COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 26 because it conflicts with HEA 1196-2012 and SEA 262 without properly recognizing the existence of HEA 1196-2012 or SEA 262, has had Engrossed Senate Bill 26 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 26 be corrected as follows:

In the conference committee report on ESB 26, page 52, line 9, delete "**35-44-3-5).**" and insert "**35-44.1-3-4).**".

In the conference committee report on ESB 26, page 88, delete lines 48 through 50, begin a new paragraph and insert:

"SECTION 131. IC 35-41-1-26.3, AS AMENDED BY HEA 1196-2012, SECTION 11, IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 26.3. "Synthetic drug" means:~~

~~(1) a substance containing one (1) or more of the following chemical compounds, including an analog of the compound:~~

~~(A) JWH-015 ((2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone).~~

~~(B) JWH-018 (1-pentyl-3-(1-naphthoyl)indole).~~

~~(C) JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole).~~

~~(D) JWH-073 (naphthalen-1-yl-(1-butylindol-3-yl)methanone).~~

~~(E) JWH-081 (4-methoxynaphthalen- 1-yl- (1-pentylindol-3-yl)methanone).~~

~~(F) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).~~

~~(G) JWH-200 ((1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-yl-methanone).~~

~~(H) JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole).~~

~~(I) JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole).~~

~~(J) JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).~~

~~(K) HU-210 ((6aR,10aR)- 9-(Hydroxymethyl)-6,6-dimethyl- 3-(2-methyloctan-2-yl)-~~

~~6a,7,10,10a-tetrahydrobenzo [c]chromen- 1-ol).~~
~~(L) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)- 6,6-dimethyl-3-(2-methyloctan-2-yl)- 6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol).~~
~~(M) HU-308 ([(1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan- 2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol).~~
~~(N) HU-331 (3-hydroxy-2- [(1R,6R)-3-methyl-6-(1-methylethenyl)-2 -cyclohexen-1-yl]-5 -pentyl-2,5-cyclohexadiene-1,4-dione).~~
~~(O) CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl) cyclohexyl]- 5- (2-methyloctan-2-yl)phenol).~~
~~(P) CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]- 5-(2-methyloctan-2-yl)phenol) and its homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl) phenol), where side chain n=5, and homologues where side chain n=4, 6, or 7.~~
~~(Q) WIN 55212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl) pyrrolo [1,2,3-de)- 1,4- benzoxazin-6-yl]-1-napthalenylmethanone).~~
~~(R) RCS-4 ((4-methoxyphenyl) (1-pentyl-1H-indol-3-yl)methanone).~~
~~(S) RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-methoxyphenyl)ethanone).~~
~~(T) 4-Methylmethcathinone. Other name: mephedrone.~~
~~(U) 3,4-Methylenedioxymethcathinone. Other name: methylone.~~
~~(V) Fluoromethcathinone.~~
~~(W) 4-Methoxymethcathinone. Other name: methedrone.~~
~~(X) 4-Ethylmethcathinone (4-EMC).~~
~~(Y) Methylenedioxypyrovalerone. Other name: MDPV.~~
~~(Z) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole.~~
~~(AA) JWH-098, or 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole.~~
~~(BB) JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole.~~
~~(CC) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole.~~
~~(DD) JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole.~~

~~(EE) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole.~~
~~(FF) AM-694, or~~
~~1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.~~
~~(GG) CP 50,556-1, or~~
~~[(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate.~~
~~(HH) Dimethylheptylpyran, or DMHP.~~
~~(II) 4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP.~~
~~(JJ) 6-APB [6-(2-aminopropyl)benzofuran].~~
~~(LL) 7-hydroxymitragynine.~~
~~(MM) α-PPP [α-pyrrolidinopropiophenone].~~
~~(NN) α-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.~~
~~(DDD) JWH-030.~~
~~(EEE) JWH-182.~~
~~(FFF) JWH-302.~~
~~(GGG) MDAI [5,6-methylenedioxy-2-aminoindane].~~
~~(HHH) Mitragynine.~~
~~(III) Naphyrone.~~
~~(JJJ) Pentedrone.~~
~~(LLL) Pentylone.~~
~~(MMM) Methoxetamine~~
~~[2-(3-methoxyphenyl)-2-(ethylamino)- cyclohexanone].~~
~~(2) Any compound structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl,~~

~~haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.~~

~~(3) Any compound structurally derived from 3-(1-naphthoyl) pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent.~~

~~(4) Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent.~~

~~(5) Any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.~~

~~(6) Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring to any extent.~~

~~(7) Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.~~

~~(8) Any compound, except bupropion or a compound listed under~~

~~a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified:~~

~~(A) by substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;~~

~~(B) by substitution at the 3-position with an acyclic alkyl substituent;~~

~~(C) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or~~

~~(D) by inclusion of the 2-amino nitrogen atom in a cyclic structure.~~

~~(9) Any compound determined to be a synthetic drug by rule adopted under IC 25-26-13-4.1.~~".

In the conference committee report on ESB 26, delete pages 89 through 91.

In the conference committee report on ESB 26, page 92, delete line 1.

In the conference committee report on ESB 26, page 102, delete lines 34 through 50, begin a new paragraph and insert:

"SECTION 145. IC 35-50-5-1.1, AS AMENDED BY SEA 262-2012, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1.1. (a) Whenever a person is convicted of a misdemeanor under IC 35-44.1-1, the court may include in the sentence an order rendering the person incapable of holding a public office of trust or profit for a fixed period of not more than ten (10) years.

(b) If any officer of a governmental entity is convicted of a misdemeanor under IC 35-44.1-1, the court may enter an order removing the officer from office.

(c) This subsection applies whenever:

(1) the court enters an order under this section that applies to a person who is an officer of a governmental entity (as defined in ~~IC 35-41-1-12);~~ **IC 35-31.5-2-144);** and

(2) a vacancy occurs in the office held by the person as the result of the court's order.

The court must file a certified copy of the order with the person who is entitled under IC 5-8-6 to receive notice of the death of an individual holding the office. The person receiving the copy of the order must give

notice of the order in the same manner as if the person had received a notice of the death of the officeholder under IC 5-8-6. The person required or permitted to fill the vacancy that results from a removal under this section must comply with IC 3-13 or IC 20, whichever applies, to fill the vacancy.".

In the conference committee report on ESB 26, page 103, delete lines 1 through 6.

Renumber all SECTIONS consecutively.

(Reference is to ESB 26 as printed February 14, 2012, as amended by the Conference Committee Report to ESB 26.)

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Representative Torr, Chairperson

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Representative Austin, R.M.M.

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Representative Foley, Sponsor