

PROPOSED AMENDMENT

SB 250 # 11

DIGEST

Low THC hemp products. Provides that low THC hemp products may only be sold for off-premises consumption at a: (1) tobacco store; or (2) package liquor store (both of which prohibit entry by a person under 21 years of age). Provides that low THC hemp products may only be sold for on-premises consumption: (1) as a beverage; (2) at specified locations where the proprietor holds a beer, wine, or liquor license; and (3) to a person at least 21 years of age. Specifies that the "inclusio unius" canon of construction may not be applied to legalize marijuana. Authorizes producers and retailers of low THC hemp extract to continue to sell low THC hemp extract until November 12, 2026, if the sale is to a person at least 21 years of age. Allows low THC hemp extract to be produced and manufactured for sale out of state. Makes conforming changes.

- 1 Replace the effective date in SECTION 8 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 4. 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
21 alcoholic beverages and in their consumption.

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

10 Delete pages 2 through 3.

11 Page 4, delete lines 1 through 11.

12 Page 4, delete lines 25 through 42, begin a new paragraph and
13 insert:

14 "SECTION 3. IC 7.1-5-10-15, AS AMENDED BY P.L.159-2014,
15 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2026]: Sec. 15. (a) A person who, knowing that another
17 person is intoxicated, sells, barter, delivers, or gives away an alcoholic
18 beverage **or a product containing THC (tetrahydrocannabinol)** to
19 the intoxicated person commits a Class B misdemeanor.

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

27 (c) After charges have been filed against a person for a violation of
28 subsection (a), the prosecuting attorney shall notify the commission of
29 the charges filed.

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

34 (b) A person who furnishes an alcoholic beverage **or a product**
35 **containing THC (tetrahydrocannabinol)** to a person is not liable in
36 a civil action for damages caused by the impairment or intoxication of
37 the person who was furnished the alcoholic beverage **or product**
38 **containing THC (tetrahydrocannabinol)** unless:

- 39 (1) the person furnishing the alcoholic beverage **or product**
- 40 **containing THC (tetrahydrocannabinol)** had actual knowledge

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

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

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

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

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

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

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

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

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

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

34 **Chapter 1. Application**

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

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

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

1 manufacture, or supply low THC hemp extract until November 12,
2 2026.

3 (b) A person to whom this section applies may not sell low THC
4 hemp extract to a person less than twenty-one (21) years of age.

5 Sec. 2. Notwithstanding any other law, a distributor,
6 manufacturer, or out-of-state supplier who was in operation before
7 January 1, 2026, may produce and distribute low THC hemp
8 extract to a retailer, grower, distributor, or manufacturer located
9 in another state, if it is lawful for the retailer, grower, distributor,
10 or manufacturer in the other state to receive the low THC hemp
11 extract.

12 Sec. 3. Nothing in this title, IC 24, or IC 35 may be construed
13 under the "inclusio unius, exclusio alterius" canon of construction
14 to suggest that marijuana has been legalized.

15 **Chapter 2. Definitions**

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

- 18 (1) that holds a license issued by the state board of pharmacy;
- 19 and
- 20 (2) whose proprietor holds a liquor dealer's permit.

21 Sec. 2. As used in this article, "low THC hemp extract" has the
22 meaning set forth in IC 35-48-1.1-27.

23 Sec. 3. As used in this article, "low THC hemp product" has the
24 meaning set forth in IC 35-31.5-2-189.8.

25 Sec. 4. As used in this article, "low THC hemp product
26 beverage" means a low THC hemp product that is in the form of
27 a beverage, as described in IC 35-31.5-2-189.8(a)(4)(C).

28 Sec. 5. As used in this article, "low THC hemp product beverage
29 retailer" means the following holders of any beer, liquor, or wine
30 retailer's permits issued under this title:

- 31 (1) A racetrack.
- 32 (2) A restaurant.
- 33 (3) A social club.
- 34 (4) A fraternal club.
- 35 (5) A resort hotel.
- 36 (6) An economic redevelopment site.
- 37 (7) A gaming center.
- 38 (8) An airport.
- 39 (9) A horse track.
- 40 (10) The state fairgrounds.

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

8 **Sec. 6. As used in this article, "retail tobacco store" means a**
 9 **store that is used primarily for the sale of tobacco products, low**
 10 **THC hemp products, and tobacco and low THC hemp product**
 11 **accessories, and that meets the following requirements:**

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

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

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

- 31 (1) A retail tobacco store.
- 32 (2) A package liquor store.
- 33 (3) A drug store.
- 34 **(b) A drug store may only sell a low THC hemp product:**
 - 35 (1) to a person at least twenty-one (21) years of age who
 - 36 establishes the person's age by presenting a valid government
 - 37 issued identification card that contains a photograph of the
 - 38 person; and
 - 39 (2) if the low THC hemp product is stored behind a counter in
 - 40 an area inaccessible to a customer, or in a locked display case

1 **that makes the product unavailable to a customer without the**
 2 **assistance of an employee.**

3 **Sec. 2. A:**

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

7 **may not permit consumption of a low THC hemp product on the**
 8 **premises.**

9 **Sec. 3. A:**

- 10 **(1) retail tobacco store;**
 11 **(2) package liquor store; or**
 12 **(3) drug store;**

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

14 **Chapter 4. Sale of Low THC Hemp Product Beverages for On**
 15 **Premises Consumption**

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

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

20 **Sec. 2. A low THC hemp product beverage retailer may not sell**
 21 **a low THC hemp product beverage for off-premises consumption**
 22 **or permit a low THC hemp product beverage to be taken from the**
 23 **licensed premises.**

24 **Sec. 3. A low THC hemp product beverage retailer may not sell**
 25 **a low THC hemp product in any form other than a low THC hemp**
 26 **product beverage.**

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

- 31 (1) alcohol;
 32 (2) a controlled substance (as defined in IC 35-48-1.1);
 33 (3) a drug other than alcohol or a controlled substance;
 34 (4) a substance described in IC 35-46-6-2 or IC 35-46-6-3;
 35 ~~(5) a combination of substances described in subdivisions (1)~~
 36 ~~through (4); or~~
 37 **(5) a low THC hemp product (as defined in**
 38 **IC 35-31.5-2-189.8);**
 39 (6) any other substance, not including food and food ingredients
 40 (as defined in IC 6-2.5-1-20), tobacco (as defined in

1 IC 6-2.5-1-28), or a dietary supplement (as defined in
2 IC 6-2.5-1-16); **or**

3 **(7) a combination of substances described in this section;**
4 so that there is an impaired condition of thought and action and the loss
5 of normal control of a person's faculties.

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

12 (1) that the low THC hemp extract is the product of a batch tested
13 by the independent testing laboratory;

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

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

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

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

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

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

34 (A) batch identification number;

35 (B) product name;

36 (C) batch date;

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

39 (E) batch size;

40 (F) total quantity produced;

- 1 (G) ingredients used, including the:
- 2 (i) ingredient name;
- 3 (ii) name of the company that manufactured the ingredient;
- 4 (iii) company or product identification number or code, if
- 5 applicable; and
- 6 (iv) ingredient lot number; and
- 7 (H) download link for a certificate of analysis for the low THC
- 8 hemp extract.
- 9 (2) The batch number.
- 10 (3) The Internet address of a ~~web site~~ **website** to obtain batch
- 11 information.
- 12 (4) The expiration date.
- 13 (5) The number of milligrams of low THC hemp extract.
- 14 (6) The manufacturer.
- 15 (7) The fact that the product contains not more than three-tenths
- 16 **of one percent (0.3%) total delta-9-tetrahydrocannabinol (THC),**
- 17 **including precursors, by weight or volume.**
- 18 (b) ~~Before July 1, 2018, low THC hemp extract may be distributed~~
- 19 ~~in Indiana without having met the requirements described in subsection~~
- 20 ~~(a).~~ **Beginning November 12, 2026, low THC extract may only be**
- 21 **distributed to a person located in another state, if the person is**
- 22 **authorized to receive the low THC hemp extract.**
- 23 SECTION 11. IC 24-4-22-3, AS ADDED BY P.L.153-2018,
- 24 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 25 UPON PASSAGE]: Sec. 3. (a) ~~Except as provided in subsection (b);~~ A
- 26 person may sell low THC hemp extract at retail only if the packaging
- 27 complies with the requirements of IC 24-4-21-4.
- 28 (b) ~~Before July 1, 2018, a person may sell low THC hemp extract at~~
- 29 ~~retail even if the packaging does not comply with the requirements of~~
- 30 ~~IC 24-4-21-4.~~
- 31 (b) **Low THC hemp extract may not be distributed, sold, or**
- 32 **offered for sale to a person who is less than twenty-one (21) years**
- 33 **of age.**
- 34 (c) **This section expires November 12, 2026.**
- 35 SECTION 12. IC 24-4-24.9 IS ADDED TO THE INDIANA CODE
- 36 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 37 UPON PASSAGE]:
- 38 **Chapter 24.9. Distribution of Low THC Hemp Products**
- 39 **Sec. 1. As used in this chapter, "certificate of analysis" means**
- 40 **a certificate from an independent testing laboratory describing the**

1 results of the laboratory's testing of a sample.

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

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

7 **(A) processes, distributes, or sells a low THC hemp**
8 **product, or a substantially similar substance in another**
9 **jurisdiction;**

10 **(B) cultivates, processes, distributes, dispenses, or sells**
11 **marijuana;**

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

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

15 **(2) that is accredited as a testing laboratory under**
16 **International Organization for Standardization (ISO) 17025**
17 **by a third party accrediting body such as the American**
18 **Association for Laboratory Accreditation (A2LA) or Assured**
19 **Calibration and Laboratory Accreditation Select Services**
20 **(ACCLASS).**

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

23 **Sec. 4. As used in this chapter, "tamper evident packaging"**
24 **means a package having at least one (1) indicator or a barrier to**
25 **entry that, if breached or missing, can reasonably be expected to**
26 **provide visible evidence to consumers that tampering has occurred.**

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

31 **(1) That the low THC hemp product is the product of a batch**
32 **tested by the independent testing laboratory.**

33 **(2) That the independent testing laboratory determined that**
34 **the batch contained not more than three-tenths of one percent**
35 **(0.3%) delta-9 tetrahydrocannabinol (THC), by weight or**
36 **volume, based on the testing of a random sample of the batch.**

37 **(3) That the batch has been tested for and does not exceed the**
38 **acceptable levels set forth under section 7 of this chapter for**
39 **the following contaminants:**

40 **(A) Heavy metals, including cadmium, lead, arsenic, and**

- 1 mercury.
- 2 (B) Pesticides.
- 3 (C) Herbicides.
- 4 (D) Mycotoxins.
- 5 (E) Bacterial toxins.
- 6 (F) Chemical solvent residues.
- 7 (4) The potency of the low THC hemp product, including the
- 8 projected percentage of:
- 9 (A) THC;
- 10 (B) cannabidiol; and
- 11 (C) other cannabinoids in the low THC hemp product;
- 12 by weight or volume.
- 13 (b) Each batch of a low THC hemp product submitted to an
- 14 independent testing laboratory under this section must have been
- 15 harvested at the same time and cultivated in a contiguous area in
- 16 the same field or facility.
- 17 **Sec. 6. A low THC hemp product must be distributed in tamper**
- 18 **evident packaging that contains the following information:**
- 19 (1) A scannable bar code or QR code linked to a document
- 20 that contains information with respect to the low THC hemp
- 21 product, 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)
- 26 years from the date of harvest;
- 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
- 32 ingredient;
- 33 (iii) company or product identification number or code,
- 34 if applicable; and
- 35 (iv) ingredient lot number; and
- 36 (H) download link for a certificate of analysis for the low
- 37 THC hemp product.
- 38 (2) The batch identification number.
- 39 (3) The address of a website to obtain batch information.
- 40 (4) The expiration date, which must be not more than two (2)

- 1 years from the date of harvest.
- 2 (5) The number of grams of low THC hemp product (as
- 3 defined in IC 35-31.5-2-189.8) contained in the low THC hemp
- 4 product.
- 5 (6) The facility that produced the low THC hemp product.
- 6 (7) The fact that the low THC hemp product contains not
- 7 more than three-tenths of one percent (0.3%) delta-9
- 8 tetrahydrocannabinol (THC), by weight or volume.

9 **Sec. 7. A low THC hemp product may not be distributed if a**

10 **certificate of analysis prepared by an independent testing**

11 **laboratory shows any of the following:**

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

35 **Sec. 8. (a) A person who knowingly or intentionally distributes**

36 **or sells a low THC hemp product in violation of this chapter**

37 **commits a Class B misdemeanor. However, the offense is a Class**

38 **A misdemeanor if the person has a prior unrelated conviction for**

39 **a violation of this chapter.**

- 40 (b) The penalties in this section are in addition to any criminal

1 **penalties that may be imposed for unlawful possession or**
2 **distribution of a controlled substance.**

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

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

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

19 **(1) is derived from or contains any part of hemp that meets**
20 **the definition of hemp under IC 15-15-13-6;**

21 **(2) contains not more than three-tenths of one percent (0.3%)**
22 **delta-9 tetrahydrocannabinol (THC) by weight or volume;**

23 **(3) contains no other controlled substances; and**

24 **(4) is in the form of:**

25 **(A) a gummy that contains not more than twenty-five (25)**
26 **milligrams of THC, delta-8 tetrahydrocannabinol, delta-10**
27 **tetrahydrocannabinol, or hexahydrocannabinol per**
28 **serving and not more than five hundred (500) milligrams**
29 **of THC, delta-8 tetrahydrocannabinol, delta-10**
30 **tetrahydrocannabinol, or hexahydrocannabinol per**
31 **package;**

32 **(B) an edible that contains not more than twenty-five (25)**
33 **milligrams of THC, delta-8 tetrahydrocannabinol, delta-10**
34 **tetrahydrocannabinol, or hexahydrocannabinol per**
35 **serving and not more than five hundred (500) milligrams**
36 **of THC, delta-8 tetrahydrocannabinol, delta-10**
37 **tetrahydrocannabinol, or hexahydrocannabinol per**
38 **package;**

39 **(C) a beverage that contains not more than ten (10)**
40 **milligrams of THC, delta-8 tetrahydrocannabinol, delta-10**

- 1 tetrahydrocannabinol, or hexahydrocannabinol per
- 2 individualized unit and which are sold in a package
- 3 containing twelve (12) or fewer units;
- 4 **(D) a tincture that contains not more than twenty-five (25)**
- 5 **milligrams of THC, delta-8 tetrahydrocannabinol, delta-10**
- 6 **tetrahydrocannabinol, or hexahydrocannabinol per**
- 7 **servings and not more than five hundred (500) milligrams**
- 8 **of THC, delta-8 tetrahydrocannabinol, delta-10**
- 9 **tetrahydrocannabinol, or hexahydrocannabinol per**
- 10 **package;**
- 11 **(E) an e-liquid cartridge that contains not more than three**
- 12 **(3) grams of THC, delta-8 tetrahydrocannabinol, delta-10**
- 13 **tetrahydrocannabinol, or hexahydrocannabinol per device;**
- 14 **or**
- 15 **(F) a soap, lotion, topical, or other product not for human**
- 16 **consumption.**

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

18 **(b) A variance of up to twenty percent (20%) from the**

19 **milligram limits described in subsection (a) is permitted to account**

20 **for testing variability and manufacturing tolerances.**

21 SECTION 15. IC 35-31.5-2-355.3 IS ADDED TO THE INDIANA

22 CODE AS A NEW SECTION TO READ AS FOLLOWS

23 [EFFECTIVE UPON PASSAGE]: **Sec. 355.3. "Work in progress**

24 **hemp extract", for purposes of IC 35-48, has the meaning set forth**

25 **in IC 35-48-1.1-40.**

26 SECTION 16. IC 35-46-1-11.7, AS AMENDED BY P.L.163-2025,

27 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

28 UPON PASSAGE]: Sec. 11.7. (a) A retail establishment in which

29 tobacco products **and low THC hemp products** account for at least

30 eighty-five percent (85%) of the retail establishment's gross sales may

31 not allow an individual who is less than twenty-one (21) years of age

32 to enter the retail establishment.

33 (b) An individual who is less than twenty-one (21) years of age may

34 not enter a retail establishment described in subsection (a).

35 (c) A retail establishment described in subsection (a) must

36 conspicuously post on all entrances to the retail establishment the

37 following:

- 38 (1) A sign in boldface type that states "NOTICE: It is unlawful for
- 39 a person less than 21 years old to enter this store."
- 40 (2) A sign printed in letters and numbers at least one-half (1/2)

1 inch high that displays a toll free phone number for assistance to
2 callers in quitting smoking, as determined by the Indiana
3 department of health.

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

7 (1) If the person has not been cited for a violation of this section
8 in the previous one (1) year, a civil penalty of up to four hundred
9 dollars (\$400).

10 (2) If the person has had one (1) violation in the previous one (1)
11 year, a civil penalty of up to eight hundred dollars (\$800).

12 (3) If the person has had two (2) violations in the previous one (1)
13 year, a civil penalty of up to one thousand four hundred dollars
14 (\$1,400).

15 (4) If the person has had three (3) or more violations in the
16 previous one (1) year, a civil penalty of up to two thousand dollars
17 (\$2,000).

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

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

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

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

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

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

34 The term does not include low THC hemp extract **or a low THC hemp**
35 **product.**

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

- 1 (1) The substance is substantially similar to a controlled substance
 2 classified under IC 35-48-2.
- 3 (2) The substance has a narcotic, stimulant, depressant, or
 4 hallucinogenic effect on the central nervous system or is
 5 represented or intended to have a narcotic, stimulant, depressant,
 6 or hallucinogenic effect on the central nervous system
 7 substantially similar to or greater than that of a controlled
 8 substance classified under IC 35-48-2.
- 9 (b) The definition set forth in subsection (a) does not include:
- 10 (1) a controlled substance;
- 11 (2) a legend drug;
- 12 (3) a substance for which there is an approved new drug
 13 application;
- 14 (4) any compound, mixture, or preparation that contains any
 15 controlled substance, that is not for administration to a human
 16 being or an animal, and that is packaged in a form or
 17 concentration, or with adulterants or denaturants, such that as
 18 packaged it does not present any significant potential for abuse;
- 19 (5) a substance to which an investigational exemption applies
 20 under Section 505 of the federal Food, Drug and Cosmetic Act
 21 (chapter 675, 52 Stat. 1052 (21 U.S.C. 355)), but only to the
 22 extent that conduct with respect to the substance is pursuant to the
 23 exemption; **or**
- 24 (6) low THC hemp extract; **or**
- 25 **(7) a low THC hemp product.**
- 26 (c) For purposes of subsection (a), "substantially similar", as it
 27 applies to the chemical structure of a substance, means that the
 28 chemical structure of the substance, when compared to the structure of
 29 a controlled substance, has a single difference in the structural formula
 30 that substitutes one (1) atom or functional group for another, including:
- 31 (1) one (1) halogen for another halogen;
- 32 (2) one (1) hydrogen for a halogen;
- 33 (3) one (1) halogen for a hydrogen; or
- 34 (4) an alkyl group added or deleted:
- 35 (A) as a side chain to or from a molecule; or
- 36 (B) from a side chain of a molecule.
- 37 SECTION 19. IC 35-48-1.1-9, AS ADDED BY P.L.186-2025,
 38 SECTION 249, IS AMENDED TO READ AS FOLLOWS
 39 [EFFECTIVE UPON PASSAGE]: Sec. 9. **(a)** "Counterfeit substance",
 40 **for purposes of IC 35-48-4-5**, means a controlled substance which, or

1 the container or labeling of which, without authorization, bears the
 2 trademark, trade name, or other identifying mark, imprint, number, or
 3 device, or any likeness thereof, of a manufacturer, distributor, or
 4 dispenser other than the person who in fact manufactured, distributed,
 5 or dispensed the substance.

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

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

- 16 (1) low THC hemp extract; or
- 17 (2) a low THC hemp product.

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

- 21 (1) low THC hemp extract; or
- 22 (2) a low THC hemp product.

23 SECTION 23. IC 35-48-1.1-27, AS ADDED BY P.L.186-2025,
 24 SECTION 249, IS AMENDED TO READ AS FOLLOWS
 25 [EFFECTIVE UPON PASSAGE]: Sec. 27. (a) "Low THC hemp
 26 extract" means a substance or compound that:

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

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

35 ~~(b)~~ (c) The term does not include:

- 36 (1) the harvested reproductive organ, whether immature or
- 37 mature, of the female hemp plant; or
- 38 (2) smokable hemp; or
- 39 (3) a low THC hemp product.

40 SECTION 20. IC 35-48-1.1-27.2 IS ADDED TO THE INDIANA

1 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
 2 [EFFECTIVE UPON PASSAGE]: **Sec. 27.2. "Low THC hemp**
 3 **product" has the meaning set forth in IC 35-31.5-2-189.8.**

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

11 (b) The term does not include:
 12 (1) the mature stalks of the plant;
 13 (2) fiber produced from the stalks;
 14 (3) oil or cake made from the seeds of the plant;
 15 (4) any other compound, manufacture, salt, derivative, mixture,
 16 or preparation of the mature stalks (except the resin extracted
 17 therefrom);
 18 (5) the sterilized seed of the plant which is incapable of
 19 germination;
 20 (6) hemp (as defined by IC 15-15-13-6);
 21 (7) low THC hemp extract; ~~or~~
 22 (8) smokable hemp; ~~or~~
 23 **(9) low THC hemp product.**

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

28 **(1) derived from hemp;**
 29 **(2) intended to be processed into a hemp product;**
 30 **(3) in a partially processed state;**
 31 **(4) having a concentration of delta-9-tetrahydrocannabinol**
 32 **that exceeds three-tenths of one percent (0.3%) by dry weight;**
 33 **and**
 34 **(5) not marketed for consumer use or consumption.**

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

38 **(1) knowingly or intentionally:**
 39 **(A) creates;**
 40 **(B) delivers; or**

1 **(C) finances the delivery of;**
 2 **a counterfeit hemp substance; or**
 3 **(2) possesses, with intent to:**
 4 **(A) deliver; or**
 5 **(B) finance the delivery of;**
 6 **a counterfeit hemp substance;**
 7 **commits dealing in a counterfeit hemp substance, a Class A**
 8 **misdemeanor. However, a person may be convicted of an offense**
 9 **under subdivision (2) only if there is evidence in addition to the**
 10 **weight of the counterfeit hemp substance that the person intended**
 11 **to deliver or finance the delivery of the counterfeit hemp substance.**

12 SECTION 26. IC 35-52-7-97.1 IS ADDED TO THE INDIANA
 13 CODE AS A NEW SECTION TO READ AS FOLLOWS
 14 [EFFECTIVE UPON PASSAGE]: **Sec. 97.1. IC 7.1-8-8-1,**
 15 **IC 7.1-8-8-2, IC 7.1-8-8-3, and IC 7.1-8-8-4 define crimes**
 16 **concerning a low THC hemp product.**

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

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

22 Delete pages 5 through 75.

23 Re-number all SECTIONS consecutively.

(Reference is to SB 250 as printed January 23, 2026.)