

PROPOSED AMENDMENT

HB 1203 # 1

DIGEST

Possession of xylazine. Makes possession of xylazine a Class A misdemeanor, and increases the penalty to a Level 6 felony if the person has a prior unrelated conviction for possession of xylazine. Exempts certain persons using or manufacturing xylazine for veterinary purposes.

- 1 Delete everything after the enacting clause and insert the following:
2 SECTION 1. IC 35-48-4-18 IS ADDED TO THE INDIANA CODE
3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
4 1, 2024]: **Sec. 18. (a) A person who knowingly or intentionally
5 possesses xylazine commits possession of xylazine, a Class A
6 misdemeanor. However, the offense is a Level 6 felony if the person
7 has a prior unrelated conviction under this section.**
8 **(b) This section does not apply to one (1) or more of the
9 following:**
10 **(1) A person who dispenses, prescribes, or administers a drug
11 containing xylazine to a nonhuman species, if:**
12 **(A) the drug has been approved by the Secretary of Health
13 and Human Services under section 512 of the federal Food,
14 Drug, and Cosmetic Act (21 U.S.C. Sec. 360b); or**
15 **(B) the dispensing, prescription, or administration of the
16 drug is permissible under section 512(a)(4) of the federal
17 Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 360b(a)(4)).**
18 **(2) A person who:**
19 **(1) manufactures, distributes, or uses xylazine as an active
20 pharmaceutical ingredient for manufacturing an animal
21 drug approved under section 512 of the federal Food,
22 Drug, and Cosmetic Act (21 U.S.C. Sec. 360b); or**
23 **(2) has been issued an investigation use exemption for
24 xylazine under section 512(j) of the federal Food, Drug,
25 and Cosmetic Act (21 U.S.C. Sec. 3606(j)).**
26 **(3) A person who manufactures, distributes, or uses a xylazine
27 bulk chemical for pharmaceutical compounding by a licensed**

- 1 **pharmacist or veterinarian.**
- 2 **(4) A person who uses xylazine for another purpose approved**
- 3 **or permitted under the federal Food, Drug, and Cosmetic Act.**
- 4 **(5) A person who:**
- 5 **(A) possesses xylazine for the purpose of engaging in an**
- 6 **activity permitted under this section; or**
- 7 **(B) delivers or transports xylazine from a person described**
- 8 **in subdivisions (1) through (5)(A) to another person**
- 9 **described in subdivisions (1) through (5)(A).**

(Reference is to HB 1203 as introduced.)