

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:

- 1 In the conference committee report on ESB 26, page 52, line 9,
 2 delete "35-44-3-5)." and insert "35-44.1-3-4).".
- 3 In the conference committee report on ESB 26, page 88, delete lines
 4 48 through 50, begin a new paragraph and insert:
 5 "SECTION 131. IC 35-41-1-26.3, AS AMENDED BY HEA 1196-
 6 2012, SECTION 11, IS REPEALED [EFFECTIVE JULY 1, 2012].
 7 Sec. 26.3. "Synthetic drug" means:
 8 (1) a substance containing one (1) or more of the following
 9 chemical compounds; including an analog of the compound:
 10 (A) JWH-015 ((2-Methyl-1-propyl-1H-
 11 indol-3-yl)-1-naphthalenylmethanone).
 12 (B) JWH-018 (1-pentyl-3-(1-naphthoyl)indole).
 13 (C) JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole).
 14 (D) JWH-073
 15 (naphthalen-1-yl-(1-butylindol-3-yl)methanone).
 16 (E) JWH-081 (4-methoxynaphthalen-1-yl- (1-pentylindol-
 17 3-yl)methanone).
 18 (F) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).
 19 (G) JWH-200 ((1-(2-morpholin-4-ylethyl)indol-3-yl)-
 20 naphthalen-1-yl-methanone).
 21 (H) JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole).
 22 (I) JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole).
 23 (J) JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).
 24 (K) HU-210 ((6aR,10aR)- 9-(Hydroxymethyl)-
 25 6,6-dimethyl- 3-(2-methyloctan-2-yl)-

- 1 6a,7,10,10a-tetrahydrobenzo [c]chromen- 1-ol):
 2 (L) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)- 6,6-dimethyl-
 3 3-(2-methyloctan-2-yl)- 6a,7,10,10a-tetrahydrobenzo
 4 [c]chromen-1-ol):
 5 (M) HU-308 ((1R,2R,5R)-2-[2,6-dimethoxy-4-
 6 (2-methyloctan- 2-yl)phenyl]-
 7 7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol):
 8 (N) HU-331 (3-hydroxy-2- [(1R,6R)-3-methyl-6-
 9 (1-methylethenyl)-2 -cyclohexen-1-yl]-5
 10 -pentyl-2,5-cyclohexadiene-1,4-dione):
 11 (O) EP 55,940
 12 (2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl)
 13 cyclohexyl]- 5- (2-methyloctan-2-yl)phenol):
 14 (P) EP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]- 5-
 15 (2-methyloctan-2-yl)phenol) and its homologues; or
 16 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)
 17 phenol); where side chain n=5; and homologues where side
 18 chain n=4; 6; or 7:
 19 (Q) WIN 55212-2
 20 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)
 21 pyrrolo [1,2,3-de]- 1,4- benzoxazin-
 22 6-yl]-1-naphthalenylmethanone):
 23 (R) RCS-4 ((4-methoxyphenyl)
 24 (1-pentyl-1H-indol-3-yl)methanone):
 25 (S) RCS-8 (1-(1-(2-cyclohexylethyl)-1H-
 26 indol-3-yl)-2-(2-methoxyphenyl)ethanone):
 27 (T) 4-Methylmethcathinone. Other name: mephedrone:
 28 (U) 3,4-Methylenedioxymethcathinone. Other name:
 29 methylone:
 30 (V) Fluoromethcathinone:
 31 (W) 4-Methoxymethcathinone. Other name: methedrone:
 32 (X) 4-Ethylmethcathinone (4-EMC):
 33 (Y) Methylenedioxypropylvalerone. Other name: MDPV:
 34 (Z) JWH-007; or 1-pentyl-2-methyl-3-(1-naphthoyl)indole:
 35 (AA) JWH-098; or
 36 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole:
 37 (BB) JWH-164; or
 38 1-pentyl-3-(7-methoxy-1-naphthoyl)indole:
 39 (CC) JWH-210; or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole:
 40 (DD) JWH-201; or
 41 1-pentyl-3-(4-methoxyphenylacetyl)indole:

- 1 (EE) JWH-203; or 1-pentyl-3-(2-chlorophenylacetyl)indole.
 2 (FF) AM-694; or
 3 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.
 4 (GG) CP 50,556-1; or
 5 [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpe
 6 ntan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1
 7 -yl] acetate.
 8 (HH) Dimethylheptylpyran; or DMHP.
 9 (II) 4-Methyl-alpha-pyrrolidinobutiophenone; or MPBP.
 10 (JJ) 6-APB [6-(2-aminopropyl)benzofuran].
 11 (LL) 7-hydroxymitragynine.
 12 (MM) α -PPP [α -pyrrolidinopropiophenone].
 13 (NN) α -PVP (desmethylpyrovalerone).
 14 (OO) AM-251.
 15 (PP) AM-1241.
 16 (QQ) AM-2201.
 17 (RR) AM-2233.
 18 (SS) Buphedrone.
 19 (TT) Butylone.
 20 (UU) CP-47,497-C7.
 21 (VV) CP-47,497-C8.
 22 (WW) Desoxypipradol.
 23 (XX) Ethylone.
 24 (YY) Etylone.
 25 (ZZ) Flephedrone.
 26 (AAA) JWH-011.
 27 (BBB) JWH-020.
 28 (CCC) JWH-022.
 29 (DDD) JWH-030.
 30 (EEE) JWH-182.
 31 (FFF) JWH-302.
 32 (GGG) MDAI [5,6-methylenedioxy-2-aminoindane].
 33 (HHH) Mitragynine.
 34 (II) Naphyrone.
 35 (JJJ) Pentedrone.
 36 (LLL) Pentylone.
 37 (MMM) Methoxetamine
 38 [2-(3-methoxyphenyl)-2-(ethylamino)-cyclohexanone].
 39 (2) Any compound structurally derived from
 40 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by
 41 substitution at the nitrogen atom of the indole ring by alkyl;

- 1 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
2 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl
3 group; whether or not further substituted in the indole ring to any
4 extent and whether or not substituted in the naphthyl ring to any
5 extent.
- 6 (3) Any compound structurally derived from 3-(1-naphthoyl)
7 pyrrole by substitution at the nitrogen atom of the pyrrole ring by
8 alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
9 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl
10 group; whether or not further substituted in the pyrrole ring to any
11 extent and whether or not substituted in the naphthyl ring to any
12 extent.
- 13 (4) Any compound structurally derived from
14 1-(1-naphthylmethyl)indene by substitution at the 3-position of
15 the indene ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
16 cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl or
17 2-(4-morpholinyl)ethyl group; whether or not further substituted
18 in the indene ring to any extent and whether or not substituted in
19 the naphthyl ring to any extent.
- 20 (5) Any compound structurally derived from 3-phenylacetylindole
21 by substitution at the nitrogen atom of the indole ring with alkyl,
22 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
23 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl
24 group; whether or not further substituted in the indole ring to any
25 extent and whether or not substituted in the phenyl ring to any
26 extent.
- 27 (6) Any compound structurally derived from
28 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position
29 of the phenolic ring by alkyl, haloalkyl, alkenyl,
30 cycloalkylmethyl, cycloalkylethyl,
31 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl
32 group; whether or not substituted in the cyclohexyl ring to any
33 extent.
- 34 (7) Any compound containing a 3-(benzoyl)indole structure with
35 substitution at the nitrogen atom of the indole ring by alkyl,
36 haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
37 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl
38 group; whether or not further substituted in the indole ring to any
39 extent and whether or not substituted in the phenyl ring to any
40 extent.
- 41 (8) Any compound, except bupropion or a compound listed under

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

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

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

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

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

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

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

19 In the conference committee report on ESB 26, page 92, delete line
 20 1.

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

23 "SECTION 145. IC 35-50-5-1.1, AS AMENDED BY SEA
 24 262-2012, SECTION 61, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2012]: Sec. 1.1. (a) Whenever a person is
 26 convicted of a misdemeanor under IC 35-44.1-1, the court may include
 27 in the sentence an order rendering the person incapable of holding a
 28 public office of trust or profit for a fixed period of not more than ten
 29 (10) years.

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

33 (c) This subsection applies whenever:

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

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

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

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

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

8 Renumber all SECTIONS consecutively.

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

Representative Torr, Chairperson

Representative Austin, R.M.M.

Representative Foley, Sponsor