

PROPOSED AMENDMENT

SB 250 # 1

DIGEST

Hemp. Provides that a violation of the hemp derived cannabinoid products chapter is a deceptive act. Provides that the offense of aiding unlawful possession includes unlawful possession of a product containing THC. Provides that the alcohol and tobacco commission (commission) shall conduct random inspections of locations where products containing THC are sold. Removes a tax on the distribution of hemp derived cannabinoid products (products). Changes the administrator of the hemp derived cannabinoid products fund (fund) to the state budget agency. Provides how collections in the fund shall be used. Provides that a hemp manufacturer shall only purchase hemp from a licensed hemp grower. Clarifies to whom the commission may issue a hemp carrier permit. Specifies situations in which a product shall be treated as if it is marijuana. Provides that the commission may spot test products. Clarifies the definition of "hemp". Makes technical corrections and consistency changes.

1 Page 1, line 4, delete "tetrahydrocannabinol." and insert
2 **"tetrahydrocannabinol, including hemp derived cannabinoid**
3 **products, synthetic equivalents of the substances contained in the**
4 **plant or in the resinous extractives of Cannabis, and synthetic**
5 **substances, derivatives, and their isomers with a similar chemical**
6 **structure and pharmacological activity."**

7 Page 3, between lines 1 and 2, begin a new paragraph and insert:
8 "SECTION 4. IC 7.1-5-7-15 IS AMENDED TO READ AS
9 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 15. A person
10 twenty-one (21) years of age or older who knowingly or intentionally
11 encourages, aids, or induces a minor to unlawfully possess an alcoholic
12 beverage **or a product containing THC** commits a Class C infraction.

13 SECTION 5. IC 7.1-5-7-16, AS AMENDED BY P.L.216-2011,
14 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
15 JULY 1, 2026]: Sec. 16. The commission shall conduct random
16 unannounced inspections at locations where alcoholic beverages **or**
17 **products containing THC** are sold or distributed to ensure compliance
18 with this title. Only the commission may conduct the random
19 unannounced inspections. The commission may use retired or off duty
20 law enforcement officers to conduct inspections under this section."

21 Page 4, between lines 39 and 40, begin a new paragraph and insert:

1 **"Sec. 4. The definitions in IC 35-48-8 apply throughout this**
 2 **chapter.**

3 **Sec. 5. A product that purports to be a hemp derived**
 4 **cannabinoid product, but is in violation of this article, is to be**
 5 **treated as marijuana (as defined in IC 35-48-1.1-29)."**

6 Page 5, line 15, delete "cannabinol" and insert "**cannabidiol**".

7 Page 5, line 16, delete "." and insert ", **any other cannabinoids, or**
 8 **any other controlled substances.**

9 **Sec. 3.5. "Container" has the meaning set forth in**
 10 **IC 35-48-8-2."**

11 Page 5, line 17, delete "or "hemp" and insert "**has the meaning set**
 12 **forth in IC 35-48-8-4."**

13 Page 5, delete lines 18 through 38.

14 Page 6, delete lines 3 through 4.

15 Page 6, line 5, delete "8." and insert "7."

16 Page 6, between lines 7 and 8, begin a new paragraph and insert:

17 **"Sec. 8. "Law enforcement officer" has the meaning set forth in**
 18 **IC 35-31.5-2-185."**

19 Page 6, line 20, after "hemp" insert "**derived cannabinoid**
 20 **products**".

21 Page 6, line 23, after "manufactured" insert ", **distributed, and**
 22 **retailed**".

23 Page 6, line 28, delete "IC 7.1-8-6-2(a)." and insert "**IC**
 24 **7.1-8-6-1(a).**".

25 Page 7, line 35, after "search" insert "**and seizure**".

26 Page 8, between lines 37 and 38, begin a new paragraph and insert:

27 **"(c) The commission may assess a fee of one hundred dollars**
 28 **(\$100) on behalf of the state police department to conduct criminal**
 29 **background checks."**

30 Page 8, line 38, delete "(c)" and insert "**(d)**".

31 Page 8, line 41, delete "(d)" and insert "**(e)**".

32 Page 9, line 9, delete "permit" and insert "**sales certificate**".

33 Page 9, line 26, delete "article" and insert "**title**".

34 Page 9, line 37, delete "The permanent location of the business for
 35 which the" and insert "**The name and address of the business for**
 36 **which the permit is issued."**

37 Page 9, delete line 38.

38 Page 10, delete lines 6 through 7.

39 Page 10, line 8, delete "2." and insert "**1.**".

40 Page 10, between lines 22 and 23, begin a new paragraph and insert:

1 "(c) The commission may choose to not issue a permit to the new
2 owner if the new owner does not comply with the application
3 requirements of this article."

4 Page 10, line 23, delete "3." and insert "2."

5 Page 10, line 32, delete "4." and insert "3."

6 Page 10, line 37, delete "5." and insert "4."

7 Page 12, delete lines 34 through 42.

8 Page 13, delete lines 1 through 6.

9 Page 13, line 22, after "permit" insert "for ninety (90) days".

10 Page 14, line 6, after "1." insert "(a)".

11 Page 14, between lines 8 and 9, begin a new paragraph and insert:

12 **"(b) A hemp manufacturer shall only purchase hemp from a**
13 **person licensed to grow hemp under IC 15-15-13."**

14 Page 14, line 20, after "annually." insert "The commission shall
15 deposit this fee in the hemp derived cannabinoid products fund
16 established by IC 7.1-8-16."

17 Page 14, between lines 22 and 23, begin a new paragraph and insert:

18 **"(d) A hemp manufacturer may only manufacture hemp derived**
19 **cannabinoid products in Indiana."**

20 Page 15, delete lines 1 through 8.

21 Page 15, line 11, after "purchase hemp" insert "derived
22 cannabinoid products".

23 Page 15, line 28, after "annually." insert "The commission shall
24 deposit this fee in the hemp derived cannabinoid products fund
25 established by IC 7.1-8-16."

26 Page 15, line 34, delete "for consumption off the licensed premises".

27 Page 16, line 2, delete "." and insert ", as defined in IC 7.1-8-2-3."

28 Page 16, line 23, after "1." insert "(a)".

29 Page 16, line 23, delete "derived cannabinoid".

30 Page 16, line 24, delete "products".

31 Page 16, line 25, after "transport" insert "hemp or".

32 Page 16, between lines 25 and 26, begin a new line double block
33 indented and insert:

34 **"(A) between a hemp grower, licensed under IC 15-15-13-7**
35 **and a hemp manufacturer;"**

36 Page 16, line 26, delete "(A)" and insert "(B)".

37 Page 16, line 27, delete "(B)" and insert "(C)".

38 Page 16, line 28, delete "(C)" and insert "(D)".

39 Page 16, line 29, delete "derived".

40 Page 16, line 30, delete "cannabinoid products".

- 1 Page 16, between lines 30 and 31, begin a new paragraph and insert:
- 2 **"(b) A person transporting industrial hemp, as defined in**
- 3 **IC 35-48-8-5, is exempt under this article but must obtain a hemp**
- 4 **handler permit under IC 15-15-13-7 to transport industrial hemp."**
- 5 Page 17, line 10, after "transporting" insert **"hemp or"**.
- 6 Page 17, line 17, delete "derived cannabinoid products".
- 7 Page 17, line 34, delete "may" and insert **"shall"**.
- 8 Page 17, line 38, delete "(d)" and insert **"(d)(1)"**.
- 9 Page 17, line 40, after "2." insert **"(a)"**.
- 10 Page 17, line 40, after "must" insert **"be conspicuous and"**.
- 11 Page 18, line 22, delete "That" and insert **"Except as provided in**
- 12 **subsection (b), that"**.
- 13 Page 18, between lines 31 and 32, begin a new paragraph and insert:
- 14 **"(b) Subsection (a)(9) does not apply to CBD products, as**
- 15 **defined in IC 7.1-8-2-3."**
- 16 Page 18, delete lines 32 through 34.
- 17 Page 20, between lines 16 and 17, begin a new paragraph and insert:
- 18 **"(c) A hemp derived cannabinoid product with a falsified or**
- 19 **altered certificate of analysis is to be considered marijuana (as**
- 20 **defined in IC 35-48-1.1-29)."**
- 21 Page 20, line 24, delete "commission." and insert **"state budget**
- 22 **agency."**
- 23 Page 20, line 29, after "article;" insert **"and"**.
- 24 Page 20, delete line 30.
- 25 Page 20, line 31, delete "(3)" and insert **"(2)"**.
- 26 Page 20, delete lines 37 through 42, begin a new paragraph and
- 27 insert:
- 28 **"Sec. 2. In each state fiscal year, the prior state fiscal year**
- 29 **collections accrued to the fund shall be used by the commission as**
- 30 **follows:**
- 31 **(1) Seventy percent (70%) by the commission for the**
- 32 **administration of the purposes of this article.**
- 33 **(2) Twenty percent (20%) pursuant to the hemp derived**
- 34 **products law enforcement program as described in section 3**
- 35 **of this chapter.**
- 36 **(3) Five percent (5%) to the division of mental health and**
- 37 **addiction to provide funding for the 988 suicide and crisis**
- 38 **hotline.**
- 39 **(4) Five percent (5%) to the state general fund."**
- 40 Page 21, delete lines 1 through 10.

- 1 Page 21, line 14, delete "commission" and insert "**state budget**
- 2 **agency**".
- 3 Page 21, line 24, delete "article as" and insert "**article**".
- 4 Page 21, delete line 25.
- 5 Page 21, line 33, delete "article as" and insert "**article**".
- 6 Page 21, delete line 34.
- 7 Page 22, line 7, delete "use" and insert "**uses**".
- 8 Page 22, line 12, delete "and" and insert "**or**".
- 9 Page 22, between lines 36 and 37, begin a new paragraph and insert:
- 10 "**Sec. 1. The commission may do spot testing of hemp derived**
- 11 **cannabinoid products to ensure compliance with this article**".
- 12 Page 22, line 37, delete "1." and insert "**2**".
- 13 Page 23, line 2, delete "A product that purports to be a hemp derived
- 14 cannabinoid" and insert "**The commission shall adopt rules under**
- 15 **IC 4-22-2 concerning the recall of hemp derived cannabinoid**
- 16 **products due to:**
- 17 **(1) improper or false labeling; or**
- 18 **(2) health and safety concerns**".
- 19 Page 23, delete lines 3 through 4.
- 20 Page 23, line 14, delete "marijuana." and insert "**marijuana (as**
- 21 **defined in IC 35-48-1.1-29)**".
- 22 Page 23, line 29, delete "derived".
- 23 Page 23, line 30, delete "cannabinoid products".
- 24 Page 23, line 31, delete "(d)" and insert "**Sec. 2**".
- 25 Page 23, line 31, after "seize" insert "**hemp or**".
- 26 Page 23, line 32, after "of" insert "**this article**".
- 27 Page 23, delete line 33.
- 28 Page 23, line 34, delete "2." and insert "**3**".
- 29 Page 24, line 3, delete "3." and insert "**4**".
- 30 Page 24, line 4, after "Internet" insert "**or by delivery**".
- 31 Page 24, line 6, delete "4." and insert "**5**".
- 32 Page 24, line 7, after "recalled" insert "**under IC 7.1-8-18**".
- 33 Page 24, between lines 8 and 9, begin a new paragraph and insert:
- 34 "**Sec. 6. A person who knowingly or intentionally violates this**
- 35 **article commits a deceptive act that is actionable by the attorney**
- 36 **general under IC 24-5-0.5 and is subject to the penalties listed in**
- 37 **IC 24-5-0.5**".
- 38 Page 24, line 17, strike "or".
- 39 Page 24, line 21, after "IC 6-2.5-1-16);" insert "**or**
- 40 **(7) any combination of substances listed in subdivisions (1)**

- 1 through (6);".
- 2 Page 24, line 27, delete "marijuana, hemp, and" and insert
- 3 "marijuana (as defined in IC 35-48-1.1-29), hemp (as defined in
- 4 IC 35-48-8-3), and tetrahydrocannabinol (as defined in
- 5 IC 7.1-1-3-46.5)".
- 6 Page 24, delete line 28.
- 7 Page 24, line 33, delete "develop a portal to share" and insert "**share**
- 8 **information regarding the hemp program established under this**
- 9 **chapter with the state police department.**".
- 10 Page 24, delete lines 34 through 35.
- 11 Page 25, line 2, delete "industrial".
- 12 Page 25, line 10, delete "or industrial hemp".
- 13 Page 25, line 15, delete "or industrial".
- 14 Page 25, line 16, delete "hemp".
- 15 Page 25, line 29, after "hemp" insert ",".
- 16 Page 25, line 29, strike "products,".
- 17 Page 26, line 5, delete "or industrial hemp".
- 18 Page 26, line 20, delete "IC 7.1-8-2-4." and insert "**IC 35-48-8-4.**".
- 19 Page 26, line 23, after "6.6." insert "**(a)**".
- 20 Page 26, between lines 24 and 25, begin a new paragraph and insert:
- 21 "**(b) The term includes hemp as defined in IC 35-48-1.1-29.**".
- 22 Page 27, line 7, delete "Indiana. Industrial hemp" and insert
- 23 "Indiana. Hemp".
- 24 Page 27, line 18, delete "and industrial".
- 25 Page 27, line 19, delete "hemp or" and insert "**or**".
- 26 Page 27, line 24, delete "and industrial hemp." and insert ".".
- 27 Page 27, line 32, after "grower's" insert "**or hemp handler's**".
- 28 Page 27, line 40, after "coordinates" insert ", **including the**
- 29 **geospatial decimal format,**".
- 30 Page 27, line 41, strike "property used".
- 31 Page 27, line 41, delete "including" and insert "**following:**
- 32 **(A) Site by field.**
- 33 **(B) Storage site.**
- 34 **(C) Receiving site.**
- 35 **(D) Staging site.**
- 36 **(E) Sites similar to the sites listed in clauses (A) through**
- 37 **(D).**".
- 38 Page 27, delete line 42.
- 39 Page 28, delete lines 1 through 6.
- 40 Page 28, line 12, after "convicted" insert ",".

- 1 Page 28, line 12, strike "of".
- 2 Page 28, line 13, delete "any of the".
- 3 Page 28, line 14, delete "following".
- 4 Page 28, line 14, delete "and the" and insert "of:".
- 5 Page 28, delete lines 15 through 16.
- 6 Page 28, line 22, delete "felony." and insert "**felony;**
- 7 **for which the applicant's conviction has not been expunged**
- 8 **under IC 35-38-9."**
- 9 Page 29, line 6, delete "for:" and insert "**for, but not limited to:"**.
- 10 Page 29, line 9, delete "or".
- 11 Page 29, line 10, delete "oil." and insert "**oil; or**
- 12 **(E) hemp derived cannabinoid products."**
- 13 Page 29, line 21, after "growing" insert "**industrial"**.
- 14 Page 30, delete lines 17 through 25, begin a new line block indented
- 15 and insert:
- 16 **"(5) has been convicted within five (5) years of the application**
- 17 **date of:**
- 18 **(A) a federal crime having a sentence of at least one (1)**
- 19 **year;**
- 20 **(B) a felony or a drug related misdemeanor under Indiana**
- 21 **law; or**
- 22 **(C) a crime in a state other than Indiana having a penalty**
- 23 **equal to the penalty for a felony;**
- 24 **and the conviction has not been expunged under IC 35-38-9;**
- 25 **or"**.
- 26 Page 30, line 33, delete "a hemp" and insert "**any hemp"**.
- 27 Page 31, delete lines 5 through 7, begin a new line block indented
- 28 and insert:
- 29 **"(2) Outdoor acreage or indoor square footage dedicated to**
- 30 **the growing of hemp."**
- 31 Page 31, line 9, delete "other." and insert "**another specified use."**
- 32 Page 35, line 27, delete "The driver must hold a" and insert "**A"**.
- 33 Page 35, line 29, delete "showing" and insert "**identifying the**
- 34 **person"**.
- 35 Page 35, line 30, after "delivered," insert "**including the person's"**.
- 36 Page 35, line 30, delete "address," and insert "**address and"**.
- 37 Page 35, line 31, delete "variety of hemp, and quantity of hemp."
- 38 and insert "**and the variety and quantity of the industrial hemp."**
- 39 Page 36, delete lines 15 through 18, begin a new paragraph and
- 40 insert:

1 **"(b) The state seed commissioner shall include:**

2 **(1) the license number of the grower that produced the hemp;**

3 **and**

4 **(2) the license number of the hemp handler;**

5 **in the licensing documents described in subsection (a)."**

6 Page 39, line 27, delete "under IC 7.1-8" and insert "**as defined in**
7 **IC 35-48-8-4,**".

8 Page 49, between lines 20 and 21, begin a new paragraph and insert:

9 "SECTION 46. IC 24-5-0.5-3, AS AMENDED BY P.L.104-2024,
10 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2026]: Sec. 3. (a) A supplier may not commit an unfair,
12 abusive, or deceptive act, omission, or practice in connection with a
13 consumer transaction. Such an act, omission, or practice by a supplier
14 is a violation of this chapter whether it occurs before, during, or after
15 the transaction. An act, omission, or practice prohibited by this section
16 includes both implicit and explicit misrepresentations.

17 (b) Without limiting the scope of subsection (a), the following acts,
18 and the following representations as to the subject matter of a
19 consumer transaction, made orally, in writing, or by electronic
20 communication, by a supplier, are deceptive acts:

21 (1) That such subject of a consumer transaction has sponsorship,
22 approval, performance, characteristics, accessories, uses, or
23 benefits it does not have which the supplier knows or should
24 reasonably know it does not have.

25 (2) That such subject of a consumer transaction is of a particular
26 standard, quality, grade, style, or model, if it is not and if the
27 supplier knows or should reasonably know that it is not.

28 (3) That such subject of a consumer transaction is new or unused,
29 if it is not and if the supplier knows or should reasonably know
30 that it is not.

31 (4) That such subject of a consumer transaction will be supplied
32 to the public in greater quantity than the supplier intends or
33 reasonably expects.

34 (5) That replacement or repair constituting the subject of a
35 consumer transaction is needed, if it is not and if the supplier
36 knows or should reasonably know that it is not.

37 (6) That a specific price advantage exists as to such subject of a
38 consumer transaction, if it does not and if the supplier knows or
39 should reasonably know that it does not.

40 (7) That the supplier has a sponsorship, approval, or affiliation in

1 such consumer transaction the supplier does not have, and which
2 the supplier knows or should reasonably know that the supplier
3 does not have.

4 (8) That such consumer transaction involves or does not involve
5 a warranty, a disclaimer of warranties, or other rights, remedies,
6 or obligations, if the representation is false and if the supplier
7 knows or should reasonably know that the representation is false.

8 (9) That the consumer will receive a rebate, discount, or other
9 benefit as an inducement for entering into a sale or lease in return
10 for giving the supplier the names of prospective consumers or
11 otherwise helping the supplier to enter into other consumer
12 transactions, if earning the benefit, rebate, or discount is
13 contingent upon the occurrence of an event subsequent to the time
14 the consumer agrees to the purchase or lease.

15 (10) That the supplier is able to deliver or complete the subject of
16 the consumer transaction within a stated period of time, when the
17 supplier knows or should reasonably know the supplier could not.
18 If no time period has been stated by the supplier, there is a
19 presumption that the supplier has represented that the supplier
20 will deliver or complete the subject of the consumer transaction
21 within a reasonable time, according to the course of dealing or the
22 usage of the trade.

23 (11) That the consumer will be able to purchase the subject of the
24 consumer transaction as advertised by the supplier, if the supplier
25 does not intend to sell it.

26 (12) That the replacement or repair constituting the subject of a
27 consumer transaction can be made by the supplier for the estimate
28 the supplier gives a customer for the replacement or repair, if the
29 specified work is completed and:

30 (A) the cost exceeds the estimate by an amount equal to or
31 greater than ten percent (10%) of the estimate;

32 (B) the supplier did not obtain written permission from the
33 customer to authorize the supplier to complete the work even
34 if the cost would exceed the amounts specified in clause (A);

35 (C) the total cost for services and parts for a single transaction
36 is more than seven hundred fifty dollars (\$750); and

37 (D) the supplier knew or reasonably should have known that
38 the cost would exceed the estimate in the amounts specified in
39 clause (A).

40 (13) That the replacement or repair constituting the subject of a

1 consumer transaction is needed, and that the supplier disposes of
2 the part repaired or replaced earlier than seventy-two (72) hours
3 after both:

4 (A) the customer has been notified that the work has been
5 completed; and

6 (B) the part repaired or replaced has been made available for
7 examination upon the request of the customer.

8 (14) Engaging in the replacement or repair of the subject of a
9 consumer transaction if the consumer has not authorized the
10 replacement or repair, and if the supplier knows or should
11 reasonably know that it is not authorized.

12 (15) The act of misrepresenting the geographic location of the
13 supplier by listing an alternate business name or an assumed
14 business name (as described in IC 23-0.5-3-4) in a local telephone
15 directory if:

16 (A) the name misrepresents the supplier's geographic location;

17 (B) the listing fails to identify the locality and state of the
18 supplier's business;

19 (C) calls to the local telephone number are routinely forwarded
20 or otherwise transferred to a supplier's business location that
21 is outside the calling area covered by the local telephone
22 directory; and

23 (D) the supplier's business location is located in a county that
24 is not contiguous to a county in the calling area covered by the
25 local telephone directory.

26 (16) The act of listing an alternate business name or assumed
27 business name (as described in IC 23-0.5-3-4) in a directory
28 assistance data base if:

29 (A) the name misrepresents the supplier's geographic location;

30 (B) calls to the local telephone number are routinely forwarded
31 or otherwise transferred to a supplier's business location that
32 is outside the local calling area; and

33 (C) the supplier's business location is located in a county that
34 is not contiguous to a county in the local calling area.

35 (17) The violation by a supplier of IC 24-3-4 concerning
36 cigarettes for import or export.

37 (18) The act of a supplier in knowingly selling or reselling a
38 product to a consumer if the product has been recalled, whether
39 by the order of a court or a regulatory body, or voluntarily by the
40 manufacturer, distributor, or retailer, unless the product has been

1 repaired or modified to correct the defect that was the subject of
2 the recall.

3 (19) The violation by a supplier of 47 U.S.C. 227, including any
4 rules or regulations issued under 47 U.S.C. 227.

5 (20) The violation by a supplier of the federal Fair Debt
6 Collection Practices Act (15 U.S.C. 1692 et seq.), including any
7 rules or regulations issued under the federal Fair Debt Collection
8 Practices Act (15 U.S.C. 1692 et seq.).

9 **(21) A violation of IC 7.1-8 (concerning the manufacture,**
10 **distribution, and sale of hemp derived cannabinoid products),**
11 **as set forth in IC 7.1-8-20-5.**

12 ~~(21)~~ (22) A violation of IC 24-5-7 (concerning health spa
13 services), as set forth in IC 24-5-7-17.

14 ~~(22)~~ (23) A violation of IC 24-5-8 (concerning business
15 opportunity transactions), as set forth in IC 24-5-8-20.

16 ~~(23)~~ (24) A violation of IC 24-5-10 (concerning home consumer
17 transactions), as set forth in IC 24-5-10-18.

18 ~~(24)~~ (25) A violation of IC 24-5-11 (concerning real property
19 improvement contracts), as set forth in IC 24-5-11-14.

20 ~~(25)~~ (26) A violation of IC 24-5-12 (concerning telephone
21 solicitations), as set forth in IC 24-5-12-23.

22 ~~(26)~~ (27) A violation of IC 24-5-13.5 (concerning buyback motor
23 vehicles), as set forth in IC 24-5-13.5-14.

24 ~~(27)~~ (28) A violation of IC 24-5-14 (concerning automatic
25 dialing-announcing devices), as set forth in IC 24-5-14-13.

26 ~~(28)~~ (29) A violation of IC 24-5-15 (concerning credit services
27 organizations), as set forth in IC 24-5-15-11.

28 ~~(29)~~ (30) A violation of IC 24-5-16 (concerning unlawful motor
29 vehicle subleasing), as set forth in IC 24-5-16-18.

30 ~~(30)~~ (31) A violation of IC 24-5-17 (concerning environmental
31 marketing claims), as set forth in IC 24-5-17-14.

32 ~~(31)~~ (32) A violation of IC 24-5-19 (concerning deceptive
33 commercial solicitation), as set forth in IC 24-5-19-11.

34 ~~(32)~~ (33) A violation of IC 24-5-21 (concerning prescription drug
35 discount cards), as set forth in IC 24-5-21-7.

36 ~~(33)~~ (34) A violation of IC 24-5-23.5-7 (concerning real estate
37 appraisals), as set forth in IC 24-5-23.5-9.

38 ~~(34)~~ (35) A violation of IC 24-5-26 (concerning identity theft), as
39 set forth in IC 24-5-26-3.

40 ~~(35)~~ (36) A violation of IC 24-5.5 (concerning mortgage rescue

- 1 fraud), as set forth in IC 24-5.5-6-1.
- 2 ~~(36)~~ **(37)** A violation of IC 24-8 (concerning promotional gifts
- 3 and contests), as set forth in IC 24-8-6-3.
- 4 ~~(37)~~ **(38)** A violation of IC 21-18.5-6 (concerning representations
- 5 made by a postsecondary credit bearing proprietary educational
- 6 institution), as set forth in IC 21-18.5-6-22.5.
- 7 ~~(38)~~ **(39)** A violation of IC 24-5-15.5 (concerning collection
- 8 actions of a plaintiff debt buyer), as set forth in IC 24-5-15.5-6.
- 9 ~~(39)~~ **(40)** A violation of IC 24-14 (concerning towing services), as
- 10 set forth in IC 24-14-10-1.
- 11 ~~(40)~~ **(41)** A violation of IC 24-5-14.5 (concerning misleading or
- 12 inaccurate caller identification information), as set forth in
- 13 IC 24-5-14.5-12.
- 14 ~~(41)~~ **(42)** A violation of IC 24-5-27 (concerning intrastate inmate
- 15 calling services), as set forth in IC 24-5-27-27.
- 16 ~~(42)~~ **(43)** A violation of IC 15-21 (concerning sales of dogs by
- 17 retail pet stores), as set forth in IC 15-21-7-4.
- 18 ~~(43)~~ **(44)** A violation of IC 24-4-23 (concerning the security of
- 19 information collected and transmitted by an adult oriented website
- 20 operator), as set forth in IC 24-4-23-14.
- 21 (c) Any representations on or within a product or its packaging or
- 22 in advertising or promotional materials which would constitute a
- 23 deceptive act shall be the deceptive act both of the supplier who places
- 24 such representation thereon or therein, or who authored such materials,
- 25 and such other suppliers who shall state orally or in writing that such
- 26 representation is true if such other supplier shall know or have reason
- 27 to know that such representation was false.
- 28 (d) If a supplier shows by a preponderance of the evidence that an
- 29 act resulted from a bona fide error notwithstanding the maintenance of
- 30 procedures reasonably adopted to avoid the error, such act shall not be
- 31 deceptive within the meaning of this chapter.
- 32 (e) It shall be a defense to any action brought under this chapter that
- 33 the representation constituting an alleged deceptive act was one made
- 34 in good faith by the supplier without knowledge of its falsity and in
- 35 reliance upon the oral or written representations of the manufacturer,
- 36 the person from whom the supplier acquired the product, any testing
- 37 organization, or any other person provided that the source thereof is
- 38 disclosed to the consumer.
- 39 (f) For purposes of subsection (b)(12), a supplier that provides
- 40 estimates before performing repair or replacement work for a customer

1 shall give the customer a written estimate itemizing as closely as
 2 possible the price for labor and parts necessary for the specific job
 3 before commencing the work.

4 (g) For purposes of subsection (b)(15) and (b)(16), a telephone
 5 company or other provider of a telephone directory or directory
 6 assistance service or its officer or agent is immune from liability for
 7 publishing the listing of an alternate business name or assumed
 8 business name of a supplier in its directory or directory assistance data
 9 base unless the telephone company or other provider of a telephone
 10 directory or directory assistance service is the same person as the
 11 supplier who has committed the deceptive act.

12 (h) For purposes of subsection (b)(18), it is an affirmative defense
 13 to any action brought under this chapter that the product has been
 14 altered by a person other than the defendant to render the product
 15 completely incapable of serving its original purpose.

16 SECTION 47. IC 24-5-0.5-4, AS AMENDED BY P.L.186-2025,
 17 SECTION 133, IS AMENDED TO READ AS FOLLOWS
 18 [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) A person relying upon an
 19 uncured or incurable deceptive act may bring an action for the damages
 20 actually suffered as a consumer as a result of the deceptive act or five
 21 hundred dollars (\$500), whichever is greater. The court may increase
 22 damages for a willful deceptive act in an amount that does not exceed
 23 the greater of:

24 (1) three (3) times the actual damages of the consumer suffering
 25 the loss; or

26 (2) one thousand dollars (\$1,000).

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

39 (b) Any person who is entitled to bring an action under subsection
 40 (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 (k), the court may award reasonable attorney's 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(b)(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 an unfair, abusive, or deceptive act, omission, or practice in connection with a consumer transaction, including a deceptive act described in section 3(b)(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, expert fees, and court fees 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

1 registered retail merchant certificate, subject to the requirements
 2 and prohibitions contained in IC 6-2.5-8-7(a)(5), if the court finds
 3 that a violation of this chapter involved the sale or solicited sale
 4 of a synthetic drug (as defined in IC 35-31.5-2-321), a synthetic
 5 drug lookalike substance (as defined in IC 35-31.5-2-321.5
 6 (repealed)) (before July 1, 2019), a controlled substance analog
 7 (as defined in IC 35-48-1.1-8), or a substance represented to be a
 8 controlled substance (as described in IC 35-48-4-4.6).

9 (d) In an action under subsection (a), (b), (c), or (n) the court may
 10 void or limit the application of contracts or clauses resulting from
 11 deceptive acts and order restitution to be paid to aggrieved consumers.

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

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

30 (g) If a court finds any person has knowingly violated section 3 or
 31 10 of this chapter, other than section 3(b)(19), 3(b)(20), or ~~3(b)(40)~~
 32 **3(b)(41)** of this chapter, the attorney general, in an action pursuant to
 33 subsection (c), may recover from the person on behalf of the state a
 34 civil penalty of a fine not exceeding five thousand dollars (\$5,000) per
 35 violation.

36 (h) If a court finds that a person has violated section 3(b)(19) of this
 37 chapter, the attorney general, in an action under subsection (c), may
 38 recover from the person on behalf of the state a civil penalty as follows:

39 (1) For a knowing or intentional violation, one thousand five
 40 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(b)(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(b)(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(b)(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.

(m) If a court finds that a person has knowingly or intentionally violated section ~~3(b)(40)~~ **3(b)(41)** 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 in accordance with IC 24-5-14.5-12(b). As specified in IC 24-5-14.5-12(b), a civil penalty recovered under IC 24-5-14.5-12(b) 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 IC 24-5-14.5. In addition to the recovery of a civil penalty in accordance with IC 24-5-14.5-12(b), the attorney general may also recover reasonable attorney fees and court costs from the person on behalf of the state. Those funds shall also be deposited in the consumer protection division telephone solicitation fund established by IC 24-4.7-3-6.

(n) An action that arises from, or otherwise involves, an unfair, abusive, or deceptive act, omission, or practice in connection with a consumer transaction described in section 2(a)(1)(D)(i) of this chapter may be brought and enforced only by the attorney general under this subsection. An action that arises from, or otherwise involves, an unfair, abusive, or deceptive act, omission, or practice in connection with a consumer transaction described in section 2(a)(1)(D)(ii) of this chapter may be brought and enforced only by an attorney acting on behalf of the local law enforcement agency involved in the transaction, unless the local unit of government served by the local law enforcement agency requests the attorney general to bring and enforce an action under this subsection on behalf of the local unit. 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; or
- (3) order the supplier to pay to:
 - (A) the attorney acting on behalf of the local law enforcement agency; or
 - (B) the attorney general for the state;
 as applicable, the reasonable costs of the attorney's or the attorney general's investigation and prosecution, expert fees, and court fees

1 related to the action.

2 The time for bringing an action under subsection (c), as set forth in
3 section 5(b) of this chapter, applies to an action brought under this
4 subsection."

5 Page 51, line 2, delete "IC 35-48-8," and insert "**this title**,".

6 Page 51, line 6, delete "IC 35-48-8," and insert "**this title**,".

7 Page 51, line 11, delete "IC 35-48-8," and insert "**this title**,".

8 Page 53, delete lines 26 through 33.

9 Page 54, line 25, delete "IC 7.1-8-2-4);" and insert "**IC 35-48-8-4)**;".

10 Page 56, line 20, delete "IC 7.1-8-2-4." and insert "**IC 35-48-8-4**,".

11 Page 57, line 33, delete "IC 7.1-8-2-4." and insert "**IC 35-48-8-4**,".

12 Page 60, line 18, delete "extension" and insert "**exclusio**,".

13 Page 60, line 36, delete "grown" and insert "**growing**,".

14 Page 61, line 23, delete "or".

15 Page 61, line 39, delete "." and insert "; **or**

16 **(5) smokable hemp**,".

17 Page 61, line 40, delete "any" and insert "**a product derived from,**
18 **or made by, processing hemp plants or hemp plant parts including**
19 **derivatives, extracts, cannabinoids, isomers, acids, salts, and salts**
20 **of isomers.**

21 **(b) The term includes any intermediate or final product derived**
22 **from hemp, other than industrial hemp, that:**

23 **(1) contains cannabinoids in any form; and**

24 **(2) is intended for human or animal use through any means of**
25 **application or administration including:**

26 **(A) inhalation;**

27 **(B) ingestion; or**

28 **(C) topical application.**

29 **(c) The term includes cannabidiol, a CBD product, or a product**
30 **that contains a cannabidiol.**

31 **(d) The term does not include:**

32 **(1) smokable hemp (as defined in IC 35-48-1.1-38);**

33 **(2) products that contain a total tetrahydrocannabinol**
34 **concentration of more than three-tenths of one percent (0.3%)**
35 **on a dry weight basis; or**

36 **(3) a drug that is the subject of an application approved under**
37 **subsection (c) or (j) of Section 505 of the federal Food, Drug,**
38 **and Cosmetic Act (21 U.S.C. 355)."**

39 Page 61, delete lines 41 through 42.

40 Page 62, delete lines 1 through 6.

- 1 Page 63, line 2, delete ";" and insert ":".
- 2 Page 63, line 33, after "and" insert "**either:**
- 3 **(1)**".
- 4 Page 63, line 35, delete "pounds or" and insert "**pounds; or**
- 5 **(2)**".
- 6 Renumber all SECTIONS consecutively.
(Reference is to SB 250 as introduced.)