Sec. 4.1. (a) The board may adopt**
 31 **an emergency rule to declare that a substance is a synthetic drug.**

32 **(b) The board may adopt an emergency rule declaring a**
 33 **substance to be a synthetic drug if the board finds that the**
 34 **substance:**

35 **(1) has been scheduled or emergency scheduled by the United**
 36 **States Drug Enforcement Administration; or**

37 **(2) has been scheduled, emergency scheduled, or criminalized**
 38 **by another state.**

39 **(c) A rule adopted under this section becomes effective thirty**
 40 **(30) days after it is filed with the publisher under IC 4-22-2-37.1.**

41 **(d) A rule adopted under this section expires on June 30 of the**
 42 **year following the year in which it is filed with the publisher under**
 43 **IC 4-22-2-37.1.**

44 **(e) The board may readopt under this section an emergency rule**
 45 **that has expired.**

46 SECTION 9. IC 35-41-1-3.5 IS ADDED TO THE INDIANA CODE

- 1 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
2 UPON PASSAGE]: Sec. 3.5. "Analog", for purposes of section 26.3
3 of this chapter, means a new or novel chemical entity, independent
4 of synthetic route or natural origin, having substantially the same:
5 (1) carbon backbone structure; and
6 (2) pharmacological mechanism of action;
7 as a compound specifically defined as a synthetic drug in section
8 26.3 of this chapter."
- 9 Page 15, line 37, delete "analogue, congener," and insert "**analog of**
10 **the compound:**".
- 11 Page 15, delete lines 38 through 40.
- 12 Page 16, line 11, after "JWH-200" insert
13 "**((1-(2-morpholin-4-ylethyl)indol-3-yl)-**
14 **naphthalen-1-yl-methanone)**".
- 15 Page 16, delete lines 12 through 13.
- 16 Page 17, line 36, after "6-APB" insert
17 "**[6-(2-aminopropyl)benzofuran]**".
- 18 Page 17, line 38, after " α -PPP" insert
19 "**[\mathit{\alpha}-pyrrolidinopropiophenone]**".
- 20 Page 18, line 16, after "MDAI" insert
21 "**[5,6-methylenedioxy-2-aminoindane]**".
- 22 Page 18, line 21, delete "Pyrovalerone." and insert "**Methoxetamine**
23 **[2-(3-methoxyphenyl)-2-(ethylamino)- cyclohexanone]**".
- 24 Page 18, line 32, delete "3-(1-naphthoyl)173" and insert
25 "**3-(1-naphthoyl)**".
- 26 Page 19, after line 42, begin a new line block indented and insert:
27 "**(9) Any compound determined to be a synthetic drug by rule**
28 **adopted under IC 25-26-13-4.1.**"
- 29 Page 29, line 6, after "is" insert "
30 **(i)**".
- 31 Page 29, line 9, after "hashish," insert "**or**".
- 32 Page 29, line 9, after "salvia" delete ", or" and insert "; or
33 **(ii) more than two (2) grams of**".
- 34 Page 29, line 13, after "if" insert "
35 **(A)**".
- 36 Page 29, line 15, after "hashish," insert "**or**".
- 37 Page 29, line 15, strike "or a synthetic".
- 38 Page 29, line 15, delete "drug,".
- 39 Page 29, line 17, after "hashish," insert "**or**".
- 40 Page 29, line 17, after "salvia" delete "," and insert ":".
- 41 Page 29, line 17, strike "or a synthetic".
- 42 Page 29, line 17, delete "drug:".
- 43 Page 29, line 18, beginning with "(A)" begin a new line triple block
44 indented.
- 45 Page 29, line 18, strike "(A)" and insert "**(i)**".
- 46 Page 29, line 19, beginning with "(B)" begin a new line triple block

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

Representative Smith M