



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WITHDRAWN	Noes _____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

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 250 be amended to read as follows:

- 1           Replace the effective date in SECTION 7 with "[EFFECTIVE
- 2           UPON PASSAGE]".
- 3           Page 1, delete lines 1 through 15, begin a new paragraph and insert:
- 4           "SECTION 1. IC 7.1-2-3-33, AS AMENDED BY P.L.49-2020,
- 5           SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 6           UPON PASSAGE]: Sec. 33. The commission is authorized to:
- 7                 (1) investigate a violation of; and
- 8                 (2) enforce a penalty for a violation of;
- 9           **IC 7.1-8, IC 35-46-1-10, IC 35-46-1-10.2, IC 35-46-1-11,**
- 10          **IC 35-46-1-11.2, IC 35-46-1-11.4, IC 35-46-1-11.5, IC 35-46-1-11.7,**
- 11          **or IC 35-46-1-11.8.**
- 12          SECTION 2. IC 7.1-3-10-5 IS AMENDED TO READ AS
- 13          FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. A package liquor
- 14          store's exclusive business shall be the selling of the following
- 15          commodities only:
- 16                 (1) Liquor in its original package.
- 17                 (2) Beer in permissible containers, if the permittee has the proper
- 18                 permit.
- 19                 (3) Wine in its original package.
- 20                 (4) Bar supplies used in the preparation for consumption of

- 1 alcoholic beverages and in their consumption.
- 2 (5) Tobacco products.
- 3 (6) Uncooled and uniced charged water, carbonated soda, ginger
- 4 ale, mineral water, grenadine, and flavoring extracts.
- 5 (7) Printed materials.
- 6 (8) Lottery tickets as provided in IC 4-30-9.
- 7 (9) Cooled or uncooled nonalcoholic malt beverages.
- 8 (10) Flavored malt beverage in its original package.
- 9 **(11) A low THC hemp product (as defined in**
- 10 **IC 35-31.5-2-189.8)."**

11 Delete page 2.

12 Page 3, delete lines 1 through 27.

13 Page 3, line 34, delete "that contains any amount of" and insert  
14 **"containing"**.

15 Page 3, line 37, delete "that contains any amount of" and insert  
16 **"containing"**.

17 Page 3, delete lines 41 through 42, begin a new paragraph, and  
18 insert:

19 "SECTION 4. IC 7.1-5-10-15, AS AMENDED BY P.L.159-2014,  
20 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
21 JULY 1, 2026]: Sec. 15. (a) A person who, knowing that another  
22 person is intoxicated, sells, barter, delivers, or gives away an alcoholic  
23 beverage **or a product containing THC (tetrahydrocannabinol)** to  
24 the intoxicated person commits a Class B misdemeanor.

25 (b) In any civil proceeding in which damages are sought from a  
26 permittee or a permittee's agent for the refusal to serve a person an  
27 alcoholic beverage **or a product containing THC**  
28 **(tetrahydrocannabinol)**, it is a complete defense if the permittee or  
29 agent reasonably believed that the person was intoxicated or was  
30 otherwise not entitled to be served an alcoholic beverage **or a product**  
31 **containing THC (tetrahydrocannabinol)**.

32 (c) After charges have been filed against a person for a violation of  
33 subsection (a), the prosecuting attorney shall notify the commission of  
34 the charges filed.

35 SECTION 5. IC 7.1-5-10-15.5 IS AMENDED TO READ AS  
36 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15.5. (a) As used  
37 in this section, "furnish" includes barter, deliver, sell, exchange,  
38 provide, or give away.

39 (b) A person who furnishes an alcoholic beverage **or a product**  
40 **containing THC (tetrahydrocannabinol)** to a person is not liable in  
41 a civil action for damages caused by the impairment or intoxication of  
42 the person who was furnished the alcoholic beverage **or product**  
43 **containing THC (tetrahydrocannabinol)** unless:

- 44 (1) the person furnishing the alcoholic beverage **or product**
- 45 **containing THC (tetrahydrocannabinol)** had actual knowledge
- 46 that the person to whom the alcoholic beverage **or product**

1           **containing THC (tetrahydrocannabinol)** was furnished was  
 2 visibly intoxicated at the time the alcoholic beverage **or product**  
 3 **containing THC (tetrahydrocannabinol)** was furnished; and  
 4 (2) the intoxication of the person to whom the alcoholic beverage  
 5 **or product containing THC (tetrahydrocannabinol)** was  
 6 furnished was a proximate cause of the death, injury, or damage  
 7 alleged in the complaint.

8           (c) If a person who is at least twenty-one (21) years of age suffers  
 9 injury or death proximately caused by the person's voluntary  
 10 intoxication, the:

- 11           (1) person;
- 12           (2) person's dependents;
- 13           (3) person's personal representative; or
- 14           (4) person's heirs;

15 may not assert a claim for damages for personal injury or death against  
 16 a person who furnished an alcoholic beverage **or a product containing**  
 17 **THC (tetrahydrocannabinol)** that contributed to the person's  
 18 intoxication, unless subsections (b)(1) and (b)(2) apply.

19           SECTION 6. IC 7.1-7-2-10, AS AMENDED BY P.L.206-2017,  
 20 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 UPON PASSAGE]: Sec. 10. (a) "E-liquid" means a substance that:

- 22           (1) may or may not contain nicotine; and
- 23           (2) is intended to be vaporized and inhaled using a vapor product.

24           **(b) This subsection applies after November 12, 2026. The term**  
 25 **does not include:**

- 26           **(1) a low THC hemp product (as defined in**  
 27 **IC 35-31.5-2-189.8); and**
- 28           **(2) low THC hemp extract as defined in IC 35-48-1.1-27.**

29           SECTION 7. IC 7.1-8 IS ADDED TO THE INDIANA CODE AS A  
 30 **NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON**  
 31 **PASSAGE]:**

32           **ARTICLE 8. LOW THC HEMP PRODUCTS**

33           **Chapter 1. Application**

34           **Sec. 1. (a) Notwithstanding any other law, except as provided in:**

- 35           **(1) subsection (b); or**
- 36           **(2) IC 24-4-22-3;**

37 **a retailer, distributor, manufacturer, or out-of-state supplier who**  
 38 **sold, distributed, manufactured, or supplied low THC hemp**  
 39 **extract before January 1, 2026, may continue to sell, distribute,**  
 40 **manufacture, or supply low THC hemp extract until November 12,**  
 41 **2026.**

42           **(b) A person described in subsection (a) may not:**

- 43           **(1) sell low THC hemp extract to a person less than**  
 44 **twenty-one (21) years of age; or**
- 45           **(2) sell, distribute, manufacture, or supply low THC hemp**  
 46 **extract if any ingredient in the product, including hemp, is**

1           sourced from a foreign adversary.

2           **Sec. 2.** Notwithstanding any other law, except as provided in

3 section 3 of this chapter, a distributor, manufacturer, or

4 out-of-state supplier who was in operation before January 1, 2026,

5 may produce and distribute low THC hemp extract to a retailer,

6 grower, distributor, or manufacturer located in another state, if it

7 is lawful for the retailer, grower, distributor, or manufacturer in

8 the other state to receive the low THC hemp extract.

9           **Sec. 3.** Notwithstanding any other law, no low THC hemp

10 product or low THC hemp extract may be manufactured,

11 processed, or sold in Indiana if any ingredient in the product,

12 including hemp, is sourced from a foreign adversary.

13           **Sec. 4.** Nothing in this title, IC 24, or IC 35 may be construed

14 under the "inclusio unius, exclusio alterius" canon of construction

15 to suggest that marijuana has been legalized.

16           **Chapter 2. Definitions**

17           **Sec. 1.** As used in this article, "drug store" means a retail

18 establishment:

19           (1) that holds a license issued by the state board of pharmacy;

20           and

21           (2) whose proprietor holds a liquor dealer's permit.

22           **Sec. 2.** As used in this article, "foreign adversary" means the

23 following:

24           (1) The People's Republic of China.

25           (2) Iran.

26           (3) North Korea.

27           (4) Russia.

28           (5) A foreign government listed in 15 CFR 791.4.

29           **Sec. 3.** As used in this article, "low THC hemp extract" has the

30 meaning set forth in IC 35-48-1.1-27.

31           **Sec. 4.** As used in this article, "low THC hemp product" has the

32 meaning set forth in IC 35-31.5-2-189.8.

33           **Sec. 5.** As used in this article, "low THC hemp product

34 beverage" means a low THC hemp product that is in the form of

35 a beverage, as described in IC 35-31.5-2-189.8(a)(4)(C).

36           **Sec. 6.** As used in this article, "low THC hemp product beverage

37 retailer" means the following holders of any beer, liquor, or wine

38 retailer's permits issued under this title:

39           (1) A racetrack.

40           (2) A restaurant.

41           (3) A social club.

42           (4) A fraternal club.

43           (5) A resort hotel.

44           (6) An economic redevelopment site.

45           (7) A gaming center.

46           (8) An airport.

47           (9) A horse track.

- 1           **(10) The state fairgrounds.**
- 2           **(11) A catering hall.**
- 3           **(12) A historic district.**
- 4           **(13) A professional sports stadium.**
- 5           **(14) A concert venue.**
- 6           **(15) A permitted premises within a municipal riverfront**
- 7           **development project.**
- 8           **(16) A craft manufacturer.**

9           **Sec. 7. As used in this article, "retail tobacco store" means a**  
 10 **store that is used primarily for the sale of tobacco products, low**  
 11 **THC hemp products, and tobacco and low THC hemp product**  
 12 **accessories, and that meets the following requirements:**

- 13           **(1) The owner or operator of the store holds a valid tobacco**
- 14           **sales certificate issued under IC 7.1-3-18.5.**
- 15           **(2) The store prohibits entry by an individual who is less than**
- 16           **twenty-one (21) years of age.**
- 17           **(3) The sale of products other than tobacco products, low**
- 18           **THC hemp products, and accessories is merely incidental.**
- 19           **(4) The sale of tobacco products and low THC hemp products**
- 20           **account for at least eighty-five percent (85%) of the store's**
- 21           **annual gross sales.**
- 22           **(5) Use or consumption of low THC hemp products is not**
- 23           **permitted on the premises.**
- 24           **(6) Food or beverages are not sold in a manner that requires**
- 25           **consumption on the premises, and there is not an area set**
- 26           **aside for customers to consume food or beverages on the**
- 27           **premises.**

28           **Chapter 3. Sale of Low THC Hemp Products for Off-Premises**  
 29 **Consumption**

30           **Sec. 1. (a) A low THC hemp product may only be sold for**  
 31 **off-premises consumption by one (1) of the following:**

- 32           **(1) A retail tobacco store.**
- 33           **(2) A package liquor store.**
- 34           **(3) A drug store.**
- 35           **(b) A drug store may only sell a low THC hemp product:**
- 36           **(1) to a person at least twenty-one (21) years of age who**
- 37           **establishes the person's age by presenting a valid government**
- 38           **issued identification card that contains a photograph of the**
- 39           **person; and**
- 40           **(2) if the low THC hemp product is stored behind a counter in**
- 41           **an area inaccessible to a customer, or in a locked display case**
- 42           **that makes the product unavailable to a customer without the**
- 43           **assistance of an employee.**

44           **Sec. 2. A:**

- 45           **(1) retail tobacco store;**
- 46           **(2) package liquor store; or**
- 47           **(3) drug store;**

1 may not permit consumption of a low THC hemp product on the  
2 premises.

3 **Sec. 3. A:**

- 4 (1) retail tobacco store;  
5 (2) package liquor store; or  
6 (3) drug store;

7 may sell a low THC hemp product in any lawful form.

8 **Chapter 4. Sale of Low THC Hemp Product Beverages for**  
9 **On-Premises Consumption**

10 **Sec. 1. A low THC hemp product beverage may only be sold for**  
11 **on-premises consumption:**

- 12 (1) to a person at least twenty-one (21) years of age; and  
13 (2) by a low THC hemp product beverage retailer.

14 **Sec. 2. A low THC hemp product beverage retailer may not sell**  
15 **a low THC hemp product beverage for off-premises consumption**  
16 **or permit a low THC hemp product beverage to be taken from the**  
17 **licensed premises.**

18 **Sec. 3. A low THC hemp product beverage retailer may not sell**  
19 **a low THC hemp product in any form other than a low THC hemp**  
20 **product beverage.**

21 SECTION 8. IC 9-13-2-86, AS AMENDED BY P.L.186-2025,  
22 SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 UPON PASSAGE]: Sec. 86. "Intoxicated" means under the influence  
24 of:

- 25 (1) alcohol;  
26 (2) a controlled substance (as defined in IC 35-48-1.1);  
27 (3) a drug other than alcohol or a controlled substance;  
28 (4) a substance described in IC 35-46-6-2 or IC 35-46-6-3;  
29 ~~(5) a combination of substances described in subdivisions (1)~~  
30 ~~through (4); or~~  
31 **(5) a low THC hemp product (as defined in**  
32 **IC 35-31.5-2-189.8);**  
33 (6) any other substance, not including food and food ingredients  
34 (as defined in IC 6-2.5-1-20), tobacco (as defined in  
35 IC 6-2.5-1-28), or a dietary supplement (as defined in  
36 IC 6-2.5-1-16); or  
37 **(7) a combination of substances described in this section;**

38 so that there is an impaired condition of thought and action and the loss  
39 of normal control of a person's faculties.

40 SECTION 9. IC 24-4-21-3, AS AMENDED BY P.L.190-2019,  
41 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
42 UPON PASSAGE]: Sec. 3. **(a) Subject to subsection (b),** a person  
43 may distribute low THC hemp extract in Indiana only if the distributor  
44 has a certificate of analysis prepared by an independent testing  
45 laboratory showing:

- 46 (1) that the low THC hemp extract is the product of a batch tested

1 by the independent testing laboratory;

2 (2) that the independent testing laboratory determined that the  
3 batch contained not more than three-tenths percent (0.3%) ~~total~~  
4 delta-9-tetrahydrocannabinol (THC), ~~including precursors~~; by  
5 weight **or volume**, based on the testing of a random sample of the  
6 batch; and

7 (3) the cannabidiol percent present of the low THC hemp extract.

8 **(b) Beginning November 12, 2026, a person may not distribute**  
9 **low THC hemp extract in Indiana.**

10 **(c) A person may distribute low THC hemp extract to a person**  
11 **located in another state, if the person is authorized to receive the**  
12 **low THC hemp extract.**

13 SECTION 10. IC 24-4-21-4, AS AMENDED BY THE  
14 TECHNICAL CORRECTIONS BILL OF THE 2026 GENERAL  
15 ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 UPON PASSAGE]: Sec. 4. (a) Except as provided in subsection (b),  
17 low THC hemp extract must be distributed in packaging that contains  
18 the following information:

19 (1) A scannable bar code or QR code linked to a document that  
20 contains information with respect to the manufacture of the low  
21 THC hemp extract, including the:

22 (A) batch identification number;

23 (B) product name;

24 (C) batch date;

25 (D) expiration date, which must be not more than two (2) years  
26 from the date of manufacture;

27 (E) batch size;

28 (F) total quantity produced;

29 (G) ingredients used, including the:

30 (i) ingredient name;

31 (ii) name of the company that manufactured the ingredient;

32 (iii) company or product identification number or code, if  
33 applicable; and

34 (iv) ingredient lot number; and

35 (H) download link for a certificate of analysis for the low THC  
36 hemp extract.

37 (2) The batch number.

38 (3) The Internet address of a ~~web site~~ **website** to obtain batch  
39 information.

40 (4) The expiration date.

41 (5) The number of milligrams of low THC hemp extract.

42 (6) The manufacturer.

43 (7) The fact that the product contains not more than three-tenths  
44 **of one** percent (0.3%) ~~total~~ delta-9-tetrahydrocannabinol (THC),  
45 ~~including precursors~~; by weight **or volume**.

46 **(b) Before July 1, 2018, low THC hemp extract may be distributed**

1 in Indiana without having met the requirements described in subsection  
 2 ~~(a)~~: **Beginning November 12, 2026, low THC extract may only be**  
 3 **distributed to a person located in another state, if the person is**  
 4 **authorized to receive the low THC hemp extract.**

5 SECTION 11. IC 24-4-22-3, AS ADDED BY P.L.153-2018,  
 6 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 7 UPON PASSAGE]: Sec. 3. (a) ~~Except as provided in subsection (b)~~; A  
 8 person may sell low THC hemp extract at retail only if the packaging  
 9 complies with the requirements of IC 24-4-21-4.

10 ~~(b) Before July 1, 2018, a person may sell low THC hemp extract at~~  
 11 ~~retail even if the packaging does not comply with the requirements of~~  
 12 ~~IC 24-4-21-4.~~

13 **(b) Low THC hemp extract may not be distributed, sold, or**  
 14 **offered for sale to a person who is less than twenty-one (21) years**  
 15 **of age.**

16 **(c) This section expires November 12, 2026.**

17 SECTION 12. IC 24-4-24.9 IS ADDED TO THE INDIANA CODE  
 18 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 19 UPON PASSAGE]:

20 **Chapter 24.9. Distribution of Low THC Hemp Products**

21 **Sec. 1. As used in this chapter, "certificate of analysis" means**  
 22 **a certificate from an independent testing laboratory describing the**  
 23 **results of the laboratory's testing of a sample.**

24 **Sec. 2. As used in this chapter, "independent testing laboratory"**  
 25 **means a laboratory:**

26 **(1) with respect to which no person having a direct or indirect**  
 27 **interest in the laboratory also has a direct or indirect interest**  
 28 **in a facility that:**

29 **(A) processes, distributes, or sells a low THC hemp**  
 30 **product, or a substantially similar substance in another**  
 31 **jurisdiction;**

32 **(B) cultivates, processes, distributes, dispenses, or sells**  
 33 **marijuana;**

34 **(C) cultivates, processes, or distributes hemp; or**

35 **(D) processes, distributes, or sells low THC hemp extract**  
 36 **(as defined in IC 35-48-1.1-27); and**

37 **(2) that is accredited as a testing laboratory under**  
 38 **International Organization for Standardization (ISO) 17025**  
 39 **by a third party accrediting body such as the American**  
 40 **Association for Laboratory Accreditation (A2LA) or Assured**  
 41 **Calibration and Laboratory Accreditation Select Services**  
 42 **(ACLASS).**

43 **Sec. 3. As used in this chapter, "low THC hemp product" has**  
 44 **the meaning set forth in IC 35-31.5-2-189.8.**

45 **Sec. 4. As used in this chapter, "tamper evident packaging"**  
 46 **means a package having at least one (1) indicator or a barrier to**  
 47 **entry that, if breached or missing, can reasonably be expected to**

1 provide visible evidence to consumers that tampering has occurred.

2 **Sec. 5. (a) Before a person may distribute a low THC hemp**  
 3 **product, the distributor must have a certificate of analysis**  
 4 **prepared by an independent testing laboratory showing the**  
 5 **following:**

6 (1) That the low THC hemp product is the product of a batch  
 7 tested by the independent testing laboratory.

8 (2) That the independent testing laboratory determined that  
 9 the batch contained not more than three-tenths of one percent  
 10 (0.3%) delta-9 tetrahydrocannabinol (THC), by weight or  
 11 volume, based on the testing of a random sample of the batch.

12 (3) That the batch has been tested for and does not exceed the  
 13 acceptable levels set forth under section 7 of this chapter for  
 14 the following contaminants:

15 (A) Heavy metals, including cadmium, lead, arsenic, and  
 16 mercury.

17 (B) Pesticides.

18 (C) Herbicides.

19 (D) Mycotoxins.

20 (E) Bacterial toxins.

21 (F) Chemical solvent residues.

22 (4) The potency of the low THC hemp product, including the  
 23 projected percentage of:

24 (A) THC;

25 (B) cannabidiol; and

26 (C) other cannabinoids in the low THC hemp product;

27 by weight or volume.

28 (b) Each batch of a low THC hemp product submitted to an  
 29 independent testing laboratory under this section must have been  
 30 harvested at the same time and cultivated in a contiguous area in  
 31 the same field or facility.

32 **Sec. 6. A low THC hemp product must be distributed in tamper**  
 33 **evident packaging that contains the following information:**

34 (1) A scannable bar code or QR code linked to a document  
 35 that contains information with respect to the low THC hemp  
 36 product, including the:

37 (A) batch identification number;

38 (B) product name;

39 (C) batch date;

40 (D) expiration date, which must be not more than two (2)  
 41 years from the date of harvest;

42 (E) batch size;

43 (F) total quantity produced;

44 (G) ingredients used, including the:

45 (i) ingredient name;

46 (ii) name of the company that manufactured the  
 47 ingredient;

- 1 (iii) company or product identification number or code,
- 2 if applicable; and
- 3 (iv) ingredient lot number; and
- 4 (H) download link for a certificate of analysis for the low
- 5 THC hemp product.
- 6 (2) The batch identification number.
- 7 (3) The address of a website to obtain batch information.
- 8 (4) The expiration date, which must be not more than two (2)
- 9 years from the date of harvest.
- 10 (5) The number of grams of low THC hemp product (as
- 11 defined in IC 35-31.5-2-189.8) contained in the low THC hemp
- 12 product.
- 13 (6) The facility that produced the low THC hemp product.
- 14 (7) The fact that the low THC hemp product contains not
- 15 more than three-tenths of one percent (0.3%) delta-9
- 16 tetrahydrocannabinol (THC), by weight or volume.

17 **Sec. 7. A low THC hemp product may not be distributed if a**  
 18 **certificate of analysis prepared by an independent testing**  
 19 **laboratory shows any of the following:**

- 20 (1) A concentration of metals that is more than any of the
- 21 following:
- 22 (A) Four-tenths (0.4) part per million of cadmium.
- 23 (B) Five-tenths (0.5) part per million of lead.
- 24 (C) Four-tenths (0.4) part per million of arsenic.
- 25 (D) Two-tenths (0.2) part per million of mercury.
- 26 (2) A concentration of microbiological units that is more than
- 27 any of the following:
- 28 (A) One (1) colony forming unit per gram of Shiga-Toxin
- 29 Escherichia coli.
- 30 (B) One (1) colony forming unit per gram of Salmonella
- 31 spp.
- 32 (C) Ten thousand (10,000) colony forming units of
- 33 culturable mold.
- 34 (3) A concentration of residual solvents and chemicals that is
- 35 more than any of the following:
- 36 (A) Five thousand (5,000) parts per million of butane.
- 37 (B) Two (2) parts per million of benzene.
- 38 (C) Five thousand (5,000) parts per million of heptane.
- 39 (D) Two hundred ninety (290) parts per million of hexane.
- 40 (E) Eight hundred ninety (890) parts per million of toluene.
- 41 (F) One (1) part per million of total xylenes, including
- 42 ortho-xylene, meta-xylene, and para-xylene.

43 **Sec. 8. (a) A person who knowingly or intentionally distributes**  
 44 **or sells a low THC hemp product in violation of this chapter**  
 45 **commits a Class B misdemeanor. However, the offense is a Class**  
 46 **A misdemeanor if the person has a prior unrelated conviction for**  
 47 **a violation of this chapter.**

1           **(b) The penalties in this section are in addition to any criminal**  
2 **penalties that may be imposed for unlawful possession or**  
3 **distribution of a controlled substance.**

4           SECTION 13. IC 34-30-2.1-72, AS ADDED BY P.L.105-2022,  
5 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
6 UPON PASSAGE]: Sec. 72. IC 7.1-5-10-15 (Concerning alcoholic  
7 beverage permittee or permittee's agent refusing to serve alcoholic  
8 beverages **or products containing THC (tetrahydrocannabinol)** to  
9 certain persons).

10          SECTION 14. IC 34-30-2.1-73, AS ADDED BY P.L.105-2022,  
11 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
12 UPON PASSAGE]: Sec. 73. IC 7.1-5-10-15.5 (Concerning persons  
13 who furnish an alcoholic beverage **or a product containing THC**  
14 **(tetrahydrocannabinol)** for damages caused by an impaired or  
15 intoxicated person).

16          SECTION 15. IC 35-31.5-2-189.8 IS ADDED TO THE INDIANA  
17 CODE AS A NEW SECTION TO READ AS FOLLOWS  
18 [EFFECTIVE UPON PASSAGE]: **Sec. 189.8. (a) "Low THC hemp**  
19 **product" means a substance or product for sale to consumers that:**

- 20           **(1) is derived from or contains any part of hemp that meets**
- 21 **the definition of hemp under IC 15-15-13-6;**
- 22           **(2) contains not more than three-tenths of one percent (0.3%)**
- 23 **delta-9 tetrahydrocannabinol (THC) by weight or volume;**
- 24           **(3) contains no other controlled substances; and**
- 25           **(4) is in the form of:**
  - 26           **(A) a gummy that contains not more than twenty-five (25)**
  - 27 **milligrams of THC, delta-8 tetrahydrocannabinol, delta-10**
  - 28 **tetrahydrocannabinol, or hexahydrocannabinol per**
  - 29 **serving and not more than five hundred (500) milligrams**
  - 30 **of THC, delta-8 tetrahydrocannabinol, delta-10**
  - 31 **tetrahydrocannabinol, or hexahydrocannabinol per**
  - 32 **package;**
  - 33           **(B) an edible that contains not more than twenty-five (25)**
  - 34 **milligrams of THC, delta-8 tetrahydrocannabinol, delta-10**
  - 35 **tetrahydrocannabinol, or hexahydrocannabinol per**
  - 36 **serving and not more than five hundred (500) milligrams**
  - 37 **of THC, delta-8 tetrahydrocannabinol, delta-10**
  - 38 **tetrahydrocannabinol, or hexahydrocannabinol per**
  - 39 **package;**
  - 40           **(C) a beverage that contains not more than ten (10)**
  - 41 **milligrams of THC, delta-8 tetrahydrocannabinol, delta-10**
  - 42 **tetrahydrocannabinol, or hexahydrocannabinol per**
  - 43 **individualized unit and which are sold in a package**
  - 44 **containing twelve (12) or fewer units;**
  - 45           **(D) a tincture that contains not more than twenty-five (25)**
  - 46 **milligrams of THC, delta-8 tetrahydrocannabinol, delta-10**

- 1           tetrahydrocannabinol, or hexahydrocannabinol per
- 2           serving and not more than five hundred (500) milligrams
- 3           of THC, delta-8 tetrahydrocannabinol, delta-10
- 4           tetrahydrocannabinol, or hexahydrocannabinol per
- 5           package;
- 6           (E) an e-liquid cartridge that contains not more than three
- 7           (3) grams of THC, delta-8 tetrahydrocannabinol, delta-10
- 8           tetrahydrocannabinol, or hexahydrocannabinol per device;
- 9           or
- 10          (F) a soap, lotion, topical, or other product not for human
- 11          consumption.

12   **The term does not include smokable hemp.**

13   (b) A variance of up to twenty percent (20%) from the  
14 milligram limits described in subsection (a) is permitted to account  
15 for testing variability and manufacturing tolerances.

16   SECTION 15. IC 35-31.5-2-355.3 IS ADDED TO THE INDIANA  
17 CODE AS A NEW SECTION TO READ AS FOLLOWS  
18 [EFFECTIVE UPON PASSAGE]: **Sec. 355.3. "Work in progress**  
19 **hemp extract", for purposes of IC 35-48, has the meaning set forth**  
20 **in IC 35-48-1.1-40.**

21   SECTION 16. IC 35-46-1-11.7, AS AMENDED BY P.L.163-2025,  
22 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
23 UPON PASSAGE]: Sec. 11.7. (a) A retail establishment in which  
24 tobacco products **and low THC hemp products** account for at least  
25 eighty-five percent (85%) of the retail establishment's gross sales may  
26 not allow an individual who is less than twenty-one (21) years of age  
27 to enter the retail establishment.

28   (b) An individual who is less than twenty-one (21) years of age may  
29 not enter a retail establishment described in subsection (a).

30   (c) A retail establishment described in subsection (a) must  
31 conspicuously post on all entrances to the retail establishment the  
32 following:

- 33           (1) A sign in boldface type that states "NOTICE: It is unlawful for
- 34           a person less than 21 years old to enter this store."
- 35           (2) A sign printed in letters and numbers at least one-half (1/2)
- 36           inch high that displays a toll free phone number for assistance to
- 37           callers in quitting smoking, as determined by the Indiana
- 38           department of health.

39   (d) A person who violates this section commits a Class C infraction.  
40 Notwithstanding IC 34-28-5-4(c), a civil judgment for an infraction  
41 committed under this section must be imposed as follows:

- 42           (1) If the person has not been cited for a violation of this section
- 43           in the previous one (1) year, a civil penalty of up to four hundred
- 44           dollars (\$400).
- 45           (2) If the person has had one (1) violation in the previous one (1)
- 46           year, a civil penalty of up to eight hundred dollars (\$800).

1 (3) If the person has had two (2) violations in the previous one (1)  
2 year, a civil penalty of up to one thousand four hundred dollars  
3 (\$1,400).

4 (4) If the person has had three (3) or more violations in the  
5 previous one (1) year, a civil penalty of up to two thousand dollars  
6 (\$2,000).

7 A person may not be cited more than once every twenty-four (24)  
8 hours.

9 (e) Notwithstanding IC 34-28-5-5(c), civil penalties collected under  
10 this section must be deposited in the Richard D. Doyle tobacco  
11 education and enforcement fund established under IC 7.1-6-2-6.

12 (f) A person who violates subsection (a) at least six (6) times in any  
13 one (1) year period commits habitual illegal entrance by a minor, a  
14 Class B infraction.

15 SECTION 17. IC 35-48-1.1-7, AS ADDED BY P.L.186-2025,  
16 SECTION 249, IS AMENDED TO READ AS FOLLOWS  
17 [EFFECTIVE UPON PASSAGE]: Sec. 7. "Controlled substance"  
18 means a drug, substance, or immediate precursor in schedule I, II, III,  
19 IV, or V under:

20 (1) IC 35-48-2-4, IC 35-48-2-6, IC 35-48-2-8, IC 35-48-2-10, or  
21 IC 35-48-2-12, if IC 35-48-2-14 does not apply; or

22 (2) a rule adopted by the board, if IC 35-48-2-14 applies.

23 The term does not include low THC hemp extract **or a low THC hemp**  
24 **product.**

25 SECTION 18. IC 35-48-1.1-8, AS ADDED BY P.L.186-2025,  
26 SECTION 249, IS AMENDED TO READ AS FOLLOWS  
27 [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) "Controlled substance  
28 analog" means a substance that, due to its chemical structure and  
29 potential for abuse or misuse, meets the following criteria:

30 (1) The substance is substantially similar to a controlled substance  
31 classified under IC 35-48-2.

32 (2) The substance has a narcotic, stimulant, depressant, or  
33 hallucinogenic effect on the central nervous system or is  
34 represented or intended to have a narcotic, stimulant, depressant,  
35 or hallucinogenic effect on the central nervous system  
36 substantially similar to or greater than that of a controlled  
37 substance classified under IC 35-48-2.

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

39 (1) a controlled substance;

40 (2) a legend drug;

41 (3) a substance for which there is an approved new drug  
42 application;

43 (4) any compound, mixture, or preparation that contains any  
44 controlled substance, that is not for administration to a human  
45 being or an animal, and that is packaged in a form or  
46 concentration, or with adulterants or denaturants, such that as

- 1 packaged it does not present any significant potential for abuse;
- 2 (5) a substance to which an investigational exemption applies
- 3 under Section 505 of the federal Food, Drug and Cosmetic Act
- 4 (chapter 675, 52 Stat. 1052 (21 U.S.C. 355)), but only to the
- 5 extent that conduct with respect to the substance is pursuant to the
- 6 exemption; ~~or~~
- 7 (6) low THC hemp extract; **or**
- 8 **(7) a low THC hemp product.**

9 (c) For purposes of subsection (a), "substantially similar", as it  
 10 applies to the chemical structure of a substance, means that the  
 11 chemical structure of the substance, when compared to the structure of  
 12 a controlled substance, has a single difference in the structural formula  
 13 that substitutes one (1) atom or functional group for another, including:

- 14 (1) one (1) halogen for another halogen;
- 15 (2) one (1) hydrogen for a halogen;
- 16 (3) one (1) halogen for a hydrogen; or
- 17 (4) an alkyl group added or deleted:
  - 18 (A) as a side chain to or from a molecule; or
  - 19 (B) from a side chain of a molecule.

20 SECTION 19. IC 35-48-1.1-9, AS ADDED BY P.L.186-2025,  
 21 SECTION 249, IS AMENDED TO READ AS FOLLOWS  
 22 [EFFECTIVE UPON PASSAGE]: Sec. 9. **(a) "Counterfeit substance",**  
 23 **for purposes of IC 35-48-4-5,** means a controlled substance which, or  
 24 the container or labeling of which, without authorization, bears the  
 25 trademark, trade name, or other identifying mark, imprint, number, or  
 26 device, or any likeness thereof, of a manufacturer, distributor, or  
 27 dispenser other than the person who in fact manufactured, distributed,  
 28 or dispensed the substance.

29 **(b) "Counterfeit hemp substance", for purposes of**  
 30 **IC 35-48-4-5.5, means a low THC hemp product which, or the**  
 31 **container or labeling of which, without authorization, bears the**  
 32 **trademark, trade name, or other identifying mark, imprint,**  
 33 **number, or device, or any likeness thereof, of a manufacturer,**  
 34 **distributor, or dispenser other than the person who in fact**  
 35 **manufactured, distributed, or dispensed the substance.**

36 SECTION 21. IC 35-48-1.1-21, AS ADDED BY P.L.186-2025,  
 37 SECTION 249, IS AMENDED TO READ AS FOLLOWS  
 38 [EFFECTIVE UPON PASSAGE]: Sec. 21. "Hashish" does not include:

- 39 (1) low THC hemp extract; **or**
- 40 **(2) a low THC hemp product.**

41 SECTION 22. IC 35-48-1.1-22, AS ADDED BY P.L.186-2025,  
 42 SECTION 249, IS AMENDED TO READ AS FOLLOWS  
 43 [EFFECTIVE UPON PASSAGE]: Sec. 22. "Hash oil" does not include:

- 44 (1) low THC hemp extract; **or**
- 45 **(2) a low THC hemp product.**

46 SECTION 23. IC 35-48-1.1-27, AS ADDED BY P.L.186-2025,

1 SECTION 249, IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE UPON PASSAGE]: Sec. 27. (a) "Low THC hemp  
3 extract" means a substance or compound that:

- 4 (1) is derived from or contains any part of the plant Cannabis
- 5 sativa L. that meets the definition of hemp under IC 15-15-13-6;
- 6 (2) contains not more than three-tenths **of one** percent (0.3%)
- 7 ~~total~~ delta-9-tetrahydrocannabinol (THC), ~~including precursors~~;
- 8 by weight **or volume**; and
- 9 (3) contains no other controlled substances.

10 **(b) After November 11, 2026, the term includes work in**  
11 **progress hemp extract.**

12 ~~(b)~~ **(c)** The term does not include:

- 13 (1) the harvested reproductive organ, whether immature or
- 14 mature, of the female hemp plant; ~~or~~
- 15 (2) smokable hemp; ~~or~~
- 16 **(3) a low THC hemp product.**

17 SECTION 20. IC 35-48-1.1-27.2 IS ADDED TO THE INDIANA  
18 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
19 [EFFECTIVE UPON PASSAGE]: **Sec. 27.2. "Low THC hemp**  
20 **product" has the meaning set forth in IC 35-31.5-2-189.8.**

21 SECTION 24. IC 35-48-1.1-29, AS ADDED BY P.L.186-2025,  
22 SECTION 249, IS AMENDED TO READ AS FOLLOWS  
23 [EFFECTIVE UPON PASSAGE]: Sec. 29. (a) "Marijuana" means any  
24 part of the plant genus Cannabis whether growing or not; the seeds  
25 thereof; the resin extracted from any part of the plant, including hashish  
26 and hash oil; any compound, manufacture, salt, derivative, mixture, or  
27 preparation of the plant, its seeds or resin.

28 (b) The term does not include:

- 29 (1) the mature stalks of the plant;
- 30 (2) fiber produced from the stalks;
- 31 (3) oil or cake made from the seeds of the plant;
- 32 (4) any other compound, manufacture, salt, derivative, mixture,
- 33 or preparation of the mature stalks (except the resin extracted
- 34 therefrom);
- 35 (5) the sterilized seed of the plant which is incapable of
- 36 germination;
- 37 (6) hemp (as defined by IC 15-15-13-6);
- 38 (7) low THC hemp extract; ~~or~~
- 39 (8) smokable hemp; ~~or~~
- 40 **(9) low THC hemp product.**

41 SECTION 25. IC 35-48-1.1-40 IS ADDED TO THE INDIANA  
42 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
43 [EFFECTIVE UPON PASSAGE]: **Sec. 40. "Work in progress hemp**  
44 **extract" means a compound:**

- 45 **(1) derived from hemp;**
- 46 **(2) intended to be processed into a hemp product;**

- 1           **(3) in a partially processed state;**
- 2           **(4) having a concentration of delta-9-tetrahydrocannabinol**
- 3           **that exceeds three-tenths of one percent (0.3%) by dry weight;**
- 4           **and**
- 5           **(5) not marketed for consumer use or consumption.**

6           SECTION 25. IC 35-48-4-5.5 IS ADDED TO THE INDIANA  
 7           CODE AS A NEW SECTION TO READ AS FOLLOWS  
 8           [EFFECTIVE UPON PASSAGE]: **Sec. 5.5. A person who:**

- 9           **(1) knowingly or intentionally:**
- 10           **(A) creates;**
- 11           **(B) delivers; or**
- 12           **(C) finances the delivery of;**
- 13           **a counterfeit hemp substance; or**
- 14           **(2) possesses, with intent to:**
- 15           **(A) deliver; or**
- 16           **(B) finance the delivery of;**
- 17           **a counterfeit hemp substance;**
- 18           **commits dealing in a counterfeit hemp substance, a Class A**
- 19           **misdemeanor. However, a person may be convicted of an offense**
- 20           **under subdivision (2) only if there is evidence in addition to the**
- 21           **weight of the counterfeit hemp substance that the person intended**
- 22           **to deliver or finance the delivery of the counterfeit hemp substance.**

23           SECTION 27. IC 35-52-24-20.4 IS ADDED TO THE INDIANA  
 24           CODE AS A NEW SECTION TO READ AS FOLLOWS  
 25           [EFFECTIVE UPON PASSAGE]: **Sec. 20.4. IC 24-4-24.9-8 defines**  
 26           **a crime concerning distribution or sale of low THC hemp products.**

27           SECTION 33. **An emergency is declared for this act."**

28           Delete pages 4 through 32.

29           Re-number all SECTIONS consecutively.

(Reference is to ESB 250 as printed February 19, 2026.)

---

Representative Bartels