

PROPOSED AMENDMENT

HB 1052 # 8

DIGEST

Low THC hemp extract. Prohibits the distribution or sale of low THC hemp extract to a person who is less than 21 years of age. Specifies verification requirements, penalties, and a defense.

- 1 Page 22, between lines 27 and 28, begin a new paragraph and insert:
2 "SECTION 38. IC 24-4-22-3.5 IS ADDED TO THE INDIANA
3 CODE AS A NEW SECTION READ AS FOLLOWS [EFFECTIVE
4 JULY 1, 2026]: **Sec. 3.5. (a) After June 30, 2026, a person may not**
5 **distribute, sell, or offer for sale low THC hemp extract at retail or**
6 **online to a person who is less than twenty-one (21) years of age.**
7 **(b) Any website owned, managed, or operated by a person who**
8 **distributes or sells a low THC hemp extract directly to consumers**
9 **must verify a consumer's age before completing a purchase by:**
10 **(1) using a reliable online age verification service; or**
11 **(2) obtaining and examining a copy of a government issued**
12 **identification.**
13 **(c) A person who violates this section is subject to the following:**
14 **(1) Notwithstanding IC 34-28-5-4, a person who:**
15 **(A) violates this section; and**
16 **(B) does not have a prior unrelated judgment for a**
17 **violation of this section;**
18 **commits a Class C infraction and is subject to a civil penalty**
19 **of not more than one thousand dollars (\$1,000).**
20 **(2) A person who has only one (1) prior unrelated judgment**
21 **for a violation of this section commits a Class B infraction. If**
22 **the person's violation:**
23 **(A) occurs more than two (2) years after the preceding**
24 **violation, the person is liable for the penalty set forth in**
25 **IC 34-28-5-4; or**
26 **(B) occurs not more than two (2) years after the preceding**
27 **violation:**

- 1 (i) the person is liable for a civil penalty of not more than
 2 five thousand dollars (\$5,000); and
 3 (ii) the person's retail merchant's certificate issued under
 4 IC 6-2.5-8 shall be suspended for a period of not more
 5 than six (6) months.
- 6 (3) A person who has at least two (2) prior unrelated
 7 judgments for a violation of this section commits a Class A
 8 infraction. If the person's violation:
- 9 (A) occurs more than two (2) years after the immediately
 10 preceding violation, the person is liable for the penalty set
 11 forth in IC 34-28-5-4; or
 12 (B) occurs not more than two (2) years after the
 13 immediately preceding violation:
- 14 (i) the person is liable for a civil penalty of ten thousand
 15 dollars (\$10,000);
 16 (ii) the person's retail merchant certificate under
 17 IC 6-2.5-8 shall be revoked; and
 18 (iii) the person shall be subject to a one (1) year waiting
 19 period to reapply for a retail merchant's certificate
 20 under IC 6-2.5-8.
- 21 (d) It is a defense to a violation under this section that the
 22 distributor or seller examined the purchaser's or recipient's
 23 driver's license, or other valid government issued identification,
 24 that positively identified the purchaser or recipient as being at least
 25 twenty-one (21) years of age."
- 26 Renumber all SECTIONS consecutively.
 (Reference is to HB 1052 as introduced.)