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**SENATE BILL No. 250**

**AM025006 has been incorporated into January 23, 2026 printing.**

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**Synopsis:** Regulation of hemp.

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**SB 250—LS 7117/DI 107**



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January 23, 2026

Second Regular Session of the 124th General Assembly (2026)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2025 Regular Session of the General Assembly.

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## SENATE BILL No. 250

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 7.1-1-3-46.5 IS ADDED TO THE INDIANA
- 2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2026]: **Sec. 46.5. "THC" means**
- 4 **tetrahydrocannabinol, including hemp derived cannabinoid**
- 5 **products, synthetic equivalents of the substances contained in the**
- 6 **plant or in the resinous extractives of Cannabis, and synthetic**
- 7 **substances, derivates, and their isomers with a similar chemical**
- 8 **structure and pharmacological activity.**
- 9 SECTION 2. IC 7.1-3-23-2, AS AMENDED BY P.L.285-2019,
- 10 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 11 JULY 1, 2026]: Sec. 2. (a) **Except as otherwise provided in IC 7.1-8**
- 12 **for purposes of IC 7.1-8**, the commission may:
- 13 (1) fine or suspend or revoke the permit or certificate of; or
- 14 (2) fine and suspend or revoke the permit or certificate of;
- 15 a permittee for the violation of a provision of this title or of a rule or

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1 regulation of the commission. The commission may fine a permittee for  
 2 each day the violation continues if the violation is of a continuing  
 3 nature.

4 (b) The commission shall revoke the permit of a permittee for the  
 5 violation of IC 35-45-5-3, IC 35-45-5-3.5, or IC 35-45-5-4. A finding  
 6 that a permittee has violated IC 35-45-5-3, IC 35-45-5-3.5, or  
 7 IC 35-45-5-4 must be supported by a preponderance of the evidence.

8 SECTION 3. IC 7.1-4-7-4, AS AMENDED BY P.L.224-2005,  
 9 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2026]: Sec. 4. (a) Except as provided in subsection (b), **and**  
 11 **except as otherwise provided in IC 7.1-8 for purposes of IC 7.1-8,**  
 12 the chairman and the department shall deposit the money collected  
 13 under sections 1, 2, and 3 of this chapter daily with the treasurer of  
 14 state, and not later than the fifth day of the following month shall  
 15 cover:

16 (1) thirty-four percent (34%) of the money collected under  
 17 section 1 of this chapter into the enforcement and administration  
 18 fund established under IC 7.1-4-10-1; and

19 (2) sixty-six percent (66%) of the money collected under section  
 20 1 of this chapter and money collected under sections 2 and 3 of  
 21 this chapter into the state general fund for state general fund  
 22 purposes.

23 (b) The chairman and the department shall deposit all money  
 24 collected under IC 7.1-2-5-3, IC 7.1-2-5-8, IC 7.1-3-17.5,  
 25 IC 7.1-3-17.7, IC 7.1-3-22-9, and IC 7.1-4-4.1-5 daily with the treasurer  
 26 of state, and not later than the fifth day of the following month shall  
 27 cover the money into the enforcement and administration fund  
 28 established under IC 7.1-4-10-1.

29 SECTION 4. IC 7.1-5-7-7, AS AMENDED BY P.L.159-2014,  
 30 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 31 JULY 1, 2026]: Sec. 7. (a) Subject to IC 7.1-5-1-6.5, it is a Class C  
 32 misdemeanor for a minor to knowingly:

33 (1) possess an alcoholic beverage **or a product containing**  
 34 **THC;**

35 (2) consume an alcoholic beverage **or a product containing**  
 36 **THC;** or

37 (3) transport an alcoholic beverage **or a product containing**  
 38 **THC** on a public highway when not accompanied by at least one

39 (1) of the minor's parents or guardians.

40 (b) If a minor is found to have violated subsection (a)(2) or (a)(3)  
 41 while operating a vehicle, the court may order the minor's driving  
 42 privileges suspended for up to one (1) year. However, if the minor is

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1 less than eighteen (18) years of age, the court shall order the minor's  
2 driving privileges suspended for at least sixty (60) days.

3 (c) The court shall deliver any order suspending a minor's driving  
4 privileges under this section to the bureau of motor vehicles, which  
5 shall suspend the minor's driving privileges under IC 9-24-18-12.2 for  
6 the period ordered by the court.

7 SECTION 5. IC 7.1-5-7-8, AS AMENDED BY P.L.32-2019,  
8 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2026]: Sec. 8. (a) It is a Class B misdemeanor for a person to  
10 recklessly, knowingly, or intentionally sell, barter, exchange, provide,  
11 or furnish an alcoholic beverage **or a product containing THC** to a  
12 minor.

13 (b) However, the offense described in subsection (a) is:

14 (1) a Class A misdemeanor if the person has a prior unrelated  
15 conviction under this section; and

16 (2) a Level 6 felony if the consumption, ingestion, or use of the  
17 alcoholic beverage **or product containing THC** is the  
18 proximate cause of the serious bodily injury or death of any  
19 person.

20 (c) A person who knowingly or intentionally:

21 (1) rents property; or

22 (2) provides or arranges for the use of property;

23 for the purpose of allowing or enabling a minor to consume an  
24 alcoholic beverage **or a product containing THC** on the property  
25 commits a Class C infraction. However, the violation is a Class B  
26 misdemeanor if the person has a prior unrelated adjudication or  
27 conviction for a violation of this section within the previous five (5)  
28 years.

29 (d) This section shall not be construed to impose civil liability  
30 upon any postsecondary educational institution, including public and  
31 private universities and colleges, business schools, vocational schools,  
32 and schools for continuing education, or its agents for injury to any  
33 person or property sustained in consequence of a violation of this  
34 section unless the institution or its agent:

35 (1) sells, barter, exchanges, provides, or furnishes an alcoholic  
36 beverage **or a product containing THC** to a minor; or

37 (2) either:

38 (A) rents property; or

39 (B) provides or arranges for the use of property;

40 for the purpose of allowing or enabling a minor to consume an  
41 alcoholic beverage **or a product containing THC** on the  
42 property.

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1 SECTION 6. IC 7.1-5-7-15 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 15. A person  
 3 twenty-one (21) years of age or older who knowingly or intentionally  
 4 encourages, aids, or induces a minor to unlawfully possess an alcoholic  
 5 beverage **or a product containing THC** commits a Class C infraction.

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

14 SECTION 8. IC 7.1-5-7-18 IS ADDED TO THE INDIANA CODE  
 15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 16 1, 2026]: Sec. 18. (a) **A law enforcement officer vested with full  
 17 police powers and duties may engage an individual who is:**

18 (1) **at least sixteen (16) years of age; and**  
 19 (2) **less than twenty-one (21) years of age;**  
 20 **to receive or purchase a product that contains any amount of THC**  
 21 **as part of an enforcement action under this article.**

22 (b) **The initial or contemporaneous receipt or purchase of a**  
 23 **product that contains any amount of THC must:**

24 (1) **occur under the direction of a law enforcement officer**  
 25 **vested with full police powers and duties; and**  
 26 (2) **be a part of the enforcement action.**

27 SECTION 9. IC 7.1-5-10-15, AS AMENDED BY P.L.159-2014,  
 28 SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2026]: Sec. 15. (a) A person who, knowing that another  
 30 person is intoxicated, sells, barter, delivers, or gives away an alcoholic  
 31 beverage **or a product containing THC** to the intoxicated person  
 32 commits a Class B misdemeanor.

33 (b) In any civil proceeding in which damages are sought from a  
 34 permittee or a permittee's agent for the refusal to serve a person an  
 35 alcoholic beverage **or a product containing THC**, it is a complete  
 36 defense if the permittee or agent reasonably believed that the person  
 37 was intoxicated or was otherwise not entitled to be served an alcoholic  
 38 beverage **or a product containing THC.**

39 (c) After charges have been filed against a person for a violation  
 40 of subsection (a), the prosecuting attorney shall notify the commission  
 41 of the charges filed.

42 SECTION 10. IC 7.1-5-10-15.5 IS AMENDED TO READ AS

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1 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 15.5. (a) As used in this  
 2 section, "furnish" includes barter, deliver, sell, exchange, provide, or  
 3 give away.

4 (b) A person who furnishes an alcoholic beverage **or a product**  
 5 **containing THC** to a person is not liable in a civil action for damages  
 6 caused by the impairment or intoxication of the person who was  
 7 furnished the alcoholic beverage **or product containing THC** unless:

8 (1) the person furnishing the alcoholic beverage **or product**  
 9 **containing THC** had actual knowledge that the person to whom  
 10 the alcoholic beverage **or product containing THC** was  
 11 furnished was visibly intoxicated at the time the alcoholic  
 12 beverage **or product containing THC** was furnished; and

13 (2) the intoxication of the person to whom the alcoholic beverage  
 14 **or product containing THC** was furnished was a proximate  
 15 cause of the death, injury, or damage alleged in the complaint.

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

- 19 (1) person;  
 20 (2) person's dependents;  
 21 (3) person's personal representative; or  
 22 (4) person's heirs;

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

27 SECTION 11. IC 7.1-7-1-1, AS AMENDED BY P.L.206-2017,  
 28 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2026]: Sec. 1. (a) Except as provided in subsection (b), this  
 30 article applies to the following:

31 (1) The commercial manufacturing, bottling, selling, bartering,  
 32 or importing of e-liquid in Indiana.

33 (2) The sale, possession, and use of e-liquid products in Indiana.

34 (b) This article does not apply to a manufacturer of a closed  
 35 system vapor ~~product~~, ~~device~~, except as specifically provided in this  
 36 article.

37 SECTION 12. IC 7.1-7-2-10, AS AMENDED BY P.L.206-2017,  
 38 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2026]: Sec. 10. "E-liquid" means a substance that:

- 40 (1) may or may not contain nicotine; and  
 41 (2) is intended to be vaporized and inhaled using a vapor  
 42 ~~product~~. ~~device~~.

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1 SECTION 13. IC 7.1-7-2-12, AS AMENDED BY P.L.206-2017,  
 2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 3 JULY 1, 2026]: Sec. 12. "Flavoring" means a food grade additive or  
 4 synthetic flavoring substance that is used to add flavor and that is not  
 5 prohibited by the federal Food and Drug Administration as an additive  
 6 in vapor ~~products~~ **devices**.

7 SECTION 14. IC 7.1-7-2-15.5, AS ADDED BY P.L.206-2017,  
 8 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2026]: Sec. 15.5. "Manufacturer of a closed system vapor  
 10 ~~product~~ **device**" means a manufacturer of vapor ~~products~~ **devices**  
 11 whose closed system vapor ~~products~~ **devices** are for sale in Indiana, but  
 12 that does not produce open system vapor ~~products~~ **devices** that are for  
 13 sale in Indiana.

14 SECTION 15. IC 7.1-7-2-23, AS AMENDED BY P.L.206-2017,  
 15 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 16 JULY 1, 2026]: Sec. 23. "Vapor ~~product~~ **device**" means a powered  
 17 vaporizer that converts e-liquid to a vapor intended for inhalation.

18 SECTION 16. IC 7.1-7-3-4 IS ADDED TO THE INDIANA CODE  
 19 AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY  
 20 1, 2026]: **Sec. 4. An e-liquid that is a hemp derived cannabinoid  
 21 product is subject to this article and IC 7.1-8.**

22 SECTION 17. IC 7.1-7-5-1.1, AS AMENDED BY P.L.220-2023,  
 23 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JULY 1, 2026]: Sec. 1.1. (a) A retailer must have a valid sales  
 25 certificate issued by the commission in accordance with  
 26 IC 7.1-3-18.5-1 that contains a separate box to check for identifying a  
 27 retailer that sells e-liquids.

28 (b) A retailer may purchase e-liquid only from an Indiana e-liquid  
 29 manufacturing permit holder or an Indiana distributor permit holder.

30 (c) A retailer shall retain all invoices for e-liquid that the retailer  
 31 purchases for two (2) years.

32 (d) A retailer shall not allow the self-service sale for individuals  
 33 purchasing an e-liquid.

34 (e) A retailer may not sell an e-liquid that contains more than  
 35 seventy-five (75) milligrams per milliliter of nicotine.

36 (f) A manufacturer must have an e-liquid manufacturing permit  
 37 issued under IC 7.1-7-4.

38 (g) A distributor that does not have a valid e-liquid manufacturing  
 39 permit issued under IC 7.1-7-4 must have a valid distributor's license  
 40 issued under IC 6-7-2-8.

41 (h) A distributor shall purchase and distribute e-liquid from an:

42 (1) Indiana e-liquid manufacturer that has a valid e-liquid

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- 1 manufacturing permit under IC 7.1-7-4; or  
 2 (2) Indiana e-liquid distributor that has a valid:  
 3 (A) e-liquid manufacturing permit issued under IC 7.1-7-4;  
 4 or  
 5 (B) distributor's license under IC 6-7-2-8.
- 6 (i) A distributor shall retain all invoices to a retailer or from a  
 7 manufacturer for at least two (2) years.
- 8 (j) A manufacturer, distributor, or retailer may not market e-liquid  
 9 as a modified risk tobacco product, as defined by IC 7.1-7-2-17.5, that  
 10 has not been designated as a modified risk tobacco product by the  
 11 federal Food and Drug Administration.
- 12 (k) Except as provided in subsection (m), a manufacturer,  
 13 including a manufacturer of a closed system vapor ~~product~~, **device**,  
 14 shall annually submit a report to the commission setting forth:  
 15 (1) each new product **or device** that the manufacturer is  
 16 producing and is sold in Indiana with a list of the contents and  
 17 ingredients by volume; and  
 18 (2) whether the manufacturer has stopped producing products **or**  
 19 **devices** previously produced and sold in Indiana.
- 20 A report under this subsection is confidential, and the commission may  
 21 not disclose it to another person.
- 22 (l) A manufacturer shall annually submit a report to the  
 23 commission setting forth:  
 24 (1) the milligrams per milliliter of nicotine in each product **or**  
 25 **device** the manufacturer produces; and  
 26 (2) the milliliters of each product **or device** sold that current  
 27 year.
- 28 A report under this subsection is confidential, and the ATC may not  
 29 disclose it to another person.
- 30 (m) A manufacturer is not required to submit a report described in  
 31 subsection (k) if the manufacturer submits to the commission a  
 32 certification, by October 1 of each year, that each of the manufacturer's  
 33 vapor ~~products~~ **devices** sold in Indiana has been filed with the federal  
 34 Food and Drug Administration.
- 35 SECTION 18. IC 7.1-7-6-5, AS AMENDED BY P.L.49-2020,  
 36 SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 37 JULY 1, 2026]: Sec. 5. A person who knowingly or intentionally makes  
 38 a delivery sale of an e-liquid **or a vapor device** to an individual who  
 39 is less than twenty-one (21) years of age commits a ~~Class C~~ **Class B**  
 40 infraction.
- 41 SECTION 19. IC 7.1-8 IS ADDED TO THE INDIANA CODE AS  
 42 A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1,

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1 2026]:  
2 **ARTICLE 8. HEMP DERIVED CANNABINOID PRODUCTS**  
3 **Chapter 1. Applicability, Purpose, and Effective Date**  
4 **Sec. 1. This article is effective October 1, 2026.**  
5 **Sec. 2. (a) This article does not limit the powers or duties of the**  
6 **commission under IC 7.1-2.**  
7 **(b) This article may not be construed to restrict or limit any**  
8 **law under IC 35-48.**  
9 **Sec. 3. The purpose of this article is to promote the health and**  
10 **safety of hemp derived cannabinoid products by:**  
11 **(1) ensuring hemp derived cannabinoid products sold in**  
12 **Indiana meet federal laws and regulations;**  
13 **(2) creating a permitting scheme for hemp derived**  
14 **cannabinoid products in Indiana so that hemp derived**  
15 **cannabinoid products may be sold and have law enforcement**  
16 **oversight; and**  
17 **(3) requiring persons distributing hemp derived cannabinoid**  
18 **products in Indiana to have valid permits and to submit an**  
19 **applicable certificate of analysis to the commission.**  
20 **Sec. 4. The definitions in IC 35-48-8 apply throughout this**  
21 **chapter.**  
22 **Sec. 5. A product that purports to be a hemp derived**  
23 **cannabinoid product, but is in violation of this article, is to be**  
24 **treated as marijuana (as defined in IC 35-48-1.1-29).**  
25 **Chapter 2. Definitions**  
26 **Sec. 1. The definitions in this chapter apply throughout this**  
27 **article.**  
28 **Sec. 2. "Batch" means a specific quantity of a specific product**  
29 **containing cannabinoids derived from hemp that is:**  
30 **(1) manufactured at the same time;**  
31 **(2) manufactured using the same:**  
32 **(A) methods;**  
33 **(B) equipment; and**  
34 **(C) ingredients;**  
35 **that are uniform and intended to meet specifications for**  
36 **identity, strength, purity, and composition; and**  
37 **(3) manufactured, packaged, and labeled according to a**  
38 **single batch production record that is:**  
39 **(A) executed; and**  
40 **(B) documented.**  
41 **Sec. 3. "CBD product" means a product that contains a**  
42 **cannabidiol or cannabigerol but does not contain**

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1 tetrahydrocannabinol, any other cannabinoids, or any other  
2 controlled substances.

3 Sec. 3.5. "Container" has the meaning set forth in  
4 IC 35-48-8-2.

5 Sec. 4. (a) "Hemp derived cannabinoid product" has the  
6 meaning set forth in IC 35-48-8-4.

7 Sec. 5. "Hemp distributor" means a person who distributes  
8 hemp derived cannabinoid products and has a permit under  
9 IC 7.1-8-10.

10 Sec. 6. "Hemp manufacturer" means a person who produces  
11 hemp derived cannabinoid products and has a permit under  
12 IC 7.1-8-9.

13 Sec. 7. "Hemp retailer" means a person who sells or dispenses  
14 a hemp derived cannabinoid product and has a permit under  
15 IC 7.1-8-11.

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

18 Sec. 9. "Marijuana" has the meaning set forth in  
19 IC 35-48-1.1-29.

20 Sec. 10. "Permit holder" means a person who holds a valid  
21 permit issued under this article.

22 **Chapter 3. Commission Duties**

23 Sec. 1. The commission shall enforce and administer this  
24 article.

25 **Sec. 2. The commission shall:**

- 26 (1) issue permits under this article;  
27 (2) assess fees to permit holders;  
28 (3) approve or deny permit applications;  
29 (4) create an online data base for permit information,  
30 certificate of analysis information, and other information  
31 related to hemp derived cannabinoid products in Indiana;  
32 (5) monitor all permit holders;  
33 (6) monitor all hemp derived cannabinoid products  
34 manufactured, distributed, and retailed in Indiana;  
35 (7) test all hemp derived cannabinoid products as necessary  
36 to ensure compliance with this article;  
37 (8) train excise officers to implement and enforce this article;  
38 and  
39 (9) create an affidavit for purposes of IC 7.1-8-6-1(a).

40 Sec. 3. The commission may audit the records of a permit  
41 holder at any time to ensure compliance with:

- 42 (1) this article;



- 1           (2) rules adopted by the commission;
- 2           (3) permit requirements; and
- 3           (4) permit conditions.
- 4       **Sec. 4. (a) The commission may inspect a permit holder's:**
- 5           (1) records;
- 6           (2) property, including vehicles;
- 7           (3) hemp; and
- 8           (4) hemp derived cannabinoid products.
- 9       **(b) The commission may conduct an inspection under this**
- 10       **section independently or in cooperation with:**
- 11           (1) the state police department;
- 12           (2) a federal law enforcement agency; or
- 13           (3) a local law enforcement agency.
- 14       **Chapter 4. Prescription Drugs**
- 15       **Sec. 1. This article does not apply to the sale or possession of**
- 16       **the following:**
- 17           (1) Marinol.
- 18           (2) Syndros.
- 19           (3) Cesamet.
- 20           (4) Epidiolex.
- 21       **Sec. 2. An individual who is less than twenty-one (21) years of**
- 22       **age may purchase and possess a CBD product.**
- 23       **Chapter 5. Permit Applications**
- 24       **Sec. 1. The commission may:**
- 25           (1) consider;
- 26           (2) approve;
- 27           (3) deny; or
- 28           (4) renew;
- 29       **an application to manufacture, distribute, or sell a hemp derived**
- 30       **cannabinoid product.**
- 31       **Sec. 2. If an applicant intentionally misstates a material fact in**
- 32       **an application for a permit under this chapter, the commission**
- 33       **shall deny the application.**
- 34       **Sec. 3. (a) An application for a permit under this article must**
- 35       **include the following:**
- 36           (1) The name of the applicant.
- 37           (2) The address of the premises to which the permit will be
- 38           applicable.
- 39           (3) A nonrefundable fee of two hundred fifty dollars (\$250).
- 40           (4) The name under which the applicant transacts or intends
- 41           to transact business.
- 42           (5) The address of the applicant.

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- 1           **(6) An express statement of the applicant that the applicant**
- 2           **consents for the duration of the permit term and one (1) year**
- 3           **after the permit expires, to the entrance, inspection, and**
- 4           **search and seizure by a law enforcement officer, without a**
- 5           **warrant, of the licensed premises and vehicles to determine**
- 6           **whether the applicant is complying with this article. The**
- 7           **applicant's consent required by this section is renewed and**
- 8           **continued by the retention of a permit or its use by the**
- 9           **applicant.**
- 10          **(7) A signed statement by the applicant, under the penalties**
- 11          **of perjury, that the individual applying for the permit has**
- 12          **not been convicted, in the previous five (5) years, of:**
- 13               **(A) a federal crime having a sentence of at least one (1)**
- 14               **year;**
- 15               **(B) a Level 1, Level 2, Level 3, Level 4, or Level 5 felony**
- 16               **under Indiana law;**
- 17               **(C) a drug related Level 6 felony or misdemeanor;**
- 18               **(D) a crime in a state other than Indiana having a**
- 19               **penalty equal to the penalty for a Level 1, Level 2, Level**
- 20               **3, Level 4, or Level 5 felony; or**
- 21               **(E) a drug related felony or misdemeanor in a state**
- 22               **other than Indiana.**
- 23          **(8) A written consent for the state police department to**
- 24          **conduct a state or national criminal history background**
- 25          **check of the applicant.**
- 26          **(b) The commission shall deposit an application fee received**
- 27          **under subsection (a)(3) in the hemp derived cannabinoid products**
- 28          **fund established by IC 7.1-8-16.**
- 29          **Sec. 4. (a) Upon receipt of a permit application under this**
- 30          **chapter, the commission shall forward a copy of the application to**
- 31          **the state police department.**
- 32          **(b) The state police department shall do the following:**
- 33               **(1) Perform a state or national criminal history background**
- 34               **check of the applicant.**
- 35               **(2) Determine if the applicant was convicted, in the previous**
- 36               **five (5) years, of:**
- 37                       **(A) a federal crime having a sentence of at least one (1)**
- 38                       **year;**
- 39                       **(B) a Level 1, Level 2, Level 3, Level 4, or Level 5 felony**
- 40                       **under Indiana law;**
- 41                       **(C) a drug related Level 6 felony or misdemeanor;**
- 42                       **(D) a crime in a state other than Indiana having a**

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- 1                   penalty equal to the penalty for a Level 1, Level 2, Level
- 2                   3, Level 4, or Level 5 felony; or
- 3                   (E) a drug related felony or misdemeanor in a state
- 4                   other than Indiana.
- 5                   (3) Return the application to the commission with the state
- 6                   police department's determinations and a copy of the state or
- 7                   national criminal history background check.
- 8                   (c) The commission may assess a fee of one hundred dollars
- 9                   (\$100) on behalf of the state police department to conduct criminal
- 10                  background checks.
- 11                  (d) The commission shall review a permit application and
- 12                  criminal background check information returned from the state
- 13                  police department.
- 14                  (e) If the commission determines that all the requirements
- 15                  under this chapter have been met and that a permit should be
- 16                  granted to the applicant, the commission shall approve the
- 17                  application for issuance of a permit.
- 18                  Sec. 5. (a) The commission may not issue a permit under this
- 19                  chapter to an individual who:
- 20                    (1) is less than twenty-one (21) years of age;
- 21                    (2) is not registered with the secretary of state to do business
- 22                    in Indiana;
- 23                    (3) has or had an interest in a hemp permit, an alcohol
- 24                    permit, or a tobacco sales certificate that has been revoked
- 25                    by the commission in the previous five (5) years;
- 26                    (4) does not have lawful status (as defined in IC 9-13-2-92.3);
- 27                    (5) has been convicted within five (5) years, and the
- 28                    conviction has not been expunged under IC 35-38-9, before
- 29                    the date of application of:
- 30                      (A) a federal crime having a sentence of at least one (1)
- 31                      year;
- 32                      (B) a Level 1, Level 2, Level 3, Level 4, or Level 5 felony
- 33                      under Indiana law;
- 34                      (C) a drug related Level 6 felony or misdemeanor;
- 35                      (D) a crime in a state other than Indiana having a
- 36                      penalty equal to the penalty for a Level 1, Level 2, Level
- 37                      3, Level 4, or Level 5 felony; or
- 38                      (E) a drug related felony or misdemeanor in a state
- 39                      other than Indiana;
- 40                    (6) is non compos mentis; or
- 41                    (7) has made an application for a permit under this title that
- 42                    has been denied less than one (1) year prior to the person's

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1 application for a hemp permit unless the first application  
 2 was denied by reason of a procedural or technical defect.  
 3 (b) Subsection (a)(1) does not prevent a minor from being a  
 4 stockholder in a corporation.  
 5 Sec. 6. (a) A permit issued by the commission under this article  
 6 must contain the following information:  
 7 (1) The permit number.  
 8 (2) The permit holder's name.  
 9 (3) The name and address of the business for which the  
 10 permit is issued.  
 11 (4) The expiration date of the permit.  
 12 (b) A permit issued under this article is:  
 13 (1) valid for one (1) year after the date of issuance, unless the  
 14 commission suspends or revokes the permit; and  
 15 (2) nontransferable.  
 16 Sec. 7. The commission may adopt rules under IC 4-22-2 to  
 17 establish procedures for the issuance, renewal, reinstatement, and  
 18 maintenance of a permit under this article.  
 19 Chapter 6. Permits  
 20 Sec. 1. (a) If a permit holder sells a hemp business and permit  
 21 issued under this article, the new owner:  
 22 (1) must also file a new application for that type of hemp  
 23 permit that the previous owner held;  
 24 (2) is subject to all of the rules and regulations that applied  
 25 to the previous permit holder; and  
 26 (3) must provide the commission with proof of the sale,  
 27 including:  
 28 (A) a purchase agreement; or  
 29 (B) an affidavit signed by the applicant on the form  
 30 described in IC 7.1-8-3-2(9).  
 31 (b) The previous permit holder's permit is void after the later  
 32 of the following:  
 33 (1) The date of the sale of the business.  
 34 (2) The date of the transfer of the business.  
 35 (c) The commission may choose to not issue a permit to the  
 36 new owner if the new owner does not comply with the application  
 37 requirements of this article.  
 38 Sec. 2. (a) A separate permit is required for each location in  
 39 which a hemp derived cannabinoid product is manufactured,  
 40 distributed, or sold.  
 41 (b) A person may have multiple permits for manufacturing,  
 42 distributing, or retail selling of hemp, but a person may not have

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- both:
- (1) manufacturing and distribution permits;
- (2) manufacturing and retail permits; or
- (3) distribution and retail permits.

Sec. 3. A person who has been approved to be a hemp permit holder must conspicuously display the holder's hemp permit on the holder's premises, and keep the permit posted and displayed, as soon as the commission has approved the permit and as long as the permit is valid.

Sec. 4. The commission shall not issue more than one (1) type of permit under this article to a person.

**Chapter 7. Deposit of Permits**

Sec. 1. (a) If a permit holder is unable to immediately operate the business for which the permit was issued, the permit holder shall deposit the permit with the commission, subject to the commission's approval. The commission may approve the deposit of the permit for the following terms:

- (1) An initial term of deposit that expires twenty-four (24) months after the date of the commission's approval.
- (2) An extension of the term of deposit that expires twelve (12) months after the date the initial term of deposit under subdivision (1) expires.
- (3) An extension of the term of deposit that expires twelve (12) months after the date the initial term of deposit under subdivision (2) expires.
- (4) An extension of the term of deposit that expires twelve (12) months after the date the initial term of deposit under subdivision (3) expires.

(b) If the permit has not expired or reverted to the commission, a permit holder may withdraw a permit that is deposited with the commission and make the permit active at any time before the term of deposit expires, subject to any requirements of the commission.

Sec. 2. (a) A permit reverts to the commission if:

- (1) a term of deposit under section 1(a) of this chapter expires without the commission approving an extension of the term; and
- (2) the permit is not active.

(b) At least ninety (90) days before the date that a term of deposit expires, the commission shall provide written notice to the permit holder of the date that:

- (1) the term of deposit expires; and

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- 1                   (2) the permit will revert to the commission if:
- 2                    (A) the permit is not active; or
- 3                    (B) an extension of the term of deposit has not been
- 4                    approved by the commission.

5                   **Sec. 3. This section sets out the procedure for a permit holder**  
 6 **to request deposit of a permit or extension of a term of deposit. A**  
 7 **permit holder must do the following:**

8                   (1) **Submit the permit holder's request for deposit or an**  
 9 **extension of the term of deposit to the commission in writing.**  
 10 **A permit holder must submit a request for extension at least**  
 11 **sixty (60) days before the term of deposit expires.**

12                   (2) **To make an initial request for deposit of a permit, submit**  
 13 **documentation of the following:**

- 14                    (A) **The specific reasons why the business for which the**  
 15 **permit was issued is not immediately operational.**
- 16                    (B) **A timetable for making the business and the permit**  
 17 **active.**
- 18                    (C) **A detailed statement of the permit holder's efforts to**  
 19 **make the business operational and the permit active.**

20                   (3) **To request an extension of a term of deposit, appear at a**  
 21 **public meeting of the commission and provide to the**  
 22 **commission's satisfaction an explanation of the following:**

- 23                    (A) **The specific reasons why the business for which the**  
 24 **permit was issued is not immediately operational.**
- 25                    (B) **A timetable for making the business operational and**  
 26 **the permit active.**
- 27                    (C) **A detailed statement of the permit holder's efforts to**  
 28 **make the business operational and the permit active.**

29                   (4) **Submit to the commission any other documentation of the**  
 30 **permit holder's efforts under subdivision (3)(C), including:**

- 31                    (A) **contracts for construction or renovation of the**  
 32 **permit premises;**
- 33                    (B) **zoning applications and approvals; and**
- 34                    (C) **building permits and any other necessary**  
 35 **government approvals.**

36                   (5) **If the commission approves the permit holder's initial**  
 37 **request for deposit or request for an extension of a term of**  
 38 **deposit, pay any permit renewal fees that are due.**

39                   **Sec. 4. The commission shall send a notice by mail or**  
 40 **electronic mail to a person of:**

- 41                    (1) **the commission's approval or denial of a request for**  
 42 **deposit or extension of a term of deposit; and**

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- 1           (2) if the permit holder's request is approved:
- 2                 (A) the date that the term of deposit expires; and
- 3                 (B) any fees that are due and payable by the permit
- 4                 holder.

5           A person adversely affected by the commission's determination  
6           under this chapter may seek judicial review of the determination  
7           under IC 4-21.5.

8           **Chapter 8. Suspension, Revocation, and Reinstatement of**  
9           **Permits**

10          **Sec. 1. (a) The commission may suspend or revoke a hemp**  
11          **permit if the permit holder fails to pay a civil penalty ordered by**  
12          **the commission.**

13          **(b) Before enforcing the imposition of a civil penalty or**  
14          **suspending or revoking a hemp permit, the commission shall:**

15                 **(1) provide written notice of the alleged violation to the**  
16                 **permit holder; and**

17                 **(2) conduct a hearing.**

18          **(c) If the commission:**

19                 **(1) imposes a civil penalty; or**

20                 **(2) suspends or revokes a hemp permit;**

21          **the commission shall issue a written notice to the permit holder**  
22          **within ten (10) business days.**

23          **(d) The commission shall suspend a hemp permit for ninety**  
24          **(90) days if the commission finds by a preponderance of the**  
25          **evidence that the permit holder has committed a crime or that a**  
26          **crime was committed on the premises of the hemp permit holder.**

27          **Sec. 2. (a) If a permit has expired or been suspended under this**  
28          **article, the commission may not reinstate or renew the permit until**  
29          **the permit holder has paid all civil penalties imposed by the**  
30          **commission.**

31          **(b) The failure to pay a civil penalty described in subsection**  
32          **(a), after ninety (90) days, is a Class B infraction.**

33          **(c) If the commission has revoked a hemp permit, the**  
34          **commission may not reinstate or renew the permit until at least**  
35          **one hundred eighty (180) days after the revocation. The**  
36          **commission may reinstate an expired or revoked permit if the**  
37          **applicant demonstrates that the applicant will:**

38                 **(1) exercise due diligence on the applicant's premises; and**

39                 **(2) properly supervise and train the applicant's employees or**  
40                 **agents that will handle the hemp derived cannabinoid**  
41                 **products.**

42          **(d) If a permit is reinstated or renewed under this section, the**

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1 applicant must pay a new nonrefundable application fee of two  
2 hundred fifty dollars (\$250).

3 (e) As a condition of reinstatement of a hemp permit, the  
4 permit holder must train its employees on the laws and rules  
5 governing the proper handling of hemp derived cannabinoid  
6 products in Indiana.

7 Chapter 9. Manufacturer Permits

8 Sec. 1. (a) A person shall not manufacture a hemp derived  
9 cannabinoid product without holding a valid hemp manufacturer  
10 permit issued by the commission.

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

13 Sec. 2. (a) The commission may issue a hemp derived  
14 cannabinoid products manufacturer permit only to a person who:

15 (1) intends to manufacture hemp derived cannabinoid  
16 products;

17 (2) owns or operates a premises consisting of a permanent  
18 building or structures in which hemp derived cannabinoid  
19 products can be manufactured; and

20 (3) meets the commission's requirements for a hemp derived  
21 cannabinoid products manufacturer permit.

22 (b) The commission shall charge one thousand dollars (\$1,000)  
23 for a hemp derived cannabinoid products manufacturer permit  
24 annually. The commission shall deposit this fee in the hemp derived  
25 cannabinoid products fund established by IC 7.1-8-16.

26 (c) A hemp manufacturer may only sell hemp derived  
27 cannabinoid products to a hemp distributor permit holder.

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

30 Chapter 10. Distributor Permits

31 Sec. 1. (a) A person shall not purchase hemp derived  
32 cannabinoid products from a hemp manufacturer without holding  
33 a valid hemp distributor permit issued by the commission.

34 (b) A person shall not sell hemp derived cannabinoid products  
35 to a hemp retailer without holding a valid hemp distributor permit  
36 issued by the commission.

37 (c) A person shall not distribute hemp derived cannabinoid  
38 products without holding a valid hemp distributor permit issued by  
39 the commission.

40 Sec. 2. (a) The commission may issue a hemp distributor  
41 permit to a person who intends to distribute hemp derived  
42 cannabinoid products and meets the commission's requirements

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1 for a hemp derived cannabinoid products distributor permit.  
 2 (b) The commission shall charge seven hundred fifty dollars  
 3 (\$750) for a hemp distributor permit annually.  
 4 (c) A hemp distributor may only sell hemp derived  
 5 cannabinoid products to a hemp retail permit holder.  
 6 (d) A hemp distributor may only buy hemp derived  
 7 cannabinoid products from a hemp manufacturer permit holder.  
 8 **Chapter 11. Retail Permits**  
 9 **Sec. 1. (a)** A hemp retail permit holder under this chapter may  
 10 only purchase hemp derived cannabinoid products from a hemp  
 11 distributor holding a valid hemp distributor permit issued by the  
 12 commission.  
 13 (b) A person may only purchase hemp derived cannabinoid  
 14 products from a hemp distributor if the person holds a hemp retail  
 15 permit.  
 16 (c) A person may only sell:  
 17 (1) a hemp derived cannabinoid product; and  
 18 (2) a CBD product;  
 19 to a member of the public if the person holds a valid hemp derived  
 20 cannabinoid products retail permit issued by the commission.  
 21 **Sec. 2. (a)** The commission may issue a hemp derived  
 22 cannabinoid products retail permit to a person who:  
 23 (1) intends to sell hemp derived cannabinoid products; and  
 24 (2) meets the commission's requirements for a hemp derived  
 25 cannabinoid products retail permit.  
 26 (b) The commission shall charge five hundred fifty dollars  
 27 (\$550) for a hemp derived cannabinoid products retail permit  
 28 annually. The commission shall deposit this fee in the hemp derived  
 29 cannabinoid products fund established by IC 7.1-8-16.  
 30 **Sec. 3. (a)** It is a Class C infraction for a hemp retail permit  
 31 holder or an employee or agent of a hemp retail permit holder to  
 32 recklessly, knowingly, or intentionally sell, barter, exchange,  
 33 provide, or furnish another person who is or reasonably appears  
 34 to be less than forty (40) years of age a hemp derived cannabinoid  
 35 product without first requiring the person to produce:  
 36 (1) a driver's license;  
 37 (2) an identification card issued under IC 9-24-16-1 or a  
 38 similar card issued under the laws of another state or the  
 39 federal government; or  
 40 (3) a government issued document;  
 41 bearing the person's photograph and birth date showing that the  
 42 person is at least twenty-one (21) years of age.

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1 (b) A hemp retail permit holder does not need to request the  
2 identification of an individual to purchase a CBD product, as  
3 defined in IC 7.1-8-2-3.

4 Sec. 4. A hemp retail permit holder must pay state sales tax on  
5 all products that the retail permit holder sells.

6 Sec. 5. A hemp retail permit holder may not operate from a  
7 location that is within one thousand (1,000) feet of the perimeter of:

- 8 (1) a school;
- 9 (2) a playground;
- 10 (3) a child care center;
- 11 (4) a library; or
- 12 (5) a government owned or operated property.

13 Sec. 6. A hemp retail permit holder shall prohibit the onsite  
14 consumption of hemp derived cannabinoid products on the hemp  
15 permit holder's premises.

16 Sec. 7. A hemp retail permit holder may not deliver hemp  
17 derived cannabinoid products to any customer.

18 Sec. 8. The sale of hemp derived cannabinoid products on the  
19 Internet is expressly prohibited. Unless specifically granted  
20 authority by a statute passed by the general assembly, the  
21 commission shall not allow the operation of or authorize online sale  
22 of hemp derived cannabinoid products.

23 **Chapter 12. Carrier Permits**

24 Sec. 1. (a) The commission may issue a hemp carrier permit to  
25 a person who:

- 26 (1) intends to transport hemp or hemp derived cannabinoid  
27 products:
  - 28 (A) between a hemp grower, licensed under  
29 IC 15-15-13-7 and a hemp manufacturer;
  - 30 (B) between a hemp manufacturer and a hemp  
31 distributor;
  - 32 (C) between a hemp distributor and a hemp retailer; or
  - 33 (D) between Indiana and another state; and

34 (2) meets the commission's requirements for a hemp carrier  
35 permit.

36 (b) A person transporting industrial hemp, as defined in  
37 IC 35-48-8-5, is exempt under this article but must obtain a hemp  
38 handler permit under IC 15-15-13-7 to transport industrial hemp.

39 Sec. 2. (a) An applicant for a carrier permit under this chapter  
40 must submit to the commission the description of the applicant's  
41 vehicle including:

- 42 (1) the date of manufacture of the vehicle;

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- 1           (2) the vehicle's approximate weight;
- 2           (3) the vehicle's vehicle identification number (VIN);
- 3           (4) the vehicle's license plate number;
- 4           (5) the vehicle's capacity; and
- 5           (6) other information that the commission requires by rule.
- 6           (b) An applicant for a carrier permit under this chapter must
- 7           submit a surety bond in a penal sum of a minimum of five thousand
- 8           dollars (\$5,000), executed by the applicant and payable to the state
- 9           of Indiana, to the commission. The bond shall be conditioned that
- 10          the applicant will not violate a provision of this title, or a rule or
- 11          regulation of the commission. The commission shall duly execute
- 12          and approve the bond.
- 13          (c) A separate carrier permit is required for each vehicle that
- 14          is used to transport hemp derived cannabinoid products.
- 15          (d) The driver of the vehicle transporting hemp derived
- 16          cannabinoid products must possess the carrier permit.
- 17          (e) If a driver fails to possess a carrier permit while
- 18          transporting hemp or hemp derived cannabinoid products, a law
- 19          enforcement officer may seize, embargo, or retain any hemp
- 20          derived cannabinoid products in the vehicle.
- 21          Sec. 3. The commission shall adopt rules under IC 4-22-2 to
- 22          require an applicant for a carrier permit under this chapter to
- 23          demonstrate reliability and responsibility.
- 24          Sec. 4. (a) The commission shall charge a fee of two hundred
- 25          fifty dollars (\$250) for a hemp carrier permit annually.
- 26          (b) The commission shall deposit a fee received under
- 27          subsection (a) in the hemp derived cannabinoid products fund
- 28          established by IC 7.1-8-16.
- 29          Chapter 13. Labeling
- 30          Sec. 1. (a) A hemp manufacturer may only sell a hemp derived
- 31          cannabinoid product to a hemp distributor if the hemp derived
- 32          cannabinoid product is labeled in accordance with this chapter.
- 33          (b) A hemp distributor may only distribute a hemp derived
- 34          cannabinoid product to a hemp retailer if the hemp derived
- 35          cannabinoid product is labeled in accordance with this chapter.
- 36          (c) A hemp retailer may only sell a hemp derived cannabinoid
- 37          product to a member of the public if the container or packaging of
- 38          the hemp derived cannabinoid product contains a label that is in
- 39          accordance with this chapter.
- 40          (d) If a person violates this chapter:
- 41               (1) a law enforcement officer shall seize any improperly
- 42               labeled products; and

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- 1           (2) the commission may revoke the person's permit issued
- 2           under this article.
- 3           (e) A product seized under subsection (d)(1) is presumed to be
- 4           marijuana as defined in IC 35-48-1.1-29.
- 5           Sec. 2. (a) A label on a hemp derived cannabinoid product
- 6           must be conspicuous and include the following information:
- 7           (1) The batch number.
- 8           (2) The hemp derived cannabinoid product permit number.
- 9           (3) If at the manufacturing stage, the hemp manufacturer's
- 10          permit number.
- 11          (4) If at the distribution stage, the hemp manufacturer's and
- 12          the distributor's permit numbers.
- 13          (5) If at the retail stage, the hemp manufacturer's permit
- 14          number, the hemp distributor's permit number, and the
- 15          hemp retailer's permit number.
- 16          (6) The weight of the product.
- 17          (7) Test results from a Hemp Analytical Testing Laboratory
- 18          registered with the federal Drug Enforcement
- 19          Administration, indicating the:
- 20                (A) percentage amount of each cannabinoid strain,
- 21                including THC and cannabidiol, present in the hemp
- 22                derived cannabinoid product; and
- 23                (B) number of milligrams of each cannabinoid strain,
- 24                including THC and cannabidiol, present in the hemp
- 25                derived cannabinoid product.
- 26          (8) A QR code that links to the commission's online data base
- 27          with the certificate of analysis for the testing of the hemp
- 28          derived cannabinoid product.
- 29          (9) Except as provided in subsection (b), that the product is
- 30          legally available only to an individual who is at least
- 31          twenty-one (21) years of age.
- 32          (10) The following statement: "THE STATE OF INDIANA
- 33          HEALTH WARNING: Hemp derived cannabinoid products
- 34          can be addictive and impair an individual's ability to drive
- 35          a motor vehicle or operate heavy machinery. Smoking can
- 36          lead to an increased risk for cancer, tachycardia,
- 37          hypertension, heart attack, and lung infection. These
- 38          products may also affect the health of a pregnant woman and
- 39          the unborn child. KEEP OUT OF THE REACH OF
- 40          CHILDREN."
- 41          (b) Subsection (a)(9) does not apply to CBD products, as
- 42          defined in IC 7.1-8-2-3.

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1           **Chapter 14. Containers**

2           **Sec. 1. As used in this chapter, "container" has the meaning**  
 3 **set forth in IC 35-48-8-2.**

4           **Sec. 2. A person may not manufacture, sell, or distribute a**  
 5 **hemp derived cannabinoid product unless the product is contained**  
 6 **in child resistant packaging.**

7           **Sec. 3. (a) If the commission discovers any hemp derived**  
 8 **cannabinoid product sold or distributed in violation of this article,**  
 9 **the commission may seize and take possession of the product. The**  
 10 **commission shall destroy all products seized under this subsection.**

11           **(b) The commission may impose a civil penalty on any person**  
 12 **who sells or distributes a hemp derived cannabinoid product in**  
 13 **violation of this article. However, the civil penalty may not exceed**  
 14 **the greater of:**

15           **(1) five hundred percent (500%) of the retail value of the**  
 16 **product sold or distributed in violation of this chapter; or**

17           **(2) five thousand dollars (\$5,000).**

18           **Chapter 15. Laboratories**

19           **Sec. 1. (a) The state police department shall publish on the**  
 20 **department's website the list of Hemp Analytical Testing**  
 21 **Laboratories registered with the federal Drug Enforcement**  
 22 **Administration licensed to test hemp for THC concentration in**  
 23 **Indiana.**

24           **(b) The commission shall notify the state police department if**  
 25 **a laboratory listed under subsection (a) has failed to comply with**  
 26 **this article.**

27           **(c) The state police department shall delete a laboratory from**  
 28 **the list described in subsection (a) after receiving a notification**  
 29 **under subsection (b).**

30           **Sec. 2. A hemp manufacturer must test each hemp derived**  
 31 **cannabinoid product that the hemp manufacturer produces at a**  
 32 **Hemp Analytical Testing Laboratory registered with the federal**  
 33 **Drug Enforcement Administration and listed on the state police**  
 34 **department's website.**

35           **Sec. 3. A hemp manufacturer must submit the following to the**  
 36 **commission:**

37           **(1) The certificate of analysis for each product tested by a**  
 38 **laboratory under section 2 of this chapter.**

39           **(2) The name of the laboratory that tested the product.**

40           **(3) The license number of the laboratory that tested the**  
 41 **product.**

42           **(4) A draft of a label that complies with IC 7.1-8-13.**

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- 1 (5) The address of the hemp manufacturer.
- 2 (6) The percentage of every cannabinoid contained in the
- 3 product.
- 4 (7) The terpenoid type and concentration used.
- 5 (8) The residual solvents and processing chemicals used.
- 6 (9) Any residual pesticides used.
- 7 (10) Any heavy metals contained the product.
- 8 (11) Any microbial impurities in the product.
- 9 (12) Any mycotoxins present in the product.
- 10 (13) Any water activity.
- 11 (14) Any yeast and mold in the product.
- 12 (15) A statement indicating whether vitamin E acetate is in
- 13 the product.
- 14 (16) The hemp grower's license number.

15 **Sec. 4. The commission shall publish information compiled**  
 16 **under section 3 of this chapter in the commission's data base for**  
 17 **hemp derived cannabinoid products and post this information on**  
 18 **the commission's website.**

19 **Sec. 5. (a) A hemp manufacturer, a hemp distributor, or a**  
 20 **hemp retailer may not sell a hemp derived cannabinoid product**  
 21 **that is not properly tested under section 2 of this chapter.**

22 **(b) A person who knowingly or intentionally falsifies or alters**  
 23 **a certificate of analysis is subject to criminal prosecution under**  
 24 **IC 35-43-5-4.**

25 **(c) A hemp derived cannabinoid product with a falsified or**  
 26 **altered certificate of analysis is to be considered marijuana (as**  
 27 **defined in IC 35-48-1.1-29).**

28 **Sec. 6. (a) A laboratory testing hemp under this chapter must**  
 29 **submit to the hemp manufacturer each certificate of analysis that**  
 30 **it performs.**

31 **(b) The commission shall adopt rules under IC 4-22-2 to**  
 32 **implement this chapter.**

33 **Chapter 16. Hemp Derived Cannabinoid Products Fund**

34 **Sec. 1. (a) The hemp derived cannabinoid products fund is**  
 35 **established as a dedicated fund administered by the state budget**  
 36 **agency.**

37 **(b) All money received by the commission for deposit in the**  
 38 **hemp derived cannabinoid products fund shall be deposited in the**  
 39 **fund.**

- 40 **(c) The commission shall deposit in the fund all:**
- 41 **(1) fees for permits received under this article; and**
- 42 **(2) application fees received under this article.**

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1 (d) No portion of the fund shall revert to the state general fund  
2 at the end of a state fiscal year. However, if the fund is abolished,  
3 its contents shall revert to the state general fund.

4 (e) All money accruing in the fund is continuously  
5 appropriated for the purposes in this chapter.

6 Sec. 2. In each state fiscal year, the prior state fiscal year  
7 collections accrued to the fund shall be used by the commission as  
8 follows:

9 (1) Seventy percent (70%) by the commission for the  
10 administration of the purposes of this article.

11 (2) Twenty percent (20%) pursuant to the hemp derived  
12 products law enforcement program as described in section 3  
13 of this chapter.

14 (3) Five percent (5%) to the division of mental health and  
15 addiction to provide funding for the 988 suicide and crisis  
16 hotline.

17 (4) Five percent (5%) to the state general fund.

18 Sec. 3. (a) The hemp derived cannabinoid products law  
19 enforcement program is established and shall be administered by  
20 the commission.

21 (b) The state budget agency may distribute funds as part of the  
22 hemp derived cannabinoid products law enforcement program as  
23 follows:

24 (1) To the state police department for the following:

25 (A) Funding ARIDE training at the Indiana state police  
26 department academy.

27 (B) Purchasing oral fluid testing material for roadside  
28 hemp and cannabis testing.

29 (C) The destruction of confiscated or illegal hemp  
30 derived cannabinoid products.

31 (D) Funding other items necessary to enforce this  
32 article.

33 (2) To local law enforcement agencies for oral fluid testing  
34 material for roadside hemp and cannabis testing.

35 (3) To prosecuting attorneys for the following:

36 (A) Training programs.

37 (B) Legal and court costs associated with the  
38 prosecution of violations related to hemp derived  
39 cannabinoid products or marijuana.

40 (C) Other items necessary to enforce this article.

41 Chapter 17. Advertising

42 Sec. 1. (a) A permit holder under this article shall not engage

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1 in any advertising of hemp derived cannabinoid products or a  
2 business that sells hemp derived cannabinoid products that:

- 3 (1) is false or misleading;  
4 (2) promotes overconsumption of hemp derived cannabinoid  
5 products;  
6 (3) depicts actual consumption of hemp derived cannabinoid  
7 products;  
8 (4) depicts a person less than twenty-one (21) years of age;  
9 (5) makes any health, medical, or therapeutic claims about  
10 cannabis or hemp derived cannabinoid products;  
11 (6) uses the image of a cannabis leaf or bud;  
12 (7) includes any image designed or likely to appeal to minors;  
13 (8) uses items such as toys or inflatables, movie or cartoon  
14 characters, or any other depiction or image likely to be  
15 appealing to children, if the item, image, or depiction  
16 suggests an intent to cause children to become interested in  
17 the purchase or consumption of hemp derived cannabinoid  
18 products; or  
19 (9) uses or employs a commercial mascot outside of, and in  
20 proximity to, a permitted business.

21 (b) A permit holder shall not place or pay for any advertising  
22 of hemp derived cannabinoid products or a business that sells  
23 hemp derived cannabinoid products within one thousand (1,000)  
24 feet of the perimeter of:

- 25 (1) a school;  
26 (2) a playground;  
27 (3) a child care center;  
28 (4) a library; or  
29 (5) a government owned or government operated property.

30 (c) A permit holder shall not place or pay for any advertising  
31 of hemp derived cannabinoid products or a business that sells  
32 hemp derived cannabinoid products:

- 33 (1) on or in a private vehicle;  
34 (2) on or in a public transit vehicle;  
35 (3) at a public transit shelter;  
36 (4) at a bus stop;  
37 (5) at a taxi stand;  
38 (6) in a train station; or  
39 (7) in an airport.

40 (d) The commission may assess a penalty of two thousand  
41 dollars (\$2,000) per day for a violation under this chapter.

42 Chapter 18. Product Testing

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- 1           **Sec. 1. The commission may do spot testing of hemp derived**
- 2           **cannabinoid products to ensure compliance with this article.**
- 3           **Sec. 2. (a) If the commission tests a hemp derived cannabinoid**
- 4           **product that:**
  - 5           **(1) was manufactured, distributed, or sold by a permit**
  - 6           **holder; or**
  - 7           **(2) is for sale by a permit holder;**
- 8           **the permit holder shall pay the commissioner two hundred fifty**
- 9           **dollars (\$250) for each test.**
- 10           **(b) The commission shall adopt rules under IC 4-22-2**
- 11           **concerning the recall of hemp derived cannabinoid products due**
- 12           **to:**
  - 13           **(1) improper or false labeling; or**
  - 14           **(2) health and safety concerns.**
- 15           **(c) The commission may adopt a rule under IC 4-22-2 to**
- 16           **increase the fee described in subsection (a) if the testing costs**
- 17           **exceed the fee.**
- 18           **Chapter 19. Enforcement Actions**
- 19           **Sec. 1. If the commission, the state police department, a federal**
- 20           **law enforcement agency, or a local law enforcement agency finds**
- 21           **that a permit holder possesses a product that purports to be a**
- 22           **hemp derived cannabinoid product and does not meet the**
- 23           **requirements of this article, the product is considered to be**
- 24           **marijuana (as defined in IC 35-48-1.1-29). The commission, state**
- 25           **police department, federal law enforcement agency, or local law**
- 26           **enforcement agency may:**
  - 27           **(1) detain, seize, or embargo the product;**
  - 28           **(2) seize the building containing the product; and**
  - 29           **(3) seize the vehicle used to transport or store the product.**
- 30           **Chapter 20. Crimes**
- 31           **Sec. 1. (a) A person who knowingly or intentionally**
- 32           **transports hemp derived cannabinoid products:**
  - 33           **(1) between a hemp manufacturer and a hemp distributor;**
  - 34           **or**
  - 35           **(2) between a hemp distributor and a hemp retailer;**
- 36           **without holding a valid hemp derived cannabinoid products carrier**
- 37           **permit commits a Class B misdemeanor.**
- 38           **(b) A person who knowingly or intentionally transports a**
- 39           **hemp derived cannabinoid product into or through Indiana that**
- 40           **was manufactured outside of Indiana commits a Class A**
- 41           **misdemeanor.**
- 42           **(c) The commission may revoke the person's hemp carrier**

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permit for violating this section.

**Sec. 2. A law enforcement agency may seize hemp or hemp derived cannabinoid products that are being transported in violation of this article.**

**Sec. 3. (a) It is unlawful for a person to possess an article, instrument, imitation, or counterfeit of a permit issued under this article, other than a permit lawfully issued to the person and which the person is lawfully entitled to possess.**

**(b) It is unlawful for a person to display an imitation or counterfeit of a permit issued under this article for the purpose of defrauding the state of the payment of a tax or permit fee imposed by this title.**

**(c) A person who knowingly or intentionally violates subsection (a) or (b) commits a Class A misdemeanor. However, the offense is a Level 6 felony after the first offense.**

**Sec. 4. A person who knowingly or intentionally sells or offers to sell a hemp derived cannabinoid product over the Internet or by delivery commits a Class A misdemeanor.**

**Sec. 5. A person who knowingly or intentionally sells a hemp derived cannabinoid product that has been recalled under IC 7.1-8-18 commits a Class B misdemeanor.**

**Sec. 6. A person who knowingly or intentionally violates this article commits a deceptive act that is actionable by the attorney general under IC 24-5-0.5 and is subject to the penalties listed in IC 24-5-0.5.**

SECTION 20. IC 9-13-2-86, AS AMENDED BY P.L.186-2025, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 86. "Intoxicated" means under the influence of:

- (1) alcohol;
- (2) a controlled substance (as defined in IC 35-48-1.1);
- (3) a drug other than alcohol or a controlled substance;
- (4) a substance described in IC 35-46-6-2 or IC 35-46-6-3;
- (5) ~~a combination of substances described in subdivisions (1) through (4);~~ **any amount of tetrahydrocannabinol; or**
- (6) any other substance, not including food and food ingredients (as defined in IC 6-2.5-1-20), tobacco (as defined in IC 6-2.5-1-28), or a dietary supplement (as defined in IC 6-2.5-1-16); **or**
- (7) **any combination of substances listed in subdivisions (1) through (6);**

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

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1 SECTION 21. IC 9-13-2-160.5 IS ADDED TO THE INDIANA  
 2 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 2026]: **Sec. 160.5. "Schedule I drug", for**  
 4 **purposes of this title, includes marijuana (as defined in**  
 5 **IC 35-48-1.1-29), hemp (as defined in IC 35-48-8-3), and**  
 6 **tetrahydrocannabinol (as defined in IC 7.1-1-3-46.5).**

7 SECTION 22. IC 15-15-13-0.5, AS ADDED BY P.L.165-2014,  
 8 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 9 JULY 1, 2026]: Sec. 0.5. (a) The state seed commissioner shall  
 10 administer this chapter.

11 (b) **The state seed commissioner shall share information**  
 12 **regarding the hemp program established under this chapter with**  
 13 **the state police department.**

14 (c) **The state seed commissioner shall report and provide to the**  
 15 **United States Secretary of Agriculture required information under**  
 16 **7 CFR 990.7 within thirty (30) days of the information being**  
 17 **received.**

18 SECTION 23. IC 15-15-13-1, AS AMENDED BY P.L.190-2019,  
 19 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 20 JULY 1, 2026]: Sec. 1. (a) Nothing in this chapter authorizes any  
 21 person to violate any federal law or regulation.

22 (b) **Any state hemp grow programs may not operate above**  
 23 **federal restrictions or limitations.**

24 (b) (c) **Nothing in this chapter authorizes the state seed**  
 25 **commissioner to regulate a hemp product or a hemp derived**  
 26 **cannabinoid product under IC 7.1-8.**

27 SECTION 24. IC 15-15-13-3, AS AMENDED BY P.L.190-2019,  
 28 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JULY 1, 2026]: Sec. 3. As used in this chapter, "crop" means any hemp  
 30 grown under a ~~single~~ **hemp grower's license issued under this**  
 31 **chapter.**

32 SECTION 25. IC 15-15-13-3.5 IS ADDED TO THE INDIANA  
 33 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 34 [EFFECTIVE JULY 1, 2026]: **Sec. 3.5. "Grow site" means any place**  
 35 **or location, either indoors or outdoors, where a hemp crop is**  
 36 **legally grown.**

37 SECTION 26. IC 15-15-13-4, AS AMENDED BY P.L.190-2019,  
 38 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 39 JULY 1, 2026]: Sec. 4. As used in this chapter, "grower" means:

- 40 (1) an individual, a partnership, a company, or a corporation that  
 41 **produces grows** hemp; ~~for commercial purposes~~; or  
 42 (2) a person, as part of a hemp research program conducted by

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1 a state educational institution (as defined by IC 21-7-13-32).  
2 SECTION 27. IC 15-15-13-5, AS AMENDED BY P.L.190-2019,  
3 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2026]: Sec. 5. (a) As used in this chapter, "handler" means an  
5 individual, a partnership, a company, or a corporation that receives  
6 **industrial** hemp for scientific research, or for processing ~~into~~  
7 **agricultural** commodities, **industrial** hemp, ~~products~~; or agricultural  
8 hemp seed.

9 (b) **The term does not include a person processing or handling**  
10 **hemp derived cannabinoid products under IC 7.1-8.**

11 SECTION 28. IC 15-15-13-6, AS AMENDED BY P.L.190-2019,  
12 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2026]: Sec. 6. As used in this chapter, "hemp" ~~means the plant~~  
14 ~~Cannabis sativa L. and any part of that plant, including the seeds~~  
15 ~~thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts,~~  
16 ~~and salts of isomers, whether growing or not, with a~~  
17 ~~delta-9-tetrahydrocannabinol concentration of not more than~~  
18 ~~three-tenths of one percent (0.3%) on a dry weight basis, for any part~~  
19 ~~of the Cannabis sativa L. plant. has the meaning set forth in~~  
20 **IC 35-48-8-3.**

21 SECTION 29. IC 15-15-13-6.3 IS ADDED TO THE INDIANA  
22 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
23 [EFFECTIVE JULY 1, 2026]: Sec. 6.3. As used in this chapter,  
24 **"remediate" means the process of rendering noncompliant hemp**  
25 **compliant by:**

- 26 (1) **removing and destroying flower material, while retaining**  
27 **stalk, stems, leaf material, and seeds; or**
- 28 (2) **shredding the entire plant into a biomass like material,**  
29 **then retesting the shredded biomass material for compliance.**

30 SECTION 30. IC 15-15-13-6.5, AS AMENDED BY  
31 P.L.186-2025, SECTION 104, IS AMENDED TO READ AS  
32 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 6.5. As used in this  
33 chapter, "hemp **derived cannabinoid product**" ~~means a product~~  
34 ~~derived from; or made by; processing hemp plants or plant parts~~  
35 ~~including derivatives, extracts, cannabinoids, isomers, acids, salts, and~~  
36 ~~salts of isomers. However, the term does not include:~~

- 37 (1) ~~smokable hemp (as defined by IC 35-48-1.1-38); or~~
- 38 (2) ~~products that contain a total delta-9-tetrahydrocannabinol~~  
39 ~~concentration of more than three-tenths of one percent (0.3%) by~~  
40 ~~weight. has the meaning set forth in IC 35-48-8-4.~~

41 SECTION 31. IC 15-15-13-6.6 IS ADDED TO THE INDIANA  
42 CODE AS A **NEW** SECTION TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2026]: **Sec. 6.6. As used in this chapter,**  
 2 **"industrial hemp" has the meaning set forth in IC 35-48-8-5.**

3 SECTION 32. IC 15-15-13-6.7 IS ADDED TO THE INDIANA  
 4 CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
 5 [EFFECTIVE JULY 1, 2026]: **Sec. 6.7. As used in this chapter,**  
 6 **"industrial hemp production site" means a location where**  
 7 **industrial hemp may be processed, stored, staged, delivered, or**  
 8 **received.**

9 SECTION 33. IC 15-15-13-6.8 IS ADDED TO THE INDIANA  
 10 CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
 11 [EFFECTIVE JULY 1, 2026]: **Sec. 6.8. As used in this chapter,**  
 12 **"licensee" means a person who is licensed by the state seed**  
 13 **commissioner under this chapter including:**

- 14 (1) a grower;  
 15 (2) a handler; or  
 16 (3) a grower and a handler.

17 SECTION 34. IC 15-15-13-6.9 IS ADDED TO THE INDIANA  
 18 CODE AS A **NEW SECTION TO READ AS FOLLOWS**  
 19 [EFFECTIVE JULY 1, 2026]: **Sec. 6.9. As used in this chapter, "lot"**  
 20 **means a contiguous area in a field, greenhouse, or indoor growing**  
 21 **structure containing the same variety or strain of cannabis**  
 22 **throughout the area.**

23 SECTION 35. IC 15-15-13-7, AS AMENDED BY P.L.190-2019,  
 24 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2026]: **Sec. 7. (a) Subject to section 15 of this chapter, the**  
 26 **production of, possession of, scientific study of, and commerce in hemp**  
 27 **and industrial hemp is authorized in Indiana. Hemp is subject to**  
 28 **regulation by the state seed commissioner. The state seed**  
 29 **commissioner shall adopt rules to oversee the licensing, production,**  
 30 **and management of:**

- 31 (1) ~~hemp; and~~  
 32 (2) ~~agricultural hemp seed.~~ **implement this chapter.**

33 (b) All growers and handlers of **industrial hemp** must have a  
 34 hemp license issued by the state seed commissioner. Growers and  
 35 handlers engaged in the production of agricultural hemp seed must also  
 36 have ~~an agricultural a hemp seed production grower's~~ **A**  
 37 **contract grower, hemp cooperative, or a similar entity to a**  
 38 **contract grower or hemp cooperative must be licensed to grow**  
 39 **hemp or to handle industrial hemp.**

40 (c) **The state seed commissioner may issue the following hemp**  
 41 **licenses:**

- 42 (1) **A hemp grower's license, to a person who conducts the**

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- 1 activities of a grower including farming or propagating of  
2 hemp.
- 3 (2) A hemp handler's license, to a person who transports  
4 industrial hemp, in any quantity, stage, and for any purpose.
- 5 (d) A hemp handler is exempt from having to obtain a carrier  
6 permit under IC 7.1-8-12.
- 7 (e) The state seed commissioner may issue both licenses listed  
8 under subsection (c) to the same person. The possession of one (1)  
9 license does not mean a person possesses the other license.
- 10 (f) A hemp grower's or hemp handler's license does not allow  
11 the person holding the license to produce hemp derived  
12 cannabinoid products under IC 7.1-8.
- 13 (e) (g) An application for a hemp license or agricultural hemp seed  
14 production license **under this chapter** must include the following:
- 15 (1) The name and address of the applicant.
- 16 (2) The name and address of the hemp operation business of the  
17 applicant.
- 18 (3) The global positioning system coordinates, **including the**  
19 **geospatial decimal format**, and legal description of the property  
20 used for the hemp operation: **following:**
- 21 (A) Site by field.
- 22 (B) Storage site.
- 23 (C) Receiving site.
- 24 (D) Staging site.
- 25 (E) Sites similar to the sites listed in clauses (A) through  
26 (D).
- 27 (4) If the hemp license or agricultural hemp seed production  
28 license application is made by a grower, the acreage size of the  
29 field where the hemp will be grown.
- 30 (5) A statement signed by the applicant, under penalty of perjury,  
31 that the person applying for the hemp license or agricultural  
32 hemp seed production license has not been convicted, of a drug  
33 related felony or misdemeanor in the previous ten (10) within  
34 five (5) years of the application date, of:
- 35 (A) a federal crime having a sentence of at least one (1)  
36 year;
- 37 (B) a felony drug related misdemeanor under Indiana  
38 law; or
- 39 (C) a crime in a state other than Indiana having a  
40 penalty equal to the penalty for a felony;
- 41 for which the applicant's conviction has not been expunged  
42 under IC 35-38-9.

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- 1 (6) A written consent allowing the state police department to  
 2 conduct a state or national criminal history background check.
- 3 (7) A written consent **that the applicant expressly consents for**  
 4 **a one (1) year duration and for an additional one (1) year**  
 5 **after the applicant's permit expires** allowing to allow the state  
 6 police department, the state seed commissioner, or the state seed  
 7 commissioner's authorized representative, ~~if a license is issued~~  
 8 ~~to the applicant~~, **upon the issuance of a license to the**  
 9 **applicant**, to conduct aerial inspections and to enter the  
 10 premises on which the hemp is grown to conduct physical  
 11 inspections of hemp planted and grown by the applicant, and to  
 12 ensure the plants meet the definition of hemp as set forth in  
 13 section 6 of this chapter.
- 14 ~~(8) A nonrefundable application fee; which must include the~~  
 15 ~~amount necessary to conduct a state or national criminal history~~  
 16 ~~background check; in an amount determined by the state seed~~  
 17 ~~commissioner.~~
- 18 **(8) An attestation and declaration that the applicant will use**  
 19 **a Hemp Analytical Testing Laboratory registered with the**  
 20 **United States Drug Enforcement Administration to conduct**  
 21 **analytical testing for total THC.**
- 22 **(9) A crop testing plan that includes:**
- 23 (A) regular monitoring by the grower or receiving  
 24 handler of the crop during growth; and
- 25 (B) a plan to take the crop down if the crop trends in  
 26 exceedance of the acceptable THC level.
- 27 **(10) The intended purpose of growing the crop, including for,**  
 28 **but not limited to:**
- 29 (A) CBD;  
 30 (B) fiber;  
 31 (C) grain;  
 32 (D) oil; or  
 33 (E) hemp derived cannabinoid products.
- 34 **(11) The variety or strain of Cannabis sativa L. to be grown.**
- 35 **(12) A crop monitoring plan to comply with state and federal**  
 36 **law to avoid exceeding three-tenths of one percent (0.3%)**  
 37 **total THC.**
- 38 **(13) The annual harvest and disposal report on a form**  
 39 **created and provided by the state seed commissioner.**
- 40 **(14) If the applicant is growing hemp for a research purpose,**  
 41 **the applicant must include a research proposal of adequate**  
 42 **verbiage to clearly explain the intent of the research and the**

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1 anticipated outcome.

2 (15) If the applicant is growing industrial hemp, the  
3 applicant must include the location of the industrial hemp  
4 production site including the county and geospatial location  
5 coordinates in decimal format.

6 ~~(9)~~ (16) Any other information required by the state seed  
7 commissioner.

8 (h) Except as provided in subsection (g), a business making an  
9 application for a hemp license must also identify the key  
10 individuals in the business including:

11 (1) a sole proprietor;

12 (2) a partner in partnership; and

13 (3) an individual with executive managerial control in the  
14 business or corporation including a:

15 (A) chief executive officer;

16 (B) chief operating officer; or

17 (C) a chief financial officer.

18 (i) An individual described in subsection (h) must also submit  
19 a criminal background check.

20 (j) A key individual does not include nonexecutive managers  
21 including farm, field, or shift managers.

22 (k) If an applicant fails to provide a report under subsection  
23 (g)(13), the state seed commissioner shall deny the applicant's  
24 request for a license renewal.

25 (l) The state seed commissioner shall assess a nonrefundable  
26 fee of five hundred dollars (\$500) for an applicant.

27 (m) The state seed commissioner may assess a fee of one  
28 hundred dollars (\$100), on behalf of the state police department, to  
29 conduct criminal background checks on an applicant.

30 SECTION 36. IC 15-15-13-7.5 IS ADDED TO THE INDIANA  
31 CODE AS A NEW SECTION TO READ AS FOLLOWS  
32 [EFFECTIVE JULY 1, 2026]: Sec. 7.5. The state seed commissioner  
33 may not issue a license under this chapter to an individual who:

34 (1) does not provide the required information under section  
35 7 of this chapter;

36 (2) is less than twenty-one (21) years of age;

37 (3) is not registered with the secretary of state to do business  
38 in Indiana;

39 (4) does not have lawful status, as defined in IC 9-13-2-92.3;

40 (5) has been convicted within five (5) years of the application  
41 date of:

42 (A) a federal crime having a sentence of at least one (1)

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1 year;  
 2 (B) a felony or a drug related misdemeanor under  
 3 Indiana law; or  
 4 (C) a crime in a state other than Indiana having a  
 5 penalty equal to the penalty for a felony;  
 6 and the conviction has not been expunged under IC 35-38-9;  
 7 or  
 8 (6) is non compos mentis.

9 SECTION 37. IC 15-15-13-7.6 IS ADDED TO THE INDIANA  
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 11 [EFFECTIVE JULY 1, 2026]: Sec. 7.6. (a) A licensee shall ensure  
 12 that their employees, volunteers, family members, or others  
 13 servicing a hemp production site, and subject to the management  
 14 of the licensee, comply with the requirements of Indiana law.

15 (b) A licensee may not conduct any hemp activity on property  
 16 owned by, leased from, or previously submitted in a hemp  
 17 application by any person if the state seed commissioner denied the  
 18 person's hemp license application or revoked the person's hemp  
 19 license for any of the following reasons:  
 20 (1) The failure to obtain a criminal background check.  
 21 (2) The failure to comply with an order from the state seed  
 22 commissioner.

23 (c) A licensee must report hemp crop acreage to the Farm  
 24 Services Agency (FSA) and to the Agricultural Marketing Service,  
 25 including the following:  
 26 (1) Street address, if available, and geospatial location for  
 27 each production or grow site where hemp will be grown or  
 28 handled.  
 29 (2) Outdoor acreage or indoor square footage dedicated to  
 30 the growing of hemp.  
 31 (3) License number of the grower.  
 32 (4) The purpose of the crop as fiber, grain, CBD, or another  
 33 specified use.

34 (d) A grower who is aware that a hemp crop grown under  
 35 their license exceeds the acceptable hemp THC level, whether  
 36 notified by the state seed commissioner or not, must:  
 37 (1) secure the crop;  
 38 (2) harvest the crop within thirty (30) days of sampling;  
 39 (3) transport the crop to a state seed commissioner approved  
 40 Indiana reverse distributor;  
 41 (4) remediate the crop under the direction and supervision of  
 42 the state seed commissioner's office;

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1 (5) dispose of the crop in a designated site in a manner that  
2 complies with local and state burn laws; and

3 (6) verify the disposal of the crop with the state seed  
4 commissioner.

5 (e) If a grower remediates a crop under this section, the  
6 grower must have the crop tested for THC concentration levels and  
7 send the results to the state seed commissioner. A crop may only  
8 enter the stream of commerce if the hemp is below the acceptable  
9 THC concentration levels.

10 (f) A grower must report to the state seed commissioner if the  
11 purpose of the crop changes, or if a different varietal is used, ten  
12 (10) days after the receipt of seed or clones.

13 SECTION 38. IC 15-15-13-8, AS AMENDED BY P.L.156-2020,  
14 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
15 JULY 1, 2026]: Sec. 8. (a) Each license application received under this  
16 chapter must be processed as follows:

17 ~~(1)~~ (a) Upon receipt of a license application, the state seed  
18 commissioner shall do one ~~(1)~~ of the following:

19 ~~(A)~~ forward a copy of the application to the state police  
20 department. The state police department shall do the following:

21 ~~(i)~~ (1) Perform a state or national criminal history background  
22 check of the applicant.

23 ~~(ii)~~ (2) Determine if the requirements under section ~~7(c)(5)~~  
24 ~~7(g)(5)~~ of this chapter concerning prior criminal convictions  
25 have been met.

26 ~~(iii)~~ (3) Return the application to the state seed commissioner  
27 along with the state police department's determinations and a  
28 copy of the state or national criminal history background check.

29 ~~(B)~~ Do the following:

30 ~~(i)~~ Perform a state or national criminal history  
31 background check of the applicant under the same  
32 standards as the state police department would  
33 perform.

34 ~~(ii)~~ Determine if the requirements under section ~~7(c)(5)~~  
35 of this chapter concerning prior criminal convictions  
36 have been met.

37 ~~(2)~~ (b) The state seed commissioner shall review the license  
38 application and the criminal history background check.

39 ~~(b)~~ (c) If the state seed commissioner determines that all the  
40 requirements under this chapter have been met and that a license  
41 should be granted to the applicant, the state seed commissioner shall  
42 approve the application for issuance of a license.

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1 (d) **The state seed commissioner must approve an application**  
2 **before an applicant can conduct any hemp activity.**

3 (e) ~~(e) A hemp license or agricultural hemp seed production~~  
4 **license under this chapter** expires on December 31 of the year for  
5 which the license was issued, unless revoked. ~~A hemp license or~~  
6 **agricultural hemp seed production license may be renewed in**  
7 **accordance with rules adopted by the state seed commissioner and is**  
8 **nontransferable.**

9 (f) **A license is nontransferable.**

10 (g) **A license may be renewed annually.**

11 SECTION 39. IC 15-15-13-9, AS AMENDED BY P.L.190-2019,  
12 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
13 JULY 1, 2026]: Sec. 9. (a) ~~An agricultural hemp seed production~~  
14 **license issued under this chapter authorizes a grower or handler to**  
15 **produce and handle agricultural hemp seed for sale to licensed hemp**  
16 **growers and handlers. A seller of agricultural hemp seed shall ensure**  
17 **that the seed complies with any standards set by the state seed**  
18 **commissioner. The state seed commissioner shall make available to**  
19 **growers information that identifies sellers of agricultural hemp seed.**

20 (b) ~~(a) A person who sells agricultural hemp seed to a grower must~~  
21 **be a seed distributor who has a permit under IC 15-15-1-34.**

22 (c) ~~(b) All growers and handlers must keep All records in~~  
23 **accordance with rules adopted by the state seed commissioner. related**  
24 **to hemp, industrial hemp, and agricultural hemp seed must be**  
25 **retained by the state seed commissioner, an applicant, and a**  
26 **licensee for at least five (5) years.** Upon at least three (3) days notice,  
27 the state seed commissioner may audit the required records during  
28 normal business hours. The state seed commissioner may conduct an  
29 **audit periodic audits on a licensee** for the purpose of ensuring  
30 compliance with:

- 31 (1) this chapter;
- 32 (2) rules adopted by the state seed commissioner; or
- 33 (3) hemp license or agricultural hemp seed production license
- 34 requirements, terms, and conditions.

35 (d) ~~In addition to an audit conducted in accordance with~~  
36 **subsection (c);** The state seed commissioner may inspect  
37 independently, or in cooperation with the state police department, a  
38 federal law enforcement agency, or a local law enforcement agency,  
39 any hemp crop during the crop's growth phase and take a representative  
40 composite sample for field analysis. If a crop contains an average  
41 ~~delta-9-tetrahydrocannabinol~~ **total tetrahydrocannabinol (THC)**  
42 **concentration exceeding three-tenths of one percent (0.3%) on a dry**

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1 weight basis, the state seed commissioner may detain, seize, or  
2 embargo the crop.

3 (e) The state seed commissioner may revoke a license issued under  
4 this chapter to a person that fails to cooperate with:

5 (1) the state seed commissioner;

6 (2) the state police;

7 (3) a federal law enforcement agency; ~~or~~

8 (4) a local law enforcement agency; ~~or~~

9 **(5) a person making an official inspection or taking of a  
10 sample of a hemp crop during the crop's growth phase.**

11 ~~in an inspection, or in the taking of a sample, under subsection (d)-~~

12 **(f) The state seed commissioner may revoke the license of a  
13 licensee that grows, sells, or distributes hemp for the following:**

14 **(1) The licensee has not:**

15 **(A) complied with the requirements under this chapter;**

16 **or**

17 **(B) submitted reports required by the state seed  
18 commissioner.**

19 **(2) The licensee falsified information.**

20 **(3) The licensee failed to follow labeling requirements.**

21 **(4) The licensee is convicted of violating any Indiana law.**

22 **(g) If the state seed commissioner revokes a license, the state  
23 seed commissioner shall issue a letter within ten (10) business days  
24 to the licensee concerning the revocation.**

25 ~~(f)~~ **(h)** A failure to cooperate described in subsection (e)  
26 constitutes probable cause for the state seed commissioner, state police,  
27 federal law enforcement agency, or local law enforcement agency to  
28 search the premises of the licensee's hemp operation.

29 ~~(g)~~ **(i)** If the state police department, a federal law enforcement  
30 agency, or a local law enforcement agency cooperates with the state  
31 seed commissioner in the detention, seizure, or embargo of a crop  
32 under this section:

33 (1) the state police department, federal law enforcement agency,  
34 or local law enforcement agency; and

35 (2) any officer or employee of the state police department,  
36 federal law enforcement agency, or local law enforcement  
37 agency who is involved in the detention, seizure, or embargo;

38 is immune from civil liability for the detention, seizure, or embargo.

39 ~~(h)~~ **(j)** The state seed commissioner may order a hemp crop that is  
40 detained, seized, or embargoed for noncompliance with this chapter to  
41 be destroyed by the owner. However, except as prohibited by federal  
42 law, the grower may appeal to the state seed commissioner for the

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1 hemp crop to be diverted to a willing licensed processor for processing  
2 and sale for industrial use. A hemp crop that is detained, seized, or  
3 embargoed may not be used for cannabidiol, other extracts, oil, food,  
4 or cosmetic products that are used for humans or animals.

5 (†) (k) A grower shall reimburse the state seed commissioner for  
6 the cost of testing conducted on the grower's crop under this section.

7 SECTION 40. IC 15-15-13-9.5, AS ADDED BY P.L.190-2019,  
8 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
9 JULY 1, 2026]: Sec. 9.5. (a) A person who is a handler licensed under  
10 this section may distribute clones and other nonseed propagative  
11 materials of a hemp plant using the person's own labeling, if the  
12 distributor does the following:

- 13 (1) Complies with the requirements of this chapter.
- 14 (2) Reports the variety and quantity of each variety of the
- 15 propagative material of plant sold.
- 16 (3) Pays the inspection fee on the basis of the report.
- 17 (4) Labels the propagative material with the information required
- 18 by the state seed commissioner.
- 19 (5) Keeps records to accurately determine the named varieties
- 20 and the number of plants of each variety distributed.
- 21 (6) Grants the state seed commissioner or the state seed
- 22 commissioner's authorized representative access to examine the
- 23 handler's records and verify the quantity and each variety of
- 24 propagative material distributed.
- 25 (7) Report, under oath, to the state seed commissioner on forms
- 26 furnished by the state seed commissioner each variety and
- 27 quantity of propagative material sold during each semiannual
- 28 period.
- 29 (8) Any other information or conditions stated in the application.

30 (b) The state seed commissioner may revoke a handler's license if  
31 the commissioner determines any of the following:

- 32 (1) That the licensee has not complied with the requirements
- 33 under this chapter.
- 34 (2) The report required in subsection (a) has not been submitted
- 35 and is more than ten (10) days late.
- 36 (3) The report required in subsection (a) contained false
- 37 information.
- 38 (4) The labeling requirements under this chapter have not been
- 39 met.

40 (c) If the inspection fee has not been paid and is more than ten (10)  
41 days late, the state seed commissioner shall assess a late fee.

42 (d) Each year the:

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1 (1) report required under subsection (a)(7); and  
2 (2) inspection fees required under this chapter;  
3 for the period beginning on January 1 and ending on June 30 and for  
4 the period beginning on July 1 and ending on December 31 are due not  
5 more than thirty (30) days after the end of the semiannual period.

6 (e) **A person holding a hemp handler's license must have in  
7 their immediate possession, while transporting industrial hemp, a  
8 physical document indicating that they have a handler license and  
9 must provide the following to law enforcement when asked:**

10 (1) **Evidence of a valid hemp handler license from the state  
11 seed commissioner.**

12 (2) **A valid driver's license that includes the driver's photo  
13 and current legal address.**

14 (3) **An invoice or delivery document identifying the person to  
15 whom the industrial hemp is to be delivered, including the  
16 person's the full address and telephone number, and the  
17 variety and quantity of the industrial hemp.**

18 (4) **A valid certificate of analysis issued by a state seed  
19 commissioner approved laboratory showing the total THC  
20 for the industrial hemp transported.**

21 SECTION 41. IC 15-15-13-10 IS REPEALED [EFFECTIVE  
22 JULY 1, 2026]. ~~Sec. 10: The amount of any fees charged growers and  
23 handlers by the state seed commissioner under this chapter must be  
24 sufficient to cover the cost of the administration of this chapter;  
25 including the cost of conducting audits and testing.~~

26 SECTION 42. IC 15-15-13-10.1 IS ADDED TO THE INDIANA  
27 CODE AS A NEW SECTION TO READ AS FOLLOWS  
28 [EFFECTIVE JULY 1, 2026]: **Sec. 10.1. (a) A licensee shall pay an  
29 annual fee of ten thousand dollars (\$10,000) for a license issued  
30 under this chapter.**

31 (b) **The state seed commissioner may adopt rules, under  
32 IC 4-22-2, to raise the annual fee as necessary.**

33 SECTION 43. IC 15-15-13-11, AS AMENDED BY P.L.190-2019,  
34 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
35 JULY 1, 2026]: **Sec. 11. (a) Only a hemp handler licensee the  
36 licensee's designee, or the licensee's agents may be permitted to  
37 transport industrial hemp off a production site. When transporting  
38 industrial hemp off the production site, the hemp handler licensee  
39 designee, or agent shall have in the licensee's, designee's, or agent's  
40 their possession the licensing documents from the state seed  
41 commissioner evidencing that the industrial hemp is from certified  
42 seed produced by a licensed grower.**

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- 1           **(b) The state seed commissioner shall include:**
- 2           **(1) the license number of the grower that produced the**
- 3           **hemp; and**
- 4           **(2) the license number of the hemp handler;**
- 5           **in the licensing documents described in subsection (a).**

6           SECTION 44. IC 15-15-13-12, AS AMENDED BY P.L.156-2020,  
 7           SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8           JULY 1, 2026]: Sec. 12. The state seed commissioner is responsible for  
 9           the following:

- 10           (1) Monitoring the hemp grown by any **hemp grower** license  
 11           holder.
- 12           (2) Conducting random testing of the hemp for compliance with  
 13           tetrahydrocannabinol (THC) levels. The state seed commissioner  
 14           may enter into agreements with one (1) or more laboratories  
 15           selected by the Indiana state police department to perform  
 16           testing under this subdivision.
- 17           (3) Establishing necessary testing criteria and protocols,  
 18           including a procedure for testing, using post decarboxylation or  
 19           other similarly reliable methods, for  
 20           ~~delta-9-tetrahydrocannabinol~~ **tetrahydrocannabinol**  
 21           concentration levels of the hemp produced.
- 22           (4) Establishing the minimum number of acres to be planted  
 23           under each license issued under this chapter.
- 24           (5) Regulating any propagative material of a hemp plant.

25           SECTION 45. IC 15-15-13-13, AS AMENDED BY P.L.190-2019,  
 26           SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27           JULY 1, 2026]: Sec. 13. (a) Subject to section 13.5 of this chapter, in  
 28           addition to any other liability or penalty provided by law, the state seed  
 29           commissioner may revoke or refuse to issue or renew a hemp license  
 30           or an agricultural hemp seed production license and may impose a civil  
 31           penalty for a violation of:

- 32           (1) a license requirement;
- 33           (2) license terms or conditions; **or**
- 34           (3) a rule relating to growing or handling hemp. ~~or~~
- 35           ~~(4) section 19 of this chapter.~~
- 36           (b) The state seed commissioner may not impose a civil penalty  
 37           under this section that exceeds two thousand five hundred dollars  
 38           (\$2,500).
- 39           (c) The state seed commissioner may revoke or refuse to issue or  
 40           renew a hemp license or an agricultural hemp seed production license  
 41           for a violation of any rule of the state seed commissioner that pertains  
 42           to agricultural operations or activities other than hemp growing or

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1 handling.

2 (d) Any civil penalties collected under this section shall be  
3 ~~transferred to the Indiana state department of agriculture and used for~~  
4 ~~hemp marketing and research purposes.~~ **retained by the state seed**  
5 **commissioner to pay expenses to implement this chapter.**

6 (e) In addition to payment of any civil penalty imposed under this  
7 section, a person who commits a violation described in subsection (a)  
8 shall reimburse the state seed commissioner for any costs incurred by  
9 the state seed commissioner for laboratory testing of material  
10 pertaining to the violation.

11 SECTION 46. IC 15-15-13-13.5, AS AMENDED BY  
12 P.L.156-2020, SECTION 64, IS AMENDED TO READ AS  
13 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 13.5. (a) Except as  
14 provided in subsection (b), the state seed commissioner shall give a  
15 person who negligently violates this chapter ~~a reasonable time;~~  
16 ~~determined by the state seed commissioner,~~ **ten (10) days** to correct the  
17 violation without imposing a penalty under section 13 of this chapter.  
18 However, the state seed commissioner may require the person who  
19 committed the violation to comply with a corrective action plan  
20 determined by the state seed commissioner and report to the state seed  
21 commissioner on compliance with the corrective action plan.

22 (b) A person who commits a negligent violation of this chapter  
23 three (3) times in a five (5) year period shall immediately be ineligible  
24 to produce hemp for ~~five (5)~~ **ten (10)** years.

25 (c) If the state seed commissioner ~~believes~~ **determines** that a  
26 person has knowingly or intentionally violated this chapter, the state  
27 seed commissioner shall notify:

- 28 (1) the superintendent of the state police department; ~~and~~  
29 **(2) the sheriff of the county in which the violation occurred;**  
30 **and**  
31 ~~(2)~~ **(3) the prosecuting attorney of the county in which the**  
32 **violation occurred;**

33 of the violation **within forty-eight (48) hours of making the**  
34 **determination.**

35 (d) A person who commits a negligent violation under this chapter  
36 is subject to a ~~late fee~~ **of one thousand dollars (\$1,000).** ~~as established~~  
37 ~~by rule adopted by the state seed commissioner.~~

38 SECTION 47. IC 15-15-13-15, AS AMENDED BY P.L.190-2019,  
39 SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
40 JULY 1, 2026]: Sec. 15. (a) ~~Before December 31, 2019;~~ **July 1, 2027,**  
41 the state seed commissioner, after consultation with the governor, the  
42 director of the state department of agriculture, and the superintendent

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1 of the state police department, shall submit ~~a~~ **an updated** plan that  
 2 monitors and regulates the production of hemp to the United States  
 3 Department of Agriculture. ~~If the United States Department of~~  
 4 ~~Agriculture disapproves the plan, the state seed commissioner shall~~  
 5 ~~submit an amended plan to the United States Department of~~  
 6 ~~Agriculture.~~

7 **(b) The state seed commissioner may work with the United**  
 8 **States Department of Agriculture to update the plan described in**  
 9 **subsection (a), to conform with federal law.**

10 SECTION 48. IC 15-15-13-16, AS AMENDED BY P.L.29-2024,  
 11 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 12 JULY 1, 2026]: Sec. 16. (a) The state seed commissioner shall pay all  
 13 fees collected under this chapter to the treasurer of Purdue University.

14 (b) The board of trustees of Purdue University shall expend the  
 15 fees on proper vouchers filed with the treasurer of Purdue University.  
 16 The treasurer shall pay vouchers for the following expenses:

- 17 (1) The employment of inspectors and seed analysts.
- 18 (2) Procuring samples.
- 19 (3) Printing bulletins giving the results of inspection.

20 (4) Any other expenses of the Purdue University agricultural  
 21 programs authorized by law and for implementing this chapter.

22 (c) The dean of agriculture of Purdue University, **with assistance**  
 23 **from the state seed commissioner**, shall make and submit an annual  
 24 financial report to the:

- 25 (1) governor;
- 26 (2) legislative council; and
- 27 (3) budget committee;

28 in such form as the state board of accounts requires, showing the total  
 29 receipts and expenditures of all fees received under this chapter, **by**  
 30 **December 31 of each year. The report must also include general**  
 31 **information regarding how many licenses are issued under this**  
 32 **chapter and how many acres of land are used in hemp production**  
 33 **under this chapter.** The budget committee shall review this report  
 34 annually.

35 (d) Excess funds from the collection of fees under this chapter are  
 36 subject to IC 15-16-2-36.

37 SECTION 49. IC 15-15-13-18 IS REPEALED [EFFECTIVE  
 38 JULY 1, 2026]. Sec. 18: (a) ~~A person who sells hemp in Indiana must:~~

- 39 ~~(1) be licensed in Indiana and in the jurisdiction where the hemp~~  
 40 ~~was grown; and~~
- 41 ~~(2) provide the buyer with a receipt that contains the seller's~~  
 42 ~~name, place of business, and license number and quantity of~~

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- 1 hemp sold:
- 2 (b) A person who buys hemp in Indiana must retain the receipt
- 3 described in subsection (a)(2) for a period of two (2) years:
- 4 SECTION 50. IC 15-15-13-19 IS REPEALED [EFFECTIVE
- 5 JULY 1, 2026]. ~~Sec. 19. (a) Hemp bud (as defined in IC 35-48-1.1-23)~~
- 6 ~~and hemp flower (as defined in IC 35-48-1.1-24) may be sold only to~~
- 7 ~~a processor licensed under this chapter.~~
- 8 (b) ~~The state seed commissioner may impose a civil penalty under~~
- 9 ~~section 13 of this chapter for a violation of subsection (a).~~
- 10 SECTION 51. IC 15-15-13-19.1 IS ADDED TO THE INDIANA
- 11 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 12 [EFFECTIVE JULY 1, 2026]: **Sec. 19.1. An industrial hemp product**
- 13 **that is manufactured into a hemp derived cannabinoid product as**
- 14 **defined in IC 35-48-8-4, is subject to IC 7.1-8 and not this chapter.**
- 15 SECTION 52. IC 15-15-13-21 IS REPEALED [EFFECTIVE
- 16 JULY 1, 2026]. ~~Sec. 21. A county, city, town, or township may not~~
- 17 ~~adopt or enforce an ordinance restricting or regulating:~~
- 18 (1) ~~the growth, production, or processing of hemp; or~~
- 19 (2) ~~any subject regulated by this chapter.~~
- 20 SECTION 53. IC 16-31-3-14, AS AMENDED BY P.L.186-2025,
- 21 SECTION 109, IS AMENDED TO READ AS FOLLOWS
- 22 [EFFECTIVE JULY 1, 2026]: Sec. 14. (a) A person holding a
- 23 certificate or license issued under this article must comply with the
- 24 applicable standards and rules established under this article. A
- 25 certificate holder or license holder is subject to disciplinary sanctions
- 26 under subsection (b) if the department of homeland security determines
- 27 that the certificate holder or license holder:
- 28 (1) engaged in or knowingly cooperated in fraud or material
- 29 deception in order to obtain a certificate or license, including
- 30 cheating on a certification or licensure examination;
- 31 (2) engaged in fraud or material deception in the course of
- 32 professional services or activities;
- 33 (3) advertised services or goods in a false or misleading manner;
- 34 (4) falsified or knowingly allowed another person to falsify
- 35 attendance records or certificates of completion of continuing
- 36 education courses required under this article or rules adopted
- 37 under this article;
- 38 (5) is convicted of a crime, if the act that resulted in the
- 39 conviction has a direct bearing on determining if the certificate
- 40 holder or license holder should be entrusted to provide
- 41 emergency medical services;
- 42 (6) is convicted of violating IC 9-19-14.5;

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- 1 (7) fails to comply and maintain compliance with or violates any
- 2 applicable provision, standard, or other requirement of this
- 3 article or rules adopted under this article;
- 4 (8) continues to practice if the certificate holder or license holder
- 5 becomes unfit to practice due to:
  - 6 (A) professional incompetence that includes the
  - 7 undertaking of professional activities that the certificate
  - 8 holder or license holder is not qualified by training or
  - 9 experience to undertake;
  - 10 (B) failure to keep abreast of current professional theory or
  - 11 practice;
  - 12 (C) physical or mental disability; or
  - 13 (D) addiction to, abuse of, or dependency on alcohol or
  - 14 other drugs that endanger the public by impairing the
  - 15 certificate holder's or license holder's ability to practice
  - 16 safely;
  - 17 (9) engages in a course of lewd or immoral conduct in
  - 18 connection with the delivery of services to the public;
  - 19 (10) allows the certificate holder's or license holder's name or a
  - 20 certificate or license issued under this article to be used in
  - 21 connection with a person who renders services beyond the scope
  - 22 of that person's training, experience, or competence;
  - 23 (11) is subjected to disciplinary action in another state or
  - 24 jurisdiction on grounds similar to those contained in this chapter.
  - 25 For purposes of this subdivision, a certified copy of a record of
  - 26 disciplinary action constitutes prima facie evidence of a
  - 27 disciplinary action in another jurisdiction;
  - 28 (12) assists another person in committing an act that would
  - 29 constitute a ground for disciplinary sanction under this chapter;
  - 30 (13) allows a certificate or license issued by the commission to
  - 31 be:
    - 32 (A) used by another person; or
    - 33 (B) displayed to the public when the certificate or license is
    - 34 expired, inactive, invalid, revoked, or suspended; or
    - 35 (14) fails to notify the department in writing of any misdemeanor
    - 36 or felony criminal conviction, except traffic related
    - 37 misdemeanors other than operating a motor vehicle under the
    - 38 influence of a drug or alcohol, within ninety (90) days after the
    - 39 entry of an order or judgment. A certified copy of the order or
    - 40 judgment with a letter of explanation must be submitted to the
    - 41 department along with the written notice.
    - 42 (b) The department of homeland security may issue an order under

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1 IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if  
 2 the department of homeland security determines that a certificate  
 3 holder or license holder is subject to disciplinary sanctions under  
 4 subsection (a):

5 (1) Revocation of a certificate holder's certificate or license  
 6 holder's license for a period not to exceed seven (7) years.

7 (2) Suspension of a certificate holder's certificate or license  
 8 holder's license for a period not to exceed seven (7) years.

9 (3) Censure of a certificate holder or license holder.

10 (4) Issuance of a letter of reprimand.

11 (5) Assessment of a civil penalty against the certificate holder or  
 12 license holder in accordance with the following:

13 (A) The civil penalty may not exceed five hundred dollars  
 14 (\$500) per day per violation.

15 (B) If the certificate holder or license holder fails to pay the  
 16 civil penalty within the time specified by the department of  
 17 homeland security, the department of homeland security  
 18 may suspend the certificate holder's certificate or license  
 19 holder's license without additional proceedings.

20 (6) Placement of a certificate holder or license holder on  
 21 probation status and requirement of the certificate holder or  
 22 license holder to:

23 (A) report regularly to the department of homeland security  
 24 upon the matters that are the basis of probation;

25 (B) limit practice to those areas prescribed by the  
 26 department of homeland security;

27 (C) continue or renew professional education approved by  
 28 the department of homeland security until a satisfactory  
 29 degree of skill has been attained in those areas that are the  
 30 basis of the probation; or

31 (D) perform or refrain from performing any acts, including  
 32 community restitution or service without compensation, that  
 33 the department of homeland security considers appropriate  
 34 to the public interest or to the rehabilitation or treatment of  
 35 the certificate holder or license holder.

36 The department of homeland security may withdraw or modify  
 37 this probation if the department of homeland security finds after  
 38 a hearing that the deficiency that required disciplinary action is  
 39 remedied or that changed circumstances warrant a modification  
 40 of the order.

41 (c) If an applicant or a certificate holder or license holder has  
 42 engaged in or knowingly cooperated in fraud or material deception to

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1 obtain a certificate or license, including cheating on the certification or  
 2 licensure examination, the department of homeland security may  
 3 rescind the certificate or license if it has been granted, void the  
 4 examination or other fraudulent or deceptive material, and prohibit the  
 5 applicant from reapplying for the certificate or license for a length of  
 6 time established by the department of homeland security.

7 (d) The department of homeland security may deny certification  
 8 or licensure to an applicant who would be subject to disciplinary  
 9 sanctions under subsection (b) if that person were a certificate holder  
 10 or license holder, has had disciplinary action taken against the  
 11 applicant or the applicant's certificate or license to practice in another  
 12 state or jurisdiction, or has practiced without a certificate or license in  
 13 violation of the law. A certified copy of the record of disciplinary  
 14 action is conclusive evidence of the other jurisdiction's disciplinary  
 15 action.

16 (e) The department of homeland security may order a certificate  
 17 holder or license holder to submit to a reasonable physical or mental  
 18 examination if the certificate holder's or license holder's physical or  
 19 mental capacity to practice safely and competently is at issue in a  
 20 disciplinary proceeding. Failure to comply with a department of  
 21 homeland security order to submit to a physical or mental examination  
 22 makes a certificate holder or license holder liable to temporary  
 23 suspension under subsection (i).

24 (f) Except as provided under subsection (a), subsection (g), and  
 25 section 14.5 of this chapter, a certificate or license may not be denied,  
 26 revoked, or suspended because the applicant, certificate holder, or  
 27 license holder has been convicted of an offense. The acts from which  
 28 the applicant's, certificate holder's, or license holder's conviction  
 29 resulted may be considered as to whether the applicant or certificate  
 30 holder or license holder should be entrusted to serve the public in a  
 31 specific capacity.

32 (g) The department of homeland security may deny, suspend, or  
 33 revoke a certificate or license issued under this article if the individual  
 34 who holds or is applying for the certificate or license is convicted of  
 35 any of the following:

- 36 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.
- 37 (2) Possession of methamphetamine under IC 35-48-4-6.1.
- 38 (3) Possession of a controlled substance under ~~IC 35-48-4-7(a)~~;  
 39 **IC 35-48-4-7(b)**.
- 40 (4) Fraudulently obtaining a controlled substance under  
 41 ~~IC 35-48-4-7(e)~~; **IC 35-48-4-7(d)**.
- 42 (5) Manufacture of paraphernalia as a Class D felony (for a

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- 1 crime committed before July 1, 2014) or Level 6 felony (for a  
 2 crime committed after June 30, 2014) under IC 35-48-4-8.1(c).  
 3 (6) Dealing in paraphernalia as a Class D felony (for a crime  
 4 committed before July 1, 2014) or Level 6 felony (for a crime  
 5 committed after June 30, 2014) under IC 35-48-4-8.5(b).  
 6 (7) Possession of paraphernalia as a Class D felony (for a crime  
 7 committed before July 1, 2014) or Level 6 felony (for a crime  
 8 committed after June 30, 2014) under IC 35-48-4-8.3(b) (before  
 9 its amendment on July 1, 2015).  
 10 (8) Possession of marijuana, hash oil, hashish, or salvia as a  
 11 Class D felony (for a crime committed before July 1, 2014) or  
 12 Level 6 felony (for a crime committed after June 30, 2014) under  
 13 IC 35-48-4-11.  
 14 (9) A felony offense under IC 35-48-4 involving:  
 15 (A) possession of a synthetic drug (as defined in  
 16 IC 35-31.5-2-321);  
 17 (B) possession of a synthetic drug lookalike substance (as  
 18 defined in IC 35-31.5-2-321.5 (before its repeal on July 1,  
 19 2019)) as a:  
 20 (i) Class D felony (for a crime committed before July  
 21 1, 2014); or  
 22 (ii) Level 6 felony (for a crime committed after June  
 23 30, 2014);  
 24 under IC 35-48-4-11.5 (before its repeal on July 1, 2019);  
 25 or  
 26 (C) possession of a controlled substance analog (as defined  
 27 in IC 35-48-1.1-8).  
 28 (10) Maintaining a common nuisance under IC 35-48-4-13  
 29 (repealed) or IC 35-45-1-5, if the common nuisance involves a  
 30 controlled substance.  
 31 (11) An offense relating to registration, labeling, and  
 32 prescription forms under IC 35-48-4-14.  
 33 (h) A decision of the department of homeland security under  
 34 subsections (b) through (g) may be appealed to the commission under  
 35 IC 4-21.5-3-7.  
 36 (i) The department of homeland security may temporarily suspend  
 37 a certificate holder's certificate or license holder's license under  
 38 IC 4-21.5-4 before a final adjudication or during the appeals process if  
 39 the department of homeland security finds that a certificate holder or  
 40 license holder would represent a clear and immediate danger to the  
 41 public's health, safety, or property if the certificate holder or license  
 42 holder were allowed to continue to practice.

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1 (j) On receipt of a complaint or information alleging that a person  
2 certified or licensed under this chapter or IC 16-31-3.5 has engaged in  
3 or is engaging in a practice that is subject to disciplinary sanctions  
4 under this chapter, the department of homeland security must initiate  
5 an investigation against the person.

6 (k) The department of homeland security shall conduct a  
7 factfinding investigation as the department of homeland security  
8 considers proper in relation to the complaint.

9 (l) The department of homeland security may reinstate a certificate  
10 or license that has been suspended under this section if the department  
11 of homeland security is satisfied that the applicant is able to practice  
12 with reasonable skill, competency, and safety to the public. As a  
13 condition of reinstatement, the department of homeland security may  
14 impose disciplinary or corrective measures authorized under this  
15 chapter.

16 (m) The department of homeland security may not reinstate a  
17 certificate or license that has been revoked under this chapter.

18 (n) The department of homeland security must be consistent in the  
19 application of sanctions authorized in this chapter. Significant  
20 departures from prior decisions involving similar conduct must be  
21 explained in the department of homeland security's findings or orders.

22 (o) A certificate holder may not surrender the certificate holder's  
23 certificate, and a license holder may not surrender the license holder's  
24 license, without the written approval of the department of homeland  
25 security, and the department of homeland security may impose any  
26 conditions appropriate to the surrender or reinstatement of a  
27 surrendered certificate or license.

28 (p) For purposes of this section, "certificate holder" means a  
29 person who holds:

- 30 (1) an unlimited certificate;
- 31 (2) a limited or probationary certificate; or
- 32 (3) an inactive certificate.

33 (q) For purposes of this section, "license holder" means a person  
34 who holds:

- 35 (1) an unlimited license;
- 36 (2) a limited or probationary license; or
- 37 (3) an inactive license.

38 SECTION 54. IC 22-15-5-16, AS AMENDED BY P.L.186-2025,  
39 SECTION 123, IS AMENDED TO READ AS FOLLOWS  
40 [EFFECTIVE JULY 1, 2026]: Sec. 16. (a) A practitioner shall comply  
41 with the standards established under this licensing program. A  
42 practitioner is subject to the exercise of the disciplinary sanctions under

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- 1 IC 22-12-7-7 if the department finds that a practitioner has:
- 2 (1) engaged in or knowingly cooperated in fraud or material
- 3 deception in order to obtain a license to practice, including
- 4 cheating on a licensing examination;
- 5 (2) engaged in fraud or material deception in the course of
- 6 professional services or activities;
- 7 (3) advertised services or goods in a false or misleading manner;
- 8 (4) falsified or knowingly allowed another person to falsify
- 9 attendance records or certificates of completion of continuing
- 10 education courses provided under this chapter;
- 11 (5) been convicted of a crime that has a direct bearing on the
- 12 practitioner's ability to continue to practice competently;
- 13 (6) knowingly violated a state statute or rule or federal statute or
- 14 regulation regulating the profession for which the practitioner is
- 15 licensed;
- 16 (7) continued to practice although the practitioner has become
- 17 unfit to practice due to:
- 18 (A) professional incompetence;
- 19 (B) failure to keep abreast of current professional theory or
- 20 practice;
- 21 (C) physical or mental disability; or
- 22 (D) addiction to, abuse of, or severe dependency on alcohol
- 23 or other drugs that endanger the public by impairing a
- 24 practitioner's ability to practice safely;
- 25 (8) engaged in a course of lewd or immoral conduct in
- 26 connection with the delivery of services to the public;
- 27 (9) allowed the practitioner's name or a license issued under this
- 28 chapter to be used in connection with an individual or business
- 29 who renders services beyond the scope of that individual's or
- 30 business's training, experience, or competence;
- 31 (10) had disciplinary action taken against the practitioner or the
- 32 practitioner's license to practice in another state or jurisdiction
- 33 on grounds similar to those under this chapter;
- 34 (11) assisted another person in committing an act that would
- 35 constitute a ground for disciplinary sanction under this chapter;
- 36 or
- 37 (12) allowed a license issued by the department to be:
- 38 (A) used by another person; or
- 39 (B) displayed to the public when the license has expired, is
- 40 inactive, is invalid, or has been revoked or suspended.
- 41 For purposes of subdivision (10), a certified copy of a record of
- 42 disciplinary action constitutes prima facie evidence of a disciplinary

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1 action in another jurisdiction.

2 (b) If an applicant or a practitioner has engaged in or knowingly  
3 cooperated in fraud or material deception to obtain a license to  
4 practice, including cheating on the licensing examination, the  
5 department may rescind the license if it has been granted, void the  
6 examination or other fraudulent or deceptive material, and prohibit the  
7 applicant from reapplying for the license for a length of time  
8 established by the department.

9 (c) The department may deny licensure to an applicant who has  
10 had disciplinary action taken against the applicant or the applicant's  
11 license to practice in another state or jurisdiction or who has practiced  
12 without a license in violation of the law. A certified copy of the record  
13 of disciplinary action is conclusive evidence of the other jurisdiction's  
14 disciplinary action.

15 (d) The department may order a practitioner to submit to a  
16 reasonable physical or mental examination if the practitioner's physical  
17 or mental capacity to practice safely and competently is at issue in a  
18 disciplinary proceeding. Failure to comply with a department order to  
19 submit to a physical or mental examination makes a practitioner liable  
20 to temporary suspension under subsection (h).

21 (e) Except as provided under subsection (f) or (g), a license may  
22 not be denied, revoked, or suspended because the applicant or holder  
23 has been convicted of an offense. The acts from which the applicant's  
24 or holder's conviction resulted may, however, be considered as to  
25 whether the applicant or holder should be entrusted to serve the public  
26 in a specific capacity.

27 (f) The department may deny, suspend, or revoke a license issued  
28 under this chapter if the individual who holds the license is convicted  
29 of any of the following:

- 30 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.  
31 (2) Possession of methamphetamine under IC 35-48-4-6.1.  
32 (3) Possession of a controlled substance under ~~IC 35-48-4-7(a)~~.  
33 **IC 35-48-4-7(b)**.  
34 (4) Fraudulently obtaining a controlled substance under  
35 ~~IC 35-48-4-7(b)~~ **IC 35-48-4-7(c)** (for a crime committed before  
36 July 1, 2014) or ~~IC 35-48-4-7(e)~~ **IC 35-48-4-7(d)** (for a crime  
37 committed after June 30, 2014).  
38 (5) Manufacture of paraphernalia as a Class D felony (for a  
39 crime committed before July 1, 2014) or a Level 6 felony (for a  
40 crime committed after June 30, 2014) under IC 35-48-4-8.1(c).  
41 (6) Dealing in paraphernalia as a Class D felony (for a crime  
42 committed before July 1, 2014) or a Level 6 felony (for a crime

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- 1 committed after June 30, 2014) under IC 35-48-4-8.5(b).  
 2 (7) Possession of paraphernalia as a Class D felony (for a crime  
 3 committed before July 1, 2014) or a Level 6 felony (for a crime  
 4 committed after June 30, 2014) under IC 35-48-4-8.3(b) (before  
 5 its amendment on July 1, 2015).  
 6 (8) Possession of marijuana, hash oil, hashish, or salvia as a  
 7 Class D felony (for a crime committed before July 1, 2014) or a  
 8 Level 6 felony (for a crime committed after June 30, 2014) under  
 9 IC 35-48-4-11.  
 10 (9) A felony offense under IC 35-48-4 involving possession of a  
 11 synthetic drug (as defined in IC 35-31.5-2-321), possession of a  
 12 controlled substance analog (as defined in IC 35-48-1.1-8), or  
 13 possession of a synthetic drug lookalike substance (as defined in  
 14 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:  
 15 (A) Class D felony for a crime committed before July 1,  
 16 2014; or  
 17 (B) Level 6 felony for a crime committed after June 30,  
 18 2014;  
 19 under IC 35-48-4-11.5 (before its repeal on July 1, 2019).  
 20 (10) Maintaining a common nuisance under IC 35-48-4-13  
 21 (repealed) or IC 35-45-1-5, if the common nuisance involves a  
 22 controlled substance.  
 23 (11) An offense relating to registration, labeling, and  
 24 prescription forms under IC 35-48-4-14.  
 25 (g) The department shall deny, revoke, or suspend a license issued  
 26 under this chapter if the individual who holds the license is convicted  
 27 of any of the following:  
 28 (1) Dealing in a controlled substance resulting in death under  
 29 IC 35-42-1-1.5.  
 30 (2) Dealing in cocaine or a narcotic drug under IC 35-48-4-1.  
 31 (3) Dealing in methamphetamine under IC 35-48-4-1.1.  
 32 (4) Manufacturing methamphetamine under IC 35-48-4-1.2.  
 33 (5) Dealing in a schedule I, II, or III controlled substance under  
 34 IC 35-48-4-2.  
 35 (6) Dealing in a schedule IV controlled substance under  
 36 IC 35-48-4-3.  
 37 (7) Dealing in a schedule V controlled substance under  
 38 IC 35-48-4-4.  
 39 (8) Dealing in a substance represented to be a controlled  
 40 substance under IC 35-48-4-4.5 (repealed).  
 41 (9) Knowingly or intentionally manufacturing, advertising,  
 42 distributing, or possessing with intent to manufacture, advertise,

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- 1 or distribute a substance represented to be a controlled substance  
 2 under IC 35-48-4-4.6.
- 3 (10) Dealing in a counterfeit substance under IC 35-48-4-5.  
 4 (11) Dealing in marijuana, hash oil, hashish, or salvia as a felony  
 5 under IC 35-48-4-10.
- 6 (12) An offense under IC 35-48-4 involving the manufacture or  
 7 sale of a synthetic drug (as defined in IC 35-31.5-2-321), a  
 8 synthetic drug lookalike substance (as defined in  
 9 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) under  
 10 IC 35-48-4-10.5 (before its repeal on July 1, 2019), a controlled  
 11 substance analog (as defined in IC 35-48-1.1-8), or a substance  
 12 represented to be a controlled substance (as described in  
 13 IC 35-48-4-4.6).
- 14 (13) A violation of any federal or state drug law or rule related  
 15 to wholesale legend drug distributors licensed under  
 16 IC 25-26-14.
- 17 (h) The department may temporarily suspend a practitioner's  
 18 license under IC 4-21.5-4 before a final adjudication or during the  
 19 appeals process if the department finds that a practitioner represents a  
 20 clear and immediate danger to the public's health, safety, or property if  
 21 the practitioner is allowed to continue to practice.
- 22 (i) On receipt of a complaint or an information alleging that a  
 23 person licensed under this chapter has engaged in or is engaging in a  
 24 practice that jeopardizes the public health, safety, or welfare, the  
 25 department shall initiate an investigation against the person.
- 26 (j) Any complaint filed with the office of the attorney general  
 27 alleging a violation of this licensing program shall be referred to the  
 28 department for summary review and for its general information and any  
 29 authorized action at the time of the filing.
- 30 (k) The department shall conduct a fact finding investigation as the  
 31 department considers proper in relation to the complaint.
- 32 (l) A practitioner may petition the department to accept the  
 33 surrender of the practitioner's license. The practitioner may not  
 34 surrender the practitioner's license without the written approval of the  
 35 department, and the department may impose any conditions appropriate  
 36 to the surrender or reinstatement of a surrendered license.
- 37 (m) A practitioner who has been subjected to disciplinary  
 38 sanctions may be required by the commission to pay the costs of the  
 39 proceeding. The practitioner's ability to pay shall be considered when  
 40 costs are assessed. If the practitioner fails to pay the costs, a suspension  
 41 may not be imposed solely upon the practitioner's inability to pay the  
 42 amount assessed. The costs are limited to costs for the following:

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- 1 (1) Court reporters.
- 2 (2) Transcripts.
- 3 (3) Certification of documents.
- 4 (4) Photo duplication.
- 5 (5) Witness attendance and mileage fees.
- 6 (6) Postage.
- 7 (7) Expert witnesses.
- 8 (8) Depositions.
- 9 (9) Notarizations.
- 10 SECTION 55. IC 24-4-21 IS REPEALED [EFFECTIVE JULY 1,
- 11 2026]. (Distribution of Low THC Hemp Extract).
- 12 SECTION 56. IC 24-4-22 IS REPEALED [EFFECTIVE JULY 1,
- 13 2026]. (Low THC Hemp Extract Sales).
- 14 SECTION 57. IC 24-5-0.5-3, AS AMENDED BY P.L.104-2024,
- 15 SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 16 JULY 1, 2026]: Sec. 3. (a) A supplier may not commit an unfair,
- 17 abusive, or deceptive act, omission, or practice in connection with a
- 18 consumer transaction. Such an act, omission, or practice by a supplier
- 19 is a violation of this chapter whether it occurs before, during, or after
- 20 the transaction. An act, omission, or practice prohibited by this section
- 21 includes both implicit and explicit misrepresentations.
- 22 (b) Without limiting the scope of subsection (a), the following
- 23 acts, and the following representations as to the subject matter of a
- 24 consumer transaction, made orally, in writing, or by electronic
- 25 communication, by a supplier, are deceptive acts:
- 26 (1) That such subject of a consumer transaction has sponsorship,
- 27 approval, performance, characteristics, accessories, uses, or
- 28 benefits it does not have which the supplier knows or should
- 29 reasonably know it does not have.
- 30 (2) That such subject of a consumer transaction is of a particular
- 31 standard, quality, grade, style, or model, if it is not and if the
- 32 supplier knows or should reasonably know that it is not.
- 33 (3) That such subject of a consumer transaction is new or
- 34 unused, if it is not and if the supplier knows or should reasonably
- 35 know that it is not.
- 36 (4) That such subject of a consumer transaction will be supplied
- 37 to the public in greater quantity than the supplier intends or
- 38 reasonably expects.
- 39 (5) That replacement or repair constituting the subject of a
- 40 consumer transaction is needed, if it is not and if the supplier
- 41 knows or should reasonably know that it is not.
- 42 (6) That a specific price advantage exists as to such subject of a

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- 1 consumer transaction, if it does not and if the supplier knows or
- 2 should reasonably know that it does not.
- 3 (7) That the supplier has a sponsorship, approval, or affiliation
- 4 in such consumer transaction the supplier does not have, and
- 5 which the supplier knows or should reasonably know that the
- 6 supplier does not have.
- 7 (8) That such consumer transaction involves or does not involve
- 8 a warranty, a disclaimer of warranties, or other rights, remedies,
- 9 or obligations, if the representation is false and if the supplier
- 10 knows or should reasonably know that the representation is false.
- 11 (9) That the consumer will receive a rebate, discount, or other
- 12 benefit as an inducement for entering into a sale or lease in
- 13 return for giving the supplier the names of prospective
- 14 consumers or otherwise helping the supplier to enter into other
- 15 consumer transactions, if earning the benefit, rebate, or discount
- 16 is contingent upon the occurrence of an event subsequent to the
- 17 time the consumer agrees to the purchase or lease.
- 18 (10) That the supplier is able to deliver or complete the subject
- 19 of the consumer transaction within a stated period of time, when
- 20 the supplier knows or should reasonably know the supplier could
- 21 not. If no time period has been stated by the supplier, there is a
- 22 presumption that the supplier has represented that the supplier
- 23 will deliver or complete the subject of the consumer transaction
- 24 within a reasonable time, according to the course of dealing or
- 25 the usage of the trade.
- 26 (11) That the consumer will be able to purchase the subject of
- 27 the consumer transaction as advertised by the supplier, if the
- 28 supplier does not intend to sell it.
- 29 (12) That the replacement or repair constituting the subject of a
- 30 consumer transaction can be made by the supplier for the
- 31 estimate the supplier gives a customer for the replacement or
- 32 repair, if the specified work is completed and:
- 33 (A) the cost exceeds the estimate by an amount equal to or
- 34 greater than ten percent (10%) of the estimate;
- 35 (B) the supplier did not obtain written permission from the
- 36 customer to authorize the supplier to complete the work
- 37 even if the cost would exceed the amounts specified in
- 38 clause (A);
- 39 (C) the total cost for services and parts for a single
- 40 transaction is more than seven hundred fifty dollars (\$750);
- 41 and
- 42 (D) the supplier knew or reasonably should have known that

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- 1 the cost would exceed the estimate in the amounts specified  
 2 in clause (A).
- 3 (13) That the replacement or repair constituting the subject of a  
 4 consumer transaction is needed, and that the supplier disposes of  
 5 the part repaired or replaced earlier than seventy-two (72) hours  
 6 after both:
- 7 (A) the customer has been notified that the work has been  
 8 completed; and  
 9 (B) the part repaired or replaced has been made available  
 10 for examination upon the request of the customer.
- 11 (14) Engaging in the replacement or repair of the subject of a  
 12 consumer transaction if the consumer has not authorized the  
 13 replacement or repair, and if the supplier knows or should  
 14 reasonably know that it is not authorized.
- 15 (15) The act of misrepresenting the geographic location of the  
 16 supplier by listing an alternate business name or an assumed  
 17 business name (as described in IC 23-0.5-3-4) in a local  
 18 telephone directory if:
- 19 (A) the name misrepresents the supplier's geographic  
 20 location;  
 21 (B) the listing fails to identify the locality and state of the  
 22 supplier's business;  
 23 (C) calls to the local telephone number are routinely  
 24 forwarded or otherwise transferred to a supplier's business  
 25 location that is outside the calling area covered by the local  
 26 telephone directory; and  
 27 (D) the supplier's business location is located in a county  
 28 that is not contiguous to a county in the calling area covered  
 29 by the local telephone directory.
- 30 (16) The act of listing an alternate business name or assumed  
 31 business name (as described in IC 23-0.5-3-4) in a directory  
 32 assistance data base if:
- 33 (A) the name misrepresents the supplier's geographic  
 34 location;  
 35 (B) calls to the local telephone number are routinely  
 36 forwarded or otherwise transferred to a supplier's business  
 37 location that is outside the local calling area; and  
 38 (C) the supplier's business location is located in a county  
 39 that is not contiguous to a county in the local calling area.
- 40 (17) The violation by a supplier of IC 24-3-4 concerning  
 41 cigarettes for import or export.
- 42 (18) The act of a supplier in knowingly selling or reselling a

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- 1 product to a consumer if the product has been recalled, whether  
 2 by the order of a court or a regulatory body, or voluntarily by the  
 3 manufacturer, distributor, or retailer, unless the product has been  
 4 repaired or modified to correct the defect that was the subject of  
 5 the recall.
- 6 (19) The violation by a supplier of 47 U.S.C. 227, including any  
 7 rules or regulations issued under 47 U.S.C. 227.
- 8 (20) The violation by a supplier of the federal Fair Debt  
 9 Collection Practices Act (15 U.S.C. 1692 et seq.), including any  
 10 rules or regulations issued under the federal Fair Debt Collection  
 11 Practices Act (15 U.S.C. 1692 et seq.).
- 12 **(21) A violation of IC 7.1-8 (concerning the manufacture,  
 13 distribution, and sale of hemp derived cannabinoid  
 14 products), as set forth in IC 7.1-8-20-5.**
- 15 ~~(21)~~ **(22)** A violation of IC 24-5-7 (concerning health spa  
 16 services), as set forth in IC 24-5-7-17.
- 17 ~~(22)~~ **(23)** A violation of IC 24-5-8 (concerning business  
 18 opportunity transactions), as set forth in IC 24-5-8-20.
- 19 ~~(23)~~ **(24)** A violation of IC 24-5-10 (concerning home consumer  
 20 transactions), as set forth in IC 24-5-10-18.
- 21 ~~(24)~~ **(25)** A violation of IC 24-5-11 (concerning real property  
 22 improvement contracts), as set forth in IC 24-5-11-14.
- 23 ~~(25)~~ **(26)** A violation of IC 24-5-12 (concerning telephone  
 24 solicitations), as set forth in IC 24-5-12-23.
- 25 ~~(26)~~ **(27)** A violation of IC 24-5-13.5 (concerning buyback motor  
 26 vehicles), as set forth in IC 24-5-13.5-14.
- 27 ~~(27)~~ **(28)** A violation of IC 24-5-14 (concerning automatic  
 28 dialing-announcing devices), as set forth in IC 24-5-14-13.
- 29 ~~(28)~~ **(29)** A violation of IC 24-5-15 (concerning credit services  
 30 organizations), as set forth in IC 24-5-15-11.
- 31 ~~(29)~~ **(30)** A violation of IC 24-5-16 (concerning unlawful motor  
 32 vehicle subleasing), as set forth in IC 24-5-16-18.
- 33 ~~(30)~~ **(31)** A violation of IC 24-5-17 (concerning environmental  
 34 marketing claims), as set forth in IC 24-5-17-14.
- 35 ~~(31)~~ **(32)** A violation of IC 24-5-19 (concerning deceptive  
 36 commercial solicitation), as set forth in IC 24-5-19-11.
- 37 ~~(32)~~ **(33)** A violation of IC 24-5-21 (concerning prescription  
 38 drug discount cards), as set forth in IC 24-5-21-7.
- 39 ~~(33)~~ **(34)** A violation of IC 24-5-23.5-7 (concerning real estate  
 40 appraisals), as set forth in IC 24-5-23.5-9.
- 41 ~~(34)~~ **(35)** A violation of IC 24-5-26 (concerning identity theft),  
 42 as set forth in IC 24-5-26-3.

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

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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 58. 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  
41 deceptive act may bring a class action against such supplier on behalf  
42 of any class of persons of which that person is a member and which has

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1 been damaged by such deceptive act, subject to and under the Indiana  
2 Rules of Trial Procedure governing class actions, except as herein  
3 expressly provided. Except as provided in subsection (k), the court may  
4 award reasonable attorney's fees to the party that prevails in a class  
5 action under this subsection, provided that such fee shall be determined  
6 by the amount of time reasonably expended by the attorney and not by  
7 the amount of the judgment, although the contingency of the fee may  
8 be considered. Except in the case of an extension of time granted by the  
9 attorney general under IC 24-10-2-2(b) in an action subject to IC 24-10,  
10 any money or other property recovered in a class action under this  
11 subsection which cannot, with due diligence, be restored to consumers  
12 within one (1) year after the judgment becomes final shall be returned  
13 to the party depositing the same. This subsection does not apply to a  
14 consumer transaction in real property, except for purchases of time  
15 shares and camping club memberships. This subsection does not apply  
16 with respect to a deceptive act described in section 3(b)(20) of this  
17 chapter. Actual damages awarded to a class have priority over any civil  
18 penalty imposed under this chapter.

19 (c) The attorney general may bring an action to enjoin an unfair,  
20 abusive, or deceptive act, omission, or practice in connection with a  
21 consumer transaction, including a deceptive act described in section  
22 3(b)(20) of this chapter, notwithstanding subsections (a) and (b).  
23 However, the attorney general may seek to enjoin patterns of incurable  
24 deceptive acts with respect to consumer transactions in real property.  
25 In addition, the court may:

- 26 (1) issue an injunction;
- 27 (2) order the supplier to make payment of the money unlawfully  
28 received from the aggrieved consumers to be held in escrow for  
29 distribution to aggrieved consumers;
- 30 (3) for a knowing violation against a senior consumer, increase  
31 the amount of restitution ordered under subdivision (2) in any  
32 amount up to three (3) times the amount of damages incurred or  
33 value of property or assets lost;
- 34 (4) order the supplier to pay to the state the reasonable costs of  
35 the attorney general's investigation and prosecution, expert fees,  
36 and court fees related to the action;
- 37 (5) provide for the appointment of a receiver; and
- 38 (6) order the department of state revenue to suspend the  
39 supplier's registered retail merchant certificate, subject to the  
40 requirements and prohibitions contained in IC 6-2.5-8-7(a)(5),  
41 if the court finds that a violation of this chapter involved the sale  
42 or solicited sale of a synthetic drug (as defined in

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1 IC 35-31.5-2-321), a synthetic drug lookalike substance (as  
 2 defined in IC 35-31.5-2-321.5 (repealed)) (before July 1, 2019),  
 3 a controlled substance analog (as defined in IC 35-48-1.1-8), or  
 4 a substance represented to be a controlled substance (as  
 5 described in IC 35-48-4-4.6).

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

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

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

27 (g) If a court finds any person has knowingly violated section 3 or  
 28 10 of this chapter, other than section 3(b)(19), 3(b)(20), or ~~3(b)(40)~~  
 29 **3(b)(41)** of this chapter, the attorney general, in an action pursuant to  
 30 subsection (c), may recover from the person on behalf of the state a  
 31 civil penalty of a fine not exceeding five thousand dollars (\$5,000) per  
 32 violation.

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

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

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

41 A civil penalty recovered under this subsection shall be deposited in  
 42 the consumer protection division telephone solicitation fund

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1 established by IC 24-4.7-3-6 to be used for the administration and  
2 enforcement of section 3(b)(19) of this chapter.

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

6 (j) An offer to cure is:

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

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

14 If the offer to cure is timely delivered by the supplier, the supplier may  
15 submit the offer to cure as evidence to prove in the proceeding in  
16 accordance with the Indiana Rules of Trial Procedure that the supplier  
17 made an offer to cure.

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

23 (l) If a court finds that a person has knowingly violated section  
24 3(b)(20) of this chapter, the attorney general, in an action under  
25 subsection (c), may recover from the person on behalf of the state a  
26 civil penalty not exceeding one thousand dollars (\$1,000) per  
27 consumer. In determining the amount of the civil penalty in any action  
28 by the attorney general under this subsection, the court shall consider,  
29 among other relevant factors, the frequency and persistence of  
30 noncompliance by the debt collector, the nature of the noncompliance,  
31 and the extent to which the noncompliance was intentional. A person  
32 may not be held liable in any action by the attorney general for a  
33 violation of section 3(b)(20) of this chapter if the person shows by a  
34 preponderance of evidence that the violation was not intentional and  
35 resulted from a bona fide error, notwithstanding the maintenance of  
36 procedures reasonably adapted to avoid the error. A person may not be  
37 held liable in any action for a violation of this chapter for contacting a  
38 person other than the debtor, if the contact is made in compliance with  
39 the Fair Debt Collection Practices Act.

40 (m) If a court finds that a person has knowingly or intentionally  
41 violated section ~~3(b)(40)~~ **3(b)(41)** of this chapter, the attorney general,  
42 in an action under subsection (c), may recover from the person on

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1 behalf of the state a civil penalty in accordance with  
 2 IC 24-5-14.5-12(b). As specified in IC 24-5-14.5-12(b), a civil penalty  
 3 recovered under IC 24-5-14.5-12(b) shall be deposited in the consumer  
 4 protection division telephone solicitation fund established by  
 5 IC 24-4.7-3-6 to be used for the administration and enforcement of  
 6 IC 24-5-14.5. In addition to the recovery of a civil penalty in  
 7 accordance with IC 24-5-14.5-12(b), the attorney general may also  
 8 recover reasonable attorney fees and court costs from the person on  
 9 behalf of the state. Those funds shall also be deposited in the consumer  
 10 protection division telephone solicitation fund established by  
 11 IC 24-4.7-3-6.

12 (n) An action that arises from, or otherwise involves, an unfair,  
 13 abusive, or deceptive act, omission, or practice in connection with a  
 14 consumer transaction described in section 2(a)(1)(D)(i) of this chapter  
 15 may be brought and enforced only by the attorney general under this  
 16 subsection. An action that arises from, or otherwise involves, an unfair,  
 17 abusive, or deceptive act, omission, or practice in connection with a  
 18 consumer transaction described in section 2(a)(1)(D)(ii) of this chapter  
 19 may be brought and enforced only by an attorney acting on behalf of  
 20 the local law enforcement agency involved in the transaction, unless  
 21 the local unit of government served by the local law enforcement  
 22 agency requests the attorney general to bring and enforce an action  
 23 under this subsection on behalf of the local unit. In addition, the court  
 24 may:

- 25 (1) issue an injunction;  
 26 (2) order the supplier to make payment of the money unlawfully  
 27 received from the aggrieved consumers to be held in escrow for  
 28 distribution to aggrieved consumers; or  
 29 (3) order the supplier to pay to:  
 30 (A) the attorney acting on behalf of the local law  
 31 enforcement agency; or  
 32 (B) the attorney general for the state;  
 33 as applicable, the reasonable costs of the attorney's or the  
 34 attorney general's investigation and prosecution, expert fees, and  
 35 court fees related to the action.

36 The time for bringing an action under subsection (c), as set forth in  
 37 section 5(b) of this chapter, applies to an action brought under this  
 38 subsection.

39 SECTION 59. IC 25-1-1.1-2, AS AMENDED BY P.L.186-2025,  
 40 SECTION 134, IS AMENDED TO READ AS FOLLOWS  
 41 [EFFECTIVE JULY 1, 2026]: Sec. 2. Notwithstanding IC 25-1-7, a  
 42 board, a commission, or a committee may suspend, deny, or revoke a



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1 license or certificate issued under this title by the board, the  
 2 commission, or the committee without an investigation by the office of  
 3 the attorney general if the individual who holds the license or  
 4 certificate is convicted of any of the following and the board,  
 5 commission, or committee determines, after the individual has  
 6 appeared in person, that the offense affects the individual's ability to  
 7 perform the duties of the profession:

8 (1) Possession of cocaine or a narcotic drug under IC 35-48-4-6.

9 (2) Possession of methamphetamine under IC 35-48-4-6.1.

10 (3) Possession of a controlled substance under ~~IC 35-48-4-7(a)~~:

11 **IC 35-48-4-7(b).**

12 (4) Fraudulently obtaining a controlled substance under  
 13 ~~IC 35-48-4-7(e)~~. **IC 35-48-4-7(d).**

14 (5) Manufacture of paraphernalia as a Class D felony (for a  
 15 crime committed before July 1, 2014) or a Level 6 felony (for a  
 16 crime committed after June 30, 2014) under IC 35-48-4-8.1(c).

17 (6) Dealing in paraphernalia as a Class D felony (for a crime  
 18 committed before July 1, 2014) or a Level 6 felony (for a crime  
 19 committed after June 30, 2014) under IC 35-48-4-8.5(b).

20 (7) Possession of paraphernalia as a Class D felony (for a crime  
 21 committed before July 1, 2014) or a Level 6 felony (for a crime  
 22 committed after June 30, 2014) under IC 35-48-4-8.3(b) (before  
 23 its amendment on July 1, 2015).

24 (8) Possession of marijuana, hash oil, hashish, or salvia as a  
 25 Class D felony (for a crime committed before July 1, 2014) or a  
 26 Level 6 felony (for a crime committed after June 30, 2014) under  
 27 IC 35-48-4-11.

28 (9) A felony offense under IC 35-48-4 involving possession of a  
 29 synthetic drug (as defined in IC 35-31.5-2-321), possession of a  
 30 controlled substance analog (as defined in IC 35-48-1.1-8), or  
 31 possession of a synthetic drug lookalike substance (as defined in  
 32 IC 35-31.5-2-321.5 (before its repeal on July 1, 2019)) as a:

33 (A) Class D felony for a crime committed before July 1,  
 34 2014; or

35 (B) Level 6 felony for a crime committed after June 30,  
 36 2014;

37 under IC 35-48-4-11.5 (before its repeal on July 1, 2019).

38 (10) Maintaining a common nuisance under IC 35-48-4-13  
 39 (repealed) or IC 35-45-1-5, if the common nuisance involves a  
 40 controlled substance.

41 (11) An offense relating to registration, labeling, and  
 42 prescription forms under IC 35-48-4-14.

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1 (12) A sex crime under IC 35-42-4.  
 2 (13) A felony that reflects adversely on the individual's fitness to  
 3 hold a professional license.  
 4 SECTION 60. IC 34-30-2.1-72, AS ADDED BY P.L.105-2022,  
 5 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 6 JULY 1, 2026]: Sec. 72. IC 7.1-5-10-15 (Concerning ~~alcoholic~~  
 7 ~~beverage~~ a permittee or permittee's agent refusing to ~~serve~~ **provide**  
 8 alcoholic beverages **or products containing THC** to certain persons).  
 9 SECTION 61. IC 34-30-2.1-73, AS ADDED BY P.L.105-2022,  
 10 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2026]: Sec. 73. IC 7.1-5-10-15.5 (Concerning persons who  
 12 furnish an alcoholic beverage **or a product containing THC** for  
 13 damages caused by an impaired or intoxicated person).  
 14 SECTION 62. IC 35-31.5-2-61.5 IS ADDED TO THE INDIANA  
 15 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
 16 [EFFECTIVE JULY 1, 2026]: **Sec. 61.5. "Container", for purposes**  
 17 **of IC 35-48-8, has the meaning set forth in IC 35-48-8-2.**  
 18 SECTION 63. IC 35-31.5-2-152.2 IS ADDED TO THE INDIANA  
 19 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
 20 [EFFECTIVE JULY 1, 2026]: **Sec. 152.2. "Hemp", for purposes of**  
 21 **this title, has the meaning set forth in IC 35-48-8-3.**  
 22 SECTION 64. IC 35-31.5-2-152.3 IS ADDED TO THE INDIANA  
 23 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
 24 [EFFECTIVE JULY 1, 2026]: **Sec. 152.3. "Hemp derived**  
 25 **cannabinoid product", for purposes of this title, has the meaning**  
 26 **set forth in IC 35-48-8-4.**  
 27 SECTION 65. IC 35-31.5-2-169.3 IS ADDED TO THE INDIANA  
 28 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
 29 [EFFECTIVE JULY 1, 2026]: **Sec. 169.3. "Industrial hemp", for**  
 30 **purposes of this title, has the meaning set forth in IC 35-48-8-5.**  
 31 SECTION 66. IC 35-31.5-2-176.1 IS ADDED TO THE INDIANA  
 32 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
 33 [EFFECTIVE JULY 1, 2026]: **Sec. 176.1. "Intermediate hemp**  
 34 **derived cannabinoid product", for purposes of IC 35-48-8, has the**  
 35 **meaning set forth in IC 35-48-8-6.**  
 36 SECTION 67. IC 35-31.5-2-189.9 IS REPEALED [EFFECTIVE  
 37 JULY 1, 2026]. ~~Sec. 189.9. "Low THC hemp extract", for purposes of~~  
 38 ~~IC 35-48, has the meaning set forth in IC 35-48-1.1-27.~~  
 39 SECTION 68. IC 35-31.5-2-345.4 IS ADDED TO THE INDIANA  
 40 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
 41 [EFFECTIVE JULY 1, 2026]: **Sec. 345.4. "Vapor device" means a**  
 42 **powered vaporizer that converts e-liquid to a vapor intended for**

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1 **inhalation.**

2 SECTION 69. IC 35-46-1-10, AS AMENDED BY P.L.163-2025,  
3 SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2026]: Sec. 10. (a) A person may not be charged with a  
5 violation under this section and a violation under IC 7.1-7-6-5.

6 (b) A person who knowingly:

7 (1) sells or distributes a tobacco product **or a vapor device** to a  
8 person less than twenty-one (21) years of age; or

9 (2) purchases a tobacco product **or a vapor device** for delivery  
10 to another person who is less than twenty-one (21) years of age;  
11 commits a ~~Class C~~ **Class B** infraction. For a sale to take place under  
12 this section, the buyer must pay the seller for the tobacco product **or**  
13 **vapor device**.

14 (c) It is not a defense that the person to whom the tobacco product  
15 **or vapor device** was sold or distributed did not smoke, chew, inhale,  
16 or otherwise consume the tobacco product **or vapor device**.

17 (d) The following defenses are available to a person accused of  
18 selling or distributing a tobacco product **or a vapor device** to a person  
19 who is less than twenty-one (21) years of age:

20 (1) The buyer or recipient produced a driver's license bearing the  
21 purchaser's or recipient's photograph, showing that the purchaser  
22 or recipient was of legal age to make the purchase.

23 (2) The buyer or recipient produced a photographic identification  
24 card issued under IC 9-24-16-1, or a similar card issued under  
25 the laws of another state or the federal government, showing that  
26 the purchaser or recipient was of legal age to make the purchase.

27 (3) The appearance of the purchaser or recipient was such that  
28 an ordinary prudent person would believe that the purchaser or  
29 recipient was not less than thirty (30) years of age.

30 (e) It is a defense that the accused person sold or delivered the  
31 tobacco product **or vapor device** to a person who acted in the ordinary  
32 course of employment or a business concerning tobacco products **or**  
33 **vapor devices** including the following activities:

34 (1) Agriculture.

35 (2) Processing.

36 (3) Transporting.

37 (4) Wholesaling.

38 (5) Retailing.

39 (f) As used in this section, "distribute" means to give a tobacco  
40 product **or a vapor device** to another person as a means of promoting,  
41 advertising, or marketing the tobacco product **or vapor device** to the  
42 general public.

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1 (g) Unless the person buys or receives a tobacco product **or a**  
 2 **vapor device** under the direction of a law enforcement officer as part  
 3 of an enforcement action, a person who sells or distributes a tobacco  
 4 product **or a vapor device** is not liable for a violation of this section  
 5 unless the person less than twenty-one (21) years of age who bought or  
 6 received the tobacco product **or vapor device** is issued a citation or  
 7 summons under section 10.5 of this chapter.

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

11 SECTION 70. IC 35-46-1-10.5, AS AMENDED BY  
 12 P.L.163-2025, SECTION 64, IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 10.5. (a) A person less  
 14 than twenty-one (21) years of age who:

- 15 (1) purchases a tobacco product **or vapor device**;
- 16 (2) accepts a tobacco product **or vapor device** for personal use;
- 17 or
- 18 (3) possesses a tobacco product **or vapor device** on the person's
- 19 person;

20 commits a Class C infraction.

21 (b) It is a defense under subsection (a) that the accused person  
 22 acted in the ordinary course of employment in a business concerning  
 23 a tobacco product **or vapor device** for the following activities:

- 24 (1) Agriculture.
- 25 (2) Processing.
- 26 (3) Transporting.
- 27 (4) Wholesaling.
- 28 (5) Retailing.

29 (c) A person less than twenty-one (21) years of age who has in the  
 30 person's possession false or fraudulent evidence of majority or identity  
 31 with the intent to purchase a tobacco product **or vapor device** commits  
 32 a Class C infraction.

33 SECTION 71. IC 35-46-1-11.7, AS AMENDED BY  
 34 P.L.163-2025, SECTION 66, IS AMENDED TO READ AS  
 35 FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 11.7. (a) A retail  
 36 establishment in which tobacco products **and products containing**  
 37 **tetrahydrocannabinol (THC)** account for at least eighty-five percent  
 38 (85%) of the retail establishment's gross sales may not allow an  
 39 individual who is less than twenty-one (21) years of age to enter the  
 40 retail establishment.

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

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1 (c) A retail establishment described in subsection (a) must  
 2 conspicuously post on all entrances to the retail establishment the  
 3 following:

4 (1) A sign in boldface type that states "NOTICE: It is unlawful  
 5 for a person less than 21 years old to enter this store."

6 (2) A sign printed in letters and numbers at least one-half (1/2)  
 7 inch high that displays a toll free phone number for assistance to  
 8 callers in quitting smoking, as determined by the Indiana  
 9 department of health.

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

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

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

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

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

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

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

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

32 SECTION 72. IC 35-48-1.1-7, AS ADDED BY P.L.186-2025,  
 33 SECTION 249, IS AMENDED TO READ AS FOLLOWS  
 34 [EFFECTIVE JULY 1, 2026]: Sec. 7. "Controlled substance" means a  
 35 drug, substance, or immediate precursor in schedule I, II, III, IV, or V  
 36 under:

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

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

40 ~~The term does not include low THC hemp extract.~~

41 SECTION 73. IC 35-48-1.1-8, AS ADDED BY P.L.186-2025,  
 42 SECTION 249, IS AMENDED TO READ AS FOLLOWS

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1 [EFFECTIVE JULY 1, 2026]: Sec. 8. (a) "Controlled substance analog"  
 2 means a substance that, due to its chemical structure and potential for  
 3 abuse or misuse, meets the following criteria:

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

6 (2) The substance has a narcotic, stimulant, depressant, or  
 7 hallucinogenic effect on the central nervous system or is  
 8 represented or intended to have a narcotic, stimulant, depressant,  
 9 or hallucinogenic effect on the central nervous system  
 10 substantially similar to or greater than that of a controlled  
 11 substance classified under IC 35-48-2.

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

13 (1) a controlled substance;

14 (2) a legend drug;

15 (3) a substance for which there is an approved new drug  
 16 application;

17 (4) any compound, mixture, or preparation that contains any  
 18 controlled substance, that is not for administration to a human  
 19 being or an animal, and that is packaged in a form or  
 20 concentration, or with adulterants or denaturants, such that as  
 21 packaged it does not present any significant potential for abuse;

22 **or**

23 (5) a substance to which an investigational exemption applies  
 24 under Section 505 of the federal Food, Drug and Cosmetic Act  
 25 (chapter 675, 52 Stat. 1052 (21 U.S.C. 355)), but only to the  
 26 extent that conduct with respect to the substance is pursuant to  
 27 the exemption. **or**

28 ~~(6) low THC hemp extract.~~

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

34 (1) one (1) halogen for another halogen;

35 (2) one (1) hydrogen for a halogen;

36 (3) one (1) halogen for a hydrogen; or

37 (4) an alkyl group added or deleted:

38 (A) as a side chain to or from a molecule; or

39 (B) from a side chain of a molecule.

40 SECTION 74. IC 35-48-1.1-27 IS REPEALED [EFFECTIVE  
 41 JULY 1, 2026]. ~~Sec. 27. (a) "Low THC hemp extract" means a~~  
 42 ~~substance or compound that:~~

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

- 7 (b) The term does not include:
- 8 (1) the harvested reproductive organ, whether immature or
- 9 mature, of the female hemp plant; or
- 10 (2) smokable hemp.

11 SECTION 75. IC 35-48-1.1-29, AS ADDED BY P.L.186-2025,  
 12 SECTION 249, IS AMENDED TO READ AS FOLLOWS  
 13 [EFFECTIVE JULY 1, 2026]: Sec. 29. (a) "Marijuana" means any part  
 14 of the plant genus *Cannabis* whether growing or not; the seeds thereof;  
 15 the resin extracted from any part of the plant, including hashish and  
 16 hash oil; any compound, manufacture, salt, derivative, mixture, or  
 17 preparation of the plant, its seeds or resin.

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

- 30 (1) a hemp derived cannabinoid product (as defined in
- 31 IC 35-48-8-4); or
- 32 (2) industrial hemp monitored and licensed with the state
- 33 seed commissioner under IC 15-15-13.

34 SECTION 76. IC 35-48-1.1-38, AS ADDED BY P.L.186-2025,  
 35 SECTION 249, IS AMENDED TO READ AS FOLLOWS  
 36 [EFFECTIVE JULY 1, 2026]: Sec. 38. (a) Except as provided in  
 37 subsection (b), "smokable hemp" means a product containing **not more**  
 38 **than three-tenths percent (0.3%) delta-9-tetrahydrocannabinol any**  
 39 **amount of tetrahydrocannabinol (THC)**, including precursors and  
 40 derivatives of THC, in a form that allows THC to be introduced into the  
 41 human body by inhalation of smoke. The term includes:

- 42 (1) hemp bud; and

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1 (2) hemp flower.  
 2 (b) The term does not include:  
 3 (1) a hemp plant that is; or  
 4 (2) parts of a hemp plant that are;  
 5 grown or handled by a licensee **governed by IC 15-15-13 and** for  
 6 processing or manufacturing into a ~~legal~~ hemp **derived cannabinoid**  
 7 product **under IC 7.1-8.**

8 SECTION 77. IC 35-48-2-1, AS AMENDED BY P.L.84-2010,  
 9 SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 10 JULY 1, 2026]: Sec. 1. (a) The board shall administer this article and  
 11 may recommend to the general assembly the addition, deletion, or  
 12 rescheduling of all substances listed in the schedules in sections 4, 6,  
 13 8, 10, and 12 of this chapter by submitting in an electronic format  
 14 under IC 5-14-6 a report of such recommendations to the legislative  
 15 council. In making a determination regarding a substance, the board  
 16 shall consider the following:

- 17 (1) The actual or relative potential for abuse.
- 18 (2) The scientific evidence of its pharmacological effect, if
- 19 known.
- 20 (3) The state of current scientific knowledge regarding the
- 21 substance.
- 22 (4) The history and current pattern of abuse.
- 23 (5) The scope, duration, and significance of abuse.
- 24 (6) The risk to public health.
- 25 (7) The potential of the substance to produce psychic or
- 26 physiological dependence liability.
- 27 (8) Whether the substance is an immediate precursor of a
- 28 substance already controlled under this article.

29 (b) After considering the factors enumerated in subsection (a), the  
 30 board shall make findings and recommendations concerning the control  
 31 of the substance if it finds the substance has a potential for abuse.

32 (c) If the board finds that a substance is an immediate precursor,  
 33 substances which are precursors of the controlled precursor shall not  
 34 be subject to control solely because they are precursors of the  
 35 controlled precursor.

36 (d) If any substance is designated or rescheduled to a more  
 37 restrictive schedule as a controlled substance under federal law and  
 38 notice is given to the board, the board shall recommend similar control  
 39 of the substance under this article in the board's report to the general  
 40 assembly, unless the board objects to inclusion or rescheduling. In that  
 41 case, the board shall publish the reasons for objection and afford all  
 42 interested parties an opportunity to be heard. At the conclusion of the

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1 hearing, the board shall publish its findings.

2 (e) **This subsection does not include marijuana or**  
 3 **tetrahydrocannabinol.** If a substance is rescheduled to a less  
 4 restrictive schedule or deleted as a controlled substance under federal  
 5 law, the substance is rescheduled or deleted under this article. If the  
 6 board objects to inclusion, rescheduling, or deletion of the substance,  
 7 the board shall notify the chairman of the legislative council not more  
 8 than thirty (30) days after the federal law is changed and the substance  
 9 may not be rescheduled or deleted until the conclusion of the next  
 10 complete session of the general assembly. The notice from the board  
 11 to the chairman of the legislative council must be published.

12 (f) The board shall conduct hearings regarding revocations,  
 13 suspensions, and restrictions of registrations as provided in  
 14 IC 35-48-3-4. All hearings shall be conducted in accordance with  
 15 IC 4-21.5-3.

16 (g) Authority to control under this section does not extend to  
 17 distilled spirits, wine, or malt beverages, as those terms are defined or  
 18 used in IC 7.1, or to tobacco.

19 (h) The board shall exclude any nonnarcotic substance from a  
 20 schedule if that substance may, under the Federal Food, Drug, and  
 21 Cosmetic Act or state law, be sold over the counter without a  
 22 prescription.

23 SECTION 78. IC 35-48-4-2, AS AMENDED BY P.L.61-2020,  
 24 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2026]: Sec. 2. (a) **This section does not apply to a hemp**  
 26 **derived cannabinoid product as defined in IC 35-48-8-4.**

27 (a) (b) A person who:

28 (1) knowingly or intentionally:

29 (A) manufactures;

30 (B) finances the manufacture of;

31 (C) delivers; or

32 (D) finances the delivery of;

33 a controlled substance or controlled substance analog, pure or  
 34 adulterated, classified in schedule I, except marijuana, hash oil,  
 35 hashish, or salvia, or a controlled substance, or controlled  
 36 substance analog, pure or adulterated, classified in schedule II or  
 37 III; or

38 (2) possesses, with intent to:

39 (A) manufacture;

40 (B) finance the manufacture of;

41 (C) deliver; or

42 (D) finance the delivery of;

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- 1 a controlled substance or controlled substance analog, pure or  
 2 adulterated, classified in schedule I, except marijuana, hash oil,  
 3 hashish, or salvia, or a controlled substance, or controlled  
 4 substance analog, pure or adulterated, classified in schedule II or  
 5 III;  
 6 commits dealing in a schedule I, II, or III controlled substance, a Level  
 7 6 felony, except as provided in subsections ~~(b)~~ (c) through ~~(f)~~ (g).  
 8 ~~(b)~~ (c) A person may be convicted of an offense under subsection  
 9 ~~(a)(2)~~ (b)(2) only if:  
 10 (1) there is evidence in addition to the weight of the drug that the  
 11 person intended to manufacture, finance the manufacture of,  
 12 deliver, or finance the delivery of the drug; or  
 13 (2) the amount of the drug involved is at least twenty-eight (28)  
 14 grams.  
 15 ~~(c)~~ (d) The offense is a Level 5 felony if:  
 16 (1) the amount of the drug involved is at least one (1) gram but  
 17 less than five (5) grams; or  
 18 (2) the amount of the drug involved is less than one (1) gram and  
 19 an enhancing circumstance applies.  
 20 ~~(d)~~ (e) The offense is a Level 4 felony if:  
 21 (1) the amount of the drug involved is at least five (5) grams but  
 22 less than ten (10) grams; or  
 23 (2) the amount of the drug involved is at least one (1) gram but  
 24 less than five (5) grams and an enhancing circumstance applies.  
 25 ~~(e)~~ (f) The offense is a Level 3 felony if:  
 26 (1) the amount of the drug involved is at least ten (10) grams but  
 27 less than twenty-eight (28) grams; or  
 28 (2) the amount of the drug involved is at least five (5) grams but  
 29 less than ten (10) grams and an enhancing circumstance applies.  
 30 ~~(f)~~ (g) The offense is a Level 2 felony if:  
 31 (1) the amount of the drug involved is at least twenty-eight (28)  
 32 grams; or  
 33 (2) the amount of the drug involved is at least ten (10) grams but  
 34 less than twenty-eight (28) grams and an enhancing  
 35 circumstance applies.  
 36 SECTION 79. IC 35-48-4-7, AS AMENDED BY P.L.61-2020,  
 37 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2026]: Sec. 7. (a) **This section does not apply to a hemp  
 39 derived cannabinoid product as defined in IC 35-48-8-4.**  
 40 ~~(a)~~ (b) A person who, without a valid prescription or order of a  
 41 practitioner acting in the course of the practitioner's professional  
 42 practice, knowingly or intentionally possesses a:

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- 1 (1) controlled substance or controlled substance analog (pure or  
 2 adulterated), classified in schedule I, except marijuana, hashish,  
 3 or salvia; or  
 4 (2) controlled substance or controlled substance analog (pure or  
 5 adulterated), classified in schedule II, III, or IV;  
 6 commits possession of a controlled substance, a Class A misdemeanor,  
 7 except as provided in subsection ~~(b)~~: **(c)**.  
 8 ~~(b)~~ **(c)** The offense is a Level 6 felony if the person commits the  
 9 offense and an enhancing circumstance applies.  
 10 ~~(c)~~ **(d)** A person who, without a valid prescription or order of a  
 11 practitioner acting in the course of the practitioner's professional  
 12 practice, knowingly or intentionally obtains:  
 13 (1) more than four (4) ounces of schedule V controlled  
 14 substances containing codeine in any given forty-eight (48) hour  
 15 period unless pursuant to a prescription;  
 16 (2) a schedule V controlled substance pursuant to written or  
 17 verbal misrepresentation; or  
 18 (3) possession of a schedule V controlled substance other than  
 19 by means of a prescription or by means of signing an exempt  
 20 narcotic register maintained by a pharmacy licensed by the  
 21 Indiana state board of pharmacy;  
 22 commits a Class A misdemeanor.  
 23 SECTION 80. IC 35-48-4-10, AS AMENDED BY P.L.153-2018,  
 24 SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 25 JULY 1, 2026]: Sec. 10. (a) A person who:  
 26 (1) knowingly or intentionally:  
 27 (A) manufactures;  
 28 (B) finances the manufacture of;  
 29 (C) delivers; or  
 30 (D) finances the delivery of;  
 31 marijuana, hash oil, hashish, or salvia, pure or adulterated; or  
 32 (2) possesses, with intent to:  
 33 (A) manufacture;  
 34 (B) finance the manufacture of;  
 35 (C) deliver; or  
 36 (D) finance the delivery of;  
 37 marijuana, hash oil, hashish, or salvia, pure or adulterated;  
 38 commits dealing in marijuana, hash oil, hashish, or salvia, a Class A  
 39 misdemeanor, except as provided in subsections (b) through (d).  
 40 (b) A person may be convicted of an offense under subsection  
 41 (a)(2) only if:  
 42 (1) there is evidence in addition to the weight of the drug that the

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- 1 person intended to manufacture, finance the manufacture of,  
 2 deliver, or finance the delivery of the drug; or  
 3 (2) the amount of the drug involved is at least:  
 4 (A) ten (10) pounds, if the drug is marijuana; or  
 5 (B) three hundred (300) grams, if the drug is hash oil,  
 6 hashish, or salvia.
- 7 (c) The offense is a Level 6 felony if:  
 8 (1) the person has a prior conviction for a drug offense and the  
 9 amount of the drug involved is:  
 10 (A) less than thirty (30) grams of marijuana; or  
 11 (B) less than five (5) grams of hash oil, hashish, or salvia;  
 12 or  
 13 (2) the amount of the drug involved is:  
 14 (A) at least thirty (30) grams but less than ten (10) pounds  
 15 of marijuana; or  
 16 (B) at least five (5) grams but less than three hundred (300)  
 17 grams of hash oil, hashish, or salvia.
- 18 (d) The offense is a Level 5 felony if:  
 19 (1) the person has a prior conviction for a drug dealing offense  
 20 and the amount of the drug involved is:  
 21 (A) at least thirty (30) grams but less than ten (10) pounds  
 22 of marijuana; or  
 23 (B) at least five (5) grams but less than three hundred (300)  
 24 grams of hash oil, hashish, or salvia;  
 25 (2) the:  
 26 (A) amount of the drug involved is:  
 27 (i) at least ten (10) pounds of marijuana; or  
 28 (ii) at least three hundred (300) grams of hash oil,  
 29 hashish, or salvia; or  
 30 (B) offense involved a sale to a minor; or  
 31 (3) the:  
 32 (A) person is a retailer;  
 33 (B) marijuana, hash oil, hashish, or salvia is packaged in a  
 34 manner that appears to be ~~low THC hemp extract~~; **a hemp**  
 35 **derived cannabinoid product**; and  
 36 (C) person knew or reasonably should have known that the  
 37 product was marijuana, hash oil, hashish, or salvia.
- 38 SECTION 81. IC 35-48-4-11, AS AMENDED BY P.L.153-2018,  
 39 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2026]: Sec. 11. (a) A person who:  
 41 (1) knowingly or intentionally possesses (pure or adulterated)  
 42 marijuana, hash oil, hashish, or salvia;

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- 1 (2) knowingly or intentionally grows or cultivates marijuana; or  
 2 (3) knowing that marijuana is growing on the person's premises,  
 3 fails to destroy the marijuana plants;  
 4 commits possession of marijuana, hash oil, hashish, or salvia, a Class  
 5 B misdemeanor, except as provided in subsections (b) through (c).  
 6 (b) The offense described in subsection (a) is a Class A  
 7 misdemeanor if:  
 8 (1) the person has a prior conviction for a drug offense; or  
 9 (2) the:  
 10 (A) marijuana, hash oil, hashish, or salvia is packaged in a  
 11 manner that appears to be ~~low THC hemp extract~~; **a hemp**  
 12 **derived cannabinoid product**; and  
 13 (B) person knew or reasonably should have known that the  
 14 product was marijuana, hash oil, hashish, or salvia.  
 15 (c) The offense described in subsection (a) is a Level 6 felony if:  
 16 (1) the person has a prior conviction for a drug offense; and  
 17 (2) the person possesses:  
 18 (A) at least thirty (30) grams of marijuana; or  
 19 (B) at least five (5) grams of hash oil, hashish, or salvia.  
 20 SECTION 82. IC 35-48-8 IS ADDED TO THE INDIANA CODE  
 21 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2026]:  
 23 **Chapter 8. Offenses Relating to Hemp**  
 24 **Sec. 0.5. Nothing in IC 7.1 or IC 15 may be construed under**  
 25 **the "inclusio unius, exclusio alterius" canon of construction that**  
 26 **marijuana has been legalized.**  
 27 **Sec. 1. The terms defined in sections 2 through 6 of this**  
 28 **chapter apply only to this chapter and if cited in another statute**  
 29 **concerning hemp.**  
 30 **Sec. 2. (a) "Container" means the innermost wrapping,**  
 31 **packaging, or vessel in direct contact with a final hemp derived**  
 32 **cannabinoid product in which the final hemp derived cannabinoid**  
 33 **product is enclosed for retail sale to consumers, including a jar,**  
 34 **bottle, bag, box, packet, can, carton, or cartridge.**  
 35 **(b) The term excludes bulk shipping containers or outer**  
 36 **wrappings that are not essential for the final retail delivery or sale**  
 37 **to an end consumer for personal or household use.**  
 38 **(c) The term does not include a drug that is subject of an**  
 39 **application approved under 21 U.S.C. 355(c) or (j).**  
 40 **Sec. 3. (a) "Hemp" means the plant Cannabis sativa L. and**  
 41 **any part of the plant, including the seeds thereof and all**  
 42 **derivatives, extracts, cannabinoids, isomers, acids, salts, and salts**

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1 of isomers, whether growing or not, with a total  
 2 tetrahydrocannabinols concentration (including  
 3 tetrahydrocannabinolic acid) of not more than three-tenths of one  
 4 percent (0.3%) on a dry weight basis.

5 (b) The term includes industrial hemp and hemp derived  
 6 cannabinoid products.

7 (c) The term does not include:

8 (1) any viable seeds from a *Cannabis sativa* L. plant that  
 9 exceeds a total tetrahydrocannabinols concentration  
 10 (including tetrahydrocannabinolic acid) of three-tenths of  
 11 one percent (0.3%) in the plant on a dry weight basis;

12 (2) any intermediate hemp derived cannabinoid products  
 13 containing:

14 (A) cannabinoids that are not capable of being naturally  
 15 produced by a *Cannabis sativa* L. plant;

16 (B) cannabinoids that:

17 (i) are capable of being naturally produced by the  
 18 *Cannabis sativa* L. plant; and

19 (ii) were synthesized or manufactured outside the  
 20 plant; or

21 (C) more than three-tenths of one percent (0.3%)  
 22 combined total concentration of:

23 (i) total tetrahydrocannabinols (including  
 24 tetrahydrocannabinolic acid); and

25 (ii) any other cannabinoids that have similar effects  
 26 (or are marketed to have similar effects) on humans  
 27 or animals as a tetrahydrocannabinol as  
 28 determined by the United States Secretary of  
 29 Health and Human Services;

30 (3) any intermediate hemp derived cannabinoid products  
 31 which are marketed or sold as a final product or directly to  
 32 an end consumer for personal or household use;

33 (4) any final hemp derived cannabinoid products containing:

34 (A) cannabinoids that are not capable of being naturally  
 35 produced by a *Cannabis sativa* L. plant;

36 (B) cannabinoids that:

37 (i) are capable of being naturally produced by a  
 38 *Cannabis sativa* L. plant; and

39 (ii) were synthesized or manufactured outside the  
 40 plant; or

41 (C) greater than four-tenths (0.4) milligram combined  
 42 total per container of:

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- 1 (i) total tetrahydrocannabinols (including  
2 tetrahydrocannabinolic acid); and  
3 (ii) any other cannabinoids that have similar effects,  
4 or are marketed to have similar effects, on humans  
5 or animals as a tetrahydrocannabinol, as  
6 determined by the United States Secretary of  
7 Health and Human Services; or

8 (5) smokable hemp.

9 Sec. 4. "Hemp derived cannabinoid product" means a product  
10 derived from, or made by, processing hemp plants or hemp plant  
11 parts including derivatives, extracts, cannabinoids, isomers, acids,  
12 salts, and salts of isomers.

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

- 15 (1) contains cannabinoids in any form; and  
16 (2) is intended for human or animal use through any means  
17 of application or administration including:  
18 (A) inhalation;  
19 (B) ingestion; or  
20 (C) topical application.

21 (c) The term includes cannabidiol, a CBD product, or a  
22 product that contains a cannabidiol.

23 (d) The term does not include:

- 24 (1) smokable hemp (as defined in IC 35-48-1.1-38);  
25 (2) products that contain a total tetrahydrocannabinol  
26 concentration of more than three-tenths of one percent  
27 (0.3%) on a dry weight basis; or  
28 (3) a drug that is the subject of an application approved  
29 under subsection (c) or (j) of Section 505 of the federal Food,  
30 Drug, and Cosmetic Act (21 U.S.C. 355).

31 Sec. 5. "Industrial hemp" means hemp:

- 32 (1) grown for the use of the stalk of the plant fiber produced  
33 from the stalk, or any other noncannabinoid derivative,  
34 mixture, preparation, or manufacture of the stalk;  
35 (2) grown for the use of the whole grain, oil, cake, nut, hull,  
36 or other noncannabinoid compound, derivative, mixture,  
37 preparation, or manufacture of the seeds of the plant;  
38 (3) grown for purposes of producing microgreens or other  
39 edible hemp leaf products for human consumption that are  
40 derived from an immature hemp plant that is grown from  
41 seeds that do not exceed the threshold for total  
42 tetrahydrocannabinols concentration of three-tenths of one

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- 1           percent (0.3%) in the plant on a dry weight basis;
- 2           (4) that is a plant that does not enter the stream of commerce
- 3           and is intended to support hemp research at an institution of
- 4           higher education, as defined in 20 U.S.C. 1001, or an
- 5           independent research institute; or
- 6           (5) grown for the use of a viable seed of the plant produced
- 7           solely for the production or manufacture of any material
- 8           described in subdivisions (1) through (4).

9           **Sec. 6. "Intermediate hemp derived cannabinoid product"**  
 10          **means a hemp derived cannabinoid product that:**

- 11           (1) is not yet in the final form or preparation and is marketed
- 12           or intended to be used or consumed by a human or animal;
- 13           or
- 14           (2) is a powder, liquid, tablet, oil, or other product form that
- 15           is intended or marketed to be mixed, dissolved, formulated,
- 16           or added to or prepared with or into any other substance
- 17           prior to administration or consumption.

18          **Sec. 7. A person who:**

- 19           (1) is a retailer under IC 7.1-8;
- 20           (2) knowingly or intentionally sells marijuana that is
- 21           packaged in a manner that appears to be a hemp derived
- 22           cannabinoid product; and
- 23           (3) knew or reasonably should have known that the product
- 24           was marijuana;

25          **commits a Level 5 felony.**

26          **Sec. 8. (a) A person who does not hold a valid permit under**  
 27          **IC 7.1-8 who:**

- 28           (1) knowingly or intentionally:
  - 29               (A) manufactures;
  - 30               (B) finances the manufacture of;
  - 31               (C) delivers;
  - 32               (D) finances the delivery of; or
  - 33               (E) sells;
- 34           **hemp derived cannabinoid product; or**
- 35           (2) possesses, with intent to:
  - 36               (A) manufacture;
  - 37               (B) finance the manufacture of;
  - 38               (C) deliver;
  - 39               (D) finance the delivery of; or
  - 40               (E) sell;

41          **hemp derived cannabinoid product;**  
 42          **commits unlicensed dealing in hemp derived cannabinoid product,**

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1 a Class A misdemeanor, except as provided in subsections (b)  
 2 through (d).  
 3 (b) A person may be convicted of an offense under subsection  
 4 (a)(2) only if:  
 5 (1) there is evidence in addition to the weight of the drug that  
 6 the person intended to manufacture, finance the  
 7 manufacture of, deliver, finance the delivery of, or sell, the  
 8 hemp derived cannabinoid product; or  
 9 (2) the amount of the hemp derived cannabinoid product  
 10 involved is at least ten (10) pounds.  
 11 (c) The offense is a Level 6 felony if the person has a prior  
 12 conviction for an offense under this section and the amount of the  
 13 hemp derived cannabinoid product involved is less than ten (10)  
 14 pounds.  
 15 (d) The offense is a Level 5 felony if the person has a prior  
 16 conviction for a dealing offense under this section and either:  
 17 (1) the amount of the hemp derived cannabinoid product  
 18 involved is less than ten (10) pounds; or  
 19 (2) the offense involved a sale to a minor.  
 20 SECTION 83. IC 35-52-7-39, AS ADDED BY P.L.169-2014,  
 21 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2026]: Sec. 39. IC 7.1-5-7-7 defines a crime concerning  
 23 alcohol **and products containing THC**.  
 24 SECTION 84. IC 35-52-7-40, AS ADDED BY P.L.169-2014,  
 25 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 26 JULY 1, 2026]: Sec. 40. IC 7.1-5-7-8 defines a crime concerning  
 27 alcohol **and products containing THC**.  
 28 SECTION 85. IC 35-52-7-98 IS ADDED TO THE INDIANA  
 29 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
 30 [EFFECTIVE JULY 1, 2026]: **Sec. 98. IC 7.1-8-15-5 defines a crime**  
 31 **concerning hemp derived cannabinoid product certificate of**  
 32 **analyses**.  
 33 SECTION 86. IC 35-52-7-99 IS ADDED TO THE INDIANA  
 34 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
 35 [EFFECTIVE JULY 1, 2026]: **Sec. 99. IC 7.1-8-20-1 defines crimes**  
 36 **concerning the transportation of hemp derived cannabinoid**  
 37 **products**.  
 38 SECTION 87. IC 35-52-7-100 IS ADDED TO THE INDIANA  
 39 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
 40 [EFFECTIVE JULY 1, 2026]: **Sec. 100. IC 7.1-8-20-2 defines crimes**  
 41 **regarding hemp derived cannabinoid products permits**.  
 42 SECTION 88. IC 35-52-7-101 IS ADDED TO THE INDIANA

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1 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 2 [EFFECTIVE JULY 1, 2026]: **Sec. 101. IC 7.1-8-20-3 defines a crime**  
 3 **concerning the sale of hemp derived cannabinoid products over the**  
 4 **Internet.**  
 5 SECTION 89. IC 35-52-7-102 IS ADDED TO THE INDIANA  
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 7 [EFFECTIVE JULY 1, 2026]: **Sec. 102. IC 7.1-8-20-4 defines a crime**  
 8 **concerning recalled hemp derived cannabinoid products.**  
 9 SECTION 90. [EFFECTIVE JULY 1, 2026] (a) **The state seed**  
 10 **commissioner shall adopt rules under IC 4-22-2, to comply with**  
 11 **this act by July 1, 2027.**  
 12 (b) **While rules are pending under subsection (a), the state seed**  
 13 **commissioner shall adopt provisional rules to comply with this act**  
 14 **by October 1, 2027.**  
 15 (c) **This SECTION expires January 1, 2028.**

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