

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

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

- 1 Page 18, delete lines 14 through 42.
- 2 Delete pages 19 through 21.
- 3 Page 22, delete lines 1 through 33.
- 4 Page 34, line 7, after "Class C" insert "**felony**".
- 5 Page 40, delete lines 29 through 35, begin a new line block indented
- 6 and insert:
- 7 **"(1) A substance, other than a synthetic drug, which any of the**
- 8 **factors listed in subsection (c) would lead a reasonable person**
- 9 **to believe to be a synthetic drug.**
- 10 **(2) A substance, other than a synthetic drug:**
- 11 **(A) that a person knows or should have known was**
- 12 **intended to be consumed; and**
- 13 **(B) the consumption of which the person knows or should**
- 14 **have known to be intended to cause intoxication."**
- 15 Page 40, line 41, delete "(as defined in IC 6-2.5-1-28)." and insert
- 16 ".".
- 17 Page 40, after line 42, begin a new paragraph and insert:
- 18 **"(c) In determining whether a substance is a synthetic drug**
- 19 **lookalike substance, the following factors may be considered:**
- 20 **(1) The overall appearance of a dosage unit of the substance,**
- 21 **including its shape, color, size, markings or lack of markings,**
- 22 **taste, consistency, and any other identifying physical**
- 23 **characteristics.**
- 24 **(2) How the substance is packaged for sale or distribution,**

- 1 including the shape, color, size, markings or lack of markings,
- 2 and any other identifying physical characteristics of the
- 3 packaging.
- 4 (3) Any statement made by the owner or person in control of
- 5 the substance concerning the substance's nature, use, or
- 6 effect.
- 7 (4) Any statement made to the buyer or recipient of the
- 8 substance suggesting or implying that the substance is a
- 9 synthetic drug.
- 10 (5) Any statement made to the buyer or recipient of the
- 11 substance suggesting or implying that the substance may be
- 12 resold for profit.
- 13 (6) The overall circumstances under which the substance is
- 14 distributed, including whether:
 - 15 (A) the distribution included an exchange of, or demand
 - 16 for, money or other property as consideration; and
 - 17 (B) the amount of the consideration was substantially
 - 18 greater than the reasonable retail market value of the
 - 19 substance the seller claims the substance to be."
- 20 Page 51, delete lines 21 through 42.
- 21 Page 52, delete lines 1 through 2.
- 22 Page 52, line 3, delete "(e)" and insert "(d)".
- 23 Page 52, line 18, delete "(f)" and insert "(e)".
- 24 Renumber all SECTIONS consecutively.
(Reference is to ESB 536 as printed March 19, 2013.)

Representative Smith M