January 24, 2014

SENATE BILL No. 305

DIGEST OF SB 305 (Updated January 22, 2014 3:31 pm - DI 106)

Citations Affected: IC 4-6; IC 6-2.5; 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 35-48.

Synopsis: Schedule I drugs and "spice". Makes compounds currently classified as synthetic drugs schedule I controlled substances. Makes conforming amendments and repeals obsolete provisions.

Effective: July 1, 2014.

Merritt

January 14, 2014, read first time and referred to Committee on Judiciary.
January 23, 2014, amended, reported favorably — Do Pass.

January 24, 2014

Second Regular Session 118th General Assembly (2014)

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 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 305

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:

SECTION 1. IC 4-6-3-4, AS AMENDED BY P.L.196-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. An investigative demand shall contain the following:

(1) A general description of the subject matter being investigated and a statement of the applicable provisions of law.

(2) The date, time, and place at which the person is to appear, answer written interrogatories, or produce documentary material or other tangible items. The date shall not be less than ten (10) days from the date of service of the demand. However, the attorney general may demand and obtain immediate access to records and materials if access is necessary for purposes of investigating alleged violations relating to sales or solicited sales of 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).~~

(A) schedule I controlled substance; or

(B) controlled substance lookalike;

by a retail merchant (as defined in IC 6-2.5-1-8) or a supplier (as defined in IC 24-5-0.5-2) if the alleged violation occurs in the normal course of the retail merchant's or supplier's business.

(3) Where the production of documents or other tangible items is required, a description of those documents or items by class with sufficient clarity so that they might be reasonably identified.

SECTION 2. IC 6-2.5-8-7, AS AMENDED BY P.L.196-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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 **controlled substance or controlled substance lookalike (IC 35-31.5-2-65.5).** ~~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 **controlled substance or controlled substance lookalike (IC 35-31.5-2-65.5).** ~~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 **revoke the person's registered retail merchant certificate for the place of business where the violation occurred for up to one (1) year.** ~~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 significant harm will result to the county from the certificate holder's failure to comply with IC 6-9.

(e) The department shall revoke or suspend 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 owes taxes, penalties, fines, interest, or costs due under IC 6-1.1 that remain unpaid at least sixty (60) days after the due date under IC 6-1.1; and

(2) the treasurer of the county to which the taxes are due requests the department to revoke or suspend the certificate.

(f) The department shall reinstate a certificate suspended under subsection (e) if the taxes and any penalties due under IC 6-1.1 are paid or the county treasurer requests the department to reinstate the certificate because an agreement for the payment of taxes and any penalties due under IC 6-1.1 has been reached to the satisfaction of the county treasurer.

(g) The department shall revoke a certificate issued under section 1 of this chapter after at least five (5) days notice to the certificate holder if the department finds in a public hearing by a preponderance of the evidence that the certificate holder has violated IC 35-45-5-3, IC 35-45-5-3.5, or IC 35-45-5-4.

(h) If a person makes a payment for the certificate under section 1 or 3 of this chapter with a check, credit card, debit card, or electronic funds transfer, and the department is unable to obtain payment of the check, credit card, debit card, or electronic funds transfer for its full face amount when the check, credit card, debit card, or electronic funds transfer is presented for payment through normal banking channels, the department shall notify the person by mail that the check, credit card, debit card, or electronic funds transfer was not honored and that the

person has five (5) days after the notice is mailed to pay the fee in cash, by certified check, or other guaranteed payment. If the person fails to make the payment within the five (5) day period, the department shall revoke the certificate.

(i) If the department finds in a public hearing by a preponderance of the evidence that a person has a conviction for a **controlled substance offense, including an offense relating to the sale of a controlled substance lookalike,** ~~violation of IC 35-48-4-10.5~~ and the conviction involved the sale of or the offer to sell, in the normal course of business, a **controlled substance or controlled substance lookalike (IC 35-31.5-2-65.5)** ~~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) shall suspend the registered retail merchant certificate for the place of business for one (1) year; and

(2) may not issue another retail merchant certificate under section 1 of this chapter for one (1) year 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).

(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 **controlled substance or controlled substance lookalike** ~~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).

SECTION 3. IC 16-31-3-14, AS AMENDED BY P.L.196-2013, SECTION 4, AND AS AMENDED BY P.L.158-2013, SECTION 234, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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 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 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 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)*~~ *IC 35-48-4-7(c)*.

(5) Manufacture of paraphernalia as a Class D *felony (for a crime committed before July 1, 2014) or Level 6* felony *(for a crime committed after June 30, 2014)* under IC 35-48-4-8.1(b).

(6) Dealing in paraphernalia as a Class D *felony (for a crime committed before July 1, 2014) or Level 6* felony *(for a crime committed after June 30, 2014)* under IC 35-48-4-8.5(b).

(7) Possession of paraphernalia as a Class D *felony (for a crime committed before July 1, 2014) or Level 6* felony *(for a crime committed after June 30, 2014)* 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* (*for a crime committed before July 1, 2014) or Level 6* felony *(for a crime committed after June 30, 2014)* 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 **(for an offense committed before July 1, 2014)** *(or under IC 35-48-4-11 before its amendment in 2013)***, or possession of a controlled substance lookalike as a Level 6 felony under IC 35-48-4-11.5 (for an offense committed after June 30, 2014).**

~~*(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.

(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.

SECTION 4. IC 16-31-3-14.5, AS AMENDED BY P.L.196-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 14.5. The department of homeland security may issue an order under IC 4-21.5-3-6 to deny an applicant's request for certification or licensure or permanently revoke a certificate or license under procedures provided by section 14 of this chapter if the individual who holds the certificate or license issued under this title is convicted of any of the following:

(1) Dealing in ~~or manufacturing~~ cocaine or a narcotic drug under IC 35-48-4-1.

(2) Dealing in methamphetamine under IC 35-48-4-1.1.

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

(4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.

(5) Dealing in a schedule V controlled substance under IC 35-48-4-4.

(6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.

(7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

(8) Dealing in a counterfeit substance under IC 35-48-4-5.

(9) Dealing in marijuana, hash oil, hashish, or salvia under IC 35-48-4-10(b).

(10) Dealing in a synthetic drug or synthetic drug lookalike

substance under IC 35-48-4-10.5 **(for an offense committed before July 1, 2014)** (or under IC 35-48-4-10(b) before its amendment in 2013)**, or dealing in a controlled substance lookalike under IC 35-48-4-10.5 (for an offense committed after June 30, 2014).**

(11) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.

(12) Attempt under IC 35-41-5-1 to commit an offense listed in this section.

(13) A crime of violence (as defined in IC 35-50-1-2(a)).

(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 under this section.

SECTION 5. IC 20-28-5-8, AS AMENDED BY P.L.158-2013, SECTION 250, AND AS AMENDED BY P.L.214-2013, SECTION 20, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8. (a) This section applies when a prosecuting attorney knows that a licensed employee of a public school or a nonpublic school has been convicted of an offense listed in subsection (c). The prosecuting attorney shall immediately give written notice of the conviction to the following:

(1) The state superintendent.

(2) Except as provided in subdivision (3), the superintendent of the school corporation that employs the licensed employee or the equivalent authority if a nonpublic school employs the licensed employee.

(3) The presiding officer of the governing body of the school corporation that employs the licensed employee, if the convicted licensed employee is the superintendent of the school corporation.

(b) The superintendent of a school corporation, presiding officer of the governing body, or equivalent authority for a nonpublic school shall immediately notify the state superintendent when the individual knows that a current or former licensed employee of the public school or nonpublic school has been convicted of an offense listed in subsection (c), or when the governing body or equivalent authority for a nonpublic school takes any final action in relation to an employee who engaged in any offense listed in subsection (c).

(c) The department, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the department to have been convicted of any of the following felonies:

(1) Kidnapping (IC 35-42-3-2).

(2) Criminal confinement (IC 35-42-3-3).

(3) Rape (IC 35-42-4-1).
(4) Criminal deviate conduct (IC 35-42-4-2) ~~(repealed).~~ **(before its repeal).**
(5) Child molesting (IC 35-42-4-3).
(6) Child exploitation (IC 35-42-4-4(b)).
(7) Vicarious sexual gratification (IC 35-42-4-5).
(8) Child solicitation (IC 35-42-4-6).
(9) Child seduction (IC 35-42-4-7).
(10) Sexual misconduct with a minor (IC 35-42-4-9).
(11) Incest (IC 35-46-1-3).
(12) Dealing in ~~or manufacturing~~ cocaine or a narcotic drug (IC 35-48-4-1).
(13) Dealing in methamphetamine (IC 35-48-4-1.1).
(14) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
(15) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
(16) Dealing in a schedule V controlled substance (IC 35-48-4-4).
(17) Dealing in a counterfeit substance (IC 35-48-4-5).
(18) Dealing in marijuana, hash oil, hashish, or salvia (IC 35-48-4-10(b)).
(19) Dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5 **(for an offense committed before July 1, 2014)** or IC 35-48-4-10(b) before its amendment in 2013)**, or dealing in a controlled substance lookalike under IC 35-48-4-10.5 (for an offense committed after June 30, 2014).**
(20) Possession of child pornography (IC 35-42-4-4(c)).
(21) ~~Homicide (IC 35-42-1).~~ **Murder (IC 35-42-1-1).**
(22) Voluntary manslaughter (IC 35-42-1-3).
(23) Involuntary manslaughter (IC 35-42-1-4).
~~(23)~~ **(24)** Reckless homicide (IC 35-42-1-5).
~~(24)~~ **(25)** Battery as any of the following:
(A) A Class A *felony (for a crime committed before July 1, 2014) or a Level 2* felony *(for a crime committed after June 30, 2014).* ~~*(IC 35-42-2-1(a)(5)).*~~
(B) A Class B *felony (for a crime committed before July 1, 2014) or a Level 3* felony *(for a crime committed after June 30, 2014).* ~~*(IC 35-42-2-1(a)(4)).*~~
(C) A Class C *felony (for a crime committed before July 1, 2014) or a Level 5* felony *(for a crime committed after June 30, 2014).* ~~*(IC 35-42-2-1(a)(3)).*~~

~~(25)~~ **(26)** Aggravated battery (IC 35-42-2-1.5).
~~(26)~~ **(27)** Robbery (IC 35-42-5-1).
~~(27)~~ **(28)** Carjacking (IC 35-42-5-2) ~~*(repealed).*~~ **(before its repeal).**
~~(28)~~ **(29)** Arson as a Class A felony or ~~a~~ Class B *felony (for a crime committed before July 1, 2014) or as a Level 2, Level 3, or Level 4* felony *(for a crime committed after June 30, 2014)* (IC 35-43-1-1(a)).
~~(29)~~ **(30)** Burglary as a Class A felony or ~~a~~ Class B felony *(for a crime committed before July 1, 2014) or as a Level 1, Level 2, Level 3, or Level 4 felony (for a crime committed after June 30, 2014)* (IC 35-43-2-1).
~~(30)~~ **(31)** Attempt under IC 35-41-5-1 to commit an offense listed in this subsection.
~~(31)~~ **(32)** Conspiracy under IC 35-41-5-2 to commit an offense listed in this subsection.

(d) The department, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the department to have been convicted of a federal offense or an offense in another state that is comparable to a felony listed in subsection (c).

(e) A license may be suspended by the state superintendent as specified in IC 20-28-7.5.

(f) The department shall develop a data base of information on school corporation employees who have been reported to the department under this section.

SECTION 6. IC 22-15-5-16, AS AMENDED BY P.L.196-2013, SECTION 7, AND AS AMENDED BY P.L.158-2013, SECTION 261, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16. (a) A practitioner shall comply with the standards established under this licensing program. A practitioner is subject to the exercise of the disciplinary sanctions under subsection (b) if the department finds that a practitioner has:

(1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing 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 provided under this chapter;
(5) been convicted of a crime that has a direct bearing on the

practitioner's ability to continue to practice competently;

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

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

(A) professional incompetence;

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

(C) physical or mental disability; or

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

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

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

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

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

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

(A) used by another person; or

(B) displayed to the public when the license has expired, is inactive, is invalid, or has been revoked or suspended.

For purposes of subdivision (10), a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction.

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

(1) Permanent revocation of a practitioner's license.

(2) Suspension of a practitioner's license.

(3) Censure of a practitioner.

(4) Issuance of a letter of reprimand.

(5) Assess a civil penalty against the practitioner in accordance with the following:

(A) The civil penalty may not be more than one thousand

dollars ($1,000) for each violation listed in subsection (a), except for a finding of incompetency due to a physical or mental disability.

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

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

(A) report regularly to the department upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the department;

(C) continue or renew professional education approved by the department 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 considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

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

(c) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the department may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the department.

(d) The department may deny licensure to an applicant who has had disciplinary action taken against the applicant or the applicant's license to practice in another state or jurisdiction or who has practiced without a 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 may order a practitioner to submit to a reasonable physical or mental examination if the practitioner's physical or mental capacity to practice safely and competently is at issue in a

disciplinary proceeding. Failure to comply with a department order to submit to a physical or mental examination makes a practitioner liable to temporary suspension under subsection (j).

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

(g) The department may deny, suspend, or revoke a license issued under this chapter if the individual who holds the 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) *(for a crime committed before July 1, 2014) or IC 35-48-4-7(c) (for a crime committed after June 30, 2014).*

(5) Manufacture of paraphernalia as a Class D *felony (for a crime committed before July 1, 2014) or a Level 6* felony *(for a crime committed after June 30, 2014)* under IC 35-48-4-8.1(b).

(6) Dealing in paraphernalia as a Class D *felony (for a crime committed before July 1, 2014) or a Level 6* felony *(for a crime committed after June 30, 2014)* under IC 35-48-4-8.5(b).

(7) Possession of paraphernalia as a Class D *felony (for a crime committed before July 1, 2014) or a Level 6* felony *(for a crime committed after June 30, 2014)* 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 (for a crime committed before July 1, 2014) or a Level 6* felony *(for a crime committed after June 30, 2014)* 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 **(for an offense committed before July 1, 2014),** (or under IC 35-48-4-11 before its amendment in 2013)*,* **or possession of a controlled substance lookalike under IC 35-48-4-11.5 (for an offense committed after June 30, 2014).**

~~*(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 subsection.*

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

~~(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 in ~~subdivisions (1) through (12).~~ *this subsection.*

(h) The department shall deny, revoke, or suspend a license issued under this chapter if the individual who holds the license is convicted of any of the following:

(1) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.

(2) Dealing in methamphetamine under IC 35-48-4-1.1.

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

(4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.

(5) Dealing in a schedule V controlled substance under IC 35-48-4-4.

(6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.

(7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

(8) Dealing in a counterfeit substance under IC 35-48-4-5.

(9) Dealing in marijuana, hash oil, hashish, *or* salvia ~~or a synthetic drug~~ under IC 35-48-4-10(b).

(10) Dealing in a synthetic drug or synthetic drug lookalike substance under IC 35-48-4-10.5 **(for an offense committed before July 1, 2014)** *(or under IC 35-48-4-10(b) before its amendment in 2013),* **or dealing in a controlled substance lookalike under IC 35-48-4-10.5 (for an offense committed after June 30, 2014).**

~~(10)~~ *(11)* Conspiracy under IC 35-41-5-2 to commit an offense listed in ~~subdivisions (1) through (9).~~ *this subsection.*

~~(11)~~ *(12)* Attempt under IC 35-41-5-1 to commit an offense listed in ~~subdivisions (1) through (9).~~ *this subsection.*

~~(12)~~ *(13)* 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 ~~subdivisions (1) through (11).~~ *this subsection.*

~~(13)~~ *(14)* A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under

IC 25-26-14.

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

(j) The department may temporarily suspend a practitioner's license under IC 4-21.5-4 before a final adjudication or during the appeals process if the department finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice.

(k) On receipt of a complaint or an information alleging that a person licensed under this chapter has engaged in or is engaging in a practice that jeopardizes the public health, safety, or welfare, the department shall initiate an investigation against the person.

(l) Any complaint filed with the office of the attorney general alleging a violation of this licensing program shall be referred to the department for summary review and for its general information and any authorized action at the time of the filing.

(m) The department shall conduct a fact finding investigation as the department considers proper in relation to the complaint.

(n) The department may reinstate a license that has been suspended under this section if, after a hearing, the department is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of reinstatement, the department may impose disciplinary or corrective measures authorized under this chapter.

(o) The department may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

(p) The department shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the department's findings or orders.

(q) A practitioner may petition the department to accept the surrender of the practitioner's license instead of having a hearing before the commission. The practitioner may not surrender the practitioner's license without the written approval of the department, and the department may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

(r) A practitioner who has been subjected to disciplinary sanctions may be required by the commission to pay the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not

be imposed solely upon the practitioner's inability to pay the amount assessed. The costs are limited to costs for the following:

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

SECTION 7. IC 24-5-0.5-4, AS AMENDED BY P.L.250-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) A person relying upon an uncured or incurable deceptive act may bring an action for the damages actually suffered as a consumer as a result of the deceptive act or five hundred dollars ($500), whichever is greater. The court may increase damages for a willful deceptive act in an amount that does not exceed the greater of:

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

Except as provided in subsection (j), the court may award reasonable attorney fees to the party that prevails in an action under this subsection. This subsection does not apply to a consumer transaction in real property, including a claim or action involving a construction defect (as defined in IC 32-27-3-1(5)) brought against a construction professional (as defined in IC 32-27-3-1(4)), except for purchases of time shares and camping club memberships. This subsection does not apply with respect to a deceptive act described in section 3(a)(20) of this chapter. This subsection also does not apply to a violation of IC 24-4.7, IC 24-5-12, IC 24-5-14, or IC 24-5-14.5. Actual damages awarded to a person under this section have priority over any civil penalty imposed under this chapter.

(b) Any person who is entitled to bring an action under subsection (a) on the person's own behalf against a supplier for damages for a deceptive act may bring a class action against such supplier on behalf of any class of persons of which that person is a member and which has been damaged by such deceptive act, subject to and under the Indiana Rules of Trial Procedure governing class actions, except as herein expressly provided. Except as provided in subsection (j), the court may award reasonable attorney fees to the party that prevails in a class

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

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

(1) issue an injunction;

(2) order the supplier to make payment of the money unlawfully received from the aggrieved consumers to be held in escrow for distribution to aggrieved consumers;

(3) for a knowing violation against a senior consumer, increase the amount of restitution ordered under subdivision (2) in any amount up to three (3) times the amount of damages incurred or value of property or assets lost;

(4) order the supplier to pay to the state the reasonable costs of the attorney general's investigation and prosecution related to the action;

(5) provide for the appointment of a receiver; and

(6) order the department of state revenue to suspend the supplier's registered retail merchant certificate, subject to the **maximum suspension period and reissuance restrictions** ~~requirements and prohibitions~~ contained in IC 6-2.5-8-7(i), if the court finds that a violation of this chapter involved the sale or solicited sale of a **controlled substance or controlled substance lookalike (IC 35-31.5-2-65.5).** ~~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).~~

(d) In an action under subsection (a), (b), or (c), the court may void

or limit the application of contracts or clauses resulting from deceptive acts and order restitution to be paid to aggrieved consumers.

(e) In any action under subsection (a) or (b), upon the filing of the complaint or on the appearance of any defendant, claimant, or any other party, or at any later time, the trial court, the supreme court, or the court of appeals may require the plaintiff, defendant, claimant, or any other party or parties to give security, or additional security, in such sum as the court shall direct to pay all costs, expenses, and disbursements that shall be awarded against that party or which that party may be directed to pay by any interlocutory order by the final judgment or on appeal.

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

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

(h) If a court finds that a person has violated section 3(a)(19) 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 as follows:

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

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

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

(i) A senior consumer relying upon an uncured or incurable deceptive act, including an act related to hypnotism, may bring an action to recover treble damages, if appropriate.

(j) An offer to cure is:

(1) not admissible as evidence in a proceeding initiated under this section unless the offer to cure is delivered by a supplier to the

consumer or a representative of the consumer before the supplier files the supplier's initial response to a complaint; and

(2) only admissible as evidence in a proceeding initiated under this section to prove that a supplier is not liable for attorney's fees 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 8. IC 25-1-1.1-2, AS AMENDED BY P.L.196-2013, SECTION 9, AND AS AMENDED BY P.L.158-2013, SECTION 277, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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)~~ *IC 35-48-4-7(c).*

(5) Manufacture of paraphernalia as a Class D *felony (for a crime committed before July 1, 2014) or a Level 6* felony *(for a crime committed after June 30, 2014)* under IC 35-48-4-8.1(b).

(6) Dealing in paraphernalia as a Class D *felony (for a crime committed before July 1, 2014) or a Level 6* felony *(for a crime committed after June 30, 2014)* under IC 35-48-4-8.5(b).

(7) Possession of paraphernalia as a Class D *felony (for a crime committed before July 1, 2014) or a Level 6* felony *(for a crime committed after June 30, 2014)* 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 (for a crime committed before July 1, 2014) or a Level 6* felony *(for a crime committed after June 30, 2014)* under IC 35-48-4-11.

(9) Possession of a synthetic drug or synthetic drug lookalike substance as Class D felony under IC 35-48-4-11.5*,* **for an offense committed before July 1, 2014),** (or under IC 35-48-4-11 before its amendment in 2013)*,* **or possession of a controlled substance lookalike under IC 35-48-4-11.5 (for an offense committed after June 30, 2014).**

~~*(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)* 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.

SECTION 9. IC 25-1-1.1-3, AS AMENDED BY P.L.196-2013, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 3. A board, a commission, or a committee shall

revoke or suspend a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

(1) Dealing in or manufacturing cocaine or a narcotic drug under IC 35-48-4-1.

(2) Dealing in methamphetamine under IC 35-48-4-1.1.

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

(4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.

(5) Dealing in a schedule V controlled substance under IC 35-48-4-4.

(6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.

(7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

(8) Dealing in a counterfeit substance under IC 35-48-4-5.

(9) Dealing in marijuana, hash oil, hashish, or salvia under IC 35-48-4-10(b).

(10) Dealing in a synthetic drug or synthetic drug lookalike substance under IC 35-48-4-10.5 **(for an offense committed before July 1, 2014)** (or under IC 35-48-4-10(b) before its amendment in 2013), **or dealing in a controlled substance lookalike under IC 35-48-4-10.5 (for an offense committed after June 30, 2014).**

(11) Conspiracy under IC 35-41-5-2 to commit an offense listed in this section.

(12) Attempt under IC 35-41-5-1 to commit an offense listed in this section.

(13) 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.

(14) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

SECTION 10. IC 25-26-13-4.1, AS AMENDED BY P.L.196-2013, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4.1. (a) The board may adopt an emergency rule to declare that a substance is a ~~synthetic drug.~~ **controlled substance.**

(b) The board may, on its own initiative or under a written request from the state police department, the United States Drug Enforcement

Administration, or a poison control center, adopt an emergency rule declaring a substance to be a ~~synthetic drug~~ **controlled substance** if the board finds that the substance:

(1) has been scheduled or emergency scheduled by the United States Drug Enforcement Administration;

(2) has been scheduled, emergency scheduled, or criminalized by another state; or

(3) has:

(A) a high potential for abuse; and

(B) no accepted medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision.

(c) In making its determination under subsection (b)(3), the board shall consider the following factors relating to the substance:

(1) The actual or relative potential for abuse.

(2) Scientific evidence of the substance's pharmacological effect, if known.

(3) The state of current scientific knowledge regarding the substance.

(4) The history and current pattern of abuse of the substance.

(5) The scope, duration, and significance of abuse of the substance.

(6) The degree of risk to the public health.

(7) The psychic or psychological dependence liability of the substance.

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

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

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

SECTION 11. IC 32-30-8-2, AS AMENDED BY P.L.196-2013, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) ~~Except as provided in subsection (d),~~ As used in this chapter, "property" means a house, a building, a mobile home, or an apartment that is leased for residential or commercial purposes.

(b) The term includes:

(1) an entire building or complex of buildings; or

(2) a mobile home community;

and all real property of any nature appurtenant to and used in

connection with the house, building, mobile home, or apartment, including all individual rental units and common areas.

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

(d) For actions brought by the attorney general in relation to the sale or solicited sale of a **controlled substance or controlled substance lookalike (IC 35-31.5-2-65.5),** ~~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),~~ "property" means a **building or structure owned or leased for commercial purposes, including all real property of any nature appurtenant to and used in connection with the building or structure.** ~~house, a building, a mobile home, or an apartment that is owned or leased for commercial or residential purposes. The term includes all real property of any nature appurtenant to and used in connection with the house, building, mobile home, or apartment.~~

SECTION 12. IC 32-30-8-10.5, AS ADDED BY P.L.196-2013, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10.5. **(a) The remedies and penalties specified in this section may be imposed only against a retail merchant (as defined in IC 6-2.5-1-8) or a supplier (as defined in IC 24-5-0.5-2(a)(3)).**

(b) In addition to the remedies and penalties specified in sections 10, 11, 12, and 13 of this chapter, the court may do any of the following in an action brought under this chapter concerning the sale or solicited sale of 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)~~ **controlled substance or controlled substance lookalike (IC 35-31.5-2-65.5):**

(1) Issue a restraining order against the person subject to IC 32-30-7-9 and IC 32-30-7-13.

(2) Issue a preliminary injunction, temporary forfeiture, or closure order pending final decision on a permanent injunction subject to IC 32-30-7-12.

(3) Issue an order of abatement subject to IC 32-30-7-22.

SECTION 13. IC 34-24-1-1, AS AMENDED BY P.L.196-2013, SECTION 15, AND AS AMENDED BY P.L.293-2013(ts), SECTION 42, AND AS AMENDED BY P.L.158-2013, SECTION 349, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The following may be seized:

(1) All vehicles (as defined by IC 35-31.5-2-346), if they are used or are intended for use by the person or persons in possession of them to transport or in any manner to facilitate the transportation

of the following:

(A) A controlled substance for the purpose of committing, attempting to commit, or conspiring to commit any of the following:

(i) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

(ii) Dealing in methamphetamine (IC 35-48-4-1.1).

(iii) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

(iv) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

(v) Dealing in a schedule V controlled substance (IC 35-48-4-4).

(vi) Dealing in a counterfeit substance (IC 35-48-4-5).

(vii) Possession of cocaine or a narcotic drug (IC 35-48-4-6).

(viii) Possession of methamphetamine (IC 35-48-4-6.1).

(ix) Dealing in paraphernalia (IC 35-48-4-8.5).

(x) Dealing in marijuana, hash oil, hashish, *or* salvia ~~*or a synthetic cannabinoid*~~ (IC 35-48-4-10).

(xi) Dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5 **(for an offense committed before July 1, 2014),** *or IC 35-48-4-10 before its amendment in 2013),* **or dealing in a controlled substance lookalike under IC 35-48-4-10.5 (for an offense committed after June 30, 2014).**

(B) Any stolen (IC 35-43-4-2) or converted property (IC 35-43-4-3) if the retail or repurchase value of that property is one hundred dollars ($100) or more.

(C) Any hazardous waste in violation of IC 13-30-10-1.5.

(D) A bomb (as defined in IC 35-31.5-2-31) or weapon of mass destruction (as defined in IC 35-31.5-2-354) used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism (as defined by IC 35-31.5-2-329).

(2) All money, negotiable instruments, securities, weapons, communications devices, or any property used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism or commonly used as consideration for a violation of IC 35-48-4 (other than items subject to forfeiture under IC 16-42-20-5 or IC 16-6-8.5-5.1 before its repeal):

(A) furnished or intended to be furnished by any person in exchange for an act that is in violation of a criminal statute;
(B) used to facilitate any violation of a criminal statute; or
(C) traceable as proceeds of the violation of a criminal statute.

(3) Any portion of real or personal property purchased with money that is traceable as a proceed of a violation of a criminal statute.

(4) A vehicle that is used by a person to:
(A) commit, attempt to commit, or conspire to commit;
(B) facilitate the commission of; or
(C) escape from the commission of;
murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense under IC 35-47 as part of or in furtherance of an act of terrorism.

(5) Real property owned by a person who uses it to commit any of the following as a ~~*Class A felony,*~~ ~~*a*~~ ~~*Class B felony,*~~ *Level 1, Level 2, Level 3, Level 4,* or ~~a~~ ~~*Class C*~~ *Level 5* felony:
(A) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).
(B) Dealing in methamphetamine (IC 35-48-4-1.1).
(C) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
(D) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
(E) Dealing in marijuana, hash oil, hashish, *or* salvia ~~*or a synthetic cannabinoid*~~ (IC 35-48-4-10).
(F) Dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5 **(for an offense committed before July 1, 2014)** *or IC 35-48-4-10 before its amendment in 2013),* **or dealing in a controlled substance lookalike under IC 35-48-4-10.5 (for an offense committed after June 30, 2014).**

(6) Equipment and recordings used by a person to commit fraud under IC 35-43-5-4(10).

(7) Recordings sold, rented, transported, or possessed by a person in violation of IC 24-4-10.

(8) Property (as defined by IC 35-31.5-2-253) or an enterprise (as defined by IC 35-45-6-1) that is the object of a corrupt business influence violation (IC 35-45-6-2).

(9) Unlawful telecommunications devices (as defined in IC 35-45-13-6) and plans, instructions, or publications used to

commit an offense under IC 35-45-13.

(10) Any equipment, including computer equipment and cellular telephones, used for or intended for use in preparing, photographing, recording, videotaping, digitizing, printing, copying, or disseminating matter in violation of IC 35-42-4.

(11) Destructive devices used, possessed, transported, or sold in violation of IC 35-47.5.

(12) Tobacco products that are sold in violation of IC 24-3-5, tobacco products that a person attempts to sell in violation of IC 24-3-5, and other personal property owned and used by a person to facilitate a violation of IC 24-3-5.

(13) Property used by a person to commit counterfeiting or forgery in violation of IC 35-43-5-2.

(14) After December 31, 2005, if a person is convicted of an offense specified in IC 25-26-14-26(b) or IC 35-43-10, the following real or personal property:

(A) Property used or intended to be used to commit, facilitate, or promote the commission of the offense.

(B) Property constituting, derived from, or traceable to the gross proceeds that the person obtained directly or indirectly as a result of the offense.

(15) Except as provided in subsection (e), a vehicle used by a person who operates the vehicle:

(A) while intoxicated, in violation of IC 9-30-5-1 through IC 9-30-5-5, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:

(i) for operating a motor vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or

(ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction; or

(B) on a highway while the person's driving privileges are suspended in violation of IC 9-24-19-2 through IC 9-24-19-4, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:

(i) for operating a vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or

(ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction.

If a court orders the seizure of a vehicle under this subdivision, the court shall transmit an order to the bureau of motor vehicles recommending that the bureau not permit a vehicle to be registered in the name of the person whose vehicle was seized

until the person possesses a current driving license (as defined in IC 9-13-2-41).

(16) The following real or personal property:

(A) Property used or intended to be used to commit, facilitate, or promote the commission of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).

(B) Property constituting, derived from, or traceable to the gross proceeds that a person obtains directly or indirectly as a result of an offense specified in IC 23-14-48-9, IC 30-2-9-7(b), IC 30-2-10-9(b), or IC 30-2-13-38(f).

(17) An automated sales suppression device (as defined in IC 35-43-5-4.6(a)(1) or phantom-ware (as defined in IC 35-43-5-4.6(a)(3)).

(b) A vehicle used by any person as a common or contract carrier in the transaction of business as a common or contract carrier is not subject to seizure under this section, unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a).

(c) Equipment under subsection (a)(10) may not be seized unless it can be proven by a preponderance of the evidence that the owner of the equipment knowingly permitted the equipment to be used to engage in conduct that subjects it to seizure under subsection (a)(10).

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

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

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

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

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

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

(6) IC 35-48-4-6 (possession of cocaine or a narcotic drug) as a

~~*Class A felony, Class B*~~ *Level 3, Level 4,* ~~*felony,*~~ or ~~*Class C*~~ *Level 5* felony.

(7) IC 35-48-4-6.1 (possession of methamphetamine) as a ~~*Class A felony, Class B felony,*~~ *Level 3, Level 4,* or ~~*Class C*~~ *Level 5* felony.

(8) IC 35-48-4-10 (dealing in marijuana, hash oil, hashish, *or* salvia) ~~*or a synthetic cannabinoid)*~~ as a ~~*Class C*~~ *Level 5* felony.

(9) IC 35-48-4-10.5 (dealing in a synthetic drug or synthetic drug lookalike substance) as a Class C felony or Class D felony **(for an offense committed before July 1, 2014),** *(or as a Class C felony or Class D felony under IC 35-48-4-10 before its amendment in 2013),* **or dealing in a controlled substance lookalike under IC 35-48-4-10.5 (for an offense committed after June 30, 2014).**

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

(1) an owner of the vehicle; or

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

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

SECTION 14. IC 35-31.5-2-16.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 16.5. "Analog", for purposes of section 321 of this chapter, means a new or novel chemical entity, independent of synthetic route or natural origin, having substantially the same:~~

~~(1) carbon backbone structure; and~~

~~(2) pharmacological mechanism of action;~~

~~as a compound specifically defined as a synthetic drug in section 321 of this chapter.~~

SECTION 15. IC 35-31.5-2-65.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 65.5. (a) "Controlled substance lookalike", except as provided in subsection (b), means one (1) or more of the following:**

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

(2) A substance, other than a controlled substance:

(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.

(b) The term "controlled substance lookalike" does not include the following:

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

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

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

(4) Tobacco.

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

(c) In determining whether a substance is a controlled substance lookalike, 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 controlled substance.

(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 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.

SECTION 16. IC 35-31.5-2-321 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 321. "Synthetic drug" means:~~

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

~~(A) JWH-015 ((2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone).~~

~~(B) JWH-018 (1-pentyl-3-(1-naphthoyl)indole).~~

~~(C) JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole).~~

~~(D) JWH-073~~

~~(naphthalen-1-yl-(1-butylindol-3-yl)methanone).~~
~~(E) JWH-081 (4-methoxynaphthalen- 1-yl- (1-pentylindol-3-yl)methanone).~~
~~(F) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).~~
~~(G) JWH-200 ((1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-yl-methanone).~~
~~(H) JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole).~~
~~(I) JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole).~~
~~(J) JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).~~
~~(K) HU-210 ((6aR,10aR)- 9-(Hydroxymethyl)- 6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen- 1-ol).~~
~~(L) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)- 6,6-dimethyl-3-(2-methyloctan-2-yl)- 6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol).~~
~~(M) HU-308 ([(1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan- 2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol).~~
~~(N) HU-331 (3-hydroxy-2- [(1R,6R)-3-methyl-6-(1-methylethenyl)-2 -cyclohexen-1-yl]-5 -pentyl-2,5-cyclohexadiene-1,4-dione).~~
~~(O) CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl) cyclohexyl]-5- (2-methyloctan-2-yl)phenol).~~
~~(P) CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]- 5-(2-methyloctan-2-yl)phenol) and its homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl) phenol), where side chain n=5, and homologues where side chain n=4, 6, or 7.~~
~~(Q) WIN 55212-2. ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl) pyrrolo [1,2,3-de)- 1,4- benzoxazin-6-yl]-1-napthalenylmethanone).~~
~~(R) RCS-4 ((4-methoxyphenyl) (1-pentyl-1H-indol-3-yl)methanone).~~
~~(S) RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-methoxyphenyl)ethanone).~~
~~(T) 4-Methylmethcathinone. Other name: mephedrone.~~
~~(U) 3,4-Methylenedioxymethcathinone. Other name: methylone.~~
~~(V) Fluoromethcathinone.~~
~~(W) 4-Methoxymethcathinone. Other name: methedrone.~~

~~(X) 4-Ethylmethcathinone (4-EMC).~~
~~(Y) Methylenedioxypyrovalerone. Other name: MDPV.~~
~~(Z) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole.~~
~~(AA) JWH-098, or~~
~~1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole.~~
~~(BB) JWH-164, or~~
~~1-pentyl-3-(7-methoxy-1-naphthoyl)indole.~~
~~(CC) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole.~~
~~(DD) JWH-201, or~~
~~1-pentyl-3-(4-methoxyphenylacetyl)indole.~~
~~(EE) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole.~~
~~(FF) AM-694, or~~
~~1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.~~
~~(GG) CP 50,556-1, or~~
~~[(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate.~~
~~(HH) Dimethylheptylpyran, or DMHP.~~
~~(II) 4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP.~~
~~(JJ) 6-APB [6-(2-aminopropyl)benzofuran].~~
~~(LL) 7-hydroxymitragynine.~~
~~(MM) α-PPP [α-pyrrolidinopropiophenone].~~
~~(NN) α-PVP (desmethylpyrovalerone).~~
~~(OO) AM-251.~~
~~(PP) AM-1241.~~
~~(QQ) AM-2201.~~
~~(RR) AM-2233.~~
~~(SS) Buphedrone.~~
~~(TT) Butylone.~~
~~(UU) CP-47,497-C7.~~
~~(VV) CP-47,497-C8.~~
~~(WW) Desoxypipradol.~~
~~(XX) Ethylone.~~
~~(YY) Eutylone.~~
~~(ZZ) Flephedrone.~~
~~(AAA) JWH-011.~~
~~(BBB) JWH-020.~~
~~(CCC) JWH-022.~~
~~(DDD) JWH-030.~~
~~(EEE) JWH-182.~~
~~(FFF) JWH-302.~~
~~(GGG) MDAI [5,6-methylenedioxy-2-aminoindane].~~

~~(HHH) Mitragynine.~~
~~(III) Naphyrone.~~
~~(JJJ) Pentedrone.~~
~~(LLL) Pentylone.~~
~~(MMM) Methoxetamine~~
~~[2-(3-methoxyphenyl)-2-(ethylamino)- cyclohexanone].~~
~~(NNN) A796,260 [1-(2-morpholin-4-ylethyl)-1H-indol-3-yl]-(2,2,3,3-tetramethylcyclopropyl)methanone].~~
~~(OOO) AB-001[(1s,3s)-admantan-1-yl)(1-pentyl-1H-indol-3-yl)methanone] or [1-Pentyl-3-(1-adamantoyl)indole].~~
~~(PPP) AM-356 [Methanandamide].~~
~~(QQQ) AM 1248 [1-[(1-methyl-2- piperidinyl) methyl]-1H-indol-3-yl] tricyclo[3.3.1.13,7] dec-1-yl-methanone]or [(1-[(N-methylpiperindin-2-yl) Methyl]-3-(Adamant-1-oyl)indole)].~~
~~(RRR) AM 2233 Azepane isomer [(2-iodophenyl)(1-(1-methylazepan-3-yl)- 1H-indol-3-yl)methanone].~~
~~(SSS) CB-13 [1-Naphthalenyl [4-(pentyoxy)-1-naphthalenyl]methanone].~~
~~(TTT) UR-144 [(1-pentyl-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)-methanone].~~
~~(UUU) URB 597 [(3'-(aminocarbonyl) [1,1'-biphenyl]-3-yl)-cyclohexylcarbamate].~~
~~(VVV) URB602 [[1,1'-biphenyl]- 3-yl-carbamic acid, cyclohexyl ester].~~
~~(WWW) URB 754 [6-methyl-2-[(4-methylphenyl) amino]-1-benzoxazin-4-one].~~
~~(XXX) XLR-11 or 5-fluoro UR-144 (1-(5-fluoropentyl)-1H-indol-3-yl)(2,2,3,3-tetramethylcyclopropyl)methanone].~~
~~(YYY) AKB48 (Other names include: N-Adamantyl-1-pentyl-1H-Indazole-3-carboxamide; 1-pentyl-N-tricyclo[3.3.1.13.7]dec-1-yl-1H-indazole-3-carboxamide).~~
~~(ZZZ) 25I-NBOMe (Other names include: 4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzenemethanamine); 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[3.3.1.13.7]dec-1-yl-1H-indole-3-carboxamide).~~

~~(2) Any compound structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.~~

~~(3) Any compound structurally derived from 3-(1-naphthoyl) pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3- morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent.~~

~~(4) Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring by alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent.~~

~~(5) Any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether~~

~~or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.~~

~~(6) Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not substituted in the cyclohexyl ring to any extent.~~

~~(7) Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.~~

~~(8) Any compound, except bupropion or a compound listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified:~~

~~(A) by substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;~~

~~(B) by substitution at the 3-position with an acyclic alkyl substituent;~~

~~(C) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or~~

~~(D) by inclusion of the 2-amino nitrogen atom in a cyclic structure.~~

~~(9) Any compound structurally derived from 3-tetramethylcyclopropanoylindole with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl) ethyl, 1-(N-methyl-2-pyrrolidinyl) methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the tetramethylcyclopropyl ring to~~

~~any extent.~~

~~(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 atom of the carboxamide to any 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 atom 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.~~

~~(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.~~

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

SECTION 17. IC 35-31.5-2-321.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 321.5. (a) "Synthetic drug lookalike substance", except as provided in subsection (b), means one (1) or more of the following:~~

~~(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.~~

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

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

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

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

~~(4) Tobacco.~~

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

~~(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 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.~~

SECTION 18. IC 35-45-6-1, AS AMENDED BY P.L.196-2013, SECTION 18, AND AS AMENDED BY P.L.158-2013, SECTION 534, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) The definitions in this section apply throughout this chapter.

(b) "Documentary material" means any document, drawing, photograph, recording, or other tangible item containing compiled data

from which information can be either obtained or translated into a usable form.

(c) "Enterprise" means:

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

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

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

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

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

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

(3) A violation of IC 35-47.

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

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

(6) Battery as a Class C *felony before July 1, 2014, or a Level 5* felony *after June 30, 2014* (IC 35-42-2-1).

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

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

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

(10) Robbery (IC 35-42-5-1).

(11) Carjacking (IC 35-42-5-2) ~~*(repealed).*~~ **(before its repeal).**

(12) Arson (IC 35-43-1-1).

(13) Burglary (IC 35-43-2-1).

(14) Theft (IC 35-43-4-2).

(15) Receiving stolen property (IC 35-43-4-2) **(before its repeal).**

(16) Forgery (IC 35-43-5-2).

(17) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(10)).

(18) Bribery (IC 35-44.1-1-2).

(19) Official misconduct (IC 35-44.1-1-1).

(20) Conflict of interest (IC 35-44.1-1-4).

(21) Perjury (IC 35-44.1-2-1).

(22) Obstruction of justice (IC 35-44.1-2-2).

(23) Intimidation (IC 35-45-2-1).
(24) Promoting prostitution (IC 35-45-4-4).
(25) Professional gambling (IC 35-45-5-3).
(26) Maintaining a professional gambling site (IC 35-45-5-3.5(b)).
(27) Promoting professional gambling (IC 35-45-5-4).
(28) Dealing in ~~or manufacturing~~ cocaine or a narcotic drug (IC 35-48-4-1).
(29) Dealing in ~~or manufacturing~~ methamphetamine (IC 35-48-4-1.1).
(30) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
(31) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
(32) Dealing in a schedule V controlled substance (IC 35-48-4-4).
(33) Dealing in marijuana, hash oil, hashish, **or** salvia ~~or a synthetic cannabinoid~~ (IC 35-48-4-10).
(34) Money laundering (IC 35-45-15-5).
(35) A violation of IC 35-47.5-5.
(36) A violation of any of the following:
(A) IC 23-14-48-9.
(B) IC 30-2-9-7(b).
(C) IC 30-2-10-9(b).
(D) IC 30-2-13-38(f).
(37) Practice of law by a person who is not an attorney (IC 33-43-2-1).
(38) Dealing in a synthetic drug or synthetic drug lookalike substance (IC 35-48-4-10.5 **(for an offense committed before July 1, 2014),** *or IC 35-48-4-10 before its amendment in 2013),* **or dealing in a controlled substance lookalike under IC 35-48-4-10.5 (for an offense committed after June 30, 2014).**

SECTION 19. IC 35-48-1-16.5, AS ADDED BY P.L.158-2013, SECTION 619, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 16.5. "Enhancing circumstance" means one (1) or more of the following:

(1) The person has a prior conviction for dealing in a controlled substance that is not marijuana, hashish, hash oil, **or** salvia. ~~divinorum, or a synthetic drug.~~
(2) The person committed the offense while in possession of a firearm.
(3) The person committed the offense:

(A) on a school bus; or
(B) in, on, or within five hundred (500) feet of:
(i) school property while a person under eighteen (18) years of age was reasonably expected to be present; or
(ii) a public park while a person under eighteen (18) years of age was reasonably expected to be present.
(4) The person delivered or financed the delivery of the drug to a person under eighteen (18) years of age at least three (3) years junior to the person.
(5) The person manufactured or financed the manufacture of the drug.

SECTION 20. IC 35-48-2-4, AS AMENDED BY P.L.283-2013, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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
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)
Difenoxin (9168)
Dimenoxadol (9617)
Dimepheptanol (9618)
Dimethylthiambutene (9619)
Dioxaphetyl butyrate (9621)
Dipipanone (9622)
Ethylmethylthiambutene (9623)
Etonitazene (9624)
Etoxeridine (9625)
Furethidine (9626)
Hydroxypethidine (9627)
Ketobemidone (9628)
Levomoramide (9629)
Levophenacylmorphan (9631)
3-Methylfentanyl [N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenyl-propanimide](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 (thenylfentanyl), 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)
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)
Hydromorphinol (9301)
Methyldesorphine (9302)
Methyldihydromorphine (9304)
Morphine methylbromide (9305)
Morphine methylsulfonate (9306)
Morphine-N-Oxide (9307)
Myrophine (9308)
Nicocodeine (9309)
Nicomorphine (9312)
Normorphine (9313)
Pholcodine (9314)
Thebacon (9315)

(d) Hallucinogenic substances. Unless specifically excepted or unless listed in another schedule, 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 whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this subsection only, the term "isomer" includes the optical, position, and geometric isomers):

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

TCPy.
(2) 4-Bromo-2, 5-Dimethoxyamphetamine (7391). 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.
(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). 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:

(A) π^1 cis or trans tetrahydrocannabinol, and their optical isomers;

(B) π^6 cis or trans tetrahydrocannabinol, and their optical isomers; and

(C) $\pi^{3,4}$ 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).~~ **A substance containing:**

(A) one (1) or more of the following chemical compounds, including an analog of the compound:

(i) JWH-015 ((2-Methyl-1-propyl-1H-indol-3-yl)-1-naphthalenylmethanone).

(ii) JWH-018 (1-pentyl-3-(1-naphthoyl)indole).

(iii) JWH-019 (1-hexyl-3-(naphthalen-1-oyl)indole).

(iv) JWH-073 (naphthalen-1-yl-(1-butylindol-3-yl)methanone).

(v) JWH-081 (4-methoxynaphthalen- 1-yl-(1-pentylindol- 3-yl)methanone).

(vi) JWH-122 (1-Pentyl-3-(4-methyl-1-naphthoyl)indole).

(vii) JWH-200 ((1-(2-morpholin-4-ylethyl)indol-3-yl)-naphthalen-1-yl-methanone).

(viii) JWH-250 (1-pentyl-3-(2-methoxyphenylacetyl)indole).

(ix) JWH-251 (1-pentyl-3-(2-methylphenylacetyl)indole).

(x) JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole).

(xi) HU-210 ((6aR,10aR)- 9-(Hydroxymethyl)-6,6-dimethyl- 3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen- 1-ol).

(xii) HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl- 3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol).

(xiii) HU-308 ([(1R,2R,5R)-2-[2,6-dimethoxy-4-(2-methyloctan- 2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-enyl] methanol).

(xiv) HU-331 (3-hydroxy-2- [(1R,6R)-3-methyl-6-(1-methylethenyl)-2 -cyclohexen-1-yl]-5 -pentyl-2,5-cyclohexadiene-1,4-dione).

(xv) CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-hydroxypropyl) cyclohexyl]- 5- (2-methyloctan-2-yl)phenol).

(xvi) CP 47,497 (2-[(1R,3S)-3-hydroxycyclohexyl]- 5-

(2-methyloctan-2-yl)phenol) and its homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl) phenol), where side chain n=5, and homologues where side chain n=4, 6, or 7.

(xvii) WIN 55212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl) pyrrolo [1,2,3-de)- 1,4- benzoxazin-6-yl]-1-napthalenylmethanone).

(xviii) RCS-4 ((4-methoxyphenyl) (1-pentyl-1H-indol-3-yl)methanone).

(xix) RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-methoxyphenyl)ethanone).

(xx) 4-Methylmethcathinone. Other name: mephedrone.

(xxi) 3,4-Methylenedioxymethcathinone. Other name: methylone.

(xxii) Fluoromethcathinone.

(xxiii) 4-Methoxymethcathinone. Other name: methedrone.

(xxiv) 4-Ethylmethcathinone (4-EMC).

(xxv) Methylenedioxypyrovalerone. Other name: MDPV.

(xxvi) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole.

(xxvii) JWH-098, or 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole.

(xxviii) JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole.

(xxix) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole.

(xxx) JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole.

(xxxi) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole.

(xxxii) AM-694, or 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole.

(xxxiii) CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phen ylpe ntan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthri din-1-yl] acetate.

(xxxiv) Dimethylheptylpyran, or DMHP.

(xxxv) 4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP.

(xxxvi) 6-APB [6-(2-aminopropyl)benzofuran].
(xxxvii) 7-hydroxymitragynine.
(xxxviii) α-PPP [α-pyrrolidinopropiophenone].
(xxxix) α-PVP (desmethylpyrovalerone).
(xl) AM-251.
(xli) AM-1241.
(xlii) AM-2201.
(xliii) AM-2233.
(xliv) Buphedrone.
(xlv) Butylone.
(xlvi) CP-47,497-C7.
(xlvii) CP-47,497-C8.
(xlviii) Desoxypipradol.
(xlix) Ethylone.
(l) Eutylone.
(li) Flephedrone.
(lii) JWH-011.
(liii) JWH-020.
(liv) JWH-022.
(lv) JWH-030.
(lvi) JWH-182.
(lvii) JWH-302.
(lviii) MDAI [5,6-methylenedioxy-2-aminoindane].
(lvix) Mitragynine.
(lx) Naphyrone.
(lxi) Pentedrone.
(lxii) Pentylone.
(lxiii) Methoxetamine [2-(3-methoxyphenyl)-2-(ethylamino)- cyclohexanone].
(lxiv) A796,260 [1-(2-morpholin-4-ylethyl)-1H-indol-3-yl]- (2,2,3,3-tetramethylcyclopropyl)methanone].
(lxv) AB-001 [(1s,3s)-adamantan-1-yl) (1-pentyl-1H-indol-3-yl)methanone] or [1-Pentyl-3-(1-adamantoyl)indole].
(lxvi) AM-356 [Methanandamide].
(lxvii) AM 1248 [1-[(1-methyl-2- piperidinyl) methyl]-1H-indol-3-yl] tricyclo[3.3.1.13,7] dec-1-yl-methanone]or [(1-[(N-methylpiperindin-2-yl) Methyl]-3-(Adamant-1-oyl)indole)].
(lxviii) AM 2233 Azepane isomer [(2-iodophenyl) (1-(1-methylazepan-3-yl)- 1H-indol-3-yl)methanone].

(lxix) CB-13 [1-Naphthalenyl [4-(pentyoxy)-1-naphthalenyl]methanone].

(lxx) UR-144 [(1-pentyl-1H-indol-3-yl) (2,2,3,3-tetramethylcyclopropyl)-methanone].

(lxxi) URB 597 [(3'-(aminocarbonyl) [1,1'-biphenyl]-3-yl)- cyclohexylcarbamate].

(lxxii) URB602 [[1,1'-biphenyl]- 3-yl-carbamic acid, cyclohexyl ester].

(lxxiii) URB 754 [6-methyl-2-[(4-methylphenyl) amino]-1-benzoxazin-4-one].

(lxxiv) XLR-11 or 5-fluoro UR-144 (1-(5-fluoropentyl)-1H-indol-3-yl) (2,2,3,3-tetramethylcyclopropyl)methanone].

(lxxv) AKB48 (Other names include: N-Adamantyl-1-pentyl-1H-Indazole-3-carboxamide; 1-pentyl-N-tricyclo[3.3.1.13.7]dec-1-yl-1H-indazole-3-carboxamide).

(lxxvi) 25I-NBOMe (Other names include: 4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine); 2-(4-iodo-2,5-dimethoxyphenyl)-N-[(2-methoxyphenyl) methyl]ethanamine).

(lxxvii) 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).

(lxxviii) 2NE-1 (Other names include: 1-Pentyl-3-(1-adamantylamido)indole).

(lxxix) STS-135 (Other names include: N-Adamantyl-1-fluoropentylindole-3- carboxamide (1-5-fluoropentyl)-N-tricyclo[3.3.1.13.7]dec-1-yl-1H-indole-3-carboxamide).

(B) Any compound structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group,

whether or not further substituted in the indole ring to any extent and whether or not substituted in the naphthyl ring to any extent.

(C) Any compound structurally derived from 3-(1-naphthoyl) pyrrole by substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the pyrrole ring to any extent and whether or not substituted in the naphthyl ring to any extent.

(D) Any compound structurally derived from 1-(1-naphthylmethyl)indene by substitution at the 3-position of the indene ring by alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the indene ring to any extent and whether or not substituted in the naphthyl ring to any extent.

(E) Any compound structurally derived from 3-phenylacetylindole by substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.

(F) Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not substituted in the cyclohexyl ring to any extent.

(G) Any compound containing a 3-(benzoyl)indole structure with substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl)ethyl, or 1-(N-methyl-2-pyrrolidinyl)methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the phenyl ring to any extent.

(H) Any compound, except bupropion or a compound listed under a different schedule, structurally derived from 2-aminopropan-1-one by substitution at the 1-position with either phenyl, naphthyl, or thiophene ring systems, whether or not the compound is further modified:

(i) by substitution in the ring system to any extent with alkyl, alkylenedioxy, alkoxy, haloalkyl, hydroxyl, or halide substituents, whether or not further substituted in the ring system by one or more other univalent substituents;

(ii) by substitution at the 3-position with an acyclic alkyl substituent;

(iii) by substitution at the 2-amino nitrogen atom with alkyl, dialkyl, benzyl, or methoxybenzyl groups; or

(iv) by inclusion of the 2-amino nitrogen atom in a cyclic structure.

(I) Any compound structurally derived from 3-tetramethyl cyclopropanoylindole with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl, 2-(4-morpholinyl) ethyl, 1-(N-methyl-2-pyrrolidinyl) methyl, 1-(N-methyl-3-morpholinyl)methyl, or tetrahydropyranylmethyl group, whether or not further substituted in the indole ring to any extent and whether or not substituted in the tetramethylcyclopropyl ring to any extent.

(J) 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 atom of the carboxamide to any 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.

(K) 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 atom 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.

(L) 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.

(M) Any compound determined to be:

(i) a controlled substance by rule adopted under IC 25-26-13-4.1 after June 30, 2014; or

(ii) a synthetic drug by rule adopted under IC 25-26-13-4.1 before July 1, 2014;

including any substance previously defined as a synthetic drug.

(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.

(37) 5-Methoxy-N,N-Dimethyltryptamine. Some trade or other names: 5-methoxy-3-[2- (dimethylamino)ethyl]indole; 5-MeO-DMT.

(38) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E).

(39) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D).

(40) 2-(4-Chloro-2,5-dimethoxyphenyl) ethanamine (2C-C).

(41) 2-(4-Iodo-2,5-dimethoxyphenyl) ethanamine (2C-I).

(42) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl] ethanamine (2C-T-2).

(43) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl] ethanamine (2C-T-4).

(44) 2-(2,5-Dimethoxyphenyl) ethanamine (2C-H).

(45) 2-(2,5-Dimethoxy-4-nitro-phenyl) ethanamine (2C-N).

(46) 2-(2,5-Dimethoxy-4-(n)-propylphenyl) ethanamine (2C-P).

(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 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.

Fenethylline (1503).

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

1-benzylpiperazine.
N-ethylamphetamine (1475)
Methcathinone (1237) Some other trade names: 2-Methylamino-1-Phenylpropan-I-one; Ephedrone; Monomethylpropion; UR 1431.
N, N-dimethylamphetamine (1480). Other names: N, N-alpha-trimethyl-benzeneethanamine; and N, N-alpha-trimethylphenethylamine.

SECTION 21. IC 35-48-4-2, AS AMENDED BY P.L.158-2013, SECTION 624, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 2. (a) A person who:

(1) knowingly or intentionally:
(A) manufactures;
(B) finances the manufacture of;
(C) delivers; or
(D) finances the delivery of;
a controlled substance, pure or adulterated, classified in schedule I, II, or III, except marijuana, hash oil, hashish, **or** salvia; ~~or a synthetic cannabinoid;~~ or

(2) possesses, with intent to:
(A) manufacture;
(B) finance the manufacture of;
(C) deliver; or
(D) finance the delivery of;
a controlled substance, pure or adulterated, classified in schedule I, II, or III, except marijuana, hash oil, hashish, **or** salvia; ~~or a synthetic cannabinoid;~~

commits dealing in a schedule I, II, or III controlled substance, a Level 5 felony, except as provided in subsections (b) through (d).

(b) The offense is a Level 4 felony if:
(1) the amount of the drug involved is at least three (3) but less than ten (10) grams; or
(2) the amount of the drug involved is less than three (3) grams and an enhancing circumstance applies.

(c) The offense is a Level 3 felony if:
(1) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams; or
(2) the amount of the drug involved is at least three (3) but less than ten (10) grams and an enhancing circumstance applies.

(d) The offense is a Level 2 felony if:
(1) the amount of the drug involved is at least twenty-eight (28) grams; or

(2) the amount of the drug involved is at least ten (10) but less than twenty-eight (28) grams and an enhancing circumstance applies.

SECTION 22. IC 35-48-4-7, AS AMENDED BY P.L.158-2013, SECTION 633, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 7. (a) A person who, without a valid prescription or order of a practitioner acting in the course of the practitioner's professional practice, knowingly or intentionally possesses a controlled substance (pure or adulterated) classified in schedule I, II, III, or IV, except marijuana, **hash oil,** hashish, **or** salvia, ~~or a synthetic cannabinoid,~~ commits possession of a controlled substance, a Class A misdemeanor, except as provided in subsection (b).

(b) The offense is a Level 6 felony if the person commits the offense and an enhancing circumstance applies.

(c) A person who, without a valid prescription or order of a practitioner acting in the course of the practitioner's professional practice, knowingly or intentionally obtains:

(1) more than four (4) ounces of schedule V controlled substances containing codeine in any given forty-eight (48) hour period unless pursuant to a prescription;

(2) a schedule V controlled substance pursuant to written or verbal misrepresentation; or

(3) possession of a schedule V controlled substance other than by means of a prescription or by means of signing an exempt narcotic register maintained by a pharmacy licensed by the Indiana state board of pharmacy;

commits a Class A misdemeanor.

SECTION 23. IC 35-48-4-8.5, AS AMENDED BY P.L.158-2013, SECTION 636, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 8.5. (a) A person who keeps for sale, offers for sale, delivers, or finances the delivery of a raw material, an instrument, a device, or other object that is intended to be or that is designed or marketed to be used primarily for:

(1) ingesting, inhaling, or otherwise introducing into the human body marijuana, hash oil, hashish, salvia, ~~a synthetic drug,~~ or a controlled substance;

(2) testing the strength, effectiveness, or purity of marijuana, hash oil, hashish, salvia, ~~a synthetic drug,~~ or a controlled substance;

(3) enhancing the effect of a controlled substance;

(4) manufacturing, compounding, converting, producing, processing, or preparing marijuana, hash oil, hashish, salvia, ~~a~~

~~synthetic drug,~~ or a controlled substance;

(5) diluting or adulterating marijuana, hash oil, hashish, salvia, ~~a synthetic drug,~~ or a controlled substance by individuals; or

(6) any purpose announced or described by the seller that is in violation of this chapter;

commits a Class A infraction for dealing in paraphernalia.

(b) A person who knowingly or intentionally violates subsection (a) commits a Class A misdemeanor. However, the offense is a Level 6 felony if the person has a prior unrelated judgment or conviction under this section.

(c) This section does not apply to the following:

(1) Items marketed for use in the preparation, compounding, packaging, labeling, or other use of marijuana, hash oil, hashish, salvia, a synthetic drug, or a controlled substance as an incident to lawful research, teaching, or chemical analysis and not for sale.

(2) Items marketed for or historically and customarily used in connection with the planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, or inhaling of tobacco or any other lawful substance.

SECTION 24. IC 35-48-4-10.5, AS ADDED BY P.L.196-2013, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10.5. (a) A person who:

(1) manufactures;

(2) finances the manufacture of;

(3) delivers;

(4) finances the delivery of;

(5) possesses, with intent to deliver; or

(6) possesses, with intent to finance the delivery of;

a ~~synthetic drug or a synthetic drug lookalike substance~~ **controlled substance lookalike** commits dealing in a ~~synthetic drug or synthetic drug lookalike substance~~ **controlled substance lookalike,** a Class A infraction. However, the offense is a ~~Class D~~ **Level 6** felony if the offense is committed knowingly or intentionally and the person has a prior unrelated judgment or conviction under this subsection, **or a prior unrelated judgment or conviction for dealing in a synthetic drug or a synthetic drug lookalike substance (before their repeal).**

(b) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or
(D) finances the delivery of;
a ~~synthetic drug or synthetic drug lookalike substance;~~ **controlled substance lookalike;** or
(2) possesses, with intent to:
(A) manufacture;
(B) finance the manufacture of;
(C) deliver; or
(D) finance the delivery of;
a ~~synthetic drug or synthetic drug lookalike substance;~~ **controlled substance lookalike;**
commits dealing in a ~~synthetic drug or synthetic drug lookalike substance~~ **controlled substance lookalike,** a ~~Class A misdemeanor~~ **Level 6 felony,** except as provided in subsection (c).
(c) The offense in subsection (b) is:
(1) a ~~Class D~~ **Level 5** felony if:
(A) the recipient or intended recipient is less than eighteen (18) years of age;
(B) the amount involved is more than two (2) grams; or
(C) the person has a prior conviction of an offense involving a ~~synthetic drug or synthetic drug lookalike substance;~~ **controlled substance lookalike, or a synthetic drug or a synthetic drug lookalike substance (before their repeal);** and
(2) a ~~Class C~~ **Level 4** felony if the amount involved is more than two (2) grams and the person delivered or financed the delivery of the ~~synthetic drug or synthetic drug lookalike substance:~~ **controlled substance lookalike:**
(A) on a school bus; or
(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.
~~(d) In addition to a criminal or civil penalty imposed for a violation of this section, if the court finds that a person has violated this section and the violation involved the sale of or offer to sell, in the normal course of business, a synthetic drug or 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, the court:~~
~~(1) shall recommend the suspension of the registered retail~~

~~merchant certificate for the place of business for one (1) 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 an infraction.~~

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

SECTION 25. IC 35-48-4-11.5, AS ADDED BY P.L.185-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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)(2).~~

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

~~(c)~~ **(b)** A person who knowingly or intentionally possesses a ~~synthetic drug or synthetic drug lookalike substance~~ **controlled substance lookalike** commits possession of a synthetic drug or synthetic drug lookalike substance, a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the person has a prior unrelated conviction under this section or under section 10.5 of this chapter.

SECTION 26. IC 35-48-4-12, AS AMENDED BY P.L. 196-2013, SECTION 25, AND AS AMENDED BY P.L.158-2013, SECTION 639, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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, **hash oil,** hashish, **or** 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~~ *determined by* 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.

SECTION 27. IC 35-48-4-15.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 15.5. (a) If a court finds that a person has been convicted of dealing in a controlled substance or convicted or found guilty in an infraction proceeding of dealing in a controlled substance lookalike (including a conviction or adjudication for an attempt to deal a controlled substance or controlled substance lookalike, or conspiracy to deal a controlled substance or controlled substance lookalike) and the violation involved the sale or an offer to sell, in the normal course of business by a retail merchant in a place of business for which the retail merchant has been issued a registered retail merchant certificate, the court:**

(1) shall recommend the suspension of the registered retail merchant certificate for the place of business for one (1) 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 an infraction.

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

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 305, 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:

Page 1, line 10, reset in roman "However, the".

Page 1, reset in roman lines 11 through 13.

Page 1, line 14, reset in roman "of a".

Page 1, line 14, after "of a" insert ":".

Page 1, between lines 15 and 16, begin a new line double block indented and insert:

"**(A) schedule I controlled substance; or**

(B) controlled substance lookalike;

by a retail merchant (as defined in IC 6-2.5-1-8) or a supplier (as defined in IC 24-5-0.5-2) if the alleged violation occurs in the normal course of the retail merchant's or supplier's business.".

Page 2, line 8, reset in roman "Good".

Page 2, reset in roman line 9.

Page 2, line 10, reset in roman "(1) Sale or solicitation of a sale involving a".

Page 2, line 10, after "involving a" insert "**controlled substance or controlled substance lookalike (IC 35-31.5-2-65.5).**".

Page 2, line 13, reset in roman "(2) Failure to collect sales tax on a sale involving a".

Page 2, line 13, after "involving a" insert "**controlled substance or controlled substance lookalike (IC 35-31.5-2-65.5).**".

Page 2, reset in roman lines 15 through 19.

Page 2, line 20, reset in roman "subdivision (1) or (2), the department shall".

Page 2, line 20, after "shall" insert "**revoke the person's registered retail merchant certificate for the place of business where the violation occurred for up to one (1) year.**".

Page 3, reset in roman line 34.

Page 3, line 35, reset in roman "the evidence that a person has a conviction for a".

Page 3, line 35, after "for a" insert "**controlled substance offense, including an offense relating to the sale of a controlled substance lookalike,**".

Page 3, line 36, reset in roman "and the conviction involved the sale of or the offer to".

Page 3, line 37, reset in roman "sell, in the normal course of business, a".

Page 3, line 37, after "a" insert "**controlled substance or controlled substance lookalike (IC 35-31.5-2-65.5)**".

Page 3, line 38, reset in roman "by a retail merchant in a place of business for".

Page 3, reset in roman lines 39 through 42.

Page 4, reset in roman lines 1 through 15.

Page 4, line 16, reset in roman "or the offer to sell, in the normal course of business, a".

Page 4, line 16, after "a" insert "**controlled substance or controlled substance lookalike**".

Page 4, line 17, reset in roman "by a retail merchant in a place".

Page 4, reset in roman lines 18 through 34.

Page 8, line 20, delete "(before its" and insert "**(for an offense committed before July 1, 2014)**".

Page 8, line 21, delete "repeal)".

Page 8, line 21, delete "." and insert "**, or possession of a controlled substance lookalike as a Level 6 felony under IC 35-48-4-11.5 (for an offense committed after June 30, 2014).**".

Page 10, line 4, strike "or manufacturing".

Page 10, line 23, delete "(before its repeal)" and insert "**(for an offense committed before July 1, 2014)**".

Page 10, line 24, delete "." and insert "**, or dealing in a controlled substance lookalike under IC 35-48-4-10.5 (for an offense committed after June 30, 2014).**".

Page 11, line 30, strike "or manufacturing".

Page 11, line 42, delete "(before its repeal)" and insert "**(for an offense committed before July 1, 2014)**".

Page 12, line 1, delete "." and insert "**, or dealing in a controlled substance lookalike under IC 35-48-4-10.5 (for an offense committed after June 30, 2014).**".

Page 12, line 3, strike "Homicide (IC 35-42-1)." and insert "**Murder (IC 35-42-1-1).**".

Page 12, between lines 4 and 5, begin a new line block indented and insert:

"**(23) Involuntary manslaughter (IC 35-42-1-4).**".

Page 12, line 5, strike "(23)" and insert "**(24)**".

Page 12, line 6, strike "(24)" and insert "**(25)**".

Page 12, line 16, strike "(25)" and insert "**(26)**".

Page 12, line 17, strike "(26)" and insert "**(27)**".

Page 12, line 18, strike "(27)" and insert "**(28)**".

Page 12, line 19, strike "(28)" and insert "**(29)**".

Page 12, line 23, strike "(29)" and insert "**(30)**".

Page 12, line 27, strike "(30)" and insert "**(31)**".

Page 12, line 29, strike "(31)" and insert "**(32)**".

Page 16, line 5, reset in roman "under IC 35-48-4-11.5".

Page 16, line 5, after "IC 35-48-4-11.5" insert "**(for an offense committed before July 1, 2014),**".

Page 16, line 5, reset in roman "(or under".

Page 16, line 6, reset in roman "IC 35-48-4-11 before its amendment in 2013)".

Page 16, line 6, delete "under:" and insert "*,* **or possession of a controlled substance lookalike under IC 35-48-4-11.5 (for an offense committed after June 30, 2014).**".

Page 16, delete lines 7 through 8.

Page 16, line 41, delete "(before its repeal)" and insert "**(for an offense committed before July 1, 2014)**".

Page 16, line 42, delete "." and insert "*,* **or dealing in a controlled substance lookalike under IC 35-48-4-10.5 (for an offense committed after June 30, 2014).**".

Page 19, line 42, delete "." and insert ";".

Page 19, line 42, reset in roman "and".

Page 20, reset in roman line 1.

Page 20, line 2, reset in roman "registered retail merchant certificate, subject to the".

Page 20, line 2, after "the" insert "**maximum suspension period and reissuance restrictions**".

Page 20, line 3, reset in roman "contained in IC 6-2.5-8-7(i), if the court finds".

Page 20, reset in roman line 4.

Page 20, line 5, reset in roman "of a".

Page 20, line 5, after "of a" insert "**controlled substance or controlled substance lookalike (IC 35-31.5-2-65.5).**".

Page 22, line 28, reset in roman "under IC 35-48-4-11.5".

Page 22, line 28, after "IC 35-48-4-11.5" insert "*,* **for an offense committed before July 1, 2014),**".

Page 22, line 28, reset in roman "(or under".

Page 22, line 29, reset in roman "IC 35-48-4-11 before its amendment in 2013)".

Page 22, line 29, delete "under:" and insert "*,* **or possession of a controlled substance lookalike under IC 35-48-4-11.5 (for an offense committed after June 30, 2014).**".

Page 22, delete lines 30 through 31.

Page 23, line 29, delete "(before its repeal)" and insert "**(for an offense committed before July 1, 2014)**".

Page 23, line 30, delete "." and insert "**, or dealing in a controlled substance lookalike under IC 35-48-4-10.5 (for an offense committed after June 30, 2014).**".

Page 25, reset in roman line 8.

Page 25, line 9, reset in roman "or solicited sale of a".

Page 25, line 9, after "a" insert "**controlled substance or controlled substance lookalike (IC 35-31.5-2-65.5),**".

Page 25, line 11, reset in roman ""property" means a".

Page 25, line 11, after "means a" insert "**building or structure owned or leased for commercial purposes, including all real property of any nature appurtenant to and used in connection with the building or structure.**".

Page 25, delete lines 16 through 28, begin a new paragraph and insert:

"SECTION 12. IC 32-30-8-10.5, AS ADDED BY P.L.196-2013, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10.5. **(a) The remedies and penalties specified in this section may be imposed only against a retail merchant (as defined in IC 6-2.5-1-8) or a supplier (as defined in IC 24-5-0.5-2(a)(3)).**

(b) In addition to the remedies and penalties specified in sections 10, 11, 12, and 13 of this chapter, the court may do any of the following in an action brought under this chapter concerning the sale or solicited sale of 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)~~ **controlled substance or controlled substance lookalike (IC 35-31.5-2-65.5):**

(1) Issue a restraining order against the person subject to IC 32-30-7-9 and IC 32-30-7-13.

(2) Issue a preliminary injunction, temporary forfeiture, or closure order pending final decision on a permanent injunction subject to IC 32-30-7-12.

(3) Issue an order of abatement subject to IC 32-30-7-22.".

Page 26, line 15, delete "(before its repeal)" and insert "**(for an offense committed before July 1, 2014)**".

Page 26, line 16, delete "." and insert "**, or dealing in a controlled substance lookalike under IC 35-48-4-10.5 (for an offense committed after June 30, 2014).**".

Page 27, line 20, delete "(before its repeal)" and insert "**(for an offense committed before July 1, 2014)**".

Page 27, line 21, delete "." and insert "**, or dealing in a controlled**

substance lookalike under IC 35-48-4-10.5 (for an offense committed after June 30, 2014).".

Page 29, line 40, delete "(before its repeal)," and insert "**(for an offense committed before July 1, 2014),**".

Page 29, line 41, delete "." and insert "**, or dealing in a controlled substance lookalike under IC 35-48-4-10.5 (for an offense committed after June 30, 2014).**".

Page 30, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 15. IC 35-31.5-2-16.5 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 16.5. "Analog", for purposes of section 321 of this chapter, means a new or novel chemical entity, independent of synthetic route or natural origin, having substantially the same:~~

~~(1) carbon backbone structure; and~~

~~(2) pharmacological mechanism of action;~~

~~as a compound specifically defined as a synthetic drug in section 321 of this chapter.~~

SECTION 16. IC 35-31.5-2-65.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 65.5. (a) "Controlled substance lookalike", except as provided in subsection (b), means one (1) or more of the following:**

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

(2) A substance, other than a controlled substance:

(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.

(b) The term "controlled substance lookalike" does not include the following:

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

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

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

(4) Tobacco.

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

(c) In determining whether a substance is a controlled substance lookalike, 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 controlled substance.

(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 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 38, line 8, after "(IC 35-43-4-2)" delete "." and insert "**(before its repeal).**".

Page 38, line 22, strike "or manufacturing".

Page 38, line 24, strike "or manufacturing".

Page 39, line 1, delete "(before its repeal)," and insert "**(for an offense committed before July 1, 2014),**".

Page 39, line 2, delete "." and insert "**, or dealing in a controlled substance lookalike under IC 35-48-4-10.5 (for an offense committed after June 30, 2014).**".

Page 51, line 5, delete "2014." and insert "**2014;**

including any substance previously defined as a synthetic drug.".

Page 54, delete lines 32 through 42, begin a new paragraph and insert:

"SECTION 24. IC 35-48-4-10.5, AS ADDED BY P.L.196-2013, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 10.5. (a) A person who:

(1) manufactures;

(2) finances the manufacture of;

(3) delivers;

(4) finances the delivery of;

(5) possesses, with intent to deliver; or

(6) possesses, with intent to finance the delivery of;

a ~~synthetic drug or a synthetic drug lookalike substance~~ **controlled substance lookalike** commits dealing in a ~~synthetic drug or synthetic drug lookalike substance~~ **controlled substance lookalike,** a Class A infraction. However, the offense is a ~~Class D~~ **Level 6** felony if the offense is committed knowingly or intentionally and the person has a prior unrelated judgment or conviction under this subsection, **or a prior unrelated judgment or conviction for dealing in a synthetic drug or a synthetic drug lookalike substance (before their repeal).**

(b) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

a ~~synthetic drug or synthetic drug lookalike substance;~~ **controlled substance lookalike;** or

(2) possesses, with intent to:

(A) manufacture;

(B) finance the manufacture of;

(C) deliver; or

(D) finance the delivery of;

a ~~synthetic drug or synthetic drug lookalike substance;~~ **controlled substance lookalike;**

commits dealing in a ~~synthetic drug or synthetic drug lookalike substance~~ **controlled substance lookalike,** a ~~Class A misdemeanor~~ **Level 6 felony,** except as provided in subsection (c).

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

(1) a ~~Class D~~ **Level 5** felony if:

(A) the recipient or intended recipient is less than eighteen (18) years of age;

(B) the amount involved is more than two (2) grams; or

(C) the person has a prior conviction of an offense involving a ~~synthetic drug or synthetic drug lookalike substance;~~ **controlled substance lookalike, or a synthetic drug or a synthetic drug lookalike substance (before their repeal);** and

(2) a ~~Class C~~ **Level 4** felony if the amount involved is more than two (2) grams and the person delivered or financed the delivery of the ~~synthetic drug or synthetic drug lookalike substance:~~ **controlled substance lookalike:**

(A) on a school bus; or

(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.

~~(d) In addition to a criminal or civil penalty imposed for a violation of this section, if the court finds that a person has violated this section and the violation involved the sale of or offer to sell, in the normal course of business, a synthetic drug or 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, the court:~~

~~(1) shall recommend the suspension of the registered retail merchant certificate for the place of business for one (1) 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 an infraction.~~

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

Delete page 55.

Page 56, delete lines 1 through 29, begin a new paragraph and insert:

"SECTION 26. IC 35-48-4-11.5, AS ADDED BY P.L.185-2013, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: 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)(2).~~

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

~~(c)~~ **(b)** A person who knowingly or intentionally possesses a

~~synthetic drug or synthetic drug lookalike substance~~ **controlled substance lookalike** commits possession of a synthetic drug or synthetic drug lookalike substance, a Class A misdemeanor. However, the offense is a ~~Class D~~ **Level 6** felony if the person has a prior unrelated conviction under this section or under section 10.5 of this chapter.".

Page 57, after line 3, begin a new paragraph and insert:

"SECTION 28. IC 35-48-4-15.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 15.5. (a) If a court finds that a person has been convicted of dealing in a controlled substance or convicted or found guilty in an infraction proceeding of dealing in a controlled substance lookalike (including a conviction or adjudication for an attempt to deal a controlled substance or controlled substance lookalike, or conspiracy to deal a controlled substance or controlled substance lookalike) and the violation involved the sale or an offer to sell, in the normal course of business by a retail merchant in a place of business for which the retail merchant has been issued a registered retail merchant certificate, the court:**

(1) shall recommend the suspension of the registered retail merchant certificate for the place of business for one (1) 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 an infraction.

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

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 305 as introduced.)

STEELE, Chairperson

Committee Vote: Yeas 9, Nays 0.