

# COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, 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 Senate 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6           2012, SECTION 11, IS REPEALED [EFFECTIVE JULY 1, 2012].  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) CP 55,940  
 12 (2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl) cyclohexyl]-  
 13 5-(2-methyloctan-2-yl)phenol).  
 14 (P) CP 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) Methylenedioxyprovalerone. 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

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

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

- 1 extent.
- 2 (8) Any compound, except bupropion or a compound listed under
- 3 a different schedule, structurally derived from
- 4 2-aminopropan-1-one by substitution at the 1-position with either
- 5 phenyl, naphthyl, or thiophene ring systems, whether or not the
- 6 compound is further modified:
- 7 (A) by substitution in the ring system to any extent with alkyl,
- 8 alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide
- 9 substituents, whether or not further substituted in the ring
- 10 system by one or more other univalent substituents;
- 11 (B) by substitution at the 3-position with an acyclic alkyl
- 12 substituent;
- 13 (C) by substitution at the 2-amino nitrogen atom with alkyl,
- 14 dialkyl, benzyl, or methoxybenzyl groups; or
- 15 (D) by inclusion of the 2-amino nitrogen atom in a cyclic
- 16 structure.

17 (9) Any compound determined to be a synthetic drug by rule

18 adopted under IC 25-26-13-4.1."

19 In the conference committee report on ESB 26, delete pages 89

20 through 91.

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

22 1.

23 In the conference committee report on ESB 26, page 102, delete

24 lines 34 through 50, begin a new paragraph and insert:

25 "SECTION 145. IC 35-50-5-1.1, AS AMENDED BY SEA

26 262-2012, SECTION 61, IS AMENDED TO READ AS FOLLOWS

27 [EFFECTIVE JULY 1, 2012]: Sec. 1.1. (a) Whenever a person is

28 convicted of a misdemeanor under IC 35-44.1-1, the court may include

29 in the sentence an order rendering the person incapable of holding a

30 public office of trust or profit for a fixed period of not more than ten

31 (10) years.

32 (b) If any officer of a governmental entity is convicted of a

33 misdemeanor under IC 35-44.1-1, the court may enter an order

34 removing the officer from office.

35 (c) This subsection applies whenever:

36 (1) the court enters an order under this section that applies to a

37 person who is an officer of a governmental entity (as defined in

38 ~~IC 35-41-1-12~~; **IC 35-31.5-2-144**); and

39 (2) a vacancy occurs in the office held by the person as the result

40 of the court's order.

1 The court must file a certified copy of the order with the person who is  
2 entitled under IC 5-8-6 to receive notice of the death of an individual  
3 holding the office. The person receiving the copy of the order must give  
4 notice of the order in the same manner as if the person had received a  
5 notice of the death of the officeholder under IC 5-8-6. The person  
6 required or permitted to fill the vacancy that results from a removal  
7 under this section must comply with IC 3-13 or IC 20, whichever  
8 applies, to fill the vacancy.".

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

11 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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Senator LONG, Chairperson

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Senator SIMPSON, R.M.M.

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Senator BRAY