



SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1214 be amended to read as follows:

- 1 Page 2, delete lines 30 through 42, begin a new paragraph and
- 2 insert:
- 3 "SECTION 8. IC 35-31.5-2-33.5 IS REPEALED [EFFECTIVE
- 4 UPON PASSAGE]. ~~Sec. 33.5: "Cannabidiol", for purposes of IC 35-48,~~
- 5 ~~has the meaning set forth in IC 35-48-1-6.5.~~
- 6 SECTION 9. IC 35-31.5-2-150.5 IS ADDED TO THE INDIANA
- 7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 8 [EFFECTIVE UPON PASSAGE]: **Sec. 150.5. "Hashish", for**
- 9 **purposes of IC 35-48, has the meaning set forth in IC 35-48-1-16.8.**
- 10 SECTION 10. IC 35-31.5-2-150.6 IS ADDED TO THE INDIANA
- 11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 12 [EFFECTIVE UPON PASSAGE]: **Sec. 150.6. "Hash oil", for**
- 13 **purposes of IC 35-48, has the meaning set forth in IC 35-48-1-16.9.**
- 14 SECTION 11. IC 35-31.5-2-316.9 IS REPEALED [EFFECTIVE
- 15 UPON PASSAGE]. ~~Sec. 316.9: "Substance containing cannabidiol",~~
- 16 ~~for purposes of IC 35-48, has the meaning set forth in IC 35-48-1-26.7.~~
- 17 SECTION 12. IC 35-31.5-2-359 IS ADDED TO THE INDIANA
- 18 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 19 [EFFECTIVE UPON PASSAGE]: **Sec. 359. "Zero THC hemp**
- 20 **extract", for purposes of IC 35-48, has the meaning set forth in**
- 21 **IC 35-48-1-28.**
- 22 SECTION 13. IC 35-48-1-6.5 IS REPEALED [EFFECTIVE UPON
- 23 PASSAGE]. ~~Sec. 6.5: "Cannabidiol" has the meaning set forth in~~
- 24 ~~IC 16-42-28.6-1.~~
- 25 SECTION 14. IC 35-48-1-9 IS AMENDED TO READ AS
- 26 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. "Controlled
- 27 substance" means a drug, substance, or immediate precursor in

- 1 schedule I, II, III, IV, or V under:
- 2 (1) IC 35-48-2-4, IC 35-48-2-6, IC 35-48-2-8, IC 35-48-2-10, or
- 3 IC 35-48-2-12, if IC 35-48-2-14 does not apply; or
- 4 (2) a rule adopted by the board, if IC 35-48-2-14 applies.

5 **The term does not include zero THC hemp extract.**

6 SECTION 15. IC 35-48-1-9.3 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9.3. (a) "Controlled
 8 substance analog" means a substance:

- 9 (1) the chemical structure of which is substantially similar to that
- 10 of a controlled substance included in schedule I or II and that has;
- 11 or
- 12 (2) that a person represents or intends to have;

13 a narcotic, stimulant, depressant, or hallucinogenic effect on the central
 14 nervous system substantially similar to or greater than the narcotic,
 15 stimulant, depressant, or hallucinogenic effect on the central nervous
 16 system of a controlled substance included in schedule I or II.

17 (b) The definition set forth in subsection (a) does not include:

- 18 (1) a controlled substance;
- 19 (2) a substance for which there is an approved new drug
- 20 application;
- 21 (3) a substance for which an exemption is in effect for
- 22 investigational use by a person under Section 505 of the federal
- 23 Food, Drug and Cosmetic Act (chapter 675, 52 Stat. 1052 (21
- 24 U.S.C. 355)), to the extent that conduct with respect to the
- 25 substance is permitted under the exemption; ~~or~~
- 26 (4) a substance to the extent not intended for human consumption
- 27 before an exemption takes effect regarding the substance; ~~or~~

28 **(5) zero THC hemp extract.**

29 SECTION 16. IC 35-48-1-16.8 IS ADDED TO THE INDIANA
 30 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 31 [EFFECTIVE UPON PASSAGE]: **Sec. 16.8. "Hashish" does not**
 32 **include zero THC hemp extract.**

33 SECTION 17. IC 35-48-1-16.9 IS ADDED TO THE INDIANA
 34 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 35 [EFFECTIVE UPON PASSAGE]: **Sec. 16.9. "Hash oil" does not**
 36 **include zero THC hemp extract.**

37 SECTION 18. IC 35-48-1-19, AS AMENDED BY P.L.165-2014,
 38 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 39 UPON PASSAGE]: Sec. 19. (a) "Marijuana" means any part of the
 40 plant genus Cannabis whether growing or not; the seeds thereof; the
 41 resin extracted from any part of the plant, including hashish and hash
 42 oil; any compound, manufacture, salt, derivative, mixture, or
 43 preparation of the plant, its seeds or resin.

44 (b) The term does not include:

- 45 (1) the mature stalks of the plant;
- 46 (2) fiber produced from the stalks;

- 1 (3) oil or cake made from the seeds of the plant;
- 2 (4) any other compound, manufacture, salt, derivative, mixture,
- 3 or preparation of the mature stalks (except the resin extracted
- 4 therefrom);
- 5 (5) the sterilized seed of the plant which is incapable of
- 6 germination; ~~or~~
- 7 (6) industrial hemp (as defined by IC 15-15-13-6); **or**
- 8 **(7) zero THC hemp extract.**

9 SECTION 19. IC 35-48-1-26.7 IS REPEALED [EFFECTIVE
 10 UPON PASSAGE]. ~~Sec. 26.7. "Substance containing cannabidiol" has~~
 11 ~~the meaning set forth in IC 16-42-28.6-5.~~

12 SECTION 20. IC 35-48-1-28 IS ADDED TO THE INDIANA
 13 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE UPON PASSAGE]: **Sec. 28. "Zero THC hemp**
 15 **extract" means a substance or compound that:**

- 16 **(1) is derived from or contains any part of the plant Cannabis**
 17 **sativa L.;**
- 18 **(2) contains no delta-9-tetrahydrocannabinol (THC) by dry**
 19 **weight; and**
- 20 **(3) contains no other controlled substances.**

21 SECTION 23. IC 35-48-4-8.5, AS AMENDED BY P.L.188-2017,
 22 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 23 UPON PASSAGE]: Sec. 8.5. (a) A person who keeps for sale, offers
 24 for sale, delivers, or finances the delivery of a raw material, an
 25 instrument, a device, or other object that is intended to be or that is
 26 designed or marketed to be used primarily for:

- 27 (1) ingesting, inhaling, or otherwise introducing into the human
 28 body marijuana, hash oil, hashish, salvia, a synthetic drug, or a
 29 controlled substance;
- 30 (2) testing the strength, effectiveness, or purity of marijuana, hash
 31 oil, hashish, salvia, a synthetic drug, or a controlled substance;
- 32 (3) enhancing the effect of a controlled substance;
- 33 (4) manufacturing, compounding, converting, producing,
 34 processing, or preparing marijuana, hash oil, hashish, salvia, a
 35 synthetic drug, or a controlled substance;
- 36 (5) diluting or adulterating marijuana, hash oil, hashish, salvia, a
 37 synthetic drug, or a controlled substance by individuals; or
- 38 (6) any purpose announced or described by the seller that is in
 39 violation of this chapter;

40 commits a Class A infraction for dealing in paraphernalia.
 41 (b) A person who knowingly or intentionally violates subsection (a)
 42 commits a Class A misdemeanor. However, the offense is a Level 6
 43 felony if the person has a prior unrelated judgment or conviction under
 44 this section.

- 45 (c) This section does not apply to the following:
- 46 (1) Items marketed for use in the preparation, compounding,

1 packaging, labeling, or other use of marijuana, hash oil, hashish,
2 salvia, a synthetic drug, or a controlled substance as an incident
3 to lawful research, teaching, or chemical analysis and not for sale.

4 (2) Items marketed for or historically and customarily used in
5 connection with the planting, propagating, cultivating, growing,
6 harvesting, manufacturing, compounding, converting, producing,
7 processing, preparing, testing, analyzing, packaging, repackaging,
8 storing, containing, concealing, injecting, ingesting, or inhaling
9 of tobacco or any other lawful substance. ~~excluding the lawful~~
10 ~~possession of a substance containing cannabidiol under~~
11 ~~IC 35-48-4-11.~~

12 (3) A qualified entity (as defined in IC 16-41-7.5-3) that provides
13 a syringe or needle as part of a program under IC 16-41-7.5.

14 (4) Any entity or person that provides funding to a qualified entity
15 (as defined in IC 16-41-7.5-3) to operate a program described in
16 IC 16-41-7.5.

17 SECTION 24. IC 35-48-4-11, AS AMENDED BY P.L.188-2017,
18 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
19 UPON PASSAGE]: Sec. 11. (a) A person who:

20 (1) knowingly or intentionally possesses (pure or adulterated)
21 marijuana, hash oil, hashish, or salvia;

22 (2) knowingly or intentionally grows or cultivates marijuana; or

23 (3) knowing that marijuana is growing on the person's premises,
24 fails to destroy the marijuana plants;

25 commits possession of marijuana, hash oil, hashish, or salvia, a Class
26 B misdemeanor, except as provided in subsections (b) through (c).

27 (b) The offense described in subsection (a) is a Class A
28 misdemeanor if the person has a prior conviction for a drug offense.

29 (c) The offense described in subsection (a) is a Level 6 felony if:

30 (1) the person has a prior conviction for a drug offense; and

31 (2) the person possesses:

32 (A) at least thirty (30) grams of marijuana; or

33 (B) at least five (5) grams of hash oil, hashish, or salvia.

34 (d) It is a defense to a prosecution under subsection (a)(1) based on
35 the possession of a substance containing cannabidiol that:

36 (1) the person is a patient or caregiver registered under
37 IC 16-42-28.6 for the use of a substance containing cannabidiol;

38 (2) the person reasonably believed that the substance possessed
39 by the person was a substance containing cannabidiol; and

40 (3) the substance containing cannabidiol is packaged in a
41 container labeled with the origin, volume, and concentration by
42 weight of total THC, including its precursors and derivatives; and
43 cannabidiol.

44 (e) It is a defense to a prosecution under this section based on the
45 possession of a substance containing cannabidiol that:

46 (1) the substance containing cannabidiol has been approved by

1 the federal Food and Drug Administration or the federal Drug
2 Enforcement Agency as a prescription drug; and
3 (2) the substance was prescribed and dispensed in accordance
4 with the federal approval described in subdivision (1);
5 **SECTION 25. An emergency is declared for this act.**
6 Delete pages 3 through 9.
7 Renumber all SECTIONS consecutively.
 (Reference is to EHB 1214 as printed February 28, 2018.)

Senator HOUCHIN