



January 17, 2012

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## HOUSE BILL No. 1196

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DIGEST OF HB 1196 (Updated January 13, 2012 2:47 pm - DI 69)

**Citations Affected:** IC 16-31; IC 20-28; IC 22-15; IC 25-1; IC 35-41; IC 35-48.

**Synopsis:** Synthetic drugs (including "bath salts"). Changes the term "synthetic cannabinoid" to "synthetic drug". Adds additional chemical compounds (including some compounds sold as "bath salts") to the definition of synthetic drugs and expands the definition of synthetic drugs to include certain chemical compounds that are structurally related to synthetic drugs.

**Effective:** Upon passage.

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**Smith M, Yarde, Davisson**

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January 9, 2012, read first time and referred to Committee on Courts and Criminal Code.  
January 17, 2012, amended, reported — Do Pass.

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HB 1196—LS 6907/DI 106+



January 17, 2012

Second Regular Session 117th General Assembly (2012)

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 2011 Regular Session of the General Assembly.

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## HOUSE BILL No. 1196

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 16-31-3-14, AS AMENDED BY P.L.182-2011,  
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: Sec. 14. (a) A person holding a certificate issued  
4 under this article must comply with the applicable standards and rules  
5 established under this article. A certificate holder is subject to  
6 disciplinary sanctions under subsection (b) if the department of  
7 homeland security determines that the certificate holder:  
8 (1) engaged in or knowingly cooperated in fraud or material  
9 deception in order to obtain a certificate, including cheating on a  
10 certification examination;  
11 (2) engaged in fraud or material deception in the course of  
12 professional services or activities;  
13 (3) advertised services or goods in a false or misleading manner;  
14 (4) falsified or knowingly allowed another person to falsify  
15 attendance records or certificates of completion of continuing  
16 education courses required under this article or rules adopted  
17 under this article;

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- 1 (5) is convicted of a crime, if the act that resulted in the  
 2 conviction has a direct bearing on determining if the certificate  
 3 holder should be entrusted to provide emergency medical  
 4 services;  
 5 (6) is convicted of violating IC 9-19-14.5;  
 6 (7) fails to comply and maintain compliance with or violates any  
 7 applicable provision, standard, or other requirement of this article  
 8 or rules adopted under this article;  
 9 (8) continues to practice if the certificate holder becomes unfit to  
 10 practice due to:  
 11 (A) professional incompetence that includes the undertaking  
 12 of professional activities that the certificate holder is not  
 13 qualified by training or experience to undertake;  
 14 (B) failure to keep abreast of current professional theory or  
 15 practice;  
 16 (C) physical or mental disability; or  
 17 (D) addiction to, abuse of, or dependency on alcohol or other  
 18 drugs that endanger the public by impairing the certificate  
 19 holder's ability to practice safely;  
 20 (9) engages in a course of lewd or immoral conduct in connection  
 21 with the delivery of services to the public;  
 22 (10) allows the certificate holder's name or a certificate issued  
 23 under this article to be used in connection with a person who  
 24 renders services beyond the scope of that person's training,  
 25 experience, or competence;  
 26 (11) is subjected to disciplinary action in another state or  
 27 jurisdiction on grounds similar to those contained in this chapter.  
 28 For purposes of this subdivision, a certified copy of a record of  
 29 disciplinary action constitutes prima facie evidence of a  
 30 disciplinary action in another jurisdiction;  
 31 (12) assists another person in committing an act that would  
 32 constitute a ground for disciplinary sanction under this chapter;  
 33 or  
 34 (13) allows a certificate issued by the commission to be:  
 35 (A) used by another person; or  
 36 (B) displayed to the public when the certificate is expired,  
 37 inactive, invalid, revoked, or suspended.  
 38 (b) The department of homeland security may issue an order under  
 39 IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if  
 40 the department of homeland security determines that a certificate  
 41 holder is subject to disciplinary sanctions under subsection (a):  
 42 (1) Revocation of a certificate holder's certificate for a period not

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- 1 to exceed seven (7) years.
- 2 (2) Suspension of a certificate holder's certificate for a period not
- 3 to exceed seven (7) years.
- 4 (3) Censure of a certificate holder.
- 5 (4) Issuance of a letter of reprimand.
- 6 (5) Assessment of a civil penalty against the certificate holder in
- 7 accordance with the following:
- 8 (A) The civil penalty may not exceed five hundred dollars
- 9 (\$500) per day per violation.
- 10 (B) If the certificate holder fails to pay the civil penalty within
- 11 the time specified by the department of homeland security, the
- 12 department of homeland security may suspend the certificate
- 13 holder's certificate without additional proceedings.
- 14 (6) Placement of a certificate holder on probation status and
- 15 requirement of the certificate holder to:
- 16 (A) report regularly to the department of homeland security
- 17 upon the matters that are the basis of probation;
- 18 (B) limit practice to those areas prescribed by the department
- 19 of homeland security;
- 20 (C) continue or renew professional education approved by the
- 21 department of homeland security until a satisfactory degree of
- 22 skill has been attained in those areas that are the basis of the
- 23 probation; or
- 24 (D) perform or refrain from performing any acts, including
- 25 community restitution or service without compensation, that
- 26 the department of homeland security considers appropriate to
- 27 the public interest or to the rehabilitation or treatment of the
- 28 certificate holder.
- 29 The department of homeland security may withdraw or modify
- 30 this probation if the department of homeland security finds after
- 31 a hearing that the deficiency that required disciplinary action is
- 32 remedied or that changed circumstances warrant a modification
- 33 of the order.
- 34 (c) If an applicant or a certificate holder has engaged in or
- 35 knowingly cooperated in fraud or material deception to obtain a
- 36 certificate, including cheating on the certification examination, the
- 37 department of homeland security may rescind the certificate if it has
- 38 been granted, void the examination or other fraudulent or deceptive
- 39 material, and prohibit the applicant from reapplying for the certificate
- 40 for a length of time established by the department of homeland
- 41 security.
- 42 (d) The department of homeland security may deny certification to

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1 an applicant who would be subject to disciplinary sanctions under  
 2 subsection (b) if that person were a certificate holder, has had  
 3 disciplinary action taken against the applicant or the applicant's  
 4 certificate to practice in another state or jurisdiction, or has practiced  
 5 without a certificate in violation of the law. A certified copy of the  
 6 record of disciplinary action is conclusive evidence of the other  
 7 jurisdiction's disciplinary action.

8 (e) The department of homeland security may order a certificate  
 9 holder to submit to a reasonable physical or mental examination if the  
 10 certificate holder's physical or mental capacity to practice safely and  
 11 competently is at issue in a disciplinary proceeding. Failure to comply  
 12 with a department of homeland security order to submit to a physical  
 13 or mental examination makes a certificate holder liable to temporary  
 14 suspension under subsection (i).

15 (f) Except as provided under subsection (a), subsection (g), and  
 16 section 14.5 of this chapter, a certificate may not be denied, revoked,  
 17 or suspended because the applicant or certificate holder has been  
 18 convicted of an offense. The acts from which the applicant's or  
 19 certificate holder's conviction resulted may be considered as to whether  
 20 the applicant or certificate holder should be entrusted to serve the  
 21 public in a specific capacity.

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

- 25 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- 26 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 27 (3) Possession of a controlled substance under IC 35-48-4-7(a).
- 28 (4) Fraudulently obtaining a controlled substance under  
 29 IC 35-48-4-7(b).
- 30 (5) Manufacture of paraphernalia as a Class D felony under  
 31 IC 35-48-4-8.1(b).
- 32 (6) Dealing in paraphernalia as a Class D felony under  
 33 IC 35-48-4-8.5(b).
- 34 (7) Possession of paraphernalia as a Class D felony under  
 35 IC 35-48-4-8.3(b).
- 36 (8) Possession of marijuana, hash oil, hashish, salvia, or a  
 37 synthetic ~~cannabinoid~~ **drug** as a Class D felony under  
 38 IC 35-48-4-11.
- 39 (9) Maintaining a common nuisance under IC 35-48-4-13.
- 40 (10) An offense relating to registration, labeling, and prescription  
 41 forms under IC 35-48-4-14.
- 42 (11) Conspiracy under IC 35-41-5-2 to commit an offense listed

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1 in subdivisions (1) through (10).

2 (12) Attempt under IC 35-41-5-1 to commit an offense listed in  
3 subdivisions (1) through (10).

4 (13) An offense in any other jurisdiction in which the elements of  
5 the offense for which the conviction was entered are substantially  
6 similar to the elements of an offense described by subdivisions (1)  
7 through (12).

8 (h) A decision of the department of homeland security under  
9 subsections (b) through (g) may be appealed to the commission under  
10 IC 4-21.5-3-7.

11 (i) The department of homeland security may temporarily suspend  
12 a certificate holder's certificate under IC 4-21.5-4 before a final  
13 adjudication or during the appeals process if the department of  
14 homeland security finds that a certificate holder would represent a clear  
15 and immediate danger to the public's health, safety, or property if the  
16 certificate holder were allowed to continue to practice.

17 (j) On receipt of a complaint or information alleging that a person  
18 certified under this chapter or IC 16-31-3.5 has engaged in or is  
19 engaging in a practice that is subject to disciplinary sanctions under  
20 this chapter, the department of homeland security must initiate an  
21 investigation against the person.

22 (k) The department of homeland security shall conduct a factfinding  
23 investigation as the department of homeland security considers proper  
24 in relation to the complaint.

25 (l) The department of homeland security may reinstate a certificate  
26 that has been suspended under this section if the department of  
27 homeland security is satisfied that the applicant is able to practice with  
28 reasonable skill, competency, and safety to the public. As a condition  
29 of reinstatement, the department of homeland security may impose  
30 disciplinary or corrective measures authorized under this chapter.

31 (m) The department of homeland security may not reinstate a  
32 certificate that has been revoked under this chapter.

33 (n) The department of homeland security must be consistent in the  
34 application of sanctions authorized in this chapter. Significant  
35 departures from prior decisions involving similar conduct must be  
36 explained in the department of homeland security's findings or orders.

37 (o) A certificate holder may not surrender the certificate holder's  
38 certificate without the written approval of the department of homeland  
39 security, and the department of homeland security may impose any  
40 conditions appropriate to the surrender or reinstatement of a  
41 surrendered certificate.

42 (p) For purposes of this section, "certificate holder" means a person

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1 who holds:

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

5 SECTION 2. IC 16-31-3-14.5, AS AMENDED BY P.L.182-2011,  
 6 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 UPON PASSAGE]: Sec. 14.5. The department of homeland security  
 8 may issue an order under IC 4-21.5-3-6 to deny an applicant's request  
 9 for certification or permanently revoke a certificate under procedures  
 10 provided by section 14 of this chapter if the individual who holds the  
 11 certificate issued under this title is convicted of any of the following:

- 12 (1) Dealing in or manufacturing cocaine or a narcotic drug under  
 13 IC 35-48-4-1.  
 14 (2) Dealing in methamphetamine under IC 35-48-4-1.1.  
 15 (3) Dealing in a schedule I, II, or III controlled substance under  
 16 IC 35-48-4-2.  
 17 (4) Dealing in a schedule IV controlled substance under  
 18 IC 35-48-4-3.  
 19 (5) Dealing in a schedule V controlled substance under  
 20 IC 35-48-4-4.  
 21 (6) Dealing in a substance represented to be a controlled  
 22 substance under IC 35-48-4-4.5.  
 23 (7) Knowingly or intentionally manufacturing, advertising,  
 24 distributing, or possessing with intent to manufacture, advertise,  
 25 or distribute a substance represented to be a controlled substance  
 26 under IC 35-48-4-4.6.  
 27 (8) Dealing in a counterfeit substance under IC 35-48-4-5.  
 28 (9) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic  
 29 **cannabinoid drug** under IC 35-48-4-10(b).  
 30 (10) Conspiracy under IC 35-41-5-2 to commit an offense listed  
 31 in subdivisions (1) through (9).  
 32 (11) Attempt under IC 35-41-5-1 to commit an offense listed in  
 33 subdivisions (1) through (9).  
 34 (12) A crime of violence (as defined in IC 35-50-1-2(a)).  
 35 (13) An offense in any other jurisdiction in which the elements of  
 36 the offense for which the conviction was entered are substantially  
 37 similar to the elements of an offense described under subdivisions  
 38 (1) through (12).

39 SECTION 3. IC 20-28-5-8, AS AMENDED BY P.L.155-2011,  
 40 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 41 UPON PASSAGE]: Sec. 8. (a) This section applies when a prosecuting  
 42 attorney knows that a licensed employee of a public school or a

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1 nonpublic school has been convicted of an offense listed in subsection  
 2 (c). The prosecuting attorney shall immediately give written notice of  
 3 the conviction to the following:

4 (1) The state superintendent.

5 (2) Except as provided in subdivision (3), the superintendent of  
 6 the school corporation that employs the licensed employee or the  
 7 equivalent authority if a nonpublic school employs the licensed  
 8 employee.

9 (3) The presiding officer of the governing body of the school  
 10 corporation that employs the licensed employee, if the convicted  
 11 licensed employee is the superintendent of the school corporation.

12 (b) The superintendent of a school corporation, presiding officer of  
 13 the governing body, or equivalent authority for a nonpublic school shall  
 14 immediately notify the state superintendent when the individual knows  
 15 that a current or former licensed employee of the public school or  
 16 nonpublic school has been convicted of an offense listed in subsection  
 17 (c), or when the governing body or equivalent authority for a nonpublic  
 18 school takes any final action in relation to an employee who engaged  
 19 in any offense listed in subsection (c).

20 (c) The department, after holding a hearing on the matter, shall  
 21 permanently revoke the license of a person who is known by the  
 22 department to have been convicted of any of the following felonies:

23 (1) Kidnapping (IC 35-42-3-2).

24 (2) Criminal confinement (IC 35-42-3-3).

25 (3) Rape (IC 35-42-4-1).

26 (4) Criminal deviate conduct (IC 35-42-4-2).

27 (5) Child molesting (IC 35-42-4-3).

28 (6) Child exploitation (IC 35-42-4-4(b)).

29 (7) Vicarious sexual gratification (IC 35-42-4-5).

30 (8) Child solicitation (IC 35-42-4-6).

31 (9) Child seduction (IC 35-42-4-7).

32 (10) Sexual misconduct with a minor (IC 35-42-4-9).

33 (11) Incest (IC 35-46-1-3).

34 (12) Dealing in or manufacturing cocaine or a narcotic drug  
 35 (IC 35-48-4-1).

36 (13) Dealing in methamphetamine (IC 35-48-4-1.1).

37 (14) Dealing in a schedule I, II, or III controlled substance  
 38 (IC 35-48-4-2).

39 (15) Dealing in a schedule IV controlled substance  
 40 (IC 35-48-4-3).

41 (16) Dealing in a schedule V controlled substance (IC 35-48-4-4).

42 (17) Dealing in a counterfeit substance (IC 35-48-4-5).

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- 1 (18) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic
- 2 ~~cannabinoid drug~~ (IC 35-48-4-10(b)).
- 3 (19) Possession of child pornography (IC 35-42-4-4(c)).
- 4 (20) Homicide (IC 35-42-1).
- 5 (21) Voluntary manslaughter (IC 35-42-1-3).
- 6 (22) Reckless homicide (IC 35-42-1-5).
- 7 (23) Battery as any of the following:
- 8 (A) A Class A felony (IC 35-42-2-1(a)(5)).
- 9 (B) A Class B felony (IC 35-42-2-1(a)(4)).
- 10 (C) A Class C felony (IC 35-42-2-1(a)(3)).
- 11 (24) Aggravated battery (IC 35-42-2-1.5).
- 12 (25) Robbery (IC 35-42-5-1).
- 13 (26) Carjacking (IC 35-42-5-2).
- 14 (27) Arson as a Class A felony or a Class B felony
- 15 (IC 35-43-1-1(a)).
- 16 (28) Burglary as a Class A felony or a Class B felony
- 17 (IC 35-43-2-1).
- 18 (29) Attempt under IC 35-41-5-1 to commit an offense listed in
- 19 subdivisions (1) through (28).
- 20 (30) Conspiracy under IC 35-41-5-2 to commit an offense listed
- 21 in subdivisions (1) through (28).
- 22 (d) The department, after holding a hearing on the matter, shall
- 23 permanently revoke the license of a person who is known by the
- 24 department to have been convicted of a federal offense or an offense in
- 25 another state that is comparable to a felony listed in subsection (c).
- 26 (e) A license may be suspended by the state superintendent as
- 27 specified in IC 20-28-7.5.
- 28 (f) The department shall develop a data base of information on
- 29 school corporation employees who have been reported to the
- 30 department under this section.
- 31 SECTION 4. IC 22-15-5-16, AS AMENDED BY P.L.182-2011,
- 32 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 33 UPON PASSAGE]: Sec. 16. (a) A practitioner shall comply with the
- 34 standards established under this licensing program. A practitioner is
- 35 subject to the exercise of the disciplinary sanctions under subsection
- 36 (b) if the department finds that a practitioner has:
- 37 (1) engaged in or knowingly cooperated in fraud or material
- 38 deception in order to obtain a license to practice, including
- 39 cheating on a licensing examination;
- 40 (2) engaged in fraud or material deception in the course of
- 41 professional services or activities;
- 42 (3) advertised services or goods in a false or misleading manner;

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- 1 (4) falsified or knowingly allowed another person to falsify
- 2 attendance records or certificates of completion of continuing
- 3 education courses provided under this chapter;
- 4 (5) been convicted of a crime that has a direct bearing on the
- 5 practitioner's ability to continue to practice competently;
- 6 (6) knowingly violated a state statute or rule or federal statute or
- 7 regulation regulating the profession for which the practitioner is
- 8 licensed;
- 9 (7) continued to practice although the practitioner has become
- 10 unfit to practice due to:
- 11 (A) professional incompetence;
- 12 (B) failure to keep abreast of current professional theory or
- 13 practice;
- 14 (C) physical or mental disability; or
- 15 (D) addiction to, abuse of, or severe dependency on alcohol or
- 16 other drugs that endanger the public by impairing a
- 17 practitioner's ability to practice safely;
- 18 (8) engaged in a course of lewd or immoral conduct in connection
- 19 with the delivery of services to the public;
- 20 (9) allowed the practitioner's name or a license issued under this
- 21 chapter to be used in connection with an individual or business
- 22 who renders services beyond the scope of that individual's or
- 23 business's training, experience, or competence;
- 24 (10) had disciplinary action taken against the practitioner or the
- 25 practitioner's license to practice in another state or jurisdiction on
- 26 grounds similar to those under this chapter;
- 27 (11) assisted another person in committing an act that would
- 28 constitute a ground for disciplinary sanction under this chapter;
- 29 or
- 30 (12) allowed a license issued by the department to be:
- 31 (A) used by another person; or
- 32 (B) displayed to the public when the license has expired, is
- 33 inactive, is invalid, or has been revoked or suspended.
- 34 For purposes of subdivision (10), a certified copy of a record of
- 35 disciplinary action constitutes prima facie evidence of a disciplinary
- 36 action in another jurisdiction.
- 37 (b) The department may impose one (1) or more of the following
- 38 sanctions if the department finds that a practitioner is subject to
- 39 disciplinary sanctions under subsection (a):
- 40 (1) Permanent revocation of a practitioner's license.
- 41 (2) Suspension of a practitioner's license.
- 42 (3) Censure of a practitioner.

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- 1 (4) Issuance of a letter of reprimand.
- 2 (5) Assess a civil penalty against the practitioner in accordance
- 3 with the following:
- 4 (A) The civil penalty may not be more than one thousand
- 5 dollars (\$1,000) for each violation listed in subsection (a),
- 6 except for a finding of incompetency due to a physical or
- 7 mental disability.
- 8 (B) When imposing a civil penalty, the department shall
- 9 consider a practitioner's ability to pay the amount assessed. If
- 10 the practitioner fails to pay the civil penalty within the time
- 11 specified by the department, the department may suspend the
- 12 practitioner's license without additional proceedings. However,
- 13 a suspension may not be imposed if the sole basis for the
- 14 suspension is the practitioner's inability to pay a civil penalty.
- 15 (6) Place a practitioner on probation status and require the
- 16 practitioner to:
- 17 (A) report regularly to the department upon the matters that
- 18 are the basis of probation;
- 19 (B) limit practice to those areas prescribed by the department;
- 20 (C) continue or renew professional education approved by the
- 21 department until a satisfactory degree of skill has been attained
- 22 in those areas that are the basis of the probation; or
- 23 (D) perform or refrain from performing any acts, including
- 24 community restitution or service without compensation, that
- 25 the department considers appropriate to the public interest or
- 26 to the rehabilitation or treatment of the practitioner.
- 27 The department may withdraw or modify this probation if the
- 28 department finds after a hearing that the deficiency that required
- 29 disciplinary action has been remedied or that changed
- 30 circumstances warrant a modification of the order.
- 31 (c) If an applicant or a practitioner has engaged in or knowingly
- 32 cooperated in fraud or material deception to obtain a license to
- 33 practice, including cheating on the licensing examination, the
- 34 department may rescind the license if it has been granted, void the
- 35 examination or other fraudulent or deceptive material, and prohibit the
- 36 applicant from reapplying for the license for a length of time
- 37 established by the department.
- 38 (d) The department may deny licensure to an applicant who has had
- 39 disciplinary action taken against the applicant or the applicant's license
- 40 to practice in another state or jurisdiction or who has practiced without
- 41 a license in violation of the law. A certified copy of the record of
- 42 disciplinary action is conclusive evidence of the other jurisdiction's

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- 1 disciplinary action.
- 2 (e) The department may order a practitioner to submit to a
- 3 reasonable physical or mental examination if the practitioner's physical
- 4 or mental capacity to practice safely and competently is at issue in a
- 5 disciplinary proceeding. Failure to comply with a department order to
- 6 submit to a physical or mental examination makes a practitioner liable
- 7 to temporary suspension under subsection (j).
- 8 (f) Except as provided under subsection (g) or (h), a license may not
- 9 be denied, revoked, or suspended because the applicant or holder has
- 10 been convicted of an offense. The acts from which the applicant's or
- 11 holder's conviction resulted may, however, be considered as to whether
- 12 the applicant or holder should be entrusted to serve the public in a
- 13 specific capacity.
- 14 (g) The department may deny, suspend, or revoke a license issued
- 15 under this chapter if the individual who holds the license is convicted
- 16 of any of the following:
  - 17 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
  - 18 (2) Possession of methamphetamine under IC 35-48-4-6.1.
  - 19 (3) Possession of a controlled substance under IC 35-48-4-7(a).
  - 20 (4) Fraudulently obtaining a controlled substance under
  - 21 IC 35-48-4-7(b).
  - 22 (5) Manufacture of paraphernalia as a Class D felony under
  - 23 IC 35-48-4-8.1(b).
  - 24 (6) Dealing in paraphernalia as a Class D felony under
  - 25 IC 35-48-4-8.5(b).
  - 26 (7) Possession of paraphernalia as a Class D felony under
  - 27 IC 35-48-4-8.3(b).
  - 28 (8) Possession of marijuana, hash oil, hashish, salvia, or a
  - 29 synthetic **cannabinoid drug** as a Class D felony under
  - 30 IC 35-48-4-11.
  - 31 (9) Maintaining a common nuisance under IC 35-48-4-13.
  - 32 (10) An offense relating to registration, labeling, and prescription
  - 33 forms under IC 35-48-4-14.
  - 34 (11) Conspiracy under IC 35-41-5-2 to commit an offense listed
  - 35 in subdivisions (1) through (10).
  - 36 (12) Attempt under IC 35-41-5-1 to commit an offense listed in
  - 37 subdivisions (1) through (10).
  - 38 (13) An offense in any other jurisdiction in which the elements of
  - 39 the offense for which the conviction was entered are substantially
  - 40 similar to the elements of an offense described in subdivisions (1)
  - 41 through (12).
  - 42 (h) The department shall deny, revoke, or suspend a license issued

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1 under this chapter if the individual who holds the license is convicted  
2 of any of the following:

- 3 (1) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.  
4 (2) Dealing in methamphetamine under IC 35-48-4-1.1.  
5 (3) Dealing in a schedule I, II, or III controlled substance under  
6 IC 35-48-4-2.  
7 (4) Dealing in a schedule IV controlled substance under  
8 IC 35-48-4-3.  
9 (5) Dealing in a schedule V controlled substance under  
10 IC 35-48-4-4.  
11 (6) Dealing in a substance represented to be a controlled  
12 substance under IC 35-48-4-4.5.  
13 (7) Knowingly or intentionally manufacturing, advertising,  
14 distributing, or possessing with intent to manufacture, advertise,  
15 or distribute a substance represented to be a controlled substance  
16 under IC 35-48-4-4.6.  
17 (8) Dealing in a counterfeit substance under IC 35-48-4-5.  
18 (9) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic  
19 **cannabinoid drug** under IC 35-48-4-10(b).  
20 (10) Conspiracy under IC 35-41-5-2 to commit an offense listed  
21 in subdivisions (1) through (9).  
22 (11) Attempt under IC 35-41-5-1 to commit an offense listed in  
23 subdivisions (1) through (9).  
24 (12) An offense in any other jurisdiction in which the elements of  
25 the offense for which the conviction was entered are substantially  
26 similar to the elements of an offense described in subdivisions (1)  
27 through (11).  
28 (13) A violation of any federal or state drug law or rule related to  
29 wholesale legend drug distributors licensed under IC 25-26-14.  
30 (i) A decision of the department under subsections (b) through (h)  
31 may be appealed to the commission under IC 4-21.5-3-7.  
32 (j) The department may temporarily suspend a practitioner's license  
33 under IC 4-21.5-4 before a final adjudication or during the appeals  
34 process if the department finds that a practitioner represents a clear and  
35 immediate danger to the public's health, safety, or property if the  
36 practitioner is allowed to continue to practice.  
37 (k) On receipt of a complaint or an information alleging that a  
38 person licensed under this chapter has engaged in or is engaging in a  
39 practice that jeopardizes the public health, safety, or welfare, the  
40 department shall initiate an investigation against the person.  
41 (l) Any complaint filed with the office of the attorney general  
42 alleging a violation of this licensing program shall be referred to the

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1 department for summary review and for its general information and any  
2 authorized action at the time of the filing.

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

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

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

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

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

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

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

40 SECTION 5. IC 25-1-1.1-2, AS AMENDED BY P.L.138-2011,  
41 SECTION 6, AND P.L.182-2011, SECTION 6, AND AS AMENDED  
42 BY P.L.155-2011, SECTION 6, IS CORRECTED AND AMENDED

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

- 10 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- 11 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 12 (3) Possession of a controlled substance under IC 35-48-4-7(a).
- 13 (4) Fraudulently obtaining a controlled substance under
- 14 IC 35-48-4-7(b).
- 15 (5) Manufacture of paraphernalia as a Class D felony under
- 16 IC 35-48-4-8.1(b).
- 17 (6) Dealing in paraphernalia as a Class D felony under
- 18 IC 35-48-4-8.5(b).
- 19 (7) Possession of paraphernalia as a Class D felony under
- 20 IC 35-48-4-8.3(b).
- 21 (8) Possession of marijuana, hash oil, ~~or~~ hashish, *salvia*, or a
- 22 *synthetic cannabinoid drug* as a Class D felony under
- 23 IC 35-48-4-11.
- 24 (9) Maintaining a common nuisance under IC 35-48-4-13.
- 25 (10) An offense relating to registration, labeling, and prescription
- 26 forms under IC 35-48-4-14.
- 27 (11) Conspiracy under IC 35-41-5-2 to commit an offense listed
- 28 in subdivisions (1) through (10).
- 29 (12) Attempt under IC 35-41-5-1 to commit an offense listed in
- 30 subdivisions (1) through (10).
- 31 ~~(13) An offense in any other jurisdiction in which the elements of~~
- 32 ~~the offense for which the conviction was entered are substantially~~
- 33 ~~similar to the elements of an offense described under subdivisions~~
- 34 ~~(1) through (12):~~
- 35 (13) *A sex crime under IC 35-42-4.*
- 36 (14) *A felony that reflects adversely on the individual's fitness to*
- 37 *hold a professional license.*
- 38 (15) *An offense in any other jurisdiction in which the elements of*
- 39 *the offense for which the conviction was entered are substantially*
- 40 *similar to the elements of an offense described in this section.*
- 41 SECTION 6. IC 25-1-1.1-3, AS AMENDED BY P.L.182-2011,
- 42 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 UPON PASSAGE]: Sec. 3. A board, a commission, or a committee  
 2 shall revoke or suspend a license or certificate issued under this title by  
 3 the board, the commission, or the committee if the individual who  
 4 holds the license or certificate is convicted of any of the following:

- 5 (1) Dealing in or manufacturing cocaine or a narcotic drug under  
 6 IC 35-48-4-1.
- 7 (2) Dealing in methamphetamine under IC 35-48-4-1.1.
- 8 (3) Dealing in a schedule I, II, or III controlled substance under  
 9 IC 35-48-4-2.
- 10 (4) Dealing in a schedule IV controlled substance under  
 11 IC 35-48-4-3.
- 12 (5) Dealing in a schedule V controlled substance under  
 13 IC 35-48-4-4.
- 14 (6) Dealing in a substance represented to be a controlled  
 15 substance under IC 35-48-4-4.5.
- 16 (7) Knowingly or intentionally manufacturing, advertising,  
 17 distributing, or possessing with intent to manufacture, advertise,  
 18 or distribute a substance represented to be a controlled substance  
 19 under IC 35-48-4-4.6.
- 20 (8) Dealing in a counterfeit substance under IC 35-48-4-5.
- 21 (9) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic  
 22 **cannabinoid drug** under IC 35-48-4-10(b).
- 23 (10) Conspiracy under IC 35-41-5-2 to commit an offense listed  
 24 in subdivisions (1) through (9).
- 25 (11) Attempt under IC 35-41-5-1 to commit an offense listed in  
 26 subdivisions (1) through (9).
- 27 (12) An offense in any other jurisdiction in which the elements of  
 28 the offense for which the conviction was entered are substantially  
 29 similar to the elements of an offense described under subdivisions  
 30 (1) through (11).
- 31 (13) A violation of any federal or state drug law or rule related to  
 32 wholesale legend drug distributors licensed under IC 25-26-14.

33 SECTION 7. IC 35-41-1-26.3, AS ADDED BY P.L.182-2011,  
 34 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 35 UPON PASSAGE]: Sec. 26.3. "Synthetic **cannabinoid**" **drug** means:  
 36 (1) a substance containing one (1) or more of the following  
 37 chemical compounds, **including an analogue, congener,**  
 38 **derivative, isomer, homologue, salt, salt of analogue, salt of**  
 39 **congener, salt of derivative, salt of isomer, and salt of or**  
 40 **homologue of the compound:**  
 41 (†) (A) JWH-015 ((2-Methyl-1-propyl-1H-  
 42 indol-3-yl)-1-naphthalenylmethanone).

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- 1           (2) **(B)** JWH-018 (1-pentyl-3-(1-naphthoyl)indole).  
 2           (3) **(C)** JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole).  
 3           (4) **(D)** JWH-073  
 4           (naphthalen-1-yl-(1-butyldol-3-yl)methanone).  
 5           (5) **(E)** JWH-081 (4-methoxynaphthalen-1-yl-  
 6           (1-pentylindol-3-yl)methanone).  
 7           (6) **(F)** JWH-122  
 8           (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).  
 9           (7) JWH-200 (1-(2-morpholin-4-ylethyl)indol-3-yl)-  
 10          naphthalen-1-ylmethanone).  
 11          **(G) JWH-200**  
 12          **((1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-ylm**  
 13          **ethanone).**  
 14          (8) **(H)** JWH-250  
 15          (1-pentyl-3-(2-methoxyphenylacetyl)indole).  
 16          (9) **(I)** JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole).  
 17          (10) **(J)** JWH-398  
 18          (1-pentyl-3-(4-chloro-1-naphthoyl)indole).  
 19          (11) **(K)** HU-210 ((6aR,10aR)-9-(Hydroxymethyl)-  
 20          6,6-dimethyl-3-(2-methyloctan-2-yl)-  
 21          6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol).  
 22          (12) **(L)** HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-  
 23          6,6-dimethyl-3-(2-methyloctan-2-yl)-  
 24          6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol).  
 25          (13) **(M)** HU-308 ([1R,2R,5R)-2-[2,6-dimethoxy-4-  
 26          (2-methyloctan-2-yl)phenyl]-  
 27          7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol).  
 28          (14) HU-331 ((3-hydroxy-2-[(1R,6R)-3-methyl-6-  
 29          (1-methylethenyl)-2-cyclohexen-1-yl]-5  
 30          -pentyl-2,5-cyclohexadiene-1,4-dione).  
 31          **(N) HU-331 (3-hydroxy-2-[(1R,6R)-3-methyl-6-**  
 32          **(1-methylethenyl)-2-cyclohexen-1-yl]-5**  
 33          **-pentyl-2,5-cyclohexadiene-1,4-dione).**  
 34          (15) **(O)** CP 55,940  
 35          (2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl)cyclohexyl]-  
 36          5-(2-methyloctan-2-yl)phenol).  
 37          (16) **(P)** CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]-5-  
 38          (2-methyloctan-2-yl)phenol) and its homologues, **or**  
 39          **2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)**  
 40          **phenol), where side chain n=5, and homologues where**  
 41          **side chain n=4,6, or 7.**  
 42          (17) **(Q)** WIN 55212-2

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- 1 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)  
 2 pyrrolo [1,2,3-de)- 1,4- benzoxazin-  
 3 6-yl]-1-naphthalenylmethanone).  
 4 (†8) **(R)** RCS-4 ((4-methoxyphenyl)  
 5 (1-pentyl-1H-indol-3-yl)methanone).  
 6 (†9) **(S)** RCS-8 (1-(1-(2-cyclohexylethyl)-1H-  
 7 indol-3-yl)-2-(2-methoxyphenyl)ethanone).  
 8 (‡0) **(T)** 4-Methylmethcathinone. Other name: mephedrone.  
 9 (‡1) **(U)** 3,4-Methylenedioxyethcathinone. Other name:  
 10 methylone.  
 11 (‡2) **(V)** Fluoromethcathinone.  
 12 (‡3) **(W)** 4-Methoxymethcathinone. Other name:  
 13 methedrone.  
 14 (‡4) **(X)** 4-Ethylmethcathinone (4-EMC).  
 15 (‡5) **(Y)** Methylenedioxypropylvalerone. Other name: MDPV.  
 16 **(Z)** **JWH-007, or**  
 17 **1-pentyl-2-methyl-3-(1-naphthoyl)indole.**  
 18 **(AA)** **JWH-098, or**  
 19 **1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole.**  
 20 **(BB)** **JWH-164, or**  
 21 **1-pentyl-3-(7-methoxy-1-naphthoyl)indole.**  
 22 **(CC)** **JWH-210, or**  
 23 **1-pentyl-3-(4-ethyl-1-naphthoyl)indole.**  
 24 **(DD)** **JWH-201, or**  
 25 **1-pentyl-3-(4-methoxyphenylacetyl)indole.**  
 26 **(EE)** **JWH-203, or**  
 27 **1-pentyl-3-(2-chlorophenylacetyl)indole.**  
 28 **(FF)** **AM-694, or**  
 29 **1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.**  
 30 **(GG)** **CP 50,556-1, or**  
 31 **[(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenyl**  
 32 **pentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthri**  
 33 **din-1-yl] acetate.**  
 34 **(HH)** **Dimethylheptylpyran, or DMHP.**  
 35 **(II)** **4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP.**  
 36 **(JJ)** **6-APB.**  
 37 **(LL)** **7-hydroxymitragynine.**  
 38 **(MM)**  **$\alpha$ -PPP.**  
 39 **(NN)**  **$\alpha$ -PVP (desmethylpyrovalerone).**  
 40 **(OO)** **AM-251.**  
 41 **(PP)** **AM-1241.**  
 42 **(QQ)** **AM-2201.**

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- 1 (RR) AM-2233.  
 2 (SS) Buphedrone.  
 3 (TT) Butylone.  
 4 (UU) CP-47,497-C7.  
 5 (VV) CP-47,497-C8.  
 6 (WW) Desoxypipradol.  
 7 (XX) Ethylone.  
 8 (YY) Eutylone.  
 9 (ZZ) Flephedrone.  
 10 (AAA) JWH-011.  
 11 (BBB) JWH-020.  
 12 (CCC) JWH-022.  
 13 (DDD) JWH-030.  
 14 (EEE) JWH-182.  
 15 (FFF) JWH-302.  
 16 (GGG) MDAI.  
 17 (HHH) Mitragynine.  
 18 (III) Naphyrone.  
 19 (JJJ) Pentedrone.  
 20 (LLL) Pentylone.  
 21 (MMM) Pyrovalerone.  
 22 (2) Any compound structurally derived from  
 23 3-(1-naphthoyl)indole or  
 24 1H-indol-3-yl-(1-naphthyl)methane by substitution at the  
 25 nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl,  
 26 cycloalkylmethyl, cycloalkylethyl,  
 27 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl  
 28 group, whether or not further substituted in the indole ring  
 29 to any extent and whether or not substituted in the  
 30 naphthyl ring to any extent.  
 31 (3) Any compound structurally derived from  
 32 3-(1-naphthoyl)pyrrole by substitution at the nitrogen  
 33 atom of the pyrrole ring by alkyl, haloalkyl, alkenyl,  
 34 cycloalkylmethyl, cycloalkylethyl,  
 35 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl  
 36 group, whether or not further substituted in the pyrrole  
 37 ring to any extent and whether or not substituted in the  
 38 naphthyl ring to any extent.  
 39 (4) Any compound structurally derived from  
 40 1-(1-naphthylmethyl)indene by substitution at the  
 41 3-position of the indene ring by alkyl, haloalkyl, alkenyl,  
 42 cycloalkylmethyl, cycloalkylethyl,

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- 1 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl  
2 group, whether or not further substituted in the indene ring  
3 to any extent and whether or not substituted in the  
4 naphthyl ring to any extent.
- 5 (5) Any compound structurally derived from  
6 3-phenylacetylindole by substitution at the nitrogen atom of  
7 the indole ring with alkyl, haloalkyl, alkenyl,  
8 cycloalkylmethyl, cycloalkylethyl,  
9 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl  
10 group, whether or not further substituted in the indole ring  
11 to any extent and whether or not substituted in the phenyl  
12 ring to any extent.
- 13 (6) Any compound structurally derived from  
14 2-(3-hydroxycyclohexyl)phenol by substitution at the  
15 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl,  
16 cycloalkylmethyl, cycloalkylethyl,  
17 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl  
18 group, whether or not substituted in the cyclohexyl ring to  
19 any extent.
- 20 (7) Any compound containing a 3-(benzoyl)indole structure  
21 with substitution at the nitrogen atom of the indole ring by  
22 alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,  
23 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl  
24 group, whether or not further substituted in the indole ring  
25 to any extent and whether or not substituted in the phenyl  
26 ring to any extent.
- 27 (8) Any compound, except bupropion or a compound listed  
28 under a different schedule, structurally derived from  
29 2-aminopropan-1-one by substitution at the 1-position with  
30 either phenyl, naphthyl, or thiophene ring systems, whether  
31 or not the compound is further modified:
- 32 (A) by substitution in the ring system to any extent with  
33 alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or  
34 halide substituents, whether or not further substituted in  
35 the ring system by one or more other univalent  
36 substituents;
- 37 (B) by substitution at the 3-position with an acyclic alkyl  
38 substituent;
- 39 (C) by substitution at the 2-amino nitrogen atom with  
40 alkyl, dialkyl, benzyl, or methoxybenzyl groups; or  
41 (D) by inclusion of the 2-amino nitrogen atom in a cyclic  
42 structure.

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1 SECTION 8. IC 35-48-2-4, AS AMENDED BY P.L.182-2011,  
 2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 UPON PASSAGE]: Sec. 4. (a) The controlled substances listed in this  
 4 section are included in schedule I.

5 (b) Opiates. Any of the following opiates, including their isomers,  
 6 esters, ethers, salts, and salts of isomers, esters, and ethers, unless  
 7 specifically excepted by rule of the board or unless listed in another  
 8 schedule, whenever the existence of these isomers, esters, ethers, and  
 9 salts is possible within the specific chemical designation:

10 Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-  
 11 piperidinyl]-N-phenylacetamide) (9815)  
 12 Acetylmethadol (9601)  
 13 Allylprodine (9602)  
 14 Alpha-methylthiofentanyl (N-[1-methyl-2-(2-  
 15 thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide) (9832)  
 16 Alphacetylmethadol (9603)  
 17 Alphameprodine (9604)  
 18 Alphamethadol (9605)  
 19 Alphamethylfentanyl (9814)  
 20 Benzethidine (9606)  
 21 Beta-hydroxy-3-methylfentanyl (9831). Other name:  
 22 N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl  
 23 ]-N-phenylpropanamide  
 24 Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-  
 25 phenethyl)-4-piperidinyl]-N-phenylpropanamide) (9830)  
 26 Betacetylmethadol (9607)  
 27 Betameprodine (9608)  
 28 Betamethadol (9609)  
 29 Betaprodine (9611)  
 30 Clonitazene (9612)  
 31 Dextromoramide (9613)  
 32 Diampromide (9615)  
 33 Diethylthiambutene (9616)  
 34 Difenoxin (9168)  
 35 Dimenoxadol (9617)  
 36 Dimepheptanol (9618)  
 37 Dimethylthiambutene (9619)  
 38 Dioxaphetyl butyrate (9621)  
 39 Dipipanone (9622)  
 40 Ethylmethylthiambutene (9623)  
 41 Etonitazene (9624)  
 42 Etoxidine (9625)

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- 1 Furethidine (9626)  
 2 Hydroxypethidine (9627)  
 3 Ketobemidone (9628)  
 4 Levomoramide (9629)  
 5 Levophenacymorphan (9631)  
 6 3-Methylfentanyl [N-[3-methyl-1-(2-phenylethyl)-4-  
 7 piperidyl]-N-phenyl-propanamide](9813)  
 8 3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-  
 9 piperidinyl]-N-phenylpropanamide) (9833)  
 10 MPPP (1-methyl-4-phenyl-4-propionoxypiperidine) (9961)  
 11 Morpheridine (9632)  
 12 N-[1-benzyl-4-piperidyl]-N-phenylpropanamide  
 13 (benzylfentanyl), including any isomers, salts, or salts of  
 14 isomers (9818)  
 15 N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide  
 16 (thenylfentanyl), including any isomers, salts, or salts of  
 17 isomers (9834)  
 18 Noracymethadol (9633)  
 19 Norlevorphanol (9634)  
 20 Normethadone (9635)  
 21 Norpipanone (9636)  
 22 Para-fluorofentanyl (N-(4-fluorophenyl)-N-  
 23 [1-(2-phenethyl)-4-piperidinyl] propanamide (9812)  
 24 Phenadoxone (9637)  
 25 Phenampromide (9638)  
 26 Phenomorphan (9647)  
 27 Phenoperidine (9641)  
 28 PEPAP [1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine] (9663)  
 29 Piritramide (9642)  
 30 Proheptazine (9643)  
 31 Properidine (9644)  
 32 Propiram (9649)  
 33 Racemoramide (9645)  
 34 Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-  
 35 piperidinyl]-propanamide) (9835)  
 36 Tilidine (9750)  
 37 Trimeperidine (9646)  
 38 (c) Opium derivatives. Any of the following opium derivatives, their  
 39 salts, isomers, and salts of isomers, unless specifically excepted by rule  
 40 of the board or unless listed in another schedule, whenever the  
 41 existence of these salts, isomers, and salts of isomers is possible within  
 42 the specific chemical designation:

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- 1 Acetorphine (9319)  
 2 Acetyldihydrocodeine (9051)  
 3 Benzylmorphine (9052)  
 4 Codeine methylbromide (9070)  
 5 Codeine-N-Oxide (9053)  
 6 Cyprenorphine (9054)  
 7 Desomorphine (9055)  
 8 Dihydromorphine (9145)  
 9 Drotebanol (9335)  
 10 Etorphine (except hydrochloride salt) (9056)  
 11 Heroin (9200)  
 12 Hydromorphanol (9301)  
 13 Methyldesorphine (9302)  
 14 Methyldihydromorphine (9304)  
 15 Morphine methylbromide (9305)  
 16 Morphine methylsulfonate (9306)  
 17 Morphine-N-Oxide (9307)  
 18 Myrophine (9308)  
 19 Nicocodeine (9309)  
 20 Nicomorphine (9312)  
 21 Normorphine (9313)  
 22 Pholcodine (9314)  
 23 Thebacon (9315)  
 24 (d) Hallucinogenic substances. Any material, compound, mixture,  
 25 or preparation which contains any quantity of the following  
 26 hallucinogenic, psychedelic, or psychogenic substances, their salts,  
 27 isomers, and salts of isomers, unless specifically excepted by rule of  
 28 the board or unless listed in another schedule, whenever the existence  
 29 of these salts, isomers, and salts of isomers is possible within the  
 30 specific chemical designation:  
 31 (1) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (7473). Other name:  
 32 TCPy.  
 33 (2) 4-Bromo-2, 5-Dimethoxyamphetamine (7391). Some trade  
 34 or other names: 4-Bromo-2,  
 35 5-Dimethoxy- $\alpha$ -methylphenethylamine; 4-Bromo-2, 5-DMA.  
 36 (3) 4-Bromo-2, 5-dimethoxyphenethylamine (7392). Some trade  
 37 or other names:  
 38 2-[4-bromo-2,5-dimethoxyphenyl]-1-aminoethane;  
 39  $\alpha$ -desmethyl DOB; 2C-B, Nexus.  
 40 (4) 2, 5-Dimethoxy-4-ethylamphet-amine (7399). Other name:  
 41 DOET.  
 42 (5) 2, 5-Dimethoxy-4-(n)-propylthiophenethylamine (7348).

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- 1 Other name: 2C-T-7.  
 2 (6) 2, 5-Dimethoxyamphetamine (7396). Some trade or other  
 3 names: 2, 5-Dimethoxy-a-methylphenethylamine; 2, 5-DMA.  
 4 (7) 4-Methoxyamphetamine (7411). Some trade or other  
 5 names: 4-Methoxy-a-methylphenethylamine;  
 6 Paramethoxyamphetamine; PMA.  
 7 (8) 5-Methoxy-3, 4-methylenedioxy amphetamine (7401).  
 8 Other Name: MMDA.  
 9 (9) 5-Methoxy-N, N-diisopropyltryptamine, including any  
 10 isomers, salts, or salts of isomers (7439). Other name:  
 11 5-MeO-DIPT.  
 12 (10) 4-methyl-2, 5-dimethoxyamphetamine (7395). Some trade  
 13 and other names: 4-methyl-2,  
 14 5-dimethoxy-a-methylphenethylamine; DOM; and STP.  
 15 (11) 3, 4-methylenedioxy amphetamine (7400). Other name:  
 16 MDA.  
 17 (12) 3,4-methylenedioxy-N-ethylamphetamine (7404). Other  
 18 names: N-ethyl-alpha-methyl-3,4(methylenedioxy)  
 19 phenethylamine; N-ethyl MDA; MDE; and MDEA.  
 20 (13) 3, 4-methylenedioxymethamphetamine (MDMA) (7405).  
 21 (14) 3, 4, 5-trimethoxy amphetamine (7390). Other name:  
 22 TMA.  
 23 (15) Alpha-ethyltryptamine (7249). Some trade and other  
 24 names: Etryptamine; Monase;  
 25 [alpha]-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl)  
 26 indole; [alpha]-ET; and AET.  
 27 (16) Alpha-methyltryptamine (7432). Other name: AMT.  
 28 (17) Bufotenine (7433). Some trade and other names:  
 29 3-(B-Dimethylaminoethyl)-5-hydroxyindole;  
 30 3-(2-dimethylaminonethyl)-5-indolol; N, N-dimethylserotonin;  
 31 5-hydroxy-N, N-dimethyltryptamine; mappine.  
 32 (18) Diethyltryptamine (7434). Some trade or other names: N,  
 33 N-Diethyltryptamine; DET.  
 34 (19) Dimethyltryptamine (7435). Some trade or other names:  
 35 DMT.  
 36 (20) Ibogaine (7260). Some trade and other names: 7-Ethyl-6,  
 37 6b, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6,  
 38 9-methano-5H-pyrido (1', 2': 1, 2, azepino 4, 5-b) indole;  
 39 tabernanthe iboga.  
 40 (21) Lysergic acid diethylamide (7315). Other name: LSD.  
 41 (22) Marijuana (7360).  
 42 (23) Mescaline (7381).

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- 1 (24) Parahexyl (7374). Some trade or other names:  
 2 3-Hexyl-1-hydroxy-7, 8, 9, 10-Tetrahydro-6, 6,  
 3 9-trimethyl-6H-dibenzo (b,d) pyran; Snyhexyl.  
 4 (25) Peyote (7415), including:  
 5 (A) all parts of the plant that are classified botanically as  
 6 *lophophora williamsii lemaire*, whether growing or not;  
 7 (B) the seeds thereof;  
 8 (C) any extract from any part of the plant; and  
 9 (D) every compound, manufacture, salt, derivative, mixture,  
 10 or preparation of the plant, its seeds, or extracts.  
 11 (26) N-ethyl-3-piperidyl benzilate (7482). Other name: DMZ.  
 12 (27) N-hydroxy-3,4-methylenedioxyamphetamine (7402).  
 13 Other names: N-hydroxy-alpha-methyl-3,4  
 14 (methylenedioxy)phenethylamine; and N-hydroxy MDA.  
 15 (28) N-methyl-3-piperidyl benzilate (7484). Other name: LBJ.  
 16 (29) Psilocybin (7437).  
 17 (30) Psilocyn (7438).  
 18 (31) Tetrahydrocannabinols (7370), including synthetic  
 19 equivalents of the substances contained in the plant, or in the  
 20 resinous extractives of *Cannabis*, sp. and synthetic substances,  
 21 derivatives, and their isomers with similar chemical structure  
 22 and pharmacological activity such as:  
 23 (A)  $\pi^1$  cis or trans tetrahydrocannabinol, and their optical  
 24 isomers;  
 25 (B)  $\pi^6$  cis or trans tetrahydrocannabinol, and their optical  
 26 isomers; and  
 27 (C)  $\pi^3_4$  cis or trans tetrahydrocannabinol, and their optical  
 28 isomers.  
 29 Since nomenclature of these substances is not internationally  
 30 standardized, compounds of these structures, regardless of  
 31 numerical designation of atomic positions are covered. Other  
 32 name: THC.  
 33 (32) Ethylamine analog of phencyclidine (7455). Some trade or  
 34 other names: N-Ethyl-1-phenylcyclohexylamine;  
 35 (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl)  
 36 ethylamine; cyclohexamine; PCE.  
 37 (33) Pyrrolidine analog of phencyclidine (7458). Some trade or  
 38 other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCP<sub>y</sub>; PHP.  
 39 (34) Thiophene analog of phencyclidine (7470). Some trade or  
 40 other names: 1-(1-(2-thienyl) cyclohexyl) piperidine; 2-Thienyl  
 41 Analog of Phencyclidine; TPCP.  
 42 (35) Synthetic **cannabinoids drugs (as defined in**

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- 1 **IC 35-41-1-26.3).**  
 2 including a substance containing one (1) or more of the  
 3 following chemical compounds:  
 4 (A) JWH-015 ((2-Methyl-1-propyl-1H-  
 5 indol-3-yl)-1-naphthalenylmethanone).  
 6 (B) JWH-018 (1-pentyl-3-(1-naphthoyl)indole).  
 7 (C) JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole).  
 8 (D) JWH-073 (naphthalen-1-yl-  
 9 (1-butylindol-3-yl)methanone).  
 10 (E) JWH-081 (4-methoxynaphthalen-1-yl- (1-pentylindol-  
 11 3-yl)methanone).  
 12 (F) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).  
 13 (G) JWH-200 (1-(2-morpholin-4-ylethyl)indol-3-yl)-  
 14 naphthalen-1-ylmethanone).  
 15 (H) JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole).  
 16 (I) JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole).  
 17 (J) JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).  
 18 (K) HU-210 ((6aR,10aR)-9-(Hydroxymethyl)-  
 19 6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-  
 20 tetrahydrobenzo [c]chromen-1-ol).  
 21 (L) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-  
 22 3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo  
 23 [c]chromen-1-ol).  
 24 (M) HU-308 ((1R,2R,5R)-2-[2,6-dimethoxy-4-  
 25 (2-methyloctan-2-yl)phenyl]-  
 26 7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol).  
 27 (N) HU-331 ((3-hydroxy-2-[(1R,6R)-3-methyl-6-  
 28 (1-methylethenyl)-2-cyclohexen-1-yl]-5-  
 29 -pentyl-2,5-cyclohexadiene-1,4-dione).  
 30 (O) CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-  
 31 2-(3-hydroxypropyl) cyclohexyl]-5-  
 32 (2-methyloctan-2-yl)phenol).  
 33 (P) CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]-5-  
 34 (2-methyloctan-2-yl)phenol) and its homologues.  
 35 (Q) WIN 55212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-  
 36 (4-morpholinylmethyl) pyrrolo [1,2,3-de]-1,4-benzoxazin-  
 37 6-yl]-1-naphthalenylmethanone).  
 38 (R) RCS-4 ((4-methoxyphenyl)  
 39 (1-pentyl-1H-indol-3-yl)methanone).  
 40 (S) RCS-8 (1-(1-(2-cyclohexylethyl)-  
 41 1H-indol-3-yl)-2-(2-methoxyphenyl)ethanone).  
 42 (T) 4-Methylmethcathinone. Other name: mephedrone.

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- 1            (U) 3,4-Methylenedioxyamphetaminone. Other name:  
2            methylone.  
3            (V) Fluoromethcathinone.  
4            (W) 4-Methoxyamphetaminone. Other name: methedrone.  
5            (X) 4-Ethylamphetaminone. Other name: 4-EMC.  
6            (Y) Methylenedioxypropionone. Other name: MDPV.  
7            (36) Salvia divinorum or salvinorin A, including:  
8            (A) all parts of the plant that are classified botanically as salvia  
9            divinorum, whether growing or not;  
10           (B) the seeds of the plant;  
11           (C) any extract from any part of the plant; and  
12           (D) every compound, manufacture, salt, derivative, mixture, or  
13           preparation of the plant, its seeds, or extracts.  
14           (e) Depressants. Unless specifically excepted in a rule adopted by  
15           the board or unless listed in another schedule, any material, compound,  
16           mixture, or preparation which contains any quantity of the following  
17           substances having a depressant effect on the central nervous system,  
18           including its salts, isomers, and salts of isomers whenever the existence  
19           of such salts, isomers, and salts of isomers is possible within the  
20           specific chemical designation:  
21            Gamma-hydroxybutyric acid (other names include GHB;  
22            gamma-hydroxybutyrate; 4-hydroxybutanoic acid; sodium  
23            oxybate; sodium oxybutyrate) (2010)  
24            Mecloqualone (2572)  
25            Methaqualone (2565)  
26           (f) Stimulants. Unless specifically excepted or unless listed in  
27           another schedule, any material, compound, mixture, or preparation that  
28           contains any quantity of the following substances having a stimulant  
29           effect on the central nervous system, including its salts, isomers, and  
30           salts of isomers:  
31            ([+/-]) cis-4-methylaminorex (([+/-])cis-4,5-  
32            dihydro-4-methyl-5-phenyl-2-oxazolamine) (1590)  
33            Aminorex (1585). Other names: aminoxaphen;  
34            2-amino-5-phenyl-2-oxazoline; or  
35            4,5-dihydro-5-phenyl-2-oxazolamine.  
36            Cathinone (1235). Some trade or other names:  
37            2-amino-1-phenyl-1-propanone; alpha-aminopropiophenone;  
38            2-aminopropiophenone; and norephedrone.  
39            Fenethylamine (1503).  
40            N-Benzylpiperazine (7493). Other names: BZP; and  
41            1-benzylpiperazine.  
42            N-ethylamphetamine (1475)



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- 1 Methcathinone (1237) Some other trade names:  
 2 2-Methylamino-1-Phenylpropan-1-one; Ephedrone;  
 3 Monomethylpropion; UR 1431.  
 4 N, N-dimethylamphetamine (1480). Other names: N,  
 5 N-alpha-trimethyl-benzeneethanamine; and N,  
 6 N-alpha-trimethylphenethylamine.
- 7 SECTION 9. IC 35-48-4-8.5, AS AMENDED BY P.L.182-2011,  
 8 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 UPON PASSAGE]: Sec. 8.5. (a) A person who keeps for sale, offers  
 10 for sale, delivers, or finances the delivery of a raw material, an  
 11 instrument, a device, or other object that is intended to be or that is  
 12 designed or marketed to be used primarily for:
- 13 (1) ingesting, inhaling, or otherwise introducing into the human  
 14 body marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid~~  
 15 **drug**, or a controlled substance;
  - 16 (2) testing the strength, effectiveness, or purity of marijuana, hash  
 17 oil, hashish, salvia, a synthetic ~~cannabinoid~~, **drug**, or a controlled  
 18 substance;
  - 19 (3) enhancing the effect of a controlled substance;
  - 20 (4) manufacturing, compounding, converting, producing,  
 21 processing, or preparing marijuana, hash oil, hashish, salvia, a  
 22 synthetic ~~cannabinoid~~, **drug**, or a controlled substance;
  - 23 (5) diluting or adulterating marijuana, hash oil, hashish, salvia, a  
 24 synthetic ~~cannabinoid~~, **drug**, or a controlled substance by  
 25 individuals; or
  - 26 (6) any purpose announced or described by the seller that is in  
 27 violation of this chapter;
- 28 commits a Class A infraction for dealing in paraphernalia.
- 29 (b) A person who knowingly or intentionally violates subsection (a)  
 30 commits a Class A misdemeanor. However, the offense is a Class D  
 31 felony if the person has a prior unrelated judgment or conviction under  
 32 this section.
- 33 (c) A person who recklessly keeps for sale, offers for sale, or  
 34 delivers an instrument, a device, or other object that is to be used  
 35 primarily for:
- 36 (1) ingesting, inhaling, or otherwise introducing into the human  
 37 body marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid~~  
 38 **drug**, or a controlled substance;
  - 39 (2) testing the strength, effectiveness, or purity of marijuana, hash  
 40 oil, hashish, salvia, a synthetic ~~cannabinoid~~, **drug**, or a controlled  
 41 substance;
  - 42 (3) enhancing the effect of a controlled substance;

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1 (4) manufacturing, compounding, converting, producing,  
 2 processing, or preparing marijuana, hash oil, hashish, salvia, a  
 3 synthetic ~~cannabinoid~~; **drug**, or a controlled substance;  
 4 (5) diluting or adulterating marijuana, hash oil, hashish, salvia, a  
 5 synthetic ~~cannabinoid~~; **drug**, or a controlled substance by  
 6 individuals; or  
 7 (6) any purpose announced or described by the seller that is in  
 8 violation of this chapter;  
 9 commits reckless dealing in paraphernalia, a Class B misdemeanor.  
 10 However, the offense is a Class D felony if the person has a previous  
 11 judgment or conviction under this section.

12 (d) This section does not apply to the following:  
 13 (1) Items marketed for use in the preparation, compounding,  
 14 packaging, labeling, or other use of marijuana, hash oil, hashish,  
 15 salvia, a synthetic ~~cannabinoid~~; **drug**, or a controlled substance as  
 16 an incident to lawful research, teaching, or chemical analysis and  
 17 not for sale.  
 18 (2) Items marketed for or historically and customarily used in  
 19 connection with the planting, propagating, cultivating, growing,  
 20 harvesting, manufacturing, compounding, converting, producing,  
 21 processing, preparing, testing, analyzing, packaging, repackaging,  
 22 storing, containing, concealing, injecting, ingesting, or inhaling  
 23 of tobacco or any other lawful substance.

24 SECTION 9. IC 35-48-4-10, AS AMENDED BY P.L.182-2011,  
 25 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 UPON PASSAGE]: Sec. 10. (a) A person who:

27 (1) knowingly or intentionally:  
 28 (A) manufactures;  
 29 (B) finances the manufacture of;  
 30 (C) delivers; or  
 31 (D) finances the delivery of;  
 32 marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid~~;  
 33 **drug**, pure or adulterated; or  
 34 (2) possesses, with intent to:  
 35 (A) manufacture;  
 36 (B) finance the manufacture of;  
 37 (C) deliver; or  
 38 (D) finance the delivery of;  
 39 marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid~~;  
 40 **drug**, pure or adulterated;  
 41 commits dealing in marijuana, hash oil, hashish, salvia, or a synthetic  
 42 ~~cannabinoid~~; **drug**, a Class A misdemeanor, except as provided in

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- 1 subsection (b).
- 2 (b) The offense is:
- 3 (1) a Class D felony if:
- 4 (A) the recipient or intended recipient is under eighteen (18)
- 5 years of age;
- 6 (B) the amount involved is more than thirty (30) grams but
- 7 less than ten (10) pounds of marijuana or more than two (2)
- 8 grams but less than three hundred (300) grams of hash oil,
- 9 hashish, salvia, or a synthetic ~~cannabinoid~~; **drug**; or
- 10 (C) the person has a prior conviction of an offense involving
- 11 marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid~~;
- 12 **drug**; and
- 13 (2) a Class C felony if the amount involved is ten (10) pounds or
- 14 more of marijuana or three hundred (300) or more grams of hash
- 15 oil, hashish, salvia, or a synthetic ~~cannabinoid~~; **drug**, or the
- 16 person delivered or financed the delivery of marijuana, hash oil,
- 17 hashish, salvia, or a synthetic ~~cannabinoid~~; **drug**:
- 18 (A) on a school bus; or
- 19 (B) in, on, or within one thousand (1,000) feet of:
- 20 (i) school property;
- 21 (ii) a public park;
- 22 (iii) a family housing complex; or
- 23 (iv) a youth program center.

24 SECTION 10. IC 35-48-4-11, AS AMENDED BY P.L.138-2011,  
 25 SECTION 17, AND AS AMENDED BY P.L.182-2011, SECTION 17,  
 26 IS CORRECTED AND AMENDED TO READ AS FOLLOWS  
 27 [EFFECTIVE UPON PASSAGE]: Sec. 11. A person who:

- 28 (1) knowingly or intentionally possesses (pure or adulterated)
- 29 marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid~~;
- 30 **drug**;
- 31 (2) knowingly or intentionally grows or cultivates marijuana; or
- 32 (3) knowing that marijuana is growing on the person's premises,
- 33 fails to destroy the marijuana plants;
- 34 commits possession of marijuana, hash oil, hashish, salvia, or a
- 35 synthetic ~~cannabinoid~~; **drug**, a Class A misdemeanor. However, the
- 36 offense is a Class D felony (~~if~~) if the amount involved is more than
- 37 thirty (30) grams of marijuana or two (2) grams of hash oil, hashish,
- 38 salvia, or a synthetic ~~cannabinoid~~; **drug**, or (~~if~~) if the person has a prior
- 39 conviction of an offense involving marijuana, hash oil, or hashish,
- 40 salvia, or a synthetic ~~cannabinoid~~; **drug**.

41 SECTION 11. IC 35-48-4-12, AS AMENDED BY P.L.182-2011,  
 42 SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 UPON PASSAGE]: Sec. 12. If a person who has no prior conviction of  
2 an offense under this article or under a law of another jurisdiction  
3 relating to controlled substances pleads guilty to possession of  
4 marijuana, hashish, salvia, or a synthetic ~~cannabinoid~~ **drug** as a Class  
5 A misdemeanor, the court, without entering a judgment of conviction  
6 and with the consent of the person, may defer further proceedings and  
7 place the person in the custody of the court under such conditions as  
8 the court determines. Upon violation of a condition of the custody, the  
9 court may enter a judgment of conviction. However, if the person  
10 fulfills the conditions of the custody, the court shall dismiss the charges  
11 against the person. There may be only one (1) dismissal under this  
12 section with respect to a person.

13 SECTION 12. **An emergency is declared for this act.**

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1196, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 2 with "[EFFECTIVE UPON PASSAGE]".

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-31-3-14, AS AMENDED BY P.L.182-2011, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) A person holding a certificate issued under this article must comply with the applicable standards and rules established under this article. A certificate holder is subject to disciplinary sanctions under subsection (b) if the department of homeland security determines that the certificate holder:

- (1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a certificate, including cheating on a certification examination;
- (2) engaged in fraud or material deception in the course of professional services or activities;
- (3) advertised services or goods in a false or misleading manner;
- (4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses required under this article or rules adopted under this article;
- (5) is convicted of a crime, if the act that resulted in the conviction has a direct bearing on determining if the certificate holder should be entrusted to provide emergency medical services;
- (6) is convicted of violating IC 9-19-14.5;
- (7) fails to comply and maintain compliance with or violates any applicable provision, standard, or other requirement of this article or rules adopted under this article;
- (8) continues to practice if the certificate holder becomes unfit to practice due to:
  - (A) professional incompetence that includes the undertaking of professional activities that the certificate holder is not qualified by training or experience to undertake;
  - (B) failure to keep abreast of current professional theory or practice;

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- (C) physical or mental disability; or
- (D) addiction to, abuse of, or dependency on alcohol or other drugs that endanger the public by impairing the certificate holder's ability to practice safely;
- (9) engages in a course of lewd or immoral conduct in connection with the delivery of services to the public;
- (10) allows the certificate holder's name or a certificate issued under this article to be used in connection with a person who renders services beyond the scope of that person's training, experience, or competence;
- (11) is subjected to disciplinary action in another state or jurisdiction on grounds similar to those contained in this chapter. For purposes of this subdivision, a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction;
- (12) assists another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or
- (13) allows a certificate issued by the commission to be:
  - (A) used by another person; or
  - (B) displayed to the public when the certificate is expired, inactive, invalid, revoked, or suspended.

(b) The department of homeland security may issue an order under IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if the department of homeland security determines that a certificate holder is subject to disciplinary sanctions under subsection (a):

- (1) Revocation of a certificate holder's certificate for a period not to exceed seven (7) years.
- (2) Suspension of a certificate holder's certificate for a period not to exceed seven (7) years.
- (3) Censure of a certificate holder.
- (4) Issuance of a letter of reprimand.
- (5) Assessment of a civil penalty against the certificate holder in accordance with the following:
  - (A) The civil penalty may not exceed five hundred dollars (\$500) per day per violation.
  - (B) If the certificate holder fails to pay the civil penalty within the time specified by the department of homeland security, the department of homeland security may suspend the certificate holder's certificate without additional proceedings.
- (6) Placement of a certificate holder on probation status and requirement of the certificate holder to:

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- (A) report regularly to the department of homeland security upon the matters that are the basis of probation;
- (B) limit practice to those areas prescribed by the department of homeland security;
- (C) continue or renew professional education approved by the department of homeland security until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
- (D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department of homeland security considers appropriate to the public interest or to the rehabilitation or treatment of the certificate holder.

The department of homeland security may withdraw or modify this probation if the department of homeland security finds after a hearing that the deficiency that required disciplinary action is remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a certificate holder has engaged in or knowingly cooperated in fraud or material deception to obtain a certificate, including cheating on the certification examination, the department of homeland security may rescind the certificate if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the certificate for a length of time established by the department of homeland security.

(d) The department of homeland security may deny certification to an applicant who would be subject to disciplinary sanctions under subsection (b) if that person were a certificate holder, has had disciplinary action taken against the applicant or the applicant's certificate to practice in another state or jurisdiction, or has practiced without a certificate in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The department of homeland security may order a certificate holder to submit to a reasonable physical or mental examination if the certificate holder's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a department of homeland security order to submit to a physical or mental examination makes a certificate holder liable to temporary suspension under subsection (i).

(f) Except as provided under subsection (a), subsection (g), and



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section 14.5 of this chapter, a certificate may not be denied, revoked, or suspended because the applicant or certificate holder has been convicted of an offense. The acts from which the applicant's or certificate holder's conviction resulted may be considered as to whether the applicant or certificate holder should be entrusted to serve the public in a specific capacity.

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

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).
- (5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).
- (6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).
- (7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).
- (8) Possession of marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid~~ **drug** as a Class D felony under IC 35-48-4-11.
- (9) Maintaining a common nuisance under IC 35-48-4-13.
- (10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
- (11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (10).
- (12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).
- (13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described by subdivisions (1) through (12).

(h) A decision of the department of homeland security under subsections (b) through (g) may be appealed to the commission under IC 4-21.5-3-7.

(i) The department of homeland security may temporarily suspend a certificate holder's certificate under IC 4-21.5-4 before a final adjudication or during the appeals process if the department of homeland security finds that a certificate holder would represent a clear and immediate danger to the public's health, safety, or property if the

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certificate holder were allowed to continue to practice.

(j) On receipt of a complaint or information alleging that a person certified under this chapter or IC 16-31-3.5 has engaged in or is engaging in a practice that is subject to disciplinary sanctions under this chapter, the department of homeland security must initiate an investigation against the person.

(k) The department of homeland security shall conduct a factfinding investigation as the department of homeland security considers proper in relation to the complaint.

(l) The department of homeland security may reinstate a certificate that has been suspended under this section if the department of homeland security is satisfied that the applicant is able to practice with reasonable skill, competency, and safety to the public. As a condition of reinstatement, the department of homeland security may impose disciplinary or corrective measures authorized under this chapter.

(m) The department of homeland security may not reinstate a certificate that has been revoked under this chapter.

(n) The department of homeland security must be consistent in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the department of homeland security's findings or orders.

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

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

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

SECTION 2. IC 16-31-3-14.5, AS AMENDED BY P.L.182-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.5. The department of homeland security may issue an order under IC 4-21.5-3-6 to deny an applicant's request for certification or permanently revoke a certificate under procedures provided by section 14 of this chapter if the individual who holds the certificate issued under this title is convicted of any of the following:

- (1) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.
- (2) Dealing in methamphetamine under IC 35-48-4-1.1.
- (3) Dealing in a schedule I, II, or III controlled substance under



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IC 35-48-4-2.

(4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.

(5) Dealing in a schedule V controlled substance under IC 35-48-4-4.

(6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.

(7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

(8) Dealing in a counterfeit substance under IC 35-48-4-5.

(9) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic **cannabinoid drug** under IC 35-48-4-10(b).

(10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).

(11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (9).

(12) A crime of violence (as defined in IC 35-50-1-2(a)).

(13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (12).

SECTION 3. IC 20-28-5-8, AS AMENDED BY P.L.155-2011, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section applies when a prosecuting attorney knows that a licensed employee of a public school or a nonpublic school has been convicted of an offense listed in subsection (c). The prosecuting attorney shall immediately give written notice of the conviction to the following:

(1) The state superintendent.

(2) Except as provided in subdivision (3), the superintendent of the school corporation that employs the licensed employee or the equivalent authority if a nonpublic school employs the licensed employee.

(3) The presiding officer of the governing body of the school corporation that employs the licensed employee, if the convicted licensed employee is the superintendent of the school corporation.

(b) The superintendent of a school corporation, presiding officer of the governing body, or equivalent authority for a nonpublic school shall immediately notify the state superintendent when the individual knows that a current or former licensed employee of the public school or

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nonpublic school has been convicted of an offense listed in subsection (c), or when the governing body or equivalent authority for a nonpublic school takes any final action in relation to an employee who engaged in any offense listed in subsection (c).

(c) The department, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the department to have been convicted of any of the following felonies:

- (1) Kidnapping (IC 35-42-3-2).
- (2) Criminal confinement (IC 35-42-3-3).
- (3) Rape (IC 35-42-4-1).
- (4) Criminal deviate conduct (IC 35-42-4-2).
- (5) Child molesting (IC 35-42-4-3).
- (6) Child exploitation (IC 35-42-4-4(b)).
- (7) Vicarious sexual gratification (IC 35-42-4-5).
- (8) Child solicitation (IC 35-42-4-6).
- (9) Child seduction (IC 35-42-4-7).
- (10) Sexual misconduct with a minor (IC 35-42-4-9).
- (11) Incest (IC 35-46-1-3).
- (12) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
- (13) Dealing in methamphetamine (IC 35-48-4-1.1).
- (14) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
- (15) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- (16) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- (17) Dealing in a counterfeit substance (IC 35-48-4-5).
- (18) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic **cannabinoid drug** (IC 35-48-4-10(b)).
- (19) Possession of child pornography (IC 35-42-4-4(c)).
- (20) Homicide (IC 35-42-1).
- (21) Voluntary manslaughter (IC 35-42-1-3).
- (22) Reckless homicide (IC 35-42-1-5).
- (23) Battery as any of the following:
  - (A) A Class A felony (IC 35-42-2-1(a)(5)).
  - (B) A Class B felony (IC 35-42-2-1(a)(4)).
  - (C) A Class C felony (IC 35-42-2-1(a)(3)).
- (24) Aggravated battery (IC 35-42-2-1.5).
- (25) Robbery (IC 35-42-5-1).
- (26) Carjacking (IC 35-42-5-2).
- (27) Arson as a Class A felony or a Class B felony (IC 35-43-1-1(a)).

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(28) Burglary as a Class A felony or a Class B felony (IC 35-43-2-1).

(29) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (28).

(30) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (28).

(d) The department, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the department to have been convicted of a federal offense or an offense in another state that is comparable to a felony listed in subsection (c).

(e) A license may be suspended by the state superintendent as specified in IC 20-28-7.5.

(f) The department shall develop a data base of information on school corporation employees who have been reported to the department under this section.

SECTION 4. IC 22-15-5-16, AS AMENDED BY P.L.182-2011, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) A practitioner shall comply with the standards established under this licensing program. A practitioner is subject to the exercise of the disciplinary sanctions under subsection (b) if the department finds that a practitioner has:

- (1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;
- (2) engaged in fraud or material deception in the course of professional services or activities;
- (3) advertised services or goods in a false or misleading manner;
- (4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses provided under this chapter;
- (5) been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently;
- (6) knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;
- (7) continued to practice although the practitioner has become unfit to practice due to:
  - (A) professional incompetence;
  - (B) failure to keep abreast of current professional theory or practice;
  - (C) physical or mental disability; or
  - (D) addiction to, abuse of, or severe dependency on alcohol or

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- other drugs that endanger the public by impairing a practitioner's ability to practice safely;
- (8) engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;
- (9) allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;
- (10) had disciplinary action taken against the practitioner or the practitioner's license to practice in another state or jurisdiction on grounds similar to those under this chapter;
- (11) assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or
- (12) allowed a license issued by the department to be:
- (A) used by another person; or
  - (B) displayed to the public when the license has expired, is inactive, is invalid, or has been revoked or suspended.

For purposes of subdivision (10), a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction.

(b) The department may impose one (1) or more of the following sanctions if the department finds that a practitioner is subject to disciplinary sanctions under subsection (a):

- (1) Permanent revocation of a practitioner's license.
- (2) Suspension of a practitioner's license.
- (3) Censure of a practitioner.
- (4) Issuance of a letter of reprimand.
- (5) Assess a civil penalty against the practitioner in accordance with the following:
  - (A) The civil penalty may not be more than one thousand dollars (\$1,000) for each violation listed in subsection (a), except for a finding of incompetency due to a physical or mental disability.
  - (B) When imposing a civil penalty, the department shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the department, the department may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.
- (6) Place a practitioner on probation status and require the

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practitioner to:

- (A) report regularly to the department upon the matters that are the basis of probation;
- (B) limit practice to those areas prescribed by the department;
- (C) continue or renew professional education approved by the department until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
- (D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

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

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

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

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

(f) Except as provided under subsection (g) or (h), a license may not be denied, revoked, or suspended because the applicant or holder has been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be entrusted to serve the public in a specific capacity.

(g) The department may deny, suspend, or revoke a license issued under this chapter if the individual who holds the license is convicted

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of any of the following:

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).
- (5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).
- (6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).
- (7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).
- (8) Possession of marijuana, hash oil, hashish, salvia, or a synthetic **cannabinoid drug** as a Class D felony under IC 35-48-4-11.
- (9) Maintaining a common nuisance under IC 35-48-4-13.
- (10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
- (11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (10).
- (12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).
- (13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in subdivisions (1) through (12).

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

- (1) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.
- (2) Dealing in methamphetamine under IC 35-48-4-1.1.
- (3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
- (4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
- (5) Dealing in a schedule V controlled substance under IC 35-48-4-4.
- (6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
- (7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance

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under IC 35-48-4-4.6.

(8) Dealing in a counterfeit substance under IC 35-48-4-5.

(9) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic **cannabinoid drug** under IC 35-48-4-10(b).

(10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).

(11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (9).

(12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in subdivisions (1) through (11).

(13) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

(i) A decision of the department under subsections (b) through (h) may be appealed to the commission under IC 4-21.5-3-7.

(j) The department may temporarily suspend a practitioner's license under IC 4-21.5-4 before a final adjudication or during the appeals process if the department finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice.

(k) On receipt of a complaint or an information alleging that a person licensed under this chapter has engaged in or is engaging in a practice that jeopardizes the public health, safety, or welfare, the department shall initiate an investigation against the person.

(l) Any complaint filed with the office of the attorney general alleging a violation of this licensing program shall be referred to the department for summary review and for its general information and any authorized action at the time of the filing.

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

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

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

(p) The department shall seek to achieve consistency in the

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

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

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

- (1) Court reporters.
- (2) Transcripts.
- (3) Certification of documents.
- (4) Photo duplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.

SECTION 5. IC 25-1-1.1-2, AS AMENDED BY P.L.138-2011, SECTION 6, AND P.L.182-2011, SECTION 6, AND AS AMENDED BY P.L.155-2011, SECTION 6, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. *Notwithstanding IC 25-1-7*, a board, a commission, or a committee may suspend, *deny*, or revoke a license or certificate issued under this title by the board, the commission, or the committee *without an investigation by the office of the attorney general* if the individual who holds the license or certificate is convicted of any of the following *and the board, commission, or committee determines, after the individual has appeared in person, that the offense affects the individual's ability to perform the duties of the profession*:

- (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- (2) Possession of methamphetamine under IC 35-48-4-6.1.
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).
- (5) Manufacture of paraphernalia as a Class D felony under



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IC 35-48-4-8.1(b).

(6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).

(7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).

(8) Possession of marijuana, hash oil, ~~or~~ hashish, *salvia*, or a synthetic cannabinoid drug as a Class D felony under IC 35-48-4-11.

(9) Maintaining a common nuisance under IC 35-48-4-13.

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

(11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (10).

(12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).

~~(13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (12):~~

~~(13) A sex crime under IC 35-42-4.~~

~~(14) A felony that reflects adversely on the individual's fitness to hold a professional license.~~

~~(15) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described in this section.~~

SECTION 6. IC 25-1-1.1-3, AS AMENDED BY P.L.182-2011, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. A board, a commission, or a committee shall revoke or suspend a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

(1) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.

(2) Dealing in methamphetamine under IC 35-48-4-1.1.

(3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.

(4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.

(5) Dealing in a schedule V controlled substance under IC 35-48-4-4.

(6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.



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(7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

(8) Dealing in a counterfeit substance under IC 35-48-4-5.

(9) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic **cannabinoid drug** under IC 35-48-4-10(b).

(10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through (9).

(11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (9).

(12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through (11).

(13) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14."

Page 1, line 3, strike "cannabinoid" and insert "**drug**".

Page 1, line 5, after "analogue" insert ", **congener, derivative, isomer, homologue, salt, salt of analogue, salt of congener, salt of derivative, salt of isomer, and salt of**".

Page 3, between lines 26 and 27, begin a new line double block indented and insert the following:

**"(JJ) 6-APB.**

**(LL) 7-hydroxymitragynine.**

**(MM)  $\alpha$ -PPP.**

**(NN)  $\alpha$ -PVP (desmethylpyrovalerone).**

**(OO) AM-251.**

**(PP) AM-1241.**

**(QQ) AM-2201.**

**(RR) AM-2233.**

**(SS) Buphedrone.**

**(TT) Butylone.**

**(UU) CP-47,497-C7.**

**(VV) CP-47,497-C8.**

**(WW) Desoxypipradol.**

**(XX) Ethylone.**

**(YY) Eutylone.**

**(ZZ) Flephedrone.**

**(AAA) JWH-011.**

**(BBB) JWH-020.**

**(CCC) JWH-022.**



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**(DDD) JWH-030.**

**(EEE) JWH-182.**

**(FFF) JWH-302.**

**(GGG) MDAI.**

**(HHH) Mitragynine.**

**(III) Naphyrone.**

**(JJJ) Pentedrone.**

**(LLL) Pentylone.**

**(MMM) Pyrovalerone."**

Page 10, line 5, strike "cannabinoids" and insert "**drugs**".

Page 12, after line 10, begin a new paragraph and insert:

"SECTION 9. IC 35-48-4-8.5, AS AMENDED BY P.L.182-2011, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.5. (a) A person who keeps for sale, offers for sale, delivers, or finances the delivery of a raw material, an instrument, a device, or other object that is intended to be or that is designed or marketed to be used primarily for:

- (1) ingesting, inhaling, or otherwise introducing into the human body marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid~~, **drug**, or a controlled substance;
- (2) testing the strength, effectiveness, or purity of marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid~~, **drug**, or a controlled substance;
- (3) enhancing the effect of a controlled substance;
- (4) manufacturing, compounding, converting, producing, processing, or preparing marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid~~, **drug**, or a controlled substance;
- (5) diluting or adulterating marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid~~, **drug**, or a controlled substance by individuals; or
- (6) any purpose announced or described by the seller that is in violation of this chapter;

commits a Class A infraction for dealing in paraphernalia.

(b) A person who knowingly or intentionally violates subsection (a) commits a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior unrelated judgment or conviction under this section.

(c) A person who recklessly keeps for sale, offers for sale, or delivers an instrument, a device, or other object that is to be used primarily for:

- (1) ingesting, inhaling, or otherwise introducing into the human body marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid~~;

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**drug**, or a controlled substance;

(2) testing the strength, effectiveness, or purity of marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid~~, **drug**, or a controlled substance;

(3) enhancing the effect of a controlled substance;

(4) manufacturing, compounding, converting, producing, processing, or preparing marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid~~, **drug**, or a controlled substance;

(5) diluting or adulterating marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid~~, **drug**, or a controlled substance by individuals; or

(6) any purpose announced or described by the seller that is in violation of this chapter;

commits reckless dealing in paraphernalia, a Class B misdemeanor. However, the offense is a Class D felony if the person has a previous judgment or conviction under this section.

(d) This section does not apply to the following:

(1) Items marketed for use in the preparation, compounding, packaging, labeling, or other use of marijuana, hash oil, hashish, salvia, a synthetic ~~cannabinoid~~, **drug**, or a controlled substance as an incident to lawful research, teaching, or chemical analysis and not for sale.

(2) Items marketed for or historically and customarily used in connection with the planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, or inhaling of tobacco or any other lawful substance.

SECTION 10. IC 35-48-4-10, AS AMENDED BY P.L.182-2011, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) A person who:

(1) knowingly or intentionally:

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

marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid~~, **drug**, pure or adulterated; or

(2) possesses, with intent to:

- (A) manufacture;
- (B) finance the manufacture of;
- (C) deliver; or

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(D) finance the delivery of; marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid~~; **drug**, pure or adulterated; commits dealing in marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid~~; **drug**, a Class A misdemeanor, except as provided in subsection (b).

(b) The offense is:

(1) a Class D felony if:

(A) the recipient or intended recipient is under eighteen (18) years of age;

(B) the amount involved is more than thirty (30) grams but less than ten (10) pounds of marijuana or more than two (2) grams but less than three hundred (300) grams of hash oil, hashish, salvia, or a synthetic ~~cannabinoid~~; **drug**; or

(C) the person has a prior conviction of an offense involving marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid~~; **drug**; and

(2) a Class C felony if the amount involved is ten (10) pounds or more of marijuana or three hundred (300) or more grams of hash oil, hashish, salvia, or a synthetic ~~cannabinoid~~; **drug**, or the person delivered or financed the delivery of marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid~~; **drug**:

(A) on a school bus; or

(B) in, on, or within one thousand (1,000) feet of:

(i) school property;

(ii) a public park;

(iii) a family housing complex; or

(iv) a youth program center.

SECTION 11. IC 35-48-4-11, AS AMENDED BY P.L.138-2011, SECTION 17, AND AS AMENDED BY P.L.182-2011, SECTION 17, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. A person who:

(1) knowingly or intentionally possesses (pure or adulterated) marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid~~; **drug**;

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

(3) knowing that marijuana is growing on the person's premises, fails to destroy the marijuana plants;

commits possession of marijuana, hash oil, hashish, salvia, or a synthetic ~~cannabinoid~~; **drug**, a Class A misdemeanor. However, the offense is a Class D felony ~~(#)~~ if the amount involved is more than thirty (30) grams of marijuana or two (2) grams of hash oil, hashish,

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salvia, or a synthetic ~~cannabinoid~~, **drug**, or ~~(#)~~ if the person has a prior conviction of an offense involving marijuana, hash oil, or hashish, salvia, or a synthetic ~~cannabinoid~~, **drug**.

SECTION 12. IC 35-48-4-12, AS AMENDED BY P.L.182-2011, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. If a person who has no prior conviction of an offense under this article or under a law of another jurisdiction relating to controlled substances pleads guilty to possession of marijuana, hashish, salvia, or a synthetic ~~cannabinoid~~ **drug** as a Class A misdemeanor, the court, without entering a judgment of conviction and with the consent of the person, may defer further proceedings and place the person in the custody of the court under such conditions as the court determines. Upon violation of a condition of the custody, the court may enter a judgment of conviction. However, if the person fulfills the conditions of the custody, the court shall dismiss the charges against the person. There may be only one (1) dismissal under this section with respect to a person.

SECTION 13. **An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1196 as introduced.)

STEUERWALD, Chair

Committee Vote: yeas 11, nays 0.

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