



Reprinted
March 26, 2013

ENGROSSED SENATE BILL No. 536

DIGEST OF SB 536 (Updated March 25, 2013 4:58 pm - DI 106)

Citations Affected: IC 4-6; IC 6-2.5; IC 9-13; IC 16-31; IC 20-28; IC 22-15; IC 24-5; IC 25-1; IC 25-26; IC 32-30; IC 34-24; IC 35-31.5; IC 35-45; IC 35-46; IC 35-48.

Synopsis: Synthetic drugs. Permits the attorney general to issue a civil investigative demand to obtain immediate access to records relating to the sale of synthetic drugs. Provides that the department of state
(Continued next page)

Effective: Upon passage.

**Merritt, Alting, Head, Steele, Zakas,
Young R Michael, Randolph,
Miller Patricia, Holdman, Wyss**

(HOUSE SPONSORS — SMITH M, BACON, AUSTIN, DAVISSON)

January 14, 2013, read first time and referred to Committee on Corrections & Criminal Law.

January 31, 2013, amended, reported favorably — Do Pass.
February 18, 2013, read second time, amended, ordered engrossed.
February 19, 2013, engrossed. Read third time, passed. Yeas 47, nays 2.

HOUSE ACTION

February 26, 2013, read first time and referred to Committee on Courts and Criminal Code.
March 18, 2013, amended, reported — Do Pass.
March 25, 2013, read second time, amended, ordered engrossed.

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revenue may revoke a retail merchant certificate if the holder commits certain violations relating to synthetic drugs. Provides that a person may be intoxicated if the person consumes any substance resulting in impairment, with certain exceptions. Permits the board of pharmacy, on its own initiative or upon formal request from the state police department, the federal Drug Enforcement Administration, or a poison control center, to adopt an emergency rule declaring certain substances to be synthetic drugs. Permits the attorney general to bring an action to abate a nuisance created in connection with the sale of synthetic drugs. Authorizes the seizure of certain property used in connection with dealing in synthetic drugs. Defines additional substances as synthetic drugs, and makes the sale or possession of a synthetic drug lookalike substance a criminal offense. Adds dealing in synthetic drugs to the list of racketeering offenses. Makes conforming amendments.

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Reprinted
March 26, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 536

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 4-6-3-4 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE UPON PASSAGE]: Sec. 4. An investigative demand
3 shall contain the following:
4 (1) A general description of the subject matter being investigated
5 and a statement of the applicable provisions of law.
6 (2) The date, time, and place at which the person is to appear,
7 answer written interrogatories, or produce documentary material
8 or other tangible items. The date shall not be less than ten (10)
9 days from the date of service of the demand. **However, the**
10 **attorney general may demand and obtain immediate access to**
11 **records and materials if access is necessary for purposes of**
12 **investigating alleged violations relating to sales or solicited**
13 **sales of a synthetic drug (as defined in IC 35-31.5-2-321) or a**
14 **synthetic drug lookalike substance (as defined in**
15 **IC 35-31.5-2-321.5).**
16 (3) Where the production of documents or other tangible items is
17 required, a description of those documents or items by class with

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sufficient clarity so that they might be reasonably identified.

SECTION 2. IC 6-2.5-8-7, AS AMENDED BY P.L.78-2012, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The department may, for good cause, revoke a certificate issued under section 1, 3, or 4 of this chapter. However, the department must give the certificate holder at least five (5) days notice before it revokes the certificate under this subsection.

Good cause for revocation may include the following:

(1) Sale or solicitation of a sale involving a synthetic drug (as defined in IC 35-31.5-2-321) or a synthetic drug lookalike substance (as defined in IC 35-31.5-2-321.5).

(2) Failure to collect sales tax on a sale involving a synthetic drug or a synthetic drug lookalike substance.

If the department gives notice of an intent to revoke based on an alleged violation of subdivision (1) or (2), the department shall hold a public hearing to determine whether good cause exists. If the department finds in a public hearing by a preponderance of the evidence that a person has committed a violation described in subdivision (1) or (2), the department shall proceed in accordance with subsection (i) (if the violation resulted in a criminal conviction) or subsection (j) (if the violation resulted in a judgment for an infraction).

(b) The department shall revoke a certificate issued under section 1, 3, or 4 of this chapter if, for a period of three (3) years, the certificate holder fails to:

(1) file the returns required by IC 6-2.5-6-1; or

(2) report the collection of any state gross retail or use tax on the returns filed under IC 6-2.5-6-1.

However, the department must give the certificate holder at least five (5) days notice before it revokes the certificate.

(c) The department may, for good cause, revoke a certificate issued under section 1 of this chapter after at least five (5) days notice to the certificate holder if:

(1) the certificate holder is subject to an innkeeper's tax under IC 6-9; and

(2) a board, bureau, or commission established under IC 6-9 files a written statement with the department.

(d) The statement filed under subsection (c) must state that:

(1) information obtained by the board, bureau, or commission under IC 6-8.1-7-1 indicates that the certificate holder has not complied with IC 6-9; and

(2) the board, bureau, or commission has determined that

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- 1 significant harm will result to the county from the certificate
- 2 holder's failure to comply with IC 6-9.
- 3 (e) The department shall revoke or suspend a certificate issued
- 4 under section 1 of this chapter after at least five (5) days notice to the
- 5 certificate holder if:
- 6 (1) the certificate holder owes taxes, penalties, fines, interest, or
- 7 costs due under IC 6-1.1 that remain unpaid at least sixty (60)
- 8 days after the due date under IC 6-1.1; and
- 9 (2) the treasurer of the county to which the taxes are due requests
- 10 the department to revoke or suspend the certificate.
- 11 (f) The department shall reinstate a certificate suspended under
- 12 subsection (e) if the taxes and any penalties due under IC 6-1.1 are paid
- 13 or the county treasurer requests the department to reinstate the
- 14 certificate because an agreement for the payment of taxes and any
- 15 penalties due under IC 6-1.1 has been reached to the satisfaction of the
- 16 county treasurer.
- 17 (g) The department shall revoke a certificate issued under section
- 18 1 of this chapter after at least five (5) days notice to the certificate
- 19 holder if the department finds in a public hearing by a preponderance
- 20 of the evidence that the certificate holder has violated IC 35-45-5-3,
- 21 IC 35-45-5-3.5, or IC 35-45-5-4.
- 22 (h) If a person makes a payment for the certificate under section 1
- 23 or 3 of this chapter with a check, credit card, debit card, or electronic
- 24 funds transfer, and the department is unable to obtain payment of the
- 25 check, credit card, debit card, or electronic funds transfer for its full
- 26 face amount when the check, credit card, debit card, or electronic funds
- 27 transfer is presented for payment through normal banking channels, the
- 28 department shall notify the person by mail that the check, credit card,
- 29 debit card, or electronic funds transfer was not honored and that the
- 30 person has five (5) days after the notice is mailed to pay the fee in cash,
- 31 by certified check, or other guaranteed payment. If the person fails to
- 32 make the payment within the five (5) day period, the department shall
- 33 revoke the certificate.
- 34 (i) If the department finds in a public hearing by a preponderance of
- 35 the evidence that a person has ~~been convicted of violating~~
- 36 ~~IC 35-48-4-10~~ **a conviction for a violation of IC 35-48-4-10.5** and the
- 37 conviction involved the sale of or the offer to sell, in the normal course
- 38 of business, a synthetic drug **or a synthetic drug lookalike substance**
- 39 by a retail merchant in a place of business for which the retail merchant
- 40 has been issued a registered retail merchant certificate under section 1
- 41 of this chapter, the department:
- 42 (1) shall suspend the registered retail merchant certificate for the

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1 place of business for one (1) year; and
 2 (2) may not issue another retail merchant certificate under section
 3 1 of this chapter for one (1) year to any person:

4 (A) that:

5 (i) applied for; or

6 (ii) made a retail transaction under;

7 the retail merchant certificate suspended under subdivision
 8 (1); or

9 (B) that:

10 (i) owned or co-owned, directly or indirectly; or

11 (ii) was an officer, a director, a manager, or a partner of;

12 the retail merchant that was issued the retail merchant
 13 certificate suspended under subdivision (1).

14 **(j) If the department finds in a public hearing by a**
 15 **preponderance of the evidence that a person has a judgment for a**
 16 **violation of IC 35-48-4-10.5 as an infraction and the violation**
 17 **involved the sale of or the offer to sell, in the normal course of**
 18 **business, a synthetic drug or a synthetic drug lookalike substance**
 19 **by a retail merchant in a place of business for which the retail**
 20 **merchant has been issued a registered retail merchant certificate**
 21 **under section 1 of this chapter, the department:**

22 **(1) may suspend the registered retail merchant certificate for**
 23 **the place of business for six (6) months; and**

24 **(2) may withhold issuance of another retail merchant**
 25 **certificate under section 1 of this chapter for six (6) months to**
 26 **any person:**

27 (A) that:

28 (i) applied for; or

29 (ii) made a retail transaction under;

30 the retail merchant certificate suspended under
 31 subdivision (1); or

32 (B) that:

33 (i) owned or co-owned, directly or indirectly; or

34 (ii) was an officer, a director, a manager, or a partner of;

35 the retail merchant that was issued the retail merchant
 36 certificate suspended under subdivision (1).

37 SECTION 3. IC 9-13-2-86, AS AMENDED BY P.L.151-2006,
 38 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 UPON PASSAGE]: Sec. 86. "Intoxicated" means under the influence
 40 of:

41 (1) alcohol;

42 (2) a controlled substance (as defined in IC 35-48-1);

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- 1 (3) a drug other than alcohol or a controlled substance;
- 2 (4) a substance described in IC 35-46-6-2 or IC 35-46-6-3; ~~or~~
- 3 (5) a combination of substances described in subdivisions (1)
- 4 through (4); **or**
- 5 **(6) any other substance, not including food and food**
- 6 **ingredients (as defined in IC 6-2.5-1-20), tobacco (as defined**
- 7 **in IC 6-2.5-1-28), or a dietary supplement (as defined in**
- 8 **IC 6-2.5-1-16);**

9 so that there is an impaired condition of thought and action and the loss
 10 of normal control of a person's faculties.

11 SECTION 4. IC 16-31-3-14, AS AMENDED BY P.L.77-2012,
 12 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 13 UPON PASSAGE]: Sec. 14. (a) A person holding a certificate or
 14 license issued under this article must comply with the applicable
 15 standards and rules established under this article. A certificate holder
 16 or license holder is subject to disciplinary sanctions under subsection
 17 (b) if the department of homeland security determines that the
 18 certificate holder or license holder:

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

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- 1 practice;
- 2 (C) physical or mental disability; or
- 3 (D) addiction to, abuse of, or dependency on alcohol or other
- 4 drugs that endanger the public by impairing the certificate
- 5 holder's or license holder's ability to practice safely;
- 6 (9) engages in a course of lewd or immoral conduct in connection
- 7 with the delivery of services to the public;
- 8 (10) allows the certificate holder's or license holder's name or a
- 9 certificate or license issued under this article to be used in
- 10 connection with a person who renders services beyond the scope
- 11 of that person's training, experience, or competence;
- 12 (11) is subjected to disciplinary action in another state or
- 13 jurisdiction on grounds similar to those contained in this chapter.
- 14 For purposes of this subdivision, a certified copy of a record of
- 15 disciplinary action constitutes prima facie evidence of a
- 16 disciplinary action in another jurisdiction;
- 17 (12) assists another person in committing an act that would
- 18 constitute a ground for disciplinary sanction under this chapter;
- 19 or
- 20 (13) allows a certificate or license issued by the commission to
- 21 be:
- 22 (A) used by another person; or
- 23 (B) displayed to the public when the certificate or license is
- 24 expired, inactive, invalid, revoked, or suspended.
- 25 (b) The department of homeland security may issue an order under
- 26 IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if
- 27 the department of homeland security determines that a certificate
- 28 holder or license holder is subject to disciplinary sanctions under
- 29 subsection (a):
- 30 (1) Revocation of a certificate holder's certificate or license
- 31 holder's license for a period not to exceed seven (7) years.
- 32 (2) Suspension of a certificate holder's certificate or license
- 33 holder's license for a period not to exceed seven (7) years.
- 34 (3) Censure of a certificate holder or license holder.
- 35 (4) Issuance of a letter of reprimand.
- 36 (5) Assessment of a civil penalty against the certificate holder or
- 37 license holder in accordance with the following:
- 38 (A) The civil penalty may not exceed five hundred dollars
- 39 (\$500) per day per violation.
- 40 (B) If the certificate holder or license holder fails to pay the
- 41 civil penalty within the time specified by the department of
- 42 homeland security, the department of homeland security may

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- 1 suspend the certificate holder's certificate or license holder's
 2 license without additional proceedings.
- 3 (6) Placement of a certificate holder or license holder on
 4 probation status and requirement of the certificate holder or
 5 license holder to:
- 6 (A) report regularly to the department of homeland security
 7 upon the matters that are the basis of probation;
- 8 (B) limit practice to those areas prescribed by the department
 9 of homeland security;
- 10 (C) continue or renew professional education approved by the
 11 department of homeland security until a satisfactory degree of
 12 skill has been attained in those areas that are the basis of the
 13 probation; or
- 14 (D) perform or refrain from performing any acts, including
 15 community restitution or service without compensation, that
 16 the department of homeland security considers appropriate to
 17 the public interest or to the rehabilitation or treatment of the
 18 certificate holder or license holder.
- 19 The department of homeland security may withdraw or modify
 20 this probation if the department of homeland security finds after
 21 a hearing that the deficiency that required disciplinary action is
 22 remedied or that changed circumstances warrant a modification
 23 of the order.
- 24 (c) If an applicant or a certificate holder or license holder has
 25 engaged in or knowingly cooperated in fraud or material deception to
 26 obtain a certificate or license, including cheating on the certification or
 27 licensure examination, the department of homeland security may
 28 rescind the certificate or license if it has been granted, void the
 29 examination or other fraudulent or deceptive material, and prohibit the
 30 applicant from reapplying for the certificate or license for a length of
 31 time established by the department of homeland security.
- 32 (d) The department of homeland security may deny certification or
 33 licensure to an applicant who would be subject to disciplinary sanctions
 34 under subsection (b) if that person were a certificate holder or license
 35 holder, has had disciplinary action taken against the applicant or the
 36 applicant's certificate or license to practice in another state or
 37 jurisdiction, or has practiced without a certificate or license in violation
 38 of the law. A certified copy of the record of disciplinary action is
 39 conclusive evidence of the other jurisdiction's disciplinary action.
- 40 (e) The department of homeland security may order a certificate
 41 holder or license holder to submit to a reasonable physical or mental
 42 examination if the certificate holder's or license holder's physical or

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1 mental capacity to practice safely and competently is at issue in a
2 disciplinary proceeding. Failure to comply with a department of
3 homeland security order to submit to a physical or mental examination
4 makes a certificate holder or license holder liable to temporary
5 suspension under subsection (i).

6 (f) Except as provided under subsection (a), subsection (g), and
7 section 14.5 of this chapter, a certificate or license may not be denied,
8 revoked, or suspended because the applicant, certificate holder, or
9 license holder has been convicted of an offense. The acts from which
10 the applicant's, certificate holder's, or license holder's conviction
11 resulted may be considered as to whether the applicant or certificate
12 holder or license holder should be entrusted to serve the public in a
13 specific capacity.

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

- 18 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- 19 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 20 (3) Possession of a controlled substance under IC 35-48-4-7(a).
- 21 (4) Fraudulently obtaining a controlled substance under
22 IC 35-48-4-7(b).
- 23 (5) Manufacture of paraphernalia as a Class D felony under
24 IC 35-48-4-8.1(b).
- 25 (6) Dealing in paraphernalia as a Class D felony under
26 IC 35-48-4-8.5(b).
- 27 (7) Possession of paraphernalia as a Class D felony under
28 IC 35-48-4-8.3(b).
- 29 (8) Possession of marijuana, hash oil, hashish, or salvia or a
30 synthetic drug as a Class D felony under IC 35-48-4-11.
- 31 **(9) Possession of a synthetic drug or synthetic drug lookalike**
32 **substance as a Class D felony under IC 35-48-4-11.5 (or under**
33 **IC 35-48-4-11 before its amendment in 2013).**
- 34 ~~(9)~~ **(10)** Maintaining a common nuisance under IC 35-48-4-13.
- 35 ~~(10)~~ **(11)** An offense relating to registration, labeling, and
36 prescription forms under IC 35-48-4-14.
- 37 ~~(11)~~ **(12)** Conspiracy under IC 35-41-5-2 to commit an offense
38 listed in subdivisions ~~(1) through (10)~~: **this section.**
- 39 ~~(12)~~ **(13)** Attempt under IC 35-41-5-1 to commit an offense listed
40 in subdivisions ~~(1) through (10)~~: **this section.**
- 41 ~~(13)~~ **(14)** An offense in any other jurisdiction in which the
42 elements of the offense for which the conviction was entered are

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1 substantially similar to the elements of an offense described by
 2 subdivisions (1) through (12). **in this section.**

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

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

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

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

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

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

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

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

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

42 (1) an unlimited certificate;

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- 1 (2) a limited or probationary certificate; or
 2 (3) an inactive certificate.
- 3 (q) For purposes of this section, "license holder" means a person
 4 who holds:
 5 (1) an unlimited license;
 6 (2) a limited or probationary license; or
 7 (3) an inactive license.
- 8 SECTION 5. IC 16-31-3-14.5, AS AMENDED BY P.L.77-2012,
 9 SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 UPON PASSAGE]: Sec. 14.5. The department of homeland security
 11 may issue an order under IC 4-21.5-3-6 to deny an applicant's request
 12 for certification or licensure or permanently revoke a certificate or
 13 license under procedures provided by section 14 of this chapter if the
 14 individual who holds the certificate or license issued under this title is
 15 convicted of any of the following:
 16 (1) Dealing in or manufacturing cocaine or a narcotic drug under
 17 IC 35-48-4-1.
 18 (2) Dealing in methamphetamine under IC 35-48-4-1.1.
 19 (3) Dealing in a schedule I, II, or III controlled substance under
 20 IC 35-48-4-2.
 21 (4) Dealing in a schedule IV controlled substance under
 22 IC 35-48-4-3.
 23 (5) Dealing in a schedule V controlled substance under
 24 IC 35-48-4-4.
 25 (6) Dealing in a substance represented to be a controlled
 26 substance under IC 35-48-4-4.5.
 27 (7) Knowingly or intentionally manufacturing, advertising,
 28 distributing, or possessing with intent to manufacture, advertise,
 29 or distribute a substance represented to be a controlled substance
 30 under IC 35-48-4-4.6.
 31 (8) Dealing in a counterfeit substance under IC 35-48-4-5.
 32 (9) Dealing in marijuana, hash oil, hashish, ~~or~~ salvia ~~or~~ a
 33 ~~synthetic drug~~ under IC 35-48-4-10(b).
 34 **(10) Dealing in a synthetic drug or synthetic drug lookalike**
 35 **substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b)**
 36 **before its amendment in 2013).**
 37 ~~(10)~~ **(11) Conspiracy under IC 35-41-5-2 to commit an offense**
 38 **listed in subdivisions (1) through (9) this section.**
 39 ~~(11)~~ **(12) Attempt under IC 35-41-5-1 to commit an offense listed**
 40 **in subdivisions (1) through (9) this section.**
 41 ~~(12)~~ **(13) A crime of violence (as defined in IC 35-50-1-2(a)).**
 42 ~~(13)~~ **(14) An offense in any other jurisdiction in which the**

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1 elements of the offense for which the conviction was entered are
 2 substantially similar to the elements of an offense described under
 3 **subdivisions (1) through (12) this section.**
 4 SECTION 6. IC 20-28-5-8, AS AMENDED BY P.L.78-2012,
 5 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 UPON PASSAGE]: Sec. 8. (a) This section applies when a prosecuting
 7 attorney knows that a licensed employee of a public school or a
 8 nonpublic school has been convicted of an offense listed in subsection
 9 (c). The prosecuting attorney shall immediately give written notice of
 10 the conviction to the following:
 11 (1) The state superintendent.
 12 (2) Except as provided in subdivision (3), the superintendent of
 13 the school corporation that employs the licensed employee or the
 14 equivalent authority if a nonpublic school employs the licensed
 15 employee.
 16 (3) The presiding officer of the governing body of the school
 17 corporation that employs the licensed employee, if the convicted
 18 licensed employee is the superintendent of the school corporation.
 19 (b) The superintendent of a school corporation, presiding officer of
 20 the governing body, or equivalent authority for a nonpublic school shall
 21 immediately notify the state superintendent when the individual knows
 22 that a current or former licensed employee of the public school or
 23 nonpublic school has been convicted of an offense listed in subsection
 24 (c), or when the governing body or equivalent authority for a nonpublic
 25 school takes any final action in relation to an employee who engaged
 26 in any offense listed in subsection (c).
 27 (c) The department, after holding a hearing on the matter, shall
 28 permanently revoke the license of a person who is known by the
 29 department to have been convicted of any of the following felonies:
 30 (1) Kidnapping (IC 35-42-3-2).
 31 (2) Criminal confinement (IC 35-42-3-3).
 32 (3) Rape (IC 35-42-4-1).
 33 (4) Criminal deviate conduct (IC 35-42-4-2).
 34 (5) Child molesting (IC 35-42-4-3).
 35 (6) Child exploitation (IC 35-42-4-4(b)).
 36 (7) Vicarious sexual gratification (IC 35-42-4-5).
 37 (8) Child solicitation (IC 35-42-4-6).
 38 (9) Child seduction (IC 35-42-4-7).
 39 (10) Sexual misconduct with a minor (IC 35-42-4-9).
 40 (11) Incest (IC 35-46-1-3).
 41 (12) Dealing in or manufacturing cocaine or a narcotic drug
 42 (IC 35-48-4-1).

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- 1 (13) Dealing in methamphetamine (IC 35-48-4-1.1).
- 2 (14) Dealing in a schedule I, II, or III controlled substance
- 3 (IC 35-48-4-2).
- 4 (15) Dealing in a schedule IV controlled substance
- 5 (IC 35-48-4-3).
- 6 (16) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- 7 (17) Dealing in a counterfeit substance (IC 35-48-4-5).
- 8 (18) Dealing in marijuana, hash oil, hashish, ~~or salvia or a~~
- 9 ~~synthetic drug~~ (IC 35-48-4-10(b)).
- 10 **(19) Dealing in a synthetic drug or synthetic drug lookalike**
- 11 **substance (IC 35-48-4-10.5, or IC 35-48-4-10(b) before its**
- 12 **amendment in 2013).**
- 13 ~~(19)~~ **(20)** Possession of child pornography (IC 35-42-4-4(c)).
- 14 ~~(20)~~ **(21)** Homicide (IC 35-42-1).
- 15 ~~(21)~~ **(22)** Voluntary manslaughter (IC 35-42-1-3).
- 16 ~~(22)~~ **(23)** Reckless homicide (IC 35-42-1-5).
- 17 ~~(23)~~ **(24)** Battery as any of the following:
- 18 (A) A Class A felony (IC 35-42-2-1(a)(5)).
- 19 (B) A Class B felony (IC 35-42-2-1(a)(4)).
- 20 (C) A Class C felony (IC 35-42-2-1(a)(3)).
- 21 ~~(24)~~ **(25)** Aggravated battery (IC 35-42-2-1.5).
- 22 ~~(25)~~ **(26)** Robbery (IC 35-42-5-1).
- 23 ~~(26)~~ **(27)** Carjacking (IC 35-42-5-2).
- 24 ~~(27)~~ **(28)** Arson as a Class A felony or a Class B felony
- 25 (IC 35-43-1-1(a)).
- 26 ~~(28)~~ **(29)** Burglary as a Class A felony or a Class B felony
- 27 (IC 35-43-2-1).
- 28 ~~(29)~~ **(30)** Attempt under IC 35-41-5-1 to commit an offense listed
- 29 in subdivisions ~~(1) through (28)~~ **this subsection.**
- 30 ~~(30)~~ **(31)** Conspiracy under IC 35-41-5-2 to commit an offense
- 31 listed in subdivisions ~~(1) through (28)~~ **this subsection.**
- 32 (d) The department, after holding a hearing on the matter, shall
- 33 permanently revoke the license of a person who is known by the
- 34 department to have been convicted of a federal offense or an offense in
- 35 another state that is comparable to a felony listed in subsection (c).
- 36 (e) A license may be suspended by the state superintendent as
- 37 specified in IC 20-28-7.5.
- 38 (f) The department shall develop a data base of information on
- 39 school corporation employees who have been reported to the
- 40 department under this section.
- 41 SECTION 7. IC 22-15-5-16, AS AMENDED BY P.L.78-2012,
- 42 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 UPON PASSAGE]: Sec. 16. (a) A practitioner shall comply with the
 2 standards established under this licensing program. A practitioner is
 3 subject to the exercise of the disciplinary sanctions under subsection
 4 (b) if the department finds that a practitioner has:

5 (1) engaged in or knowingly cooperated in fraud or material
 6 deception in order to obtain a license to practice, including
 7 cheating on a licensing examination;

8 (2) engaged in fraud or material deception in the course of
 9 professional services or activities;

10 (3) advertised services or goods in a false or misleading manner;

11 (4) falsified or knowingly allowed another person to falsify
 12 attendance records or certificates of completion of continuing
 13 education courses provided under this chapter;

14 (5) been convicted of a crime that has a direct bearing on the
 15 practitioner's ability to continue to practice competently;

16 (6) knowingly violated a state statute or rule or federal statute or
 17 regulation regulating the profession for which the practitioner is
 18 licensed;

19 (7) continued to practice although the practitioner has become
 20 unfit to practice due to:

21 (A) professional incompetence;

22 (B) failure to keep abreast of current professional theory or
 23 practice;

24 (C) physical or mental disability; or

25 (D) addiction to, abuse of, or severe dependency on alcohol or
 26 other drugs that endanger the public by impairing a
 27 practitioner's ability to practice safely;

28 (8) engaged in a course of lewd or immoral conduct in connection
 29 with the delivery of services to the public;

30 (9) allowed the practitioner's name or a license issued under this
 31 chapter to be used in connection with an individual or business
 32 who renders services beyond the scope of that individual's or
 33 business's training, experience, or competence;

34 (10) had disciplinary action taken against the practitioner or the
 35 practitioner's license to practice in another state or jurisdiction on
 36 grounds similar to those under this chapter;

37 (11) assisted another person in committing an act that would
 38 constitute a ground for disciplinary sanction under this chapter;
 39 or

40 (12) allowed a license issued by the department to be:

41 (A) used by another person; or

42 (B) displayed to the public when the license has expired, is

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1 inactive, is invalid, or has been revoked or suspended.
2 For purposes of subdivision (10), a certified copy of a record of
3 disciplinary action constitutes prima facie evidence of a disciplinary
4 action in another jurisdiction.

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

- 8 (1) Permanent revocation of a practitioner's license.
- 9 (2) Suspension of a practitioner's license.
- 10 (3) Censure of a practitioner.
- 11 (4) Issuance of a letter of reprimand.
- 12 (5) Assess a civil penalty against the practitioner in accordance
13 with the following:

14 (A) The civil penalty may not be more than one thousand
15 dollars (\$1,000) for each violation listed in subsection (a),
16 except for a finding of incompetency due to a physical or
17 mental disability.

18 (B) When imposing a civil penalty, the department shall
19 consider a practitioner's ability to pay the amount assessed. If
20 the practitioner fails to pay the civil penalty within the time
21 specified by the department, the department may suspend the
22 practitioner's license without additional proceedings. However,
23 a suspension may not be imposed if the sole basis for the
24 suspension is the practitioner's inability to pay a civil penalty.

25 (6) Place a practitioner on probation status and require the
26 practitioner to:

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

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

41 (c) If an applicant or a practitioner has engaged in or knowingly
42 cooperated in fraud or material deception to obtain a license to

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1 practice, including cheating on the licensing examination, the
 2 department may rescind the license if it has been granted, void the
 3 examination or other fraudulent or deceptive material, and prohibit the
 4 applicant from reapplying for the license for a length of time
 5 established by the department.

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

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

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

24 (g) The department may deny, suspend, or revoke a license issued
 25 under this chapter if the individual who holds the license is convicted
 26 of any of the following:

- 27 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- 28 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 29 (3) Possession of a controlled substance under IC 35-48-4-7(a).
- 30 (4) Fraudulently obtaining a controlled substance under
 31 IC 35-48-4-7(b).
- 32 (5) Manufacture of paraphernalia as a Class D felony under
 33 IC 35-48-4-8.1(b).
- 34 (6) Dealing in paraphernalia as a Class D felony under
 35 IC 35-48-4-8.5(b).
- 36 (7) Possession of paraphernalia as a Class D felony under
 37 IC 35-48-4-8.3(b).
- 38 (8) Possession of marijuana, hash oil, hashish, or salvia or a
 39 synthetic drug as a Class D felony under IC 35-48-4-11.
- 40 **(9) Possession of a synthetic drug or synthetic drug lookalike**
 41 **substance as a Class D felony under IC 35-48-4-11.5 (or under**
 42 **IC 35-48-4-11 before its amendment in 2013).**



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- 1 ~~(9)~~ **(10)** Maintaining a common nuisance under IC 35-48-4-13.
- 2 ~~(10)~~ **(11)** An offense relating to registration, labeling, and
- 3 prescription forms under IC 35-48-4-14.
- 4 ~~(11)~~ **(12)** Conspiracy under IC 35-41-5-2 to commit an offense
- 5 listed in subdivisions ~~(1)~~ through ~~(10)~~: **this subsection.**
- 6 ~~(12)~~ **(13)** Attempt under IC 35-41-5-1 to commit an offense listed
- 7 in subdivisions ~~(1)~~ through ~~(10)~~: **this subsection.**
- 8 ~~(13)~~ **(14)** An offense in any other jurisdiction in which the
- 9 elements of the offense for which the conviction was entered are
- 10 substantially similar to the elements of an offense described in
- 11 subdivisions ~~(1)~~ through ~~(12)~~: **this subsection.**
- 12 (h) The department shall deny, revoke, or suspend a license issued
- 13 under this chapter if the individual who holds the license is convicted
- 14 of any of the following:
- 15 (1) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.
- 16 (2) Dealing in methamphetamine under IC 35-48-4-1.1.
- 17 (3) Dealing in a schedule I, II, or III controlled substance under
- 18 IC 35-48-4-2.
- 19 (4) Dealing in a schedule IV controlled substance under
- 20 IC 35-48-4-3.
- 21 (5) Dealing in a schedule V controlled substance under
- 22 IC 35-48-4-4.
- 23 (6) Dealing in a substance represented to be a controlled
- 24 substance under IC 35-48-4-4.5.
- 25 (7) Knowingly or intentionally manufacturing, advertising,
- 26 distributing, or possessing with intent to manufacture, advertise,
- 27 or distribute a substance represented to be a controlled substance
- 28 under IC 35-48-4-4.6.
- 29 (8) Dealing in a counterfeit substance under IC 35-48-4-5.
- 30 (9) Dealing in marijuana, hash oil, hashish, **or** salvia **or** a
- 31 **synthetic drug** under IC 35-48-4-10(b).
- 32 **(10) Dealing in a synthetic drug or synthetic drug lookalike**
- 33 **substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b)**
- 34 **before its amendment in 2013).**
- 35 ~~(10)~~ **(11)** Conspiracy under IC 35-41-5-2 to commit an offense
- 36 listed in subdivisions ~~(1)~~ through ~~(9)~~: **this subsection.**
- 37 ~~(11)~~ **(12)** Attempt under IC 35-41-5-1 to commit an offense listed
- 38 in subdivisions ~~(1)~~ through ~~(9)~~ **this subsection.**
- 39 ~~(12)~~ **(13)** An offense in any other jurisdiction in which the
- 40 elements of the offense for which the conviction was entered are
- 41 substantially similar to the elements of an offense described in
- 42 subdivisions ~~(1)~~ through ~~(11)~~ **this subsection.**

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- 1 ~~(13)~~ **(14)** A violation of any federal or state drug law or rule
2 related to wholesale legend drug distributors licensed under
3 IC 25-26-14.
- 4 (i) A decision of the department under subsections (b) through (h)
5 may be appealed to the commission under IC 4-21.5-3-7.
- 6 (j) The department may temporarily suspend a practitioner's license
7 under IC 4-21.5-4 before a final adjudication or during the appeals
8 process if the department finds that a practitioner represents a clear and
9 immediate danger to the public's health, safety, or property if the
10 practitioner is allowed to continue to practice.
- 11 (k) On receipt of a complaint or an information alleging that a
12 person licensed under this chapter has engaged in or is engaging in a
13 practice that jeopardizes the public health, safety, or welfare, the
14 department shall initiate an investigation against the person.
- 15 (l) Any complaint filed with the office of the attorney general
16 alleging a violation of this licensing program shall be referred to the
17 department for summary review and for its general information and any
18 authorized action at the time of the filing.
- 19 (m) The department shall conduct a fact finding investigation as the
20 department considers proper in relation to the complaint.
- 21 (n) The department may reinstate a license that has been suspended
22 under this section if, after a hearing, the department is satisfied that the
23 applicant is able to practice with reasonable skill, safety, and
24 competency to the public. As a condition of reinstatement, the
25 department may impose disciplinary or corrective measures authorized
26 under this chapter.
- 27 (o) The department may not reinstate a license that has been
28 revoked under this chapter. An individual whose license has been
29 revoked under this chapter may not apply for a new license until seven
30 (7) years after the date of revocation.
- 31 (p) The department shall seek to achieve consistency in the
32 application of sanctions authorized in this chapter. Significant
33 departures from prior decisions involving similar conduct must be
34 explained in the department's findings or orders.
- 35 (q) A practitioner may petition the department to accept the
36 surrender of the practitioner's license instead of having a hearing before
37 the commission. The practitioner may not surrender the practitioner's
38 license without the written approval of the department, and the
39 department may impose any conditions appropriate to the surrender or
40 reinstatement of a surrendered license.
- 41 (r) A practitioner who has been subjected to disciplinary sanctions
42 may be required by the commission to pay the costs of the proceeding.

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1 The practitioner's ability to pay shall be considered when costs are
2 assessed. If the practitioner fails to pay the costs, a suspension may not
3 be imposed solely upon the practitioner's inability to pay the amount
4 assessed. The costs are limited to costs for the following:

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

14 SECTION 8. IC 24-5-0.5-4, AS AMENDED BY P.L.226-2011,
15 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 UPON PASSAGE]: Sec. 4. (a) A person relying upon an uncured or
17 incurable deceptive act may bring an action for the damages actually
18 suffered as a consumer as a result of the deceptive act or five hundred
19 dollars (\$500), whichever is greater. The court may increase damages
20 for a willful deceptive act in an amount that does not exceed the greater
21 of:

- 22 (1) three (3) times the actual damages of the consumer suffering
23 the loss; or
- 24 (2) one thousand dollars (\$1,000).

25 Except as provided in subsection (j), the court may award reasonable
26 attorney fees to the party that prevails in an action under this
27 subsection. This subsection does not apply to a consumer transaction
28 in real property, including a claim or action involving a construction
29 defect (as defined in IC 32-27-3-1(5)) brought against a construction
30 professional (as defined in IC 32-27-3-1(4)), except for purchases of
31 time shares and camping club memberships. This subsection does not
32 apply with respect to a deceptive act described in section 3(a)(20) of
33 this chapter. This subsection also does not apply to a violation of
34 IC 24-4.7, IC 24-5-12, or IC 24-5-14. Actual damages awarded to a
35 person under this section have priority over any civil penalty imposed
36 under this chapter.

37 (b) Any person who is entitled to bring an action under subsection
38 (a) on the person's own behalf against a supplier for damages for a
39 deceptive act may bring a class action against such supplier on behalf
40 of any class of persons of which that person is a member and which has
41 been damaged by such deceptive act, subject to and under the Indiana
42 Rules of Trial Procedure governing class actions, except as herein

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1 expressly provided. Except as provided in subsection (j), the court may
 2 award reasonable attorney fees to the party that prevails in a class
 3 action under this subsection, provided that such fee shall be determined
 4 by the amount of time reasonably expended by the attorney and not by
 5 the amount of the judgment, although the contingency of the fee may
 6 be considered. Except in the case of an extension of time granted by the
 7 attorney general under IC 24-10-2-2(b) in an action subject to IC 24-10,
 8 any money or other property recovered in a class action under this
 9 subsection which cannot, with due diligence, be restored to consumers
 10 within one (1) year after the judgment becomes final shall be returned
 11 to the party depositing the same. This subsection does not apply to a
 12 consumer transaction in real property, except for purchases of time
 13 shares and camping club memberships. This subsection does not apply
 14 with respect to a deceptive act described in section 3(a)(20) of this
 15 chapter. Actual damages awarded to a class have priority over any civil
 16 penalty imposed under this chapter.

17 (c) The attorney general may bring an action to enjoin a deceptive
 18 act, including a deceptive act described in section 3(a)(20) of this
 19 chapter, notwithstanding subsections (a) and (b). However, the attorney
 20 general may seek to enjoin patterns of incurable deceptive acts with
 21 respect to consumer transactions in real property. In addition, the court
 22 may:

- 23 (1) issue an injunction;
- 24 (2) order the supplier to make payment of the money unlawfully
- 25 received from the aggrieved consumers to be held in escrow for
- 26 distribution to aggrieved consumers;
- 27 (3) order the supplier to pay to the state the reasonable costs of
- 28 the attorney general's investigation and prosecution related to the
- 29 action; ~~and~~
- 30 (4) provide for the appointment of a receiver; **and**
- 31 **(5) order the department of state revenue to suspend the**
- 32 **supplier's registered retail merchant certificate, subject to the**
- 33 **requirements and prohibitions contained in IC 6-2.5-8-7(i), if**
- 34 **the court finds that a violation of this chapter involved the**
- 35 **sale or solicited sale of a synthetic drug (as defined in**
- 36 **IC 35-31.5-2-321) or a synthetic drug lookalike substance (as**
- 37 **defined in IC 35-31.5-2-321.5).**

38 (d) In an action under subsection (a), (b), or (c), the court may void
 39 or limit the application of contracts or clauses resulting from deceptive
 40 acts and order restitution to be paid to aggrieved consumers.

41 (e) In any action under subsection (a) or (b), upon the filing of the
 42 complaint or on the appearance of any defendant, claimant, or any

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1 other party, or at any later time, the trial court, the supreme court, or the
 2 court of appeals may require the plaintiff, defendant, claimant, or any
 3 other party or parties to give security, or additional security, in such
 4 sum as the court shall direct to pay all costs, expenses, and
 5 disbursements that shall be awarded against that party or which that
 6 party may be directed to pay by any interlocutory order by the final
 7 judgment or on appeal.

8 (f) Any person who violates the terms of an injunction issued under
 9 subsection (c) shall forfeit and pay to the state a civil penalty of not
 10 more than fifteen thousand dollars (\$15,000) per violation. For the
 11 purposes of this section, the court issuing an injunction shall retain
 12 jurisdiction, the cause shall be continued, and the attorney general
 13 acting in the name of the state may petition for recovery of civil
 14 penalties. Whenever the court determines that an injunction issued
 15 under subsection (c) has been violated, the court shall award
 16 reasonable costs to the state.

17 (g) If a court finds any person has knowingly violated section 3 or
 18 10 of this chapter, other than section 3(a)(19) or 3(a)(20) of this
 19 chapter, the attorney general, in an action pursuant to subsection (c),
 20 may recover from the person on behalf of the state a civil penalty of a
 21 fine not exceeding five thousand dollars (\$5,000) per violation.

22 (h) If a court finds that a person has violated section 3(a)(19) of this
 23 chapter, the attorney general, in an action under subsection (c), may
 24 recover from the person on behalf of the state a civil penalty as follows:

25 (1) For a knowing or intentional violation, one thousand five
 26 hundred dollars (\$1,500).

27 (2) For a violation other than a knowing or intentional violation,
 28 five hundred dollars (\$500).

29 A civil penalty recovered under this subsection shall be deposited in
 30 the consumer protection division telephone solicitation fund
 31 established by IC 24-4.7-3-6 to be used for the administration and
 32 enforcement of section 3(a)(19) of this chapter.

33 (i) An elderly person relying upon an uncured or incurable
 34 deceptive act, including an act related to hypnotism, may bring an
 35 action to recover treble damages, if appropriate.

36 (j) An offer to cure is:

37 (1) not admissible as evidence in a proceeding initiated under this
 38 section unless the offer to cure is delivered by a supplier to the
 39 consumer or a representative of the consumer before the supplier
 40 files the supplier's initial response to a complaint; and

41 (2) only admissible as evidence in a proceeding initiated under
 42 this section to prove that a supplier is not liable for attorney's fees

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under subsection (k).
If the offer to cure is timely delivered by the supplier, the supplier may submit the offer to cure as evidence to prove in the proceeding in accordance with the Indiana Rules of Trial Procedure that the supplier made an offer to cure.

(k) A supplier may not be held liable for the attorney's fees and court costs of the consumer that are incurred following the timely delivery of an offer to cure as described in subsection (j) unless the actual damages awarded, not including attorney's fees and costs, exceed the value of the offer to cure.

(l) If a court finds that a person has knowingly violated section 3(a)(20) of this chapter, the attorney general, in an action under subsection (c), may recover from the person on behalf of the state a civil penalty not exceeding one thousand dollars (\$1,000) per consumer. In determining the amount of the civil penalty in any action by the attorney general under this subsection, the court shall consider, among other relevant factors, the frequency and persistence of noncompliance by the debt collector, the nature of the noncompliance, and the extent to which the noncompliance was intentional. A person may not be held liable in any action by the attorney general for a violation of section 3(a)(20) of this chapter if the person shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error, notwithstanding the maintenance of procedures reasonably adapted to avoid the error. A person may not be held liable in any action for a violation of this chapter for contacting a person other than the debtor, if the contact is made in compliance with the Fair Debt Collection Practices Act.

SECTION 9. IC 25-1-1.1-2, AS AMENDED BY P.L.78-2012, SECTION 7, IS 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).

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- 1 (5) Manufacture of paraphernalia as a Class D felony under
- 2 IC 35-48-4-8.1(b).
- 3 (6) Dealing in paraphernalia as a Class D felony under
- 4 IC 35-48-4-8.5(b).
- 5 (7) Possession of paraphernalia as a Class D felony under
- 6 IC 35-48-4-8.3(b).
- 7 (8) Possession of marijuana, hash oil, hashish, or salvia or a
- 8 synthetic drug as a Class D felony under IC 35-48-4-11.
- 9 **(9) Possession of a synthetic drug or synthetic drug lookalike**
- 10 **substance as a Class D felony under IC 35-48-4-11.5 (or under**
- 11 **IC 35-48-4-11 before its amendment in 2013).**
- 12 ~~(9)~~ **(10)** Maintaining a common nuisance under IC 35-48-4-13.
- 13 ~~(10)~~ **(11)** An offense relating to registration, labeling, and
- 14 prescription forms under IC 35-48-4-14.
- 15 ~~(11)~~ **(12)** Conspiracy under IC 35-41-5-2 to commit an offense
- 16 listed in subdivisions ~~(1)~~ through ~~(10)~~: **this section.**
- 17 ~~(12)~~ **(13)** Attempt under IC 35-41-5-1 to commit an offense listed
- 18 in subdivisions ~~(1)~~ through ~~(10)~~: **this section.**
- 19 ~~(13)~~ **(14)** A sex crime under IC 35-42-4.
- 20 ~~(14)~~ **(15)** A felony that reflects adversely on the individual's
- 21 fitness to hold a professional license.
- 22 ~~(15)~~ **(16)** An offense in any other jurisdiction in which the
- 23 elements of the offense for which the conviction was entered are
- 24 substantially similar to the elements of an offense described in
- 25 this section.
- 26 SECTION 10. IC 25-1-1.1-3, AS AMENDED BY P.L.78-2012,
- 27 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 28 UPON PASSAGE]: Sec. 3. A board, a commission, or a committee
- 29 shall revoke or suspend a license or certificate issued under this title by
- 30 the board, the commission, or the committee if the individual who
- 31 holds the license or certificate is convicted of any of the following:
- 32 (1) Dealing in or manufacturing cocaine or a narcotic drug under
- 33 IC 35-48-4-1.
- 34 (2) Dealing in methamphetamine under IC 35-48-4-1.1.
- 35 (3) Dealing in a schedule I, II, or III controlled substance under
- 36 IC 35-48-4-2.
- 37 (4) Dealing in a schedule IV controlled substance under
- 38 IC 35-48-4-3.
- 39 (5) Dealing in a schedule V controlled substance under
- 40 IC 35-48-4-4.
- 41 (6) Dealing in a substance represented to be a controlled
- 42 substance under IC 35-48-4-4.5.

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- 1 (7) Knowingly or intentionally manufacturing, advertising,
- 2 distributing, or possessing with intent to manufacture, advertise,
- 3 or distribute a substance represented to be a controlled substance
- 4 under IC 35-48-4-4.6.
- 5 (8) Dealing in a counterfeit substance under IC 35-48-4-5.
- 6 (9) Dealing in marijuana, hash oil, hashish, ~~or salvia or a~~
- 7 ~~synthetic drug~~ under IC 35-48-4-10(b).
- 8 **(10) Dealing in a synthetic drug or synthetic drug lookalike**
- 9 **substance under IC 35-48-4-10.5 (or under IC 35-48-4-10(b)**
- 10 **before its amendment in 2013).**
- 11 ~~(10)~~ **(11) Conspiracy under IC 35-41-5-2 to commit an offense**
- 12 **listed in subdivisions (1) through (9) this section.**
- 13 ~~(11)~~ **(12) Attempt under IC 35-41-5-1 to commit an offense listed**
- 14 **in subdivisions (1) through (9) this section.**
- 15 ~~(12)~~ **(13) An offense in any other jurisdiction in which the**
- 16 **elements of the offense for which the conviction was entered are**
- 17 **substantially similar to the elements of an offense described under**
- 18 **subdivisions (1) through (11) in this section.**
- 19 ~~(13)~~ **(14) A violation of any federal or state drug law or rule**
- 20 **related to wholesale legend drug distributors licensed under**
- 21 **IC 25-26-14.**
- 22 SECTION 11. IC 25-26-13-4.1, AS ADDED BY P.L.78-2012,
- 23 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 24 UPON PASSAGE]: Sec. 4.1. (a) The board may adopt an emergency
- 25 rule to declare that a substance is a synthetic drug.
- 26 (b) The board may, **on its own initiative or under a written**
- 27 **request from the state police department, the United States Drug**
- 28 **Enforcement Administration, or a poison control center,** adopt an
- 29 emergency rule declaring a substance to be a synthetic drug if the board
- 30 finds that the substance:
- 31 (1) has been scheduled or emergency scheduled by the United
- 32 States Drug Enforcement Administration; ~~or~~
- 33 (2) has been scheduled, emergency scheduled, or criminalized by
- 34 another state; ~~or~~
- 35 **(3) has:**
- 36 **(A) a high potential for abuse; and**
- 37 **(B) no accepted medical use in treatment in the United**
- 38 **States or lacks accepted safety for use in treatment under**
- 39 **medical supervision.**
- 40 **(c) In making its determination under subsection (b)(3), the**
- 41 **board shall consider the following factors relating to the substance:**
- 42 **(1) The actual or relative potential for abuse.**

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- 1 **(2) Scientific evidence of the substance's pharmacological**
- 2 **effect, if known.**
- 3 **(3) The state of current scientific knowledge regarding the**
- 4 **substance.**
- 5 **(4) The history and current pattern of abuse of the substance.**
- 6 **(5) The scope, duration, and significance of abuse of the**
- 7 **substance.**
- 8 **(6) The degree of risk to the public health.**
- 9 **(7) The psychic or psychological dependence liability of the**
- 10 **substance.**

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

13 (ϑ) **(e)** A rule adopted under this section expires on June 30 of the
 14 year following the year in which it is filed with the publisher under
 15 IC 4-22-2-37.1.

16 (ε) **(f)** The board may readopt under this section an emergency rule
 17 that has expired.

18 SECTION 12. IC 32-30-8-2, AS AMENDED BY P.L.87-2005,
 19 SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 UPON PASSAGE]: Sec. 2. (a) **Except as provided in subsection (d),**
 21 as used in this chapter, "property" means a house, a building, a mobile
 22 home, or an apartment that is leased for residential or commercial
 23 purposes.

24 (b) The term includes:
 25 (1) an entire building or complex of buildings; or
 26 (2) a mobile home community;
 27 and all real property of any nature appurtenant to and used in
 28 connection with the house, building, mobile home, or apartment,
 29 including all individual rental units and common areas.

30 (c) The term does not include a hotel, motel, or other guest house,
 31 part of which is rented to a transient guest.

32 **(d) For actions brought by the attorney general in relation to the**
 33 **sale or solicited sale of a synthetic drug (as defined in**
 34 **IC 35-31.5-2-321) or a synthetic drug lookalike substance (as**
 35 **defined in IC 35-31.5-2-321.5), "property" means a house, a**
 36 **building, a mobile home, or an apartment that is owned or leased**
 37 **for commercial or residential purposes. The term includes all real**
 38 **property of any nature appurtenant to and used in connection with**
 39 **the house, building, mobile home, or apartment.**

40 SECTION 13. IC 32-30-8-4 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. An action to
 42 abate a nuisance under this chapter may be initiated by any of the

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- 1 following:
- 2 (1) The prosecuting attorney of the circuit where the nuisance is
- 3 located.
- 4 (2) The corporation counsel or city attorney of a city in which a
- 5 nuisance is located.
- 6 (3) An attorney representing a county in which a nuisance is
- 7 located.
- 8 (4) The property owner.
- 9 **(5) The attorney general.**

10 SECTION 14. IC 32-30-8-10.5 IS ADDED TO THE INDIANA
 11 CODE AS A NEW SECTION TO READ AS FOLLOWS
 12 [EFFECTIVE UPON PASSAGE]: **Sec. 10.5. In addition to the**
 13 **remedies and penalties specified in sections 10, 11, 12, and 13 of**
 14 **this chapter, the court may do any of the following in an action**
 15 **brought under this chapter concerning the sale or solicited sale of**
 16 **a synthetic drug (as defined in IC 35-31.5-2-321) or a synthetic**
 17 **drug lookalike substance (as defined in IC 35-31.5-2-321.5):**

- 18 (1) **Issue a restraining order against the person subject to**
- 19 **IC 32-30-7-9 and IC 32-30-7-13.**
- 20 (2) **Issue a preliminary injunction, temporary forfeiture, or**
- 21 **closure order pending final decision on a permanent**
- 22 **injunction subject to IC 32-30-7-12.**
- 23 (3) **Issue an order of abatement subject to IC 32-30-7-22.**

24 SECTION 15. IC 34-24-1-1, AS AMENDED BY P.L.125-2012,
 25 SECTION 411, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The following may be
 27 seized:

- 28 (1) All vehicles (as defined by IC 35-31.5-2-346), if they are used
- 29 or are intended for use by the person or persons in possession of
- 30 them to transport or in any manner to facilitate the transportation
- 31 of the following:
- 32 (A) A controlled substance for the purpose of committing,
- 33 attempting to commit, or conspiring to commit any of the
- 34 following:
- 35 (i) Dealing in or manufacturing cocaine or a narcotic drug
- 36 (IC 35-48-4-1).
- 37 (ii) Dealing in methamphetamine (IC 35-48-4-1.1).
- 38 (iii) Dealing in a schedule I, II, or III controlled substance
- 39 (IC 35-48-4-2).
- 40 (iv) Dealing in a schedule IV controlled substance
- 41 (IC 35-48-4-3).
- 42 (v) Dealing in a schedule V controlled substance

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- 1 (IC 35-48-4-4).
- 2 (vi) Dealing in a counterfeit substance (IC 35-48-4-5).
- 3 (vii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).
- 4 (viii) Possession of methamphetamine (IC 35-48-4-6.1).
- 5 (ix) Dealing in paraphernalia (IC 35-48-4-8.5).
- 6 (x) Dealing in marijuana, hash oil, hashish, or salvia or a
- 7 synthetic cannabinoid (IC 35-48-4-10).
- 8 **(xi) Dealing in a synthetic drug or synthetic drug**
- 9 **lookalike substance (IC 35-48-4-10.5, or IC 35-48-4-10**
- 10 **before its amendment in 2013).**
- 11 (B) Any stolen (IC 35-43-4-2) or converted property
- 12 (IC 35-43-4-3) if the retail or repurchase value of that property
- 13 is one hundred dollars (\$100) or more.
- 14 (C) Any hazardous waste in violation of IC 13-30-10-1.5.
- 15 (D) A bomb (as defined in IC 35-31.5-2-31) or weapon of
- 16 mass destruction (as defined in IC 35-31.5-2-354) used to
- 17 commit, used in an attempt to commit, or used in a conspiracy
- 18 to commit an offense under IC 35-47 as part of or in
- 19 furtherance of an act of terrorism (as defined by
- 20 IC 35-31.5-2-329).
- 21 (2) All money, negotiable instruments, securities, weapons,
- 22 communications devices, or any property used to commit, used in
- 23 an attempt to commit, or used in a conspiracy to commit an
- 24 offense under IC 35-47 as part of or in furtherance of an act of
- 25 terrorism or commonly used as consideration for a violation of
- 26 IC 35-48-4 (other than items subject to forfeiture under
- 27 IC 16-42-20-5 or IC 16-6-8.5-5.1 before its repeal):
- 28 (A) furnished or intended to be furnished by any person in
- 29 exchange for an act that is in violation of a criminal statute;
- 30 (B) used to facilitate any violation of a criminal statute; or
- 31 (C) traceable as proceeds of the violation of a criminal statute.
- 32 (3) Any portion of real or personal property purchased with
- 33 money that is traceable as a proceed of a violation of a criminal
- 34 statute.
- 35 (4) A vehicle that is used by a person to:
- 36 (A) commit, attempt to commit, or conspire to commit;
- 37 (B) facilitate the commission of; or
- 38 (C) escape from the commission of;
- 39 murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal
- 40 confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting
- 41 (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense
- 42 under IC 35-47 as part of or in furtherance of an act of terrorism.

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- 1 (5) Real property owned by a person who uses it to commit any of
 2 the following as a Class A felony, a Class B felony, or a Class C
 3 felony:
 4 (A) Dealing in or manufacturing cocaine or a narcotic drug
 5 (IC 35-48-4-1).
 6 (B) Dealing in methamphetamine (IC 35-48-4-1.1).
 7 (C) Dealing in a schedule I, II, or III controlled substance
 8 (IC 35-48-4-2).
 9 (D) Dealing in a schedule IV controlled substance
 10 (IC 35-48-4-3).
 11 (E) Dealing in marijuana, hash oil, hashish, or salvia or a
 12 synthetic cannabinoid (IC 35-48-4-10).
 13 **(F) Dealing in a synthetic drug or synthetic drug lookalike**
 14 **substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its**
 15 **amendment in 2013).**
 16 (6) Equipment and recordings used by a person to commit fraud
 17 under IC 35-43-5-4(10).
 18 (7) Recordings sold, rented, transported, or possessed by a person
 19 in violation of IC 24-4-10.
 20 (8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as
 21 defined by IC 35-45-6-1) that is the object of a corrupt business
 22 influence violation (IC 35-45-6-2).
 23 (9) Unlawful telecommunications devices (as defined in
 24 IC 35-45-13-6) and plans, instructions, or publications used to
 25 commit an offense under IC 35-45-13.
 26 (10) Any equipment, including computer equipment and cellular
 27 telephones, used for or intended for use in preparing,
 28 photographing, recording, videotaping, digitizing, printing,
 29 copying, or disseminating matter in violation of IC 35-42-4.
 30 (11) Destructive devices used, possessed, transported, or sold in
 31 violation of IC 35-47.5.
 32 (12) Tobacco products that are sold in violation of IC 24-3-5,
 33 tobacco products that a person attempts to sell in violation of
 34 IC 24-3-5, and other personal property owned and used by a
 35 person to facilitate a violation of IC 24-3-5.
 36 (13) Property used by a person to commit counterfeiting or
 37 forgery in violation of IC 35-43-5-2.
 38 (14) After December 31, 2005, if a person is convicted of an
 39 offense specified in IC 25-26-14-26(b) or IC 35-43-10, the
 40 following real or personal property:
 41 (A) Property used or intended to be used to commit, facilitate,
 42 or promote the commission of the offense.

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- 1 (B) Property constituting, derived from, or traceable to the
- 2 gross proceeds that the person obtained directly or indirectly
- 3 as a result of the offense.
- 4 (15) Except as provided in subsection (e), a vehicle used by a
- 5 person who operates the vehicle:
- 6 (A) while intoxicated, in violation of IC 9-30-5-1 through
- 7 IC 9-30-5-5, if in the previous five (5) years the person has two
- 8 (2) or more prior unrelated convictions:
- 9 (i) for operating a motor vehicle while intoxicated in
- 10 violation of IC 9-30-5-1 through IC 9-30-5-5; or
- 11 (ii) for an offense that is substantially similar to IC 9-30-5-1
- 12 through IC 9-30-5-5 in another jurisdiction; or
- 13 (B) on a highway while the person's driving privileges are
- 14 suspended in violation of IC 9-24-19-2 through IC 9-24-19-4,
- 15 if in the previous five (5) years the person has two (2) or more
- 16 prior unrelated convictions:
- 17 (i) for operating a vehicle while intoxicated in violation of
- 18 IC 9-30-5-1 through IC 9-30-5-5; or
- 19 (ii) for an offense that is substantially similar to IC 9-30-5-1
- 20 through IC 9-30-5-5 in another jurisdiction.
- 21 If a court orders the seizure of a vehicle under this subdivision,
- 22 the court shall transmit an order to the bureau of motor vehicles
- 23 recommending that the bureau not permit a vehicle to be
- 24 registered in the name of the person whose vehicle was seized
- 25 until the person possesses a current driving license (as defined in
- 26 IC 9-13-2-41).
- 27 (16) The following real or personal property:
- 28 (A) Property used or intended to be used to commit, facilitate,
- 29 or promote the commission of an offense specified in
- 30 IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or
- 31 IC 30-2-13-38(f).
- 32 (B) Property constituting, derived from, or traceable to the
- 33 gross proceeds that a person obtains directly or indirectly as a
- 34 result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b),
- 35 IC 30-2-10-9(b), or IC 30-2-13-38(f).
- 36 (b) A vehicle used by any person as a common or contract carrier in
- 37 the transaction of business as a common or contract carrier is not
- 38 subject to seizure under this section, unless it can be proven by a
- 39 preponderance of the evidence that the owner of the vehicle knowingly
- 40 permitted the vehicle to be used to engage in conduct that subjects it to
- 41 seizure under subsection (a).
- 42 (c) Equipment under subsection (a)(10) may not be seized unless it

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1 can be proven by a preponderance of the evidence that the owner of the
 2 equipment knowingly permitted the equipment to be used to engage in
 3 conduct that subjects it to seizure under subsection (a)(10).

4 (d) Money, negotiable instruments, securities, weapons,
 5 communications devices, or any property commonly used as
 6 consideration for a violation of IC 35-48-4 found near or on a person
 7 who is committing, attempting to commit, or conspiring to commit any
 8 of the following offenses shall be admitted into evidence in an action
 9 under this chapter as prima facie evidence that the money, negotiable
 10 instrument, security, or other thing of value is property that has been
 11 used or was to have been used to facilitate the violation of a criminal
 12 statute or is the proceeds of the violation of a criminal statute:

13 (1) IC 35-48-4-1 (dealing in or manufacturing cocaine or a
 14 narcotic drug).

15 (2) IC 35-48-4-1.1 (dealing in methamphetamine).

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

18 (4) IC 35-48-4-3 (dealing in a schedule IV controlled substance).

19 (5) IC 35-48-4-4 (dealing in a schedule V controlled substance)
 20 as a Class B felony.

21 (6) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a
 22 Class A felony, Class B felony, or Class C felony.

23 (7) IC 35-48-4-6.1 (possession of methamphetamine) as a Class
 24 A felony, Class B felony, or Class C felony.

25 (8) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, or
 26 salvia) or a synthetic cannabinoid) as a Class C felony.

27 **(9) IC 35-48-4-10.5 (dealing in a synthetic drug or synthetic
 28 drug lookalike substance) as a Class C felony or Class D
 29 felony (or as a Class C felony or Class D felony under
 30 IC 35-48-4-10 before its amendment in 2013).**

31 (e) A vehicle operated by a person who is not:

32 (1) an owner of the vehicle; or

33 (2) the spouse of the person who owns the vehicle;

34 is not subject to seizure under subsection (a)(15) unless it can be
 35 proven by a preponderance of the evidence that the owner of the
 36 vehicle knowingly permitted the vehicle to be used to engage in
 37 conduct that subjects it to seizure under subsection (a)(15).

38 SECTION 16. IC 35-31.5-2-321, AS ADDED BY P.L.114-2012,
 39 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 UPON PASSAGE]: Sec. 321. "Synthetic drug" means:

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

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

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- 1 (T) 4-Methylmethcathinone. Other name: mephedrone.
 2 (U) 3,4-Methylenedioxymethcathinone. Other name:
 3 methylone.
 4 (V) Fluoromethcathinone.
 5 (W) 4-Methoxymethcathinone. Other name: methedrone.
 6 (X) 4-Ethylmethcathinone (4-EMC).
 7 (Y) Methylenedioxypropylvalerone. Other name: MDPV.
 8 (Z) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole.
 9 (AA) JWH-098, or
 10 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole.
 11 (BB) JWH-164, or
 12 1-pentyl-3-(7-methoxy-1-naphthoyl)indole.
 13 (CC) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole.
 14 (DD) JWH-201, or
 15 1-pentyl-3-(4-methoxyphenylacetyl)indole.
 16 (EE) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole.
 17 (FF) AM-694, or
 18 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.
 19 (GG) CP 50,556-1, or
 20 [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpe
 21 ntan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1
 22 -yl] acetate.
 23 (HH) Dimethylheptylpyran, or DMHP.
 24 (II) 4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP.
 25 (JJ) 6-APB [6-(2-aminopropyl)benzofuran].
 26 (LL) 7-hydroxymitragynine.
 27 (MM) α -PPP [α -pyrrolidinopropiophenone].
 28 (NN) α -PVP (desmethylpyrovalerone).
 29 (OO) AM-251.
 30 (PP) AM-1241.
 31 (QQ) AM-2201.
 32 (RR) AM-2233.
 33 (SS) Buphedrone.
 34 (TT) Butylone.
 35 (UU) CP-47,497-C7.
 36 (VV) CP-47,497-C8.
 37 (WW) Desoxypipradol.
 38 (XX) Ethylone.
 39 (YY) Eutylone.
 40 (ZZ) Flephedrone.
 41 (AAA) JWH-011.
 42 (BBB) JWH-020.

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1 (CCC) JWH-022.
 2 (DDD) JWH-030.
 3 (EEE) JWH-182.
 4 (FFF) JWH-302.
 5 (GGG) MDAI [5,6-methylenedioxy-2-aminoindane].
 6 (HHH) Mitragynine.
 7 (III) Naphyrone.
 8 (JJJ) Pentedrone.
 9 (LLL) Pentylone.
 10 (MMM) Methoxetamine
 11 [2-(3-methoxyphenyl)-2-(ethylamino)- cyclohexanone].
 12 (NNN) **A796,260**
 13 **[1-(2-morpholin-4-ylethyl)-1H-indol-3-yl]-**
 14 **(2,2,3,3-tetramethylcyclopropyl)methanone].**
 15 **(OOO) AB-001 [(1s,3s)-adamantan-1-yl]**
 16 **(1-pentyl-1H-indol-3-yl)methanone] or [1-Pentyl-3-**
 17 **(1-adamantoyl)indole].**
 18 **(PPP) AM-356 [Methanandamide].**
 19 **(QQQ) AM 1248 [1-[(1-methyl-2- piperidinyl) methyl]-**
 20 **1H-indol-3-yl] tricyclo[3.3.1.1^{3,7}] dec-1-yl-methanone]or**
 21 **[1-[(N-methylpiperidin-2-yl)**
 22 **Methyl]-3-(Adamant-1-oyl)indole].**
 23 **(RRR) AM 2233 Azepane isomer [(2-iodophenyl)**
 24 **(1-(1-methylazepan-3-yl)- 1H-indol-3-yl)methanone].**
 25 **(SSS) CB-13 [1-Naphthalenyl [4-(pentyoxy)-**
 26 **1-naphthalenyl]methanone].**
 27 **(TTT) UR-144 [(1-pentyl-1H-indol-3-yl)**
 28 **(2,2,3,3-tetramethylcyclopropyl)-methanone].**
 29 **(UUU) URB 597 [(3'-(aminocarbonyl) [1,1'-biphenyl]-3-yl)-**
 30 **cyclohexylcarbamate].**
 31 **(VVV) URB602 [[1,1'-biphenyl]- 3-yl-carbamic acid,**
 32 **cyclohexyl ester].**
 33 **(WWW) URB 754 [6-methyl-2-[(4-methylphenyl)**
 34 **amino]-1-benzoxazin-4-one].**
 35 **(XXX) XLR-11 or 5-fluoro UR-144**
 36 **(1-(5-fluoropentyl)-1H-indol-3-yl)**
 37 **(2,2,3,3-tetramethylcyclopropyl)methanone].**
 38 **(YYY) AKB48 (Other names include:**
 39 **N-Adamantyl-1-pentyl-1H-Indazole-3-carboxamide;**
 40 **1-pentyl-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-indazole-3-**
 41 **carboxamide).**
 42 **(ZZZ) 25I-NBOMe (Other names include:**

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- 1 **4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-**
 2 **benzeneethanamine);**
 3 **2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)**
 4 **methyl]ethanamine).**
 5 **(AAAA) 2C-C-NBOMe (Other names include:**
 6 **25C-NBOMe;**
 7 **2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)**
 8 **methyl]ethanamine;**
 9 **2,5-Dimethoxy-4-chloro-N-(2-methoxybenzyl)**
 10 **phenethylamine).**
 11 **(BBBB) 2NE-1 (Other names include: 1-Pentyl-3-**
 12 **(1-adamantylamido)indole).**
 13 **(CCCC) STS-135 (Other names include:**
 14 **N-Adamantyl-1-fluoropentylindole-3- carboxamide**
 15 **(1-5-fluoropentyl)-N-tricyclo[3.3.1.13.7]dec-1-yl-1H-**
 16 **indole-3-carboxamide).**
 17 (2) Any compound structurally derived from
 18 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by
 19 substitution at the nitrogen atom of the indole ring by alkyl,
 20 haloalkyl, **cyanoalkyl**, alkenyl, cycloalkylmethyl, cycloalkylethyl,
 21 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, or
 22 **1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-**
 23 **morpholinyl)methyl, or tetrahydropyranylmethyl** group,
 24 whether or not further substituted in the indole ring to any extent
 25 and whether or not substituted in the naphthyl ring to any extent.
 26 (3) Any compound structurally derived from 3-(1-naphthoyl)
 27 pyrrole by substitution at the nitrogen atom of the pyrrole ring by
 28 alkyl, haloalkyl, **cyanoalkyl**, alkenyl, cycloalkylmethyl,
 29 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or
 30 2-(4-morpholinyl)ethyl, or **1-(N-methyl-2-pyrrolidinyl)methyl,**
 31 **1-(N-methyl-3-morpholinyl)methyl, or**
 32 **tetrahydropyranylmethyl** group, whether or not further
 33 substituted in the pyrrole ring to any extent and whether or not
 34 substituted in the naphthyl ring to any extent.
 35 (4) Any compound structurally derived from
 36 1-(1-naphthylmethyl)indene by substitution at the 3-position of
 37 the indene ring by alkyl, haloalkyl, **cyanoalkyl**, alkenyl,
 38 cycloalkylmethyl, cycloalkylethyl,
 39 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, or
 40 **1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-**
 41 **morpholinyl)methyl, or tetrahydropyranylmethyl** group,
 42 whether or not further substituted in the indene ring to any extent

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

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1 of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl,
2 c y c l o a l k y l m e t h y l , c y c l o a l k y l e t h y l ,
3 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl) ethyl,
4 1-(N-methyl-2-pyrrolidinyl) methyl, 1-(N-methyl-3-
5 morpholinyl)methyl, or tetrahydropyranylmethyl group,
6 whether or not further substituted in the indole ring to any
7 extent and whether or not substituted in the
8 tetramethylcyclopropyl ring to any extent.

9 (10) Any compound containing a N-(1-adamantyl)-
10 1H-indazole-3-carboxamide structure with substitution at
11 the nitrogen atom of the indazole ring by an alkyl,
12 haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl,
13 cycloalkylethyl, 1-(N-methyl-2- piperidinyl)methyl, or
14 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl,
15 1-(N-methyl-3-morpholinyl)methyl, or
16 tetrahydropyranylmethyl group, whether or not further
17 substituted at the nitrogen atom of the carboxamide to any
18 extent, whether or not further substituted in the indazole
19 ring to any extent, and whether or not further substituted
20 on the adamantyl ring system to any extent. An example of
21 this structural class includes AKB48.

22 (11) Any compound containing a N-(1-adamantyl)-
23 1H-indole-3-carboxamide structure with substitution at the
24 nitrogen atom of the indole ring by an alkyl, haloalkyl,
25 cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
26 1-(N-methyl-2- piperidinyl)methyl, or
27 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl,
28 1-(N-methyl-3-morpholinyl)methyl, or
29 tetrahydropyranylmethyl group, whether or not further
30 substituted at the nitrogen atom of the carboxamide to any
31 extent, whether or not further substituted in the indole ring
32 to any extent, and whether or not further substituted on the
33 adamantyl ring system to any extent. An example of this
34 structural class includes STS-135.

35 (12) Any compound containing a 3-(1-adamantoyl)indole
36 structure with substitution at the nitrogen atom of the indole
37 ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl,
38 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
39 piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-
40 pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or
41 tetrahydropyranylmethyl group, whether or not further
42 substituted on the adamantyl ring system to any extent. An

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1 **example of this structural class includes AM-1248.**

2 **(9) (13)** Any compound determined to be a synthetic drug by rule
3 adopted under IC 25-26-13-4.1.

4 SECTION 17. IC 35-31.5-2-321.5 IS ADDED TO THE INDIANA
5 CODE AS A NEW SECTION TO READ AS FOLLOWS
6 [EFFECTIVE UPON PASSAGE]: **Sec. 321.5. (a) "Synthetic drug**
7 **lookalike substance", except as provided in subsection (b), means**
8 **one (1) or more of the following:**

9 **(1) A substance, other than a synthetic drug, which any of the**
10 **factors listed in subsection (c) would lead a reasonable person**
11 **to believe to be a synthetic drug.**

12 **(2) A substance, other than a synthetic drug:**

13 **(A) that a person knows or should have known was**
14 **intended to be consumed; and**

15 **(B) the consumption of which the person knows or should**
16 **have known to be intended to cause intoxication.**

17 **(b) The term "synthetic drug lookalike substance" does not**
18 **include the following:**

19 **(1) Food and food ingredients (as defined in IC 6-2.5-1-20).**

20 **(2) Alcohol (as defined in IC 7.1-1-3-4).**

21 **(3) A legend drug (as defined in IC 16-18-2-199).**

22 **(4) Tobacco.**

23 **(5) A dietary supplement (as defined in IC 6-2.5-1-16).**

24 **(c) In determining whether a substance is a synthetic drug**
25 **lookalike substance, the following factors may be considered:**

26 **(1) The overall appearance of a dosage unit of the substance,**
27 **including its shape, color, size, markings or lack of markings,**
28 **taste, consistency, and any other identifying physical**
29 **characteristics.**

30 **(2) How the substance is packaged for sale or distribution,**
31 **including the shape, color, size, markings or lack of markings,**
32 **and any other identifying physical characteristics of the**
33 **packaging.**

34 **(3) Any statement made by the owner or person in control of**
35 **the substance concerning the substance's nature, use, or**
36 **effect.**

37 **(4) Any statement made to the buyer or recipient of the**
38 **substance suggesting or implying that the substance is a**
39 **synthetic drug.**

40 **(5) Any statement made to the buyer or recipient of the**
41 **substance suggesting or implying that the substance may be**
42 **resold for profit.**

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1 **(6) The overall circumstances under which the substance is**
 2 **distributed, including whether:**

3 **(A) the distribution included an exchange of, or demand**
 4 **for, money or other property as consideration; and**

5 **(B) the amount of the consideration was substantially**
 6 **greater than the reasonable retail market value of the**
 7 **substance the seller claims the substance to be.**

8 SECTION 18. IC 35-45-6-1, AS AMENDED BY P.L.126-2012,
 9 SECTION 56, AND AS AMENDED BY P.L.149-2012, SECTION 19,
 10 IS CORRECTED AND AMENDED TO READ AS FOLLOWS
 11 [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The definitions in this
 12 section apply throughout this chapter.

13 (b) "Documentary material" means any document, drawing,
 14 photograph, recording, or other tangible item containing compiled data
 15 from which information can be either obtained or translated into a
 16 usable form.

17 (c) "Enterprise" means:

18 (1) a sole proprietorship, corporation, limited liability company,
 19 partnership, business trust, or governmental entity; or

20 (2) a union, an association, or a group, whether a legal entity or
 21 merely associated in fact.

22 (d) "Pattern of racketeering activity" means engaging in at least two
 23 (2) incidents of racketeering activity that have the same or similar
 24 intent, result, accomplice, victim, or method of commission, or that are
 25 otherwise interrelated by distinguishing characteristics that are not
 26 isolated incidents. However, the incidents are a pattern of racketeering
 27 activity only if at least one (1) of the incidents occurred after August
 28 31, 1980, and if the last of the incidents occurred within five (5) years
 29 after a prior incident of racketeering activity.

30 (e) "Racketeering activity" means to commit, to attempt to commit,
 31 to conspire to commit a violation of, or aiding and abetting in a
 32 violation of any of the following:

33 (1) A provision of IC 23-19, or of a rule or order issued under
 34 IC 23-19.

35 (2) A violation of IC 35-45-9.

36 (3) A violation of IC 35-47.

37 (4) A violation of IC 35-49-3.

38 (5) Murder (IC 35-42-1-1).

39 (6) Battery as a Class C felony (IC 35-42-2-1).

40 (7) Kidnapping (IC 35-42-3-2).

41 (8) Human and sexual trafficking crimes (IC 35-42-3.5).

42 (9) Child exploitation (IC 35-42-4-4).

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- 1 (10) Robbery (IC 35-42-5-1).
 2 (11) Carjacking (IC 35-42-5-2).
 3 (12) Arson (IC 35-43-1-1).
 4 (13) Burglary (IC 35-43-2-1).
 5 (14) Theft (IC 35-43-4-2).
 6 (15) Receiving stolen property (IC 35-43-4-2).
 7 (16) Forgery (IC 35-43-5-2).
 8 (17) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10)).
 9 (18) Bribery (~~IC 35-44-1-1~~): (IC 35-44.1-1-2).
 10 (19) Official misconduct (~~IC 35-44-1-2~~): (IC 35-44.1-1-1).
 11 (20) Conflict of interest (~~IC 35-44-1-3~~): (IC 35-44.1-1-4).
 12 (21) Perjury (~~IC 35-44-2-1~~): (IC 35-44.1-2-1).
 13 (22) Obstruction of justice (~~IC 35-44-3-4~~): (IC 35-44.1-2-2).
 14 (23) Intimidation (IC 35-45-2-1).
 15 (24) Promoting prostitution (IC 35-45-4-4).
 16 (25) Professional gambling (IC 35-45-5-3).
 17 (26) Maintaining a professional gambling site
 18 (IC 35-45-5-3.5(b)).
 19 (27) Promoting professional gambling (IC 35-45-5-4).
 20 (28) Dealing in or manufacturing cocaine or a narcotic drug
 21 (IC 35-48-4-1).
 22 (29) Dealing in or manufacturing methamphetamine
 23 (IC 35-48-4-1.1).
 24 (30) Dealing in a schedule I, II, or III controlled substance
 25 (IC 35-48-4-2).
 26 (31) Dealing in a schedule IV controlled substance
 27 (IC 35-48-4-3).
 28 (32) Dealing in a schedule V controlled substance (IC 35-48-4-4).
 29 (33) Dealing in marijuana, hash oil, hashish, salvia, or a synthetic
 30 cannabinoid (IC 35-48-4-10).
 31 (34) Money laundering (IC 35-45-15-5).
 32 (35) A violation of IC 35-47.5-5.
 33 (36) A violation of any of the following:
 34 (A) IC 23-14-48-9.
 35 (B) IC 30-2-9-7(b).
 36 (C) IC 30-2-10-9(b).
 37 (D) IC 30-2-13-38(f).
 38 (37) *Practice of law by a person who is not an attorney*
 39 *(IC 33-43-2-1).*
 40 **(38) Dealing in a synthetic drug or synthetic drug lookalike**
 41 **substance (IC 35-48-4-10.5, or IC 35-48-4-10 before its**
 42 **amendment in 2013).**

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1 SECTION 19. IC 35-46-9-2, AS ADDED BY P.L.40-2012,
 2 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 UPON PASSAGE]: Sec. 2. As used in this chapter, "intoxicated"
 4 means under the influence of:

- 5 (1) alcohol;
 6 (2) a controlled substance;
 7 (3) any drug (as defined in IC 9-13-2-49.1) other than alcohol or
 8 a controlled substance; ~~or~~
 9 (4) any combination of alcohol, controlled substances, or drugs;
 10 **or**
 11 **(5) any other substance, not including food and food**
 12 **ingredients (as defined in IC 6-2.5-1-20), tobacco (as defined**
 13 **in IC 6-2.5-1-28), or a dietary supplement (as defined in**
 14 **IC 6-2.5-1-16);**

15 so that there is an impaired condition of thought and action and the loss
 16 of normal control of an individual's faculties.

17 SECTION 20. IC 35-48-2-4, AS AMENDED BY P.L.114-2012,
 18 SECTION 144, IS AMENDED TO READ AS FOLLOWS
 19 [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The controlled substances
 20 listed in this section are included in schedule I.

21 (b) Opiates. Any of the following opiates, including their isomers,
 22 esters, ethers, salts, and salts of isomers, esters, and ethers, unless
 23 specifically excepted by rule of the board or unless listed in another
 24 schedule, whenever the existence of these isomers, esters, ethers, and
 25 salts is possible within the specific chemical designation:

- 26 Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-
 27 piperidinyl]-N-phenylacetamide) (9815)
 28 Acetylmethadol (9601)
 29 Allylprodine (9602)
 30 Alpha-methylthiofentanyl (N-[1-methyl-2-(2-
 31 thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide) (9832)
 32 Alphacetylmethadol (9603)
 33 Alphameprodine (9604)
 34 Alphamethadol (9605)
 35 Alphamethylfentanyl (9814)
 36 Benzethidine (9606)
 37 Beta-hydroxy-3-methylfentanyl (9831). Other name:
 38 N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl
 39]-N-phenylpropanamide
 40 Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-
 41 phenethyl)-4-piperidinyl]-N-phenylpropanamide) (9830)
 42 Betacetylmethadol (9607)



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1	Betameprodine (9608)
2	Betamethadol (9609)
3	Betaprodine (9611)
4	Clonitazene (9612)
5	Dextromoramide (9613)
6	Diampromide (9615)
7	Diethylthiambutene (9616)
8	Difenoxin (9168)
9	Dimenoxadol (9617)
10	Dimepheptanol (9618)
11	Dimethylthiambutene (9619)
12	Dioxaphetyl butyrate (9621)
13	Dipipanone (9622)
14	Ethylmethylthiambutene (9623)
15	Etonitazene (9624)
16	Etoxidine (9625)
17	Furethidine (9626)
18	Hydroxypethidine (9627)
19	Ketobemidone (9628)
20	Levomoramide (9629)
21	Levophenacymorphan (9631)
22	3-Methylfentanyl [N-[3-methyl-1-(2-phenylethyl)-4-
23	piperidyl]-N-phenyl-propanamide](9813)
24	3-Methylthiofentanyl (N-[(3-methyl-1-(2-thienyl)ethyl-4-
25	piperidinyl]-N-phenylpropanamide) (9833)
26	MPPP (1-methyl-4-phenyl-4-propionoxypiperidine) (9961)
27	Morpheridine (9632)
28	N-[1-benzyl-4-piperidyl]-N-phenylpropanamide
29	(benzylfentanyl), including any isomers, salts, or salts of
30	isomers (9818)
31	N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide
32	(thenylfentanyl), including any isomers, salts, or salts of
33	isomers (9834)
34	Noracymethadol (9633)
35	Norlevorphanol (9634)
36	Normethadone (9635)
37	Norpipanone (9636)
38	Para-fluorofentanyl (N-(4-fluorophenyl)-N-
39	[1-(2-phenethyl)-4-piperidinyl] propanamide (9812)
40	Phenadoxone (9637)
41	Phenampromide (9638)
42	Phenomorphane (9647)

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- 1 Phenoperidine (9641)
 2 PEPAP [1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine] (9663)
 3 Pir tramide (9642)
 4 Proheptazine (9643)
 5 Properidine (9644)
 6 Propiram (9649)
 7 Racemoramide (9645)
 8 Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-
 9 piperidinyl]-propanamide) (9835)
 10 Tilidine (9750)
 11 Trimeperidine (9646)
 12 (c) Opium derivatives. Any of the following opium derivatives, their
 13 salts, isomers, and salts of isomers, unless specifically excepted by rule
 14 of the board or unless listed in another schedule, whenever the
 15 existence of these salts, isomers, and salts of isomers is possible within
 16 the specific chemical designation:
 17 Acetorphine (9319)
 18 Acetyldihydrocodeine (9051)
 19 Benzylmorphine (9052)
 20 Codeine methylbromide (9070)
 21 Codeine-N-Oxide (9053)
 22 Cyprenorphine (9054)
 23 Desomorphine (9055)
 24 Dihydromorphine (9145)
 25 Drotebanol (9335)
 26 Etorphine (except hydrochloride salt) (9056)
 27 Heroin (9200)
 28 Hydromorphenol (9301)
 29 Methyldesorphine (9302)
 30 Methyldihydromorphine (9304)
 31 Morphine methylbromide (9305)
 32 Morphine methylsulfonate (9306)
 33 Morphine-N-Oxide (9307)
 34 Myrophine (9308)
 35 Nicocodeine (9309)
 36 Nicomorphine (9312)
 37 Normorphine (9313)
 38 Pholcodine (9314)
 39 Thebacon (9315)
 40 (d) Hallucinogenic substances. Any material, compound, mixture,
 41 or preparation which contains any quantity of the following
 42 hallucinogenic, psychedelic, or psychogenic substances, their salts,

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1 isomers, and salts of isomers, unless specifically excepted by rule of
 2 the board or unless listed in another schedule, whenever the existence
 3 of these salts, isomers, and salts of isomers is possible within the
 4 specific chemical designation:

5 (1) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (7473). Other name:
 6 TCPy.

7 (2) 4-Bromo-2, 5-Dimethoxyamphetamine (7391). Some trade
 8 or other names: 4-Bromo-2,
 9 5-Dimethoxy-a-methylphenethylamine; 4-Bromo-2, 5-DMA.

10 (3) ~~4-Bromo-2, 5-dimethoxyphenethylamine (7392):~~

11 **4-Bromo-2, 5-dimethoxyphenethylamine (7392)**. Some trade
 12 or other names:

13 2-[4-bromo-2,5-dimethoxyphenyl]-1-aminoethane;
 14 alpha-desmethyl DOB; 2C-B, Nexus.

15 (4) 2, 5-Dimethoxy-4-ethylamphet-amine (7399). Other name:
 16 DOET.

17 (5) 2, 5-Dimethoxy-4-(n)-propylthiophenethylamine (7348).
 18 Other name: 2C-T-7.

19 (6) 2, 5-Dimethoxyamphetamine (7396). Some trade or other
 20 names: 2, 5-Dimethoxy-a-methylphenethylamine; 2, 5-DMA.

21 (7) 4-Methoxyamphetamine (7411). Some trade or other
 22 names: 4-Methoxy-a-methylphenethylamine;
 23 Paramethoxyamphetamine; PMA.

24 (8) 5-Methoxy-3, 4-methylenedioxy amphetamine (7401).
 25 Other Name: MMDA.

26 (9) 5-Methoxy-N, N-diisopropyltryptamine, including any
 27 isomers, salts, or salts of isomers (7439). Other name:
 28 5-MeO-DIPT.

29 (10) 4-methyl-2, 5-dimethoxyamphetamine (7395). Some trade
 30 and other names: 4-methyl-2,
 31 5-dimethoxy-a-methylphenethylamine; DOM; and STP.

32 (11) 3, 4-methylenedioxy amphetamine (7400). Other name:
 33 MDA.

34 (12) 3,4-methylenedioxy-N-ethylamphetamine (7404). Other
 35 names: N-ethyl-alpha-methyl-3,4(methylenedioxy)
 36 phenethylamine; N-ethyl MDA; MDE; and MDEA.

37 (13) 3, 4-methylenedioxymethamphetamine (MDMA) (7405).

38 (14) 3, 4, 5-trimethoxy amphetamine (7390). Other name:
 39 TMA.

40 (15) Alpha-ethyltryptamine (7249). Some trade and other
 41 names: Etryptamine; Monase;
 42 [alpha]-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl)

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- 1 indole; [alpha]-ET; and AET.
 2 (16) Alpha-methyltryptamine (7432). Other name: AMT.
 3 (17) Bufotenine (7433). Some trade and other names:
 4 3-(B-Dimethylaminoethyl)-5-hydroxyindole;
 5 3-(2-dimethylaminonethyl)-5-indolol; N, N-dimethylserotonin;
 6 5-hydroxy-N, N-dimethyltryptamine; mappine.
 7 (18) Diethyltryptamine (7434). Some trade or other names: N,
 8 N-Diethyltryptamine; DET.
 9 (19) ~~Dimethyltryptamine (7435)~~: **Dimethyltryptamine (7435)**.
 10 Some trade or other names: DMT.
 11 (20) Ibogaine (7260). Some trade and other names: 7-Ethyl-6,
 12 6b, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6,
 13 9-methano-5H-pyrido (1', 2': 1, 2, azepino 4, 5-b) indole;
 14 tabernanthe iboga.
 15 (21) Lysergic acid diethylamide (7315). Other name: LSD.
 16 (22) Marijuana (7360).
 17 (23) Mescaline (7381).
 18 (24) Parahexyl (7374). Some trade or other names:
 19 3-Hexyl-1-hydroxy-7, 8, 9, 10-Tetrahydro-6, 6,
 20 9-trimethyl-6H-dibenzo (b,d) pyran; Snyhexyl.
 21 (25) Peyote (7415), including:
 22 (A) all parts of the plant that are classified botanically as
 23 lophophora williamsii lemaire, whether growing or not;
 24 (B) the seeds thereof;
 25 (C) any extract from any part of the plant; and
 26 (D) every compound, manufacture, salt, derivative, mixture, or
 27 preparation of the plant, its seeds, or extracts.
 28 (26) N-ethyl-3-piperidyl benzilate (7482). Other name: DMZ.
 29 (27) N-hydroxy-3,4-methylenedioxyamphetamine (7402).
 30 Other names: N-hydroxy-alpha-methyl-3,4
 31 (methylenedioxy)phenethylamine; and N-hydroxy MDA.
 32 (28) N-methyl-3-piperidyl benzilate (7484). Other name: LBJ.
 33 (29) Psilocybin (7437).
 34 (30) Psilocyn (7438).
 35 (31) Tetrahydrocannabinols (7370), including synthetic
 36 equivalents of the substances contained in the plant, or in the
 37 resinous extractives of Cannabis, sp. and synthetic substances,
 38 derivatives, and their isomers with similar chemical structure and
 39 pharmacological activity such as:
 40 (A) π^1 cis or trans tetrahydrocannabinol, and their optical
 41 isomers;
 42 (B) π^6 cis or trans tetrahydrocannabinol, and their optical

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- 1 isomers; and
 2 (C) π^3_4 cis or trans tetrahydrocannabinol, and their optical
 3 isomers.
 4 Since nomenclature of these substances is not internationally
 5 standardized, compounds of these structures, regardless of
 6 numerical designation of atomic positions are covered. Other
 7 name: THC.
 8 (32) Ethylamine analog of phencyclidine (7455). Some trade or
 9 other names: N-Ethyl-1-phenylcyclohexylamine;
 10 (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl)
 11 ethylamine; cyclohexamine; PCE.
 12 (33) Pyrrolidine analog of phencyclidine (7458). Some trade or
 13 other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCP_y; PHP.
 14 (34) Thiophene analog of phencyclidine (7470). Some trade or
 15 other names: 1-(1-(2-thienyl) cyclohexyl) piperidine; 2-Thienyl
 16 Analog of Phencyclidine; TPCP.
 17 (35) Synthetic drugs (as defined in IC 35-31.5-2-321).
 18 (36) *Salvia divinorum* or salvinorin A, including:
 19 (A) all parts of the plant that are classified botanically as *salvia*
 20 *divinorum*, whether growing or not;
 21 (B) the seeds of the plant;
 22 (C) any extract from any part of the plant; and
 23 (D) every compound, manufacture, salt, derivative, mixture, or
 24 preparation of the plant, its seeds, or extracts.
 25 (e) Depressants. Unless specifically excepted in a rule adopted by
 26 the board or unless listed in another schedule, any material, compound,
 27 mixture, or preparation which contains any quantity of the following
 28 substances having a depressant effect on the central nervous system,
 29 including its salts, isomers, and salts of isomers whenever the existence
 30 of such salts, isomers, and salts of isomers is possible within the
 31 specific chemical designation:
 32 Gamma-hydroxybutyric acid (other names include GHB;
 33 gamma-hydroxybutyrate; 4-hydroxybutanoic acid; sodium
 34 oxybate; sodium oxybutyrate) (2010)
 35 Mecloqualone (2572)
 36 Methaqualone (2565)
 37 (f) Stimulants. Unless specifically excepted or unless listed in
 38 another schedule, any material, compound, mixture, or preparation that
 39 contains any quantity of the following substances having a stimulant
 40 effect on the central nervous system, including its salts, isomers, and
 41 salts of isomers:
 42 ([+/-]) cis-4-methylaminorex (([+/-])cis-4,5-



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- 1 dihydro-4-methyl-5-phenyl-2-oxazolamine) (1590)
 2 Aminorex (1585). Other names: aminoxaphen;
 3 2-amino-5-phenyl-2-oxazoline; or
 4 4,5-dihydro-5-phenyl-2-oxazolamine.
 5 Cathinone (1235). Some trade or other names:
 6 2-amino-1-phenyl-1-propanone; alpha-aminopropiophenone;
 7 2-aminopropiophenone; and norephedrone.
 8 Fenethylamine (1503).
 9 N-Benzylpiperazine (7493). Other names: BZP; and
 10 1-benzylpiperazine.
 11 N-ethylamphetamine (1475)
 12 Methcathinone (1237) Some other trade names:
 13 2-Methylamino-1-Phenylpropan-1-one; Ephedrone;
 14 Monomethylpropion; UR 1431.
 15 N, N-dimethylamphetamine (1480). Other names: N,
 16 N-alpha-trimethyl-benzeneethanamine; and N,
 17 N-alpha-trimethylphenethylamine.
- 18 SECTION 21. IC 35-48-4-10, AS AMENDED BY P.L.78-2012,
 19 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 UPON PASSAGE]: Sec. 10. (a) A person who:
 21 (1) knowingly or intentionally:
 22 (A) manufactures;
 23 (B) finances the manufacture of;
 24 (C) delivers; or
 25 (D) finances the delivery of;
 26 marijuana, hash oil, hashish, ~~or salvia, or a synthetic drug~~; pure
 27 or adulterated; or
 28 (2) possesses, with intent to:
 29 (A) manufacture;
 30 (B) finance the manufacture of;
 31 (C) deliver; or
 32 (D) finance the delivery of;
 33 marijuana, hash oil, hashish, ~~or salvia, or a synthetic drug~~; pure
 34 or adulterated;
 35 commits dealing in marijuana, hash oil, hashish, ~~or salvia, or a~~
 36 ~~synthetic drug~~, a Class A misdemeanor, except as provided in
 37 subsection (b).
 38 (b) The offense is:
 39 (1) a Class D felony if:
 40 (A) the recipient or intended recipient is under eighteen (18)
 41 years of age;
 42 (B) the amount involved is

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

23 SECTION 22. IC 35-48-4-10.5 IS ADDED TO THE INDIANA
 24 CODE AS A NEW SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE UPON PASSAGE]: **Sec. 10.5. (a) A person who:**

- 26 (1) manufactures;
- 27 (2) finances the manufacture of;
- 28 (3) delivers;
- 29 (4) finances the delivery of;
- 30 (5) possesses, with intent to deliver; or
- 31 (6) possesses, with intent to finance the delivery of;
- 32 a synthetic drug or a synthetic drug lookalike substance commits
- 33 dealing in a synthetic drug or synthetic drug lookalike substance,
- 34 a Class A infraction. However, the offense is a Class D felony if the
- 35 offense is committed knowingly or intentionally and the person has
- 36 a prior unrelated judgment or conviction under this subsection.

- 37 (b) A person who:
- 38 (1) knowingly or intentionally:
- 39 (A) manufactures;
- 40 (B) finances the manufacture of;
- 41 (C) delivers; or
- 42 (D) finances the delivery of;

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1 a synthetic drug or synthetic drug lookalike substance; or
 2 (2) possesses, with intent to:
 3 (A) manufacture;
 4 (B) finance the manufacture of;
 5 (C) deliver; or
 6 (D) finance the delivery of;
 7 a synthetic drug or synthetic drug lookalike substance;
 8 commits dealing in a synthetic drug or synthetic drug lookalike
 9 substance, a Class A misdemeanor, except as provided in
 10 subsection (c).

11 (c) The offense in subsection (b) is:

12 (1) a Class D felony if:

- 13 (A) the recipient or intended recipient is less than eighteen
 14 (18) years of age;
 15 (B) the amount involved is more than two (2) grams; or
 16 (C) the person has a prior conviction of an offense
 17 involving a synthetic drug or synthetic drug lookalike
 18 substance; and

19 (2) a Class C felony if the amount involved is more than two
 20 (2) grams and the person delivered or financed the delivery of
 21 the synthetic drug or synthetic drug lookalike substance:

- 22 (A) on a school bus; or
 23 (B) in, on, or within five hundred (500) feet of:
 24 (i) school property; or
 25 (ii) a public park;

26 while a person under eighteen (18) years of age was
 27 reasonably expected to be present.

28 (d) In addition to a criminal or civil penalty imposed for a
 29 violation of this section, if the court finds that a person has violated
 30 this section and the violation involved the sale of or offer to sell, in
 31 the normal course of business, a synthetic drug or a synthetic drug
 32 lookalike substance by a retail merchant in a place of business for
 33 which the retail merchant has been issued a registered retail
 34 merchant certificate, the court:

- 35 (1) shall recommend the suspension of the registered retail
 36 merchant certificate for the place of business for one (1) year
 37 if the person's violation of this section resulted in a criminal
 38 conviction; and
 39 (2) may recommend the suspension of the registered retail
 40 merchant certificate for the place of business for six (6)
 41 months if the person's violation of this section resulted in an
 42 adjudication that the person committed an infraction.



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1 **(e) The department of state revenue shall suspend the registered**
 2 **retail merchant certificate of a retail merchant in accordance with**
 3 **the recommendation of the court. Whenever the department of**
 4 **state revenue is required to suspend a retail merchant's registered**
 5 **retail merchant certificate under this section, the department shall**
 6 **immediately mail a notice to the retail merchant's address that**
 7 **must state that the retail merchant's registered retail merchant**
 8 **certificate will be suspended for the period recommended by the**
 9 **court, commencing five (5) days after the date of the notice.**

10 SECTION 23. IC 35-48-4-11, AS AMENDED BY P.L.78-2012,
 11 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 UPON PASSAGE]: Sec. 11. A person who:

- 13 (1) knowingly or intentionally possesses (pure or adulterated)
 14 marijuana, hash oil, hashish, **or** salvia; ~~or a synthetic drug;~~
 15 (2) knowingly or intentionally grows or cultivates marijuana; or
 16 (3) knowing that marijuana is growing on the person's premises,
 17 fails to destroy the marijuana plants;

18 commits possession of marijuana, hash oil, hashish, **or** salvia, ~~or a~~
 19 ~~synthetic drug,~~ a Class A misdemeanor. However, the offense is a Class
 20 D felony if the amount involved is more than thirty (30) grams of
 21 marijuana or two (2) grams of hash oil, hashish, **or** salvia, ~~or a~~
 22 ~~synthetic drug,~~ or if the person has a prior conviction of an offense
 23 involving marijuana, hash oil, ~~or~~ hashish, **or** salvia. ~~or a synthetic drug.~~

24 SECTION 24. IC 35-48-4-11.5 IS ADDED TO THE INDIANA
 25 CODE AS A NEW SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE UPON PASSAGE]: **Sec. 11.5. (a) As used in this**
 27 **section, "synthetic drug lookalike substance" has the meaning set**
 28 **forth in IC 35-31.5-2-321.5(a)(3).**

29 **(b) A person who possesses a synthetic drug or synthetic drug**
 30 **lookalike substance commits possession of a synthetic drug or**
 31 **synthetic drug lookalike substance, a Class B infraction.**

32 **(c) A person who knowingly or intentionally possesses a**
 33 **synthetic drug or synthetic drug lookalike substance commits**
 34 **possession of a synthetic drug or synthetic drug lookalike**
 35 **substance, a Class A misdemeanor. However, the offense is a Class**
 36 **D felony if the person has a prior unrelated conviction under this**
 37 **section or under section 10.5 of this chapter.**

38 SECTION 25. IC 35-48-4-12, AS AMENDED BY P.L.78-2012,
 39 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 40 UPON PASSAGE]: Sec. 12. If a person who has no prior conviction of
 41 an offense under this article or under a law of another jurisdiction
 42 relating to controlled substances pleads guilty to possession of



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1 marijuana, hashish, salvia, or a synthetic drug **or synthetic drug**
2 **lookalike substance** as a Class A misdemeanor, the court, without
3 entering a judgment of conviction and with the consent of the person,
4 may defer further proceedings and place the person in the custody of
5 the court under such conditions as the court determines. Upon violation
6 of a condition of the custody, the court may enter a judgment of
7 conviction. However, if the person fulfills the conditions of the
8 custody, the court shall dismiss the charges against the person. There
9 may be only one (1) dismissal under this section with respect to a
10 person.

11 SECTION 26. **An emergency is declared for this act.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred Senate Bill No. 536, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective dates in SECTIONS 1 through 20 with "[EFFECTIVE UPON PASSAGE]".

Page 30, between lines 25 and 26, begin a new line block indented and insert:

**"(YYY) AKB48 (Other names include:
N-Adamantyl-1-pentyl-1H-Indazole-3-carboxamide;
1-pentyl-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-indazole-3-carboxamide).**
**(ZZZ) 25I-NBOMe (Other names include:
4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzenethanamine);
2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine).**
**(AAAA) 2C-C-NBOMe (Other names include:
25C-NBOMe;
2-(4-chloro-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl)methyl]ethanamine;
2,5-Dimethoxy-4-chloro-N-(2-methoxybenzyl)phenethylamine).**
(BBBB) 2NE-1 (Other names include: 1-Pentyl-3-(1-adamantylamido)indole).
**(CCCC) STS-135 (Other names include:
N-Adamantyl-1-fluoropentylindole-3-carboxamide
(1-5-fluoropentyl)-N-tricyclo[3.3.1.1^{3,7}]dec-1-yl-1H-indole-3-carboxamide)."**

Page 32, between lines 17 and 18, begin a new line block indented and insert:

"(10) Any compound containing a N-(1-adamantyl)-1H-indazole-3-carboxamide structure with substitution at the nitrogen atom of the indazole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted at the nitrogen of the carboxamide to any



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extent, whether or not further substituted in the indazole ring to any extent, and whether or not further substituted on the adamantyl ring system to any extent. An example of this structural class includes AKB48.

(11) Any compound containing a N-(1-adamantyl)-1H-indole-3-carboxamide structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted at the nitrogen of the carboxamide to any extent, whether or not further substituted in the indole ring to any extent, and whether or not further substituted on the adamantyl ring system to any extent. An example of this structural class includes STS-135."

Page 32, line 18, delete "(10)" and insert "(12)".

Page 35, between lines 3 and 4, begin a new paragraph and insert: "SECTION 19. IC 35-48-2-4, AS AMENDED BY P.L.114-2012, SECTION 144, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The controlled substances listed in this section are included in schedule I.

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

Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide) (9815)

Acetylmethadol (9601)

Allylprodine (9602)

Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide) (9832)

Alphacetylmethadol (9603)

Alphameprodine (9604)

Alphamethadol (9605)

Alphamethylfentanyl (9814)

Benzethidine (9606)

Beta-hydroxy-3-methylfentanyl (9831). Other name:

N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide

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Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl)-4-piperidinyl]-N-phenylpropanamide) (9830)
 Betacetylmethadol (9607)
 Betameprodine (9608)
 Betamethadol (9609)
 Betaprodine (9611)
 Clonitazene (9612)
 Dextromoramide (9613)
 Diampromide (9615)
 Diethylthiambutene (9616)
 Difenoxyin (9168)
 Dimenoxadol (9617)
 Dimepheptanol (9618)
 Dimethylthiambutene (9619)
 Dioxaphetyl butyrate (9621)
 Dipipanone (9622)
 Ethylmethylthiambutene (9623)
 Etonitazene (9624)
 Etoxadine (9625)
 Furethidine (9626)
 Hydroxypethidine (9627)
 Ketobemidone (9628)
 Levomoramide (9629)
 Levophenacymorphan (9631)
 3-Methylfentanyl [N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide](9813)
 3-Methylthiofentanyl (N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide) (9833)
 MPPP (1-methyl-4-phenyl-4-propionoxypiperidine) (9961)
 Morpheridine (9632)
 N-[1-benzyl-4-piperidyl]-N-phenylpropanamide (benzylfentanyl), including any isomers, salts, or salts of isomers (9818)
 N-[1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (thienylfentanyl), including any isomers, salts, or salts of isomers (9834)
 Noracymethadol (9633)
 Norlevorphanol (9634)
 Normethadone (9635)
 Norpipanone (9636)
 Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl] propanamide) (9812)

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Phenadoxone (9637)
 Phenampromide (9638)
 Phenomorphan (9647)
 Phenoperidine (9641)
 PEPAP [1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine] (9663)
 Piritramide (9642)
 Proheptazine (9643)
 Properidine (9644)
 Propiram (9649)
 Racemoramide (9645)
 Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide) (9835)
 Tilidine (9750)
 Trimeperidine (9646)

(c) Opium derivatives. Any of the following opium derivatives, their salts, isomers, and salts of isomers, unless specifically excepted by rule of the board or unless listed in another schedule, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

Acetorphine (9319)
 Acetyldihydrocodeine (9051)
 Benzylmorphine (9052)
 Codeine methylbromide (9070)
 Codeine-N-Oxide (9053)
 Cyprenorphine (9054)
 Desomorphine (9055)
 Dihydromorphine (9145)
 Drotebanol (9335)
 Etorphine (except hydrochloride salt) (9056)
 Heroin (9200)
 Hydromorphanol (9301)
 Methyldesorphine (9302)
 Methylhydromorphine (9304)
 Morphine methylbromide (9305)
 Morphine methylsulfonate (9306)
 Morphine-N-Oxide (9307)
 Myrophine (9308)
 Nicocodeine (9309)
 Nicomorphine (9312)
 Normorphine (9313)
 Pholcodine (9314)
 Thebacon (9315)

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(d) Hallucinogenic substances. Any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic, psychedelic, or psychogenic substances, their salts, isomers, and salts of isomers, unless specifically excepted by rule of the board or unless listed in another schedule, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (7473). Other name: TCPy.

(2) **4-Bromo-2, 5-Dimethoxyamphetamine (7391): 4-Bromo-2, 5-dimethoxyphenethylamine (7392)**. Some trade or other names: 4-Bromo-2, 5-Dimethoxy-a-methylphenethylamine; 4-Bromo-2, 5-DMA.

(3) 4-Bromo-2, 5-dimethoxyphenethylamine (7392). Some trade or other names:

2-[4-bromo-2,5-dimethoxyphenyl]-1-aminoethane;
alpha-desmethyl DOB; 2C-B, Nexus.

(4) 2, 5-Dimethoxy-4-ethylamphet-amine (7399). Other name: DOET.

(5) 2, 5-Dimethoxy-4-(n)-propylthiophenethylamine (7348). Other name: 2C-T-7.

(6) 2, 5-Dimethoxyamphetamine (7396). Some trade or other names: 2, 5-Dimethoxy-a-methylphenethylamine; 2, 5-DMA.

(7) 4-Methoxyamphetamine (7411). Some trade or other names: 4-Methoxy-a-methylphenethylamine; Paramethoxyamphetamine; PMA.

(8) 5-Methoxy-3, 4-methylenedioxy amphetamine (7401). Other Name: MMDA.

(9) 5-Methoxy-N, N-diisopropyltryptamine, including any isomers, salts, or salts of isomers (7439). Other name: 5-MeO-DIPT.

(10) 4-methyl-2, 5-dimethoxyamphetamine (7395). Some trade and other names: 4-methyl-2, 5-dimethoxy-a-methylphenethylamine; DOM; and STP.

(11) 3, 4-methylenedioxy amphetamine (7400). Other name: MDA.

(12) 3,4-methylenedioxy-N-ethylamphetamine (7404). Other names: N-ethyl-alpha-methyl-3,4(methylenedioxy) phenethylamine; N-ethyl MDA; MDE; and MDEA.

(13) 3, 4-methylenedioxymethamphetamine (MDMA) (7405).

(14) 3, 4, 5-trimethoxy amphetamine (7390). Other name: TMA.

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- (15) Alpha-ethyltryptamine (7249). Some trade and other names: Etryptamine; Monase; [alpha]-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) indole; [alpha]-ET; and AET.
- (16) Alpha-methyltryptamine (7432). Other name: AMT.
- (17) Bufotenine (7433). Some trade and other names: 3-(B-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminonethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-dimethyltryptamine; mappine.
- (18) Diethyltryptamine (7434). Some trade or other names: N, N-Diethyltryptamine; DET.
- (19) ~~Dimethyltryptamine (7435)~~: **Dimethyltryptamine (7435)**. Some trade or other names: DMT.
- (20) Ibogaine (7260). Some trade and other names: 7-Ethyl-6, 6b, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5H-pyrido (1', 2': 1, 2, azepino 4, 5-b) indole; tabernanthe iboga.
- (21) Lysergic acid diethylamide (7315). Other name: LSD.
- (22) Marijuana (7360).
- (23) Mescaline (7381).
- (24) Parahexyl (7374). Some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-Tetrahydro-6, 6, 9-trimethyl-6H-dibenzo (b,d) pyran; Snyhexyl.
- (25) Peyote (7415), including:
- (A) all parts of the plant that are classified botanically as *lophophora williamsii lemaire*, whether growing or not;
 - (B) the seeds thereof;
 - (C) any extract from any part of the plant; and
 - (D) every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or extracts.
- (26) N-ethyl-3-piperidyl benzilate (7482). Other name: DMZ.
- (27) N-hydroxy-3,4-methylenedioxyamphetamine (7402). Other names: N-hydroxy-alpha-methyl-3,4 (methylenedioxy)phenethylamine; and N-hydroxy MDA.
- (28) N-methyl-3-piperidyl benzilate (7484). Other name: LBJ.
- (29) Psilocybin (7437).
- (30) Psilocyn (7438).
- (31) Tetrahydrocannabinols (7370), including synthetic equivalents of the substances contained in the plant, or in the resinous extractives of *Cannabis, sp.* and synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as:

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- (A) π^1 cis or trans tetrahydrocannabinol, and their optical isomers;
- (B) π^6 cis or trans tetrahydrocannabinol, and their optical isomers; and
- (C) π^3_4 cis or trans tetrahydrocannabinol, and their optical isomers.

Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions are covered. Other name: THC.

(32) Ethylamine analog of phencyclidine (7455). Some trade or other names: N-Ethyl-1-phenylcyclohexylamine; (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl) ethylamine; cyclohexamine; PCE.

(33) Pyrrolidine analog of phencyclidine (7458). Some trade or other names: 1-(1-phenylcyclohexyl)-pyrrolidine; PCP_y; PHP.

(34) Thiophene analog of phencyclidine (7470). Some trade or other names: 1-(1-(2-thienyl) cyclohexyl) piperidine; 2-Thienyl Analog of Phencyclidine; TPCP.

(35) Synthetic drugs (as defined in IC 35-31.5-2-321).

(36) *Salvia divinorum* or salvinorin A, including:

- (A) all parts of the plant that are classified botanically as *salvia divinorum*, whether growing or not;
- (B) the seeds of the plant;
- (C) any extract from any part of the plant; and
- (D) every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or extracts.

(e) Depressants. Unless specifically excepted in a rule adopted by the board or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Gamma-hydroxybutyric acid (other names include GHB; gamma-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate) (2010)

Mecloqualone (2572)

Methaqualone (2565)

(f) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant

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effect on the central nervous system, including its salts, isomers, and salts of isomers:

([+/-]) cis-4-methylaminorex (([+/-])cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine) (1590)

Aminorex (1585). Other names: aminoxaphen; 2-amino-5-phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine.

Cathinone (1235). Some trade or other names: 2-amino-1-phenyl-1-propanone; alpha-aminopropiophenone; 2-aminopropiophenone; and norephedrone.

Fenethylamine (1503).

N-Benzylpiperazine (7493). Other names: BZP; and 1-benzylpiperazine.

N-ethylamphetamine (1475)

Methcathinone (1237) Some other trade names:

2-Methylamino-1-Phenylpropan-1-one; Ephedrone; Monomethylpropion; UR 1431.

N, N-dimethylamphetamine (1480). Other names: N, N-alpha-trimethyl-benzeneethanamine; and N, N-alpha-trimethylphenethylamine."

Page 38, after line 11, begin a new paragraph and insert: "SECTION 22. **An emergency is declared for this act.**".
Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 536 as introduced.)

YOUNG R MICHAEL, Chairperson

Committee Vote: Yeas 6, Nays 3.

SENATE MOTION

Madam President: I move that Senate Bill 536 be amended to read as follows:

Page 2, line 19, delete "suspend the person's" and insert "**proceed in accordance with subsection (i) (if the violation resulted in a criminal conviction) or subsection (j) (if the violation resulted in a judgment for an infraction).**".

Page 2, delete lines 20 through 21.

Page 3, line 35, delete "or judgment".

Page 3, line 36, delete "or violation".

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Page 4, between lines 13 and 14, begin a new paragraph and insert:

"(j) If the department finds in a public hearing by a preponderance of the evidence that a person has a judgment for a violation of IC 35-48-4-10.5 as an infraction and the violation involved the sale of or the offer to sell, in the normal course of business, a synthetic drug or a synthetic drug lookalike substance by a retail merchant in a place of business for which the retail merchant has been issued a registered retail merchant certificate under section 1 of this chapter, the department:

(1) may suspend the registered retail merchant certificate for the place of business for six (6) months; and

(2) may withhold issuance of another retail merchant certificate under section 1 of this chapter for six (6) months to any person:

(A) that:

(i) applied for; or

(ii) made a retail transaction under;

the retail merchant certificate suspended under subdivision (1); or

(B) that:

(i) owned or co-owned, directly or indirectly; or

(ii) was an officer, a director, a manager, or a partner of; the retail merchant that was issued the retail merchant certificate suspended under subdivision (1)."

Page 4, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 5. IC 16-31-3-14, AS AMENDED BY P.L.77-2012, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) A person holding a certificate or license issued under this article must comply with the applicable standards and rules established under this article. A certificate holder or license holder is subject to disciplinary sanctions under subsection (b) if the department of homeland security determines that the certificate holder or license holder:

(1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a certificate or license, including cheating on a certification or licensure 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



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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 or license 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 or license holder becomes unfit to practice due to:

(A) professional incompetence that includes the undertaking of professional activities that the certificate holder or license holder is not qualified by training or experience to undertake;

(B) failure to keep abreast of current professional theory or practice;

(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 or license 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 or license holder's name or a certificate or license 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 or license issued by the commission to be:

(A) used by another person; or

(B) displayed to the public when the certificate or license 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

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holder or license holder is subject to disciplinary sanctions under subsection (a):

- (1) Revocation of a certificate holder's certificate or license holder's license for a period not to exceed seven (7) years.
- (2) Suspension of a certificate holder's certificate or license holder's license for a period not to exceed seven (7) years.
- (3) Censure of a certificate holder or license holder.
- (4) Issuance of a letter of reprimand.
- (5) Assessment of a civil penalty against the certificate holder or license 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 or license 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 or license holder's license without additional proceedings.
- (6) Placement of a certificate holder or license holder on probation status and requirement of the certificate holder or license holder to:
 - (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 or license 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 or license holder has engaged in or knowingly cooperated in fraud or material deception to obtain a certificate or license, including cheating on the certification or licensure examination, the department of homeland security may

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rescind the certificate or license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the certificate or license for a length of time established by the department of homeland security.

(d) The department of homeland security may deny certification or licensure to an applicant who would be subject to disciplinary sanctions under subsection (b) if that person were a certificate holder or license holder, has had disciplinary action taken against the applicant or the applicant's certificate or license to practice in another state or jurisdiction, or has practiced without a certificate or 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 of homeland security may order a certificate holder or license holder to submit to a reasonable physical or mental examination if the certificate holder's or license 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 or license holder liable to temporary suspension under subsection (i).

(f) Except as provided under subsection (a), subsection (g), and section 14.5 of this chapter, a certificate or license may not be denied, revoked, or suspended because the applicant, certificate holder, or license holder has been convicted of an offense. The acts from which the applicant's, certificate holder's, or license holder's conviction resulted may be considered as to whether the applicant or certificate holder or license 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 or license issued under this article if the individual who holds or is applying for the certificate or license 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



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IC 35-48-4-8.3(b).

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

(9) Possession of a synthetic drug or synthetic drug lookalike substance as a Class D felony under IC 35-48-4-11.5 (or under IC 35-48-4-11 before its amendment in 2013).

~~(9)~~ (10) Maintaining a common nuisance under IC 35-48-4-13.

~~(10)~~ (11) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

~~(11)~~ (12) Conspiracy under IC 35-41-5-2 to commit an offense listed in ~~subdivisions (1) through (10):~~ **this section.**

~~(12)~~ (13) Attempt under IC 35-41-5-1 to commit an offense listed in ~~subdivisions (1) through (10):~~ **this section.**

~~(13)~~ (14) 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):~~ **in this section.**

(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 or license holder's license 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 or license holder would represent a clear and immediate danger to the public's health, safety, or property if the certificate holder or license holder were allowed to continue to practice.

(j) On receipt of a complaint or information alleging that a person certified or licensed 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 or license 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.

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(m) The department of homeland security may not reinstate a certificate or license 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, and a license holder may not surrender the license holder's license, 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 or license.

(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.

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

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

Page 5, line 14, delete "IC 35-48-4-10.5." and insert "**IC 35-48-4-10.5 (or under IC 35-48-4-10(b) before its amendment in 2013).**".

Page 6, line 31, delete "(IC 35-48-4-10.5)." and insert "**(IC 35-48-4-10.5, or IC 35-48-4-10(b) before its amendment in 2013).**".

Page 10, line 15, after "hashish," insert "**or**".

Page 10, line 15, after "salvia" delete ",".

Page 10, line 15, strike "or a".

Page 10 line 16, strike "synthetic drug".

Page 10, between lines 16 and 17, begin a new line block indented and insert:

"(9) Possession of a synthetic drug or synthetic drug lookalike substance as a Class D felony under IC 35-48-4-11.5 (or under IC 35-48-4-11 before its amendment in 2013)."

Page 10, line 17, strike "(9)" and insert "**(10)**".

Page 10, line 18, strike "(10)" and insert "**(11)**".

Page 10, line 20, strike "(11)" and insert "**(12)**".

Page 10, line 21, strike "subdivisions (1) through (10)." and insert "**this subsection.**".



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Page 10, line 22, strike "(12)" and insert "**(13)**".

Page 10, line 23, strike "subdivisions (1) through (10)." and insert "**this subsection.**".

Page 10, line 24, strike "(13)" and insert "**(14)**".

Page 10, line 26, strike "subdivisions (1)".

Page 10, line 27, strike "through (12)." and insert "**this subsection**".

Page 11, line 7, delete "IC 35-48-4-10.5." and insert "**IC 35-48-4-10.5 (or under IC 35-48-4-10(b) before its amendment in 2013).**".

Page 20, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 9. IC 25-1-1.1-2, AS AMENDED BY P.L.78-2012, SECTION 7, IS 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 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, **or** salvia **or** a synthetic drug as a Class D felony under IC 35-48-4-11.
- (9) Possession of a synthetic drug or synthetic drug lookalike substance as a Class D felony under IC 35-48-4-11.5 (or under IC 35-48-4-11 before its amendment in 2013).**
- ~~(9)~~ **(10)** Maintaining a common nuisance under IC 35-48-4-13.
- ~~(10)~~ **(11)** An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
- ~~(11)~~ **(12)** Conspiracy under IC 35-41-5-2 to commit an offense listed in ~~subdivisions (1) through (10):~~ **this section.**
- ~~(12)~~ **(13)** Attempt under IC 35-41-5-1 to commit an offense listed

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in subdivisions ~~(1)~~ through ~~(10)~~; **this section.**

~~(13)~~ **(14)** A sex crime under IC 35-42-4.

~~(14)~~ **(15)** A felony that reflects adversely on the individual's fitness to hold a professional license.

~~(15)~~ **(16)** 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."

Page 21, line 4, delete "IC 35-48-4-10.5." and insert **"IC 35-48-4-10.5 (or under IC 35-48-4-10(b) before its amendment in 2013)."**

Page 24, line 3, delete "(IC 35-48-4-10.5)." and insert **"(IC 35-48-4-10.5, or IC 35-48-4-10 before its amendment in 2013)."**

Page 25, line 7, delete "(IC 35-48-4-10.5)." and insert **"(IC 35-48-4-10.5, or IC 35-48-4-10 before its amendment in 2013)."**

Page 27, line 21, delete "." and insert **"(or as a Class C or Class D felony under IC 35-48-4-10 before its amendment in 2013)."**

Page 33, between lines 25 and 26, begin a new line block indented and insert:

"(12) Any compound containing a 3-(1-adamantoyl)indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, or 2-(4-morpholinyl)ethyl, 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted on the adamantyl ring system to any extent. An example of this structural class includes AM-1248."

Page 33, line 26, delete "(12)" and insert **"(13)"**.

Page 35, line 38, delete "(IC 35-48-4-10.5)." and insert **"(IC 35-48-4-10.5, or IC 35-48-4-10 before its amendment in 2013)."**

Page 39, line 2, reset in roman **"4-Bromo-2, 5-Dimethoxyamphetamine (7391)."**

Page 39, line 2, after "(7391)." delete "4-Bromo-2,".

Page 39, line 3, delete "5-dimethoxyphenethylamine (7392)."

Page 39, line 6, strike "4-Bromo-2, 5-dimethoxyphenethylamine (7392)." and insert **"4-Bromo-2, 5-dimethoxyphenethylamine (7392)."**

Page 44, delete lines 18 through 20, begin a new line double block



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indented and insert:

"(B) in, on, or within five hundred (500) feet of:

(i) school property; or

(ii) a public park;

while a person under eighteen (18) years of age was reasonably expected to be present."

Page 45, line 9, after "court" insert ":

(1)".

Page 45, line 11, delete "year." and insert **"year if the person's violation of this section resulted in a criminal conviction; and**

(2) may recommend the suspension of the registered retail merchant certificate for the place of business for six (6) months if the person's violation of this section resulted in an adjudication that the person committed a civil infraction."

Page 45, line 19, delete "one (1) year," and insert **"the period recommended by the court,"**

Page 45, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 22. IC 35-48-4-11, AS AMENDED BY P.L.78-2012, SECTION 15, IS 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, or salvia; or a synthetic 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, or salvia, or a synthetic 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, or salvia, or a synthetic drug; or if the person has a prior conviction of an offense involving marijuana, hash oil, or hashish, or salvia, or a synthetic drug.

SECTION 23. IC 35-48-4-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.5. (a) As used in this section, "synthetic drug lookalike substance" has the meaning set forth in IC 35-31.5-2-321.5(a)(3).

(b) A person who possesses a synthetic drug or synthetic drug lookalike substance commits possession of a synthetic drug or synthetic drug lookalike substance, a Class B infraction.

(c) A person who knowingly or intentionally possesses a synthetic drug or synthetic drug lookalike substance commits possession of a synthetic drug or synthetic drug lookalike



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substance, a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior unrelated conviction under this section or under section 10.5 of this chapter.

SECTION 24. IC 35-48-4-12, AS AMENDED BY P.L.78-2012, SECTION 16, 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 drug **or synthetic drug lookalike substance** 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."

Renumber all SECTIONS consecutively.

(Reference is to SB 536 as printed February 1, 2013.)

YOUNG R MICHAEL

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Senate Bill 536, 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:

Page 5, line 6, delete "tobacco," and insert "**tobacco (as defined in IC 6-2.5-1-28)**".

Page 39, line 36, after "nitrogen" insert "**atom**".

Page 40, line 7, after "nitrogen" insert "**atom**".

Page 43, line 4, delete "tobacco," and insert "**tobacco (as defined in IC 6-2.5-1-28)**".

Page 52, line 15, delete "a civil" and insert "**an**".

and when so amended that said bill do pass.

(Reference is to SB 536 as reprinted February 19, 2013.)

MCMILLIN, Chair

Committee Vote: yeas 11, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 536 be amended to read as follows:

Page 18, delete lines 14 through 42.

Delete pages 19 through 21.

Page 22, delete lines 1 through 33.

Page 34, line 7, after "Class C" insert "**felony**".

Page 40, delete lines 29 through 35, begin a new line block indented and insert:

"(1) A substance, other than a synthetic drug, which any of the factors listed in subsection (c) would lead a reasonable person to believe to be a synthetic drug.

(2) A substance, other than a synthetic drug:

(A) that a person knows or should have known was intended to be consumed; and

(B) the consumption of which the person knows or should have known to be intended to cause intoxication."

Page 40, line 41, delete "(as defined in IC 6-2.5-1-28)." and insert ".".

Page 40, after line 42, begin a new paragraph and insert:

"(c) In determining whether a substance is a synthetic drug lookalike substance, the following factors may be considered:

(1) The overall appearance of a dosage unit of the substance, including its shape, color, size, markings or lack of markings, taste, consistency, and any other identifying physical characteristics.

(2) How the substance is packaged for sale or distribution, including the shape, color, size, markings or lack of markings, and any other identifying physical characteristics of the packaging.

(3) Any statement made by the owner or person in control of the substance concerning the substance's nature, use, or effect.

(4) Any statement made to the buyer or recipient of the substance suggesting or implying that the substance is a synthetic drug.

(5) Any statement made to the buyer or recipient of the substance suggesting or implying that the substance may be resold for profit.

(6) The overall circumstances under which the substance is distributed, including whether:

(A) the distribution included an exchange of, or demand

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**for, money or other property as consideration; and
(B) the amount of the consideration was substantially
greater than the reasonable retail market value of the
substance the seller claims the substance to be."**

Page 51, delete lines 21 through 42.

Page 52, delete lines 1 through 2.

Page 52, line 3, delete "(e)" and insert "**(d)**".

Page 52, line 18, delete "(f)" and insert "**(e)**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 536 as printed March 19, 2013.)

SMITH M

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