



COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Commerce and Technology, to which was referred Senate Bill No. 250, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 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."

1 Page 4, between lines 39 and 40, begin a new paragraph and insert:
 2 **"Sec. 4. The definitions in IC 35-48-8 apply throughout this**
 3 **chapter.**

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

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

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

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

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

14 Page 5, delete lines 18 through 38.

15 Page 6, delete lines 3 through 4.

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

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

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

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

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

24 Page 6, line 28, delete "IC 7.1-8-6-2(a)." and insert **"IC**
 25 **7.1-8-6-1(a)."**

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

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

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

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

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

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

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

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

38 Page 9, delete line 38.

39 Page 10, delete lines 6 through 7.

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

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

42 **"(c) The commission may choose to not issue a permit to the new**

owner if the new owner does not comply with the application requirements of this article."

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

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

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

Page 12, delete lines 34 through 42.

Page 13, delete lines 1 through 6.

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

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

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

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

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

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

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

Page 15, delete lines 1 through 8.

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

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

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

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

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

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

Page 16, line 24, delete "products".

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

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

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

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

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

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

Page 16, line 29, delete "derived".

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

Page 16, between lines 30 and 31, begin a new paragraph and insert:

"(b) A person transporting industrial hemp, as defined in IC 35-48-8-5, is exempt under this article but must obtain a hemp

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

- 1 Page 21, delete line 34.
- 2 Page 22, line 7, delete "use" and insert **"uses"**.
- 3 Page 22, line 12, delete "and" and insert **"or"**.
- 4 Page 22, between lines 36 and 37, begin a new paragraph and insert:
- 5 **"Sec. 1. The commission may do spot testing of hemp derived**
- 6 **cannabinoid products to ensure compliance with this article."**
- 7 Page 22, line 37, delete "1." and insert **"2."**.
- 8 Page 23, line 2, delete "A product that purports to be a hemp derived
- 9 cannabinoid" and insert **"The commission shall adopt rules under**
- 10 **IC 4-22-2 concerning the recall of hemp derived cannabinoid**
- 11 **products due to:**
- 12 **(1) improper or false labeling; or**
- 13 **(2) health and safety concerns."**
- 14 Page 23, delete lines 3 through 4.
- 15 Page 23, line 14, delete "marijuana." and insert **"marijuana (as**
- 16 **defined in IC 35-48-1.1-29)."**
- 17 Page 23, line 29, delete "derived".
- 18 Page 23, line 30, delete "cannabinoid products".
- 19 Page 23, line 31, delete "(d)" and insert **"Sec. 2."**.
- 20 Page 23, line 31, after "seize" insert **"hemp or"**.
- 21 Page 23, line 32, after "of" insert **"this article."**.
- 22 Page 23, delete line 33.
- 23 Page 23, line 34, delete "2." and insert **"3."**.
- 24 Page 24, line 3, delete "3." and insert **"4."**.
- 25 Page 24, line 4, after "Internet" insert **"or by delivery"**.
- 26 Page 24, line 6, delete "4." and insert **"5."**.
- 27 Page 24, line 7, after "recalled" insert **"under IC 7.1-8-18"**.
- 28 Page 24, between lines 8 and 9, begin a new paragraph and insert:
- 29 **"Sec. 6. A person who knowingly or intentionally violates this**
- 30 **article commits a deceptive act that is actionable by the attorney**
- 31 **general under IC 24-5-0.5 and is subject to the penalties listed in**
- 32 **IC 24-5-0.5."**
- 33 Page 24, line 17, strike "or".
- 34 Page 24, line 21, after "IC 6-2.5-1-16);" insert **"or**
- 35 **(7) any combination of substances listed in subdivisions (1)**
- 36 **through (6);"**.
- 37 Page 24, line 27, delete "marijuana, hemp, and" and insert
- 38 **"marijuana (as defined in IC 35-48-1.1-29), hemp (as defined in**
- 39 **IC 35-48-8-3), and tetrahydrocannabinol (as defined in**
- 40 **IC 7.1-1-3-46.5)."**
- 41 Page 24, delete line 28.
- 42 Page 24, line 33, delete "develop a portal to share" and insert **"share**

- 1 **information regarding the hemp program established under this**
- 2 **chapter with the state police department."**
- 3 Page 24, delete lines 34 through 35.
- 4 Page 25, line 2, delete "industrial".
- 5 Page 25, line 10, delete "or industrial hemp".
- 6 Page 25, line 15, delete "or industrial".
- 7 Page 25, line 16, delete "hemp".
- 8 Page 25, line 29, after "hemp" insert ",."
- 9 Page 25, line 29, strike "products,".
- 10 Page 26, line 5, delete "or industrial hemp".
- 11 Page 26, line 20, delete "IC 7.1-8-2-4." and insert "**IC 35-48-8-4.**".
- 12 Page 26, line 23, after "6.6." insert "**(a)**".
- 13 Page 26, between lines 24 and 25, begin a new paragraph and insert:
- 14 "**(b) The term includes hemp as defined in IC 35-48-1.1-29.**".
- 15 Page 27, line 7, delete "Indiana. Industrial hemp" and insert
- 16 "Indiana. Hemp".
- 17 Page 27, line 18, delete "and industrial".
- 18 Page 27, line 19, delete "hemp or" and insert "**or**".
- 19 Page 27, line 24, delete "and industrial hemp." and insert ".".
- 20 Page 27, line 32, after "grower's" insert "**or hemp handler's**".
- 21 Page 27, line 40, after "coordinates" insert ", **including the**
- 22 **geospatial decimal format,**".
- 23 Page 27, line 41, strike "property used".
- 24 Page 27, line 41, delete "including" and insert "**following:**
- 25 **(A) Site by field.**
- 26 **(B) Storage site.**
- 27 **(C) Receiving site.**
- 28 **(D) Staging site.**
- 29 **(E) Sites similar to the sites listed in clauses (A) through**
- 30 **(D).**".
- 31 Page 27, delete line 42.
- 32 Page 28, delete lines 1 through 6.
- 33 Page 28, line 12, after "convicted" insert ",."
- 34 Page 28, line 12, strike "of".
- 35 Page 28, line 13, delete "any of the".
- 36 Page 28, line 14, delete "following".
- 37 Page 28, line 14, delete "and the" and insert "**of:**".
- 38 Page 28, delete lines 15 through 16.
- 39 Page 28, line 22, delete "felony." and insert "**felony;**
- 40 **for which the applicant's conviction has not been expunged**
- 41 **under IC 35-38-9.**".
- 42 Page 29, line 6, delete "for:" and insert "**for, but not limited to:**".

- 1 Page 29, line 9, delete "or".
- 2 Page 29, line 10, delete "oil." and insert "**oil; or**
- 3 **(E) hemp derived cannabinoid products.**".
- 4 Page 29, line 21, after "growing" insert "**industrial**".
- 5 Page 30, delete lines 17 through 25, begin a new line block indented
- 6 and insert:
- 7 **"(5) has been convicted within five (5) years of the application**
- 8 **date of:**
- 9 **(A) a federal crime having a sentence of at least one (1)**
- 10 **year;**
- 11 **(B) a felony or a drug related misdemeanor under Indiana**
- 12 **law; or**
- 13 **(C) a crime in a state other than Indiana having a penalty**
- 14 **equal to the penalty for a felony;**
- 15 **and the conviction has not been expunged under IC 35-38-9;**
- 16 **or".**
- 17 Page 30, line 33, delete "a hemp" and insert "**any hemp**".
- 18 Page 31, delete lines 5 through 7, begin a new line block indented
- 19 and insert:
- 20 **"(2) Outdoor acreage or indoor square footage dedicated to**
- 21 **the growing of hemp.**".
- 22 Page 31, line 9, delete "other." and insert "**another specified use.**".
- 23 Page 35, line 27, delete "The driver must hold a" and insert "**A**".
- 24 Page 35, line 29, delete "showing" and insert "**identifying the**
- 25 **person**".
- 26 Page 35, line 30, after "delivered," insert "**including the person's**".
- 27 Page 35, line 30, delete "address," and insert "**address and**".
- 28 Page 35, line 31, delete "variety of hemp, and quantity of hemp."
- 29 and insert "**and the variety and quantity of the industrial hemp.**".
- 30 Page 36, delete lines 15 through 18, begin a new paragraph and
- 31 insert:
- 32 **"(b) The state seed commissioner shall include:**
- 33 **(1) the license number of the grower that produced the hemp;**
- 34 **and**
- 35 **(2) the license number of the hemp handler;**
- 36 **in the licensing documents described in subsection (a)."**
- 37 Page 39, line 27, delete "under IC 7.1-8" and insert "**as defined in**
- 38 **IC 35-48-8-4,**".
- 39 Page 49, between lines 20 and 21, begin a new paragraph and insert:
- 40 **"SECTION 46. IC 24-5-0.5-3, AS AMENDED BY P.L.104-2024,**
- 41 **SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE**
- 42 **JULY 1, 2026]: Sec. 3. (a) A supplier may not commit an unfair,**

1 abusive, or deceptive act, omission, or practice in connection with a
2 consumer transaction. Such an act, omission, or practice by a supplier
3 is a violation of this chapter whether it occurs before, during, or after
4 the transaction. An act, omission, or practice prohibited by this section
5 includes both implicit and explicit misrepresentations.

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

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

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

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

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

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

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

29 (7) That the supplier has a sponsorship, approval, or affiliation in
30 such consumer transaction the supplier does not have, and which
31 the supplier knows or should reasonably know that the supplier
32 does not have.

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

37 (9) That the consumer will receive a rebate, discount, or other
38 benefit as an inducement for entering into a sale or lease in return
39 for giving the supplier the names of prospective consumers or
40 otherwise helping the supplier to enter into other consumer
41 transactions, if earning the benefit, rebate, or discount is
42 contingent upon the occurrence of an event subsequent to the time

- 1 the consumer agrees to the purchase or lease.
- 2 (10) That the supplier is able to deliver or complete the subject of
- 3 the consumer transaction within a stated period of time, when the
- 4 supplier knows or should reasonably know the supplier could not.
- 5 If no time period has been stated by the supplier, there is a
- 6 presumption that the supplier has represented that the supplier
- 7 will deliver or complete the subject of the consumer transaction
- 8 within a reasonable time, according to the course of dealing or the
- 9 usage of the trade.
- 10 (11) That the consumer will be able to purchase the subject of the
- 11 consumer transaction as advertised by the supplier, if the supplier
- 12 does not intend to sell it.
- 13 (12) That the replacement or repair constituting the subject of a
- 14 consumer transaction can be made by the supplier for the estimate
- 15 the supplier gives a customer for the replacement or repair, if the
- 16 specified work is completed and:
- 17 (A) the cost exceeds the estimate by an amount equal to or
- 18 greater than ten percent (10%) of the estimate;
- 19 (B) the supplier did not obtain written permission from the
- 20 customer to authorize the supplier to complete the work even
- 21 if the cost would exceed the amounts specified in clause (A);
- 22 (C) the total cost for services and parts for a single transaction
- 23 is more than seven hundred fifty dollars (\$750); and
- 24 (D) the supplier knew or reasonably should have known that
- 25 the cost would exceed the estimate in the amounts specified in
- 26 clause (A).
- 27 (13) That the replacement or repair constituting the subject of a
- 28 consumer transaction is needed, and that the supplier disposes of
- 29 the part repaired or replaced earlier than seventy-two (72) hours
- 30 after both:
- 31 (A) the customer has been notified that the work has been
- 32 completed; and
- 33 (B) the part repaired or replaced has been made available for
- 34 examination upon the request of the customer.
- 35 (14) Engaging in the replacement or repair of the subject of a
- 36 consumer transaction if the consumer has not authorized the
- 37 replacement or repair, and if the supplier knows or should
- 38 reasonably know that it is not authorized.
- 39 (15) The act of misrepresenting the geographic location of the
- 40 supplier by listing an alternate business name or an assumed
- 41 business name (as described in IC 23-0.5-3-4) in a local telephone
- 42 directory if:

- 1 (A) the name misrepresents the supplier's geographic location;
- 2 (B) the listing fails to identify the locality and state of the
- 3 supplier's business;
- 4 (C) calls to the local telephone number are routinely forwarded
- 5 or otherwise transferred to a supplier's business location that
- 6 is outside the calling area covered by the local telephone
- 7 directory; and
- 8 (D) the supplier's business location is located in a county that
- 9 is not contiguous to a county in the calling area covered by the
- 10 local telephone directory.
- 11 (16) The act of listing an alternate business name or assumed
- 12 business name (as described in IC 23-0.5-3-4) in a directory
- 13 assistance data base if:
- 14 (A) the name misrepresents the supplier's geographic location;
- 15 (B) calls to the local telephone number are routinely forwarded
- 16 or otherwise transferred to a supplier's business location that
- 17 is outside the local calling area; and
- 18 (C) the supplier's business location is located in a county that
- 19 is not contiguous to a county in the local calling area.
- 20 (17) The violation by a supplier of IC 24-3-4 concerning
- 21 cigarettes for import or export.
- 22 (18) The act of a supplier in knowingly selling or reselling a
- 23 product to a consumer if the product has been recalled, whether
- 24 by the order of a court or a regulatory body, or voluntarily by the
- 25 manufacturer, distributor, or retailer, unless the product has been
- 26 repaired or modified to correct the defect that was the subject of
- 27 the recall.
- 28 (19) The violation by a supplier of 47 U.S.C. 227, including any
- 29 rules or regulations issued under 47 U.S.C. 227.
- 30 (20) The violation by a supplier of the federal Fair Debt
- 31 Collection Practices Act (15 U.S.C. 1692 et seq.), including any
- 32 rules or regulations issued under the federal Fair Debt Collection
- 33 Practices Act (15 U.S.C. 1692 et seq.).
- 34 **(21) A violation of IC 7.1-8 (concerning the manufacture,**
- 35 **distribution, and sale of hemp derived cannabinoid products),**
- 36 **as set forth in IC 7.1-8-20-5.**
- 37 ~~(21)~~ **(22)** A violation of IC 24-5-7 (concerning health spa
- 38 services), as set forth in IC 24-5-7-17.
- 39 ~~(22)~~ **(23)** A violation of IC 24-5-8 (concerning business
- 40 opportunity transactions), as set forth in IC 24-5-8-20.
- 41 ~~(23)~~ **(24)** A violation of IC 24-5-10 (concerning home consumer
- 42 transactions), as set forth in IC 24-5-10-18.

- 1 ~~(24)~~ **(25)** A violation of IC 24-5-11 (concerning real property
- 2 improvement contracts), as set forth in IC 24-5-11-14.
- 3 ~~(25)~~ **(26)** A violation of IC 24-5-12 (concerning telephone
- 4 solicitations), as set forth in IC 24-5-12-23.
- 5 ~~(26)~~ **(27)** A violation of IC 24-5-13.5 (concerning buyback motor
- 6 vehicles), as set forth in IC 24-5-13.5-14.
- 7 ~~(27)~~ **(28)** A violation of IC 24-5-14 (concerning automatic
- 8 dialing-announcing devices), as set forth in IC 24-5-14-13.
- 9 ~~(28)~~ **(29)** A violation of IC 24-5-15 (concerning credit services
- 10 organizations), as set forth in IC 24-5-15-11.
- 11 ~~(29)~~ **(30)** A violation of IC 24-5-16 (concerning unlawful motor
- 12 vehicle subleasing), as set forth in IC 24-5-16-18.
- 13 ~~(30)~~ **(31)** A violation of IC 24-5-17 (concerning environmental
- 14 marketing claims), as set forth in IC 24-5-17-14.
- 15 ~~(31)~~ **(32)** A violation of IC 24-5-19 (concerning deceptive
- 16 commercial solicitation), as set forth in IC 24-5-19-11.
- 17 ~~(32)~~ **(33)** A violation of IC 24-5-21 (concerning prescription drug
- 18 discount cards), as set forth in IC 24-5-21-7.
- 19 ~~(33)~~ **(34)** A violation of IC 24-5-23.5-7 (concerning real estate
- 20 appraisals), as set forth in IC 24-5-23.5-9.
- 21 ~~(34)~~ **(35)** A violation of IC 24-5-26 (concerning identity theft), as
- 22 set forth in IC 24-5-26-3.
- 23 ~~(35)~~ **(36)** A violation of IC 24-5.5 (concerning mortgage rescue
- 24 fraud), as set forth in IC 24-5.5-6-1.
- 25 ~~(36)~~ **(37)** A violation of IC 24-8 (concerning promotional gifts
- 26 and contests), as set forth in IC 24-8-6-3.
- 27 ~~(37)~~ **(38)** A violation of IC 21-18.5-6 (concerning representations
- 28 made by a postsecondary credit bearing proprietary educational
- 29 institution), as set forth in IC 21-18.5-6-22.5.
- 30 ~~(38)~~ **(39)** A violation of IC 24-5-15.5 (concerning collection
- 31 actions of a plaintiff debt buyer), as set forth in IC 24-5-15.5-6.
- 32 ~~(39)~~ **(40)** A violation of IC 24-14 (concerning towing services), as
- 33 set forth in IC 24-14-10-1.
- 34 ~~(40)~~ **(41)** A violation of IC 24-5-14.5 (concerning misleading or
- 35 inaccurate caller identification information), as set forth in
- 36 IC 24-5-14.5-12.
- 37 ~~(41)~~ **(42)** A violation of IC 24-5-27 (concerning intrastate inmate
- 38 calling services), as set forth in IC 24-5-27-27.
- 39 ~~(42)~~ **(43)** A violation of IC 15-21 (concerning sales of dogs by
- 40 retail pet stores), as set forth in IC 15-21-7-4.
- 41 ~~(43)~~ **(44)** A violation of IC 24-4-23 (concerning the security of
- 42 information collected and transmitted by an adult oriented website

operator), as set forth in IC 24-4-23-14.

(c) Any representations on or within a product or its packaging or in advertising or promotional materials which would constitute a deceptive act shall be the deceptive act both of the supplier who places such representation thereon or therein, or who authored such materials, and such other suppliers who shall state orally or in writing that such representation is true if such other supplier shall know or have reason to know that such representation was false.

(d) If a supplier shows by a preponderance of the evidence that an act resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adopted to avoid the error, such act shall not be deceptive within the meaning of this chapter.

(e) It shall be a defense to any action brought under this chapter that the representation constituting an alleged deceptive act was one made in good faith by the supplier without knowledge of its falsity and in reliance upon the oral or written representations of the manufacturer, the person from whom the supplier acquired the product, any testing organization, or any other person provided that the source thereof is disclosed to the consumer.

(f) For purposes of subsection (b)(12), a supplier that provides estimates before performing repair or replacement work for a customer shall give the customer a written estimate itemizing as closely as possible the price for labor and parts necessary for the specific job before commencing the work.

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

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

SECTION 47. IC 24-5-0.5-4, AS AMENDED BY P.L.186-2025, SECTION 133, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 4. (a) A person relying upon an uncured or incurable deceptive act may bring an action for the damages actually suffered as a consumer as a result of the deceptive act or five hundred dollars (\$500), whichever is greater. The court may increase

1 damages for a willful deceptive act in an amount that does not exceed
2 the greater of:

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

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

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

18 (b) Any person who is entitled to bring an action under subsection
19 (a) on the person's own behalf against a supplier for damages for a
20 deceptive act may bring a class action against such supplier on behalf
21 of any class of persons of which that person is a member and which has
22 been damaged by such deceptive act, subject to and under the Indiana
23 Rules of Trial Procedure governing class actions, except as herein
24 expressly provided. Except as provided in subsection (k), the court may
25 award reasonable attorney's fees to the party that prevails in a class
26 action under this subsection, provided that such fee shall be determined
27 by the amount of time reasonably expended by the attorney and not by
28 the amount of the judgment, although the contingency of the fee may
29 be considered. Except in the case of an extension of time granted by the
30 attorney general under IC 24-10-2-2(b) in an action subject to IC 24-10,
31 any money or other property recovered in a class action under this
32 subsection which cannot, with due diligence, be restored to consumers
33 within one (1) year after the judgment becomes final shall be returned
34 to the party depositing the same. This subsection does not apply to a
35 consumer transaction in real property, except for purchases of time
36 shares and camping club memberships. This subsection does not apply
37 with respect to a deceptive act described in section 3(b)(20) of this
38 chapter. Actual damages awarded to a class have priority over any civil
39 penalty imposed under this chapter.

40 (c) The attorney general may bring an action to enjoin an unfair,
41 abusive, or deceptive act, omission, or practice in connection with a
42 consumer transaction, including a deceptive act described in section

1 3(b)(20) of this chapter, notwithstanding subsections (a) and (b).
2 However, the attorney general may seek to enjoin patterns of incurable
3 deceptive acts with respect to consumer transactions in real property.
4 In addition, the court may:

5 (1) issue an injunction;

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

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

13 (4) order the supplier to pay to the state the reasonable costs of
14 the attorney general's investigation and prosecution, expert fees,
15 and court fees related to the action;

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

17 (6) order the department of state revenue to suspend the supplier's
18 registered retail merchant certificate, subject to the requirements
19 and prohibitions contained in IC 6-2.5-8-7(a)(5), if the court finds
20 that a violation of this chapter involved the sale or solicited sale
21 of a synthetic drug (as defined in IC 35-31.5-2-321), a synthetic
22 drug lookalike substance (as defined in IC 35-31.5-2-321.5
23 (repealed)) (before July 1, 2019), a controlled substance analog
24 (as defined in IC 35-48-1.1-8), or a substance represented to be a
25 controlled substance (as described in IC 35-48-4-4.6).

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

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

38 (f) Any person who violates the terms of an injunction issued under
39 subsection (c) or (n) shall forfeit and pay to the state a civil penalty of
40 not more than fifteen thousand dollars (\$15,000) per violation. For the
41 purposes of this section, the court issuing an injunction shall retain
42 jurisdiction, the cause shall be continued, and the attorney general

1 acting in the name of the state may petition for recovery of civil
 2 penalties. Whenever the court determines that an injunction issued
 3 under subsection (c) or (n) has been violated, the court shall award
 4 reasonable costs to the state.

5 (g) If a court finds any person has knowingly violated section 3 or
 6 10 of this chapter, other than section 3(b)(19), 3(b)(20), or ~~3(b)(40)~~
 7 **3(b)(41)** of this chapter, the attorney general, in an action pursuant to
 8 subsection (c), may recover from the person on behalf of the state a
 9 civil penalty of a fine not exceeding five thousand dollars (\$5,000) per
 10 violation.

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

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

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

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

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

25 (j) An offer to cure is:

26 (1) not admissible as evidence in a proceeding initiated under this
 27 section unless the offer to cure is delivered by a supplier to the
 28 consumer or a representative of the consumer before the supplier
 29 files the supplier's initial response to a complaint; and

30 (2) only admissible as evidence in a proceeding initiated under
 31 this section to prove that a supplier is not liable for attorney's fees
 32 under subsection (k).

33 If the offer to cure is timely delivered by the supplier, the supplier may
 34 submit the offer to cure as evidence to prove in the proceeding in
 35 accordance with the Indiana Rules of Trial Procedure that the supplier
 36 made an offer to cure.

37 (k) A supplier may not be held liable for the attorney's fees and
 38 court costs of the consumer that are incurred following the timely
 39 delivery of an offer to cure as described in subsection (j) unless the
 40 actual damages awarded, not including attorney's fees and costs, exceed
 41 the value of the offer to cure.

42 (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

- 1 may:
- 2 (1) issue an injunction;
- 3 (2) order the supplier to make payment of the money unlawfully
- 4 received from the aggrieved consumers to be held in escrow for
- 5 distribution to aggrieved consumers; or
- 6 (3) order the supplier to pay to:
- 7 (A) the attorney acting on behalf of the local law enforcement
- 8 agency; or
- 9 (B) the attorney general for the state;
- 10 as applicable, the reasonable costs of the attorney's or the attorney
- 11 general's investigation and prosecution, expert fees, and court fees
- 12 related to the action.
- 13 The time for bringing an action under subsection (c), as set forth in
- 14 section 5(b) of this chapter, applies to an action brought under this
- 15 subsection."
- 16 Page 51, line 2, delete "IC 35-48-8," and insert "**this title**,".
- 17 Page 51, line 6, delete "IC 35-48-8," and insert "**this title**,".
- 18 Page 51, line 11, delete "IC 35-48-8," and insert "**this title**,".
- 19 Page 53, delete lines 26 through 33.
- 20 Page 54, line 25, delete "IC 7.1-8-2-4);" and insert "**IC 35-48-8-4)**;".
- 21 Page 56, line 20, delete "IC 7.1-8-2-4." and insert "**IC 35-48-8-4**,".
- 22 Page 57, line 33, delete "IC 7.1-8-2-4." and insert "**IC 35-48-8-4**,".
- 23 Page 60, line 18, delete "extenion" and insert "**exclusio**".
- 24 Page 60, line 36, delete "grown" and insert "**growing**".
- 25 Page 61, line 23, delete "or".
- 26 Page 61, line 39, delete "." and insert "**; or**
- 27 **(5) smokable hemp**."
- 28 Page 61, line 40, delete "any" and insert "**a product derived from,**
- 29 **or made by, processing hemp plants or hemp plant parts including**
- 30 **derivatives, extracts, cannabinoids, isomers, acids, salts, and salts**
- 31 **of isomers**."
- 32 **(b) The term includes any intermediate or final product derived**
- 33 **from hemp, other than industrial hemp, that:**
- 34 **(1) contains cannabinoids in any form; and**
- 35 **(2) is intended for human or animal use through any means of**
- 36 **application or administration including:**
- 37 **(A) inhalation;**
- 38 **(B) ingestion; or**
- 39 **(C) topical application.**
- 40 **(c) The term includes cannabidiol, a CBD product, or a product**
- 41 **that contains a cannabidiol.**
- 42 **(d) The term does not include:**

- 1 **(1) smokable hemp (as defined in IC 35-48-1.1-38);**
- 2 **(2) products that contain a total tetrahydrocannabinol**
- 3 **concentration of more than three-tenths of one percent (0.3%)**
- 4 **on a dry weight basis; or**
- 5 **(3) a drug that is the subject of an application approved under**
- 6 **subsection (c) or (j) of Section 505 of the federal Food, Drug,**
- 7 **and Cosmetic Act (21 U.S.C. 355).".**
- 8 Page 61, delete lines 41 through 42.
- 9 Page 62, delete lines 1 through 6.
- 10 Page 63, line 2, delete ";" and insert ":".
- 11 Page 63, line 33, after "and" insert "**either:**
- 12 **(1)".**
- 13 Page 63, line 35, delete "pounds or" and insert "**pounds; or**
- 14 **(2)".**
- 15 Renumber all SECTIONS consecutively.
(Reference is to SB 250 as introduced.)

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 7, Nays 2.

Senator Buchanan, Chairperson